

PROFESSIONAL RESPONSIBILITY AND ETHICAL OBLIGATION OF LAWYERS IN A GLOBAL PANDEMIC: CASE STUDY OF COVID-19 PANDEMIC - ISSUES AND CHALLENGES

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ABSTRACT

The world was and is currently overwhelmed by the rabid pandemic known as Coronavirus but coined as COVID-19, which claimed millions of lives. The global impact of COVID-19 pandemic has infiltrated into all sectors of human society; educational, sociological, economic, political, etc. Global affairs were and are still unsettled; so much pressure was mounted on humanity and nations of the world had to adjust their systems in order to cope with the situation. Different professions, particularly the medical profession, had to swiftly adapt to new modes of service delivery. The legal profession and the entire justice delivery sector were not exempted from the profound upshot caused by this pandemic. New methods of rendering legal services had to be adopted to cushion the emasculation of conventional form of service delivery. This paper delves into the professional responsibility and ethical obligations expected of legal professionals in a situation of an outbreak of a global pandemic. It considers the responsibility and ethical obligations from the point of view of both the pandemic era and post-pandemic era, taking the COVID-19 pandemic as a case study. The paper is divided into four parts dealing with introduction, legal profession and professional responsibilities, issues and challenges posed by the pandemic, and lastly, the conclusion. Through the doctrinal methodology, it was discovered that the radical disruption to the legal profession and the court system introduced directly or by necessary implication, emerging issues which the law and the legal profession had to promptly adjust to, in order to keep pace with the new normal.

INTRODUCTION

The COVID-19 global pandemic has, no doubt, unsettled global affairs and has mounted so much pressure on humanity to the extent that all Nations of the world are adjusting their systems to undermine its astronomic infection and worrisome fatality rates. Its impact has not discriminated along the classification of Nations as developed or developing. Nations belonging to both classifications have, to different degrees, suffered from its devastating consequences and a new order has been introduced to the, hitherto, normal ways of conducting human activities. The legal profession and the entire justice delivery sector are not insulated from the sweeping effect of this pandemic. Challenges and inefficiency have over the years, and to a great measure undermined the performance of the justice sector in Nigeria. Chief Afe Babalola, Senior Advocate of Nigeria, noting the existence of challenges in the justice delivery sector, stated thus ‘there is no doubt that the Nigerian judiciary and the effective administration of justice is riddled with several challenges’.ⁱ The COVID-19 pandemic has undoubtedly exacerbated these existing challenges and thrown up additional ones.

The place of law and the legal profession in the scheme of affairs of nations, persons and institutions cannot be over emphasized. Law, and by extension, the legal profession has a central role to play in every sphere of interface amongst nations, persons and institutions. In fact the legitimacy or otherwise of any human action is dependent on whether it is anchored on the stipulations of the law or predicated on facts and circumstances outside the legal prescriptions and standards. The impact of globalization and the attendant heightened competition in the global market for goods and services has made it imperative for lawyers to rise up from their comfort zones and get prepared to compete with colleagues from other jurisdictions.ⁱⁱ This is because the emerging competition for the rendering of legal services implicates new skills requirements for continual relevance and efficiency. Apart from the new skills requirement, the market driven professional service delivery focus will result in a situation where ‘the markets are regarded as having pre-eminent importance and the pressures on the solicitors to act profitably and only profitably are ever increasing and many solicitors feel that professional standards are under threat as a result’.ⁱⁱⁱ

Dynamism is one attribute the law possesses to imbue it with inherent capacity to recalibrate and adjust to cope with the ever changing or evolving society^{iv}. This is despite the diametric

characteristic of certainty that law must equally possess. The following view, credited to Lord Gardiner, is illustrative of this point. He posits ‘[t]here are two very desirable things about a system of justice. One is that it should be certain... on the other hand, it is desirable that the law should be flexible so as to meet changing social economic conditions, and these two very desirable things are in permanent conflict’^v. Therefore, the radical disruption to the legal profession and the court system introduced directly or by the implication of the effect of COVID-19 pandemic and its impact on the various sectors of human and transactional interfaces, has had and is having a distorting effect on existing and emerging issues which the law and the legal profession must very quickly adjust to, in order to keep pace with the new normal.

The current trend in world affairs generally and the legal profession in particular can be captured in the following words, credited to Vinod Kothari,^{vi} he stated thus:

Innovation, supported by technology, is constantly changing the face of the world of finance [legal profession]. Today it is more a world of transactions than relations. Most relations have been transactionalized (sic). Transactions mean the coming together of two entities with a common purpose, whereas relations mean keeping together of these entities.

The above views, even though, directed specifically at the world of finance has equal validity for the face of the legal profession in the contemporary world. This is particularly so as the justice delivery subset is an integral part of any nation. It provides the anchor for the consolidation of democracy, rule of law, protection of human rights, and economic survival and growth^{vii}.

Professional responsibility and ethical considerations arising from the activities of legal practitioners are issues that cannot be ignored in the light of these present realities^{viii}. This issue of declining ethical standard among lawyers in Nigeria has been a source of serious concern to the stakeholders in the profession^{ix}. The membership of a professional association implies a voluntary submission to the codes and rules of professional conduct that regulate the way and manner in which members are expected to behave and conduct their businesses^x.

The various heads of courts in Nigeria have reacted promptly to some of the challenges posed by the pandemic by issuing practice directions that take into cognizance some of the protocols

issued by the Presidential Task Force on Covid-19 (PTF)^{xi}. Some far reaching and quite innovative responses provided for in these practice directions are broadly speaking, centered on compulsory temperature reading and hand washing by any person wishing to enter the court premises, without exception; compulsory wearing of facemask by everyone within the court premises, including inside the courtrooms, offices and chambers of judicial officers, magistrates and Area court judges; observance of social/physical distancing of not less than 2-3 meters feet apart from each other within the court premises.^{xii}

The RPC which regulates the conduct of legal practitioners in Nigeria has not been amended to expressly address some of the new realities of the time. We are therefore focusing our attention, in this paper, on some of the issues and challenges that are occasioned by the pandemic in relation to professional responsibilities and ethical concerns, which we suggest must be framed into the professional code of ethics for lawyers in Nigeria.

GENERAL PROFESSIONAL RESPONSIBILITY OF LAWYERS IN THE LEGAL PROFESSION

In England and some other commonwealth countries, there is a division of functions within the legal profession. Apart from the Bench; comprising Judges and Magistrates, a practicing legal practitioner is either a barrister or a solicitor. The terminology 'lawyer' is more commonly used for barrister. In some other countries, such as Nigeria, there is a fusion of the functions of a barrister and a solicitor. The legal definition of lawyer in such countries includes the two functions.^{xiii} For instance, a person called to the Nigerian Bar is referred to as a Barrister and Solicitor of the Supreme Court. In this paper, the terminology 'lawyer' shall mean a member of the legal profession regarded as a barrister and a solicitor. This terminology will be used interchangeably with the word 'legal practitioner' or 'legal professional' to embody all persons in the legal profession other than those on the Bench.

The legal profession is the noblest and most respected profession, founded on honour, integrity, justice and absolute candour.^{xiv} As the watch-dog of society, the legal profession ensures that the individual is protected from oppressive power of the Executive arm of government – to see that there is a fair, equitable and just balance between those who wield and exercise power and

those who are subjected to such power.^{xv} In carrying out their professional responsibilities, lawyers are governed by a code of conduct usually referred to as the Rules of Professional Conduct (RPC) in many countries. The rules which regulate professional conduct and practice of lawyers aim at ensuring that the responsible conduct of lawyers in society continue to garner respect and adulation from society.^{xvi} There are different responsibilities and ethical obligations expected of a lawyer by the society and his professional colleagues but the general responsibility is to uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct and desist from any conduct which is unbecoming of a lawyer.^{xvii} This general responsibility does not cease despite a global pandemic such as COVID-19, and a post pandemic era. The question then is, would there be changes in some specific professional responsibilities of lawyers – such as duty to be devoted to the cause of client, or be diligent in the discharge of professional responsibility to client, or duty not to call at client's house for the purpose of giving advice or taking instructions from the client except in special circumstances or some other urgent reasons preventing the client from meeting with the lawyer in his law office. Would the meaning of 'competence' in the duty to represent clients competently change since the ability to have certain technology-based skills would be required in the course of rendering legal services. Social distancing precautionary measure mandated by State governments during the COVID-19 pandemic era compelled legal professionals to constantly work from their various homes which was not the usual practice for many of them. Regardless of the sudden change of work-environment; which seemed to be more informal for many lawyers, the obligation to conform to the tenets of the profession by continuously abiding by the Rules of Professional Conduct was intact. Lawyers were expected to maintain professional boundaries in lawyer-client relationship and observe courtroom decorum during virtual proceedings or online adjudication. Magistrates and Judges also operated remotely; heard cases and dispensed justice from home. Online adjudication became entrenched. Certain professional responsibilities are crucial both during and immediately after a pandemic period. One of such responsibilities of lawyers in the post-pandemic era is to assist the State toward the establishment of socio-economic justice. In respect of COVID, one major responsibility of lawyers is to stand up against the excesses of government and the arbitrary use of power in the course of ensuring compliance to government policies regarding COVID both during and the post-COVID era. Millions of people worldwide, including Nigeria, were compelled to get vaccinated with vaccines produced by a few pharmaceutical companies and

sent to nations of the world. Failure to get vaccinated was regarded as anti-social behaviour. The federal government of Nigeria through its Presidential Steering Committee on COVID-19 (PSC) ordered its workers yet to be vaccinated to get vaccinated, alternatively to show test results done within 72 hours before December 1, 2021 deadline or be denied access into government offices.^{xviii} Although the Association of Senior Civil Servants of Nigeria had asked the Federal Government to extend the deadline till March 2022, the federal government through its PSC stated that the deadline would not be extended,^{xix} and was not. This announcement of vaccination deadline was made after a period of months of lockdown or no movements where Nigerian borders as well as territorial borders of several countries were closed and people's movement restricted. Rights of people were being breached through COVID enforcement procedures carried out by government agencies. In a time such as this, legal practitioners have to be at the fore front of the fight for the respect of human rights by the Executive arm of government. A lawyer is expected to assert the rights of individuals as enshrined in the Constitution.

ISSUES AND CHALLENGES POSED BY COVID-19 ON THE PROFESSIONAL RESPONSIBILITY OF LEGAL PRACTITIONERS IN NIGERIA

The code of conduct and ethics for lawyers in Nigeria place a burden on all lawyers in Nigeria in the following words:

A lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and shall not engage in any conduct which is unbecoming of a legal practitioner.^{xx}

From the wordings of the above provision, it is clear that it has a very elastic scope in its application to lawyers at all times and seasons, including the prevailing times and the attendant radical alteration to the ways and manner lawyers render their services bearing in mind the needs of their clients, their ethical and professional responsibilities to their colleagues and the courts. Therefore, in all circumstances a lawyer must be guided by the need to uphold and

observe the rule of law, promote and foster the cause of justice, maintain high standard of professional conduct and must not engage in any conduct which is considered *infra dig*.

The above provisions, anchored on the legislative model of professional regulation, also offer the template by which lawyers must discharge their duties and responsibilities to clients, colleagues, the courts and the State.^{xxi} Any non-compliance with, or failure to perform any of the duties imposed by the Rules, amount to professional misconduct, that can bring the lawyer within the disciplinary jurisdiction of the Legal Practitioners Disciplinary Committee (LPDC).^{xxii} This is because the Rules of Professional Conduct (RPC) is designed to protect the client, public and the justice system.^{xxiii} Lawyers' duties to their clients are elaborately captured in the RPC.^{xxiv} A lawyer is to devote his attention, energy and expertise to the service of his client and to act in manners consistent with the best interest of his clients.^{xxv} The place of technology generally and especially, in the era of COVID-19 pandemic and the new normal order it has entrenched, cannot be over emphasized. Therefore, for services dependent on technology over which the lawyer may not have absolute control over its deployment and performance, this duty of devotion and expertise cannot wholly rest on the shoulders of the legal practitioner as his devotion or expertise is subject to the externality of the efficiency of available technology and the proficiency of the lawyer in the utilization of such technology. The above concern becomes a real challenge when viewed from the prism that the training modules for lawyers in Nigeria, at the moment, has no significant technology component.^{xxvi} Thus where technological hitches or underperformance inhibits the capacity of the lawyer in his devotion and expertise, would the lawyer be adjudged guilty of misconduct or professional negligence? The present frame of the RPC and the Legal Practitioners Act (LPA) offers no qualification to the lawyers' liability for misconduct or negligence arising from such circumstances.

Again the pandemic has brought significant pressure to bear on the rule which enjoins a legal practitioner to receive instructions and conduct interviews, for his clients and witnesses, in his office.^{xxvii} Modern day business and social realities have made compliance with this rule a tall order for legal practitioners, who must, now, place heavy reliance on emails, google meet, zoom, skype and other electronic driven platforms which are expressly not in line with the rule under immediate reference. This state of affairs is a further validation of the assertion of Odusote, that the provision 'may be "professionally" ideal' but in practice not 'realistic'.^{xxviii}

This is especially so as private and official duties and functions are now permissibly carried out using these platforms.

It is important to state here and now that, while there is express recognition and adoption of virtual proceedings in the Practice Directions issued by the various Heads of Courts in Nigeria, in response to the pandemic permitting the use of, Zoom, Skype or any other audio-visual platform approved by the court,^{xxxix} the response from the Body of Benchers in relation to the RPC has not been the same. Thus it can safely be said that other than the practice directions there is no regulatory frame work providing for the deployment, by Legal Practitioners, of these platforms in the performance of their professional undertakings with and for the benefits of their clients, especially in relation to clients' interview.

Plausible as the integration of virtual proceedings to adjudication in the light of the pandemic maybe, it has the capacity to erode the summary jurisdiction of the superior courts to punish for contempt *in facie curia*. This is evident in the report of a lawyer, in Peru, indulging in inappropriate sexual behavior while virtual proceeding was ongoing.^{xxx} This conduct, no doubt, qualifies as contempt *in facie curia*, over which the court would have, ordinarily, assumed jurisdiction and punished as appropriate.^{xxxii} But since the procedure for trial for contempt *in facie curia* does not admit of trial without the physical presence of the contemnor in court, this power that the courts are invested with for the preservation of the sanctity of judicial proceedings, would be incapable of immediate resort in appropriate cases.^{xxxiii} The net effect of this state of affairs is that contempt *in facie curia* may only become punishable through the procedural instrumentality of contempt *ex facie curia*.

The most potent of all the threats to the efficacy of the virtual proceedings, that has become imperative by reason of the pandemic, is the lack of basic facilities for the judicial officers and the court to support its effective application. The existence of these challenges became public knowledge when, very recently, 14 Justices of the Supreme Court jointly authored a letter addressed to the immediate past Chief Justice of Nigeria. The letter specifically raises the following issues:

- i. Accommodation for Justices,
- ii. Vehicles,
- iii. Electricity tariff,

- iv. Supply of diesel,
- v. Internet services to the residences and Chambers of Justices, and
- vi. Epileptic electricity supply to the Court.^{xxxiii}

Technology has become the greatest enabler of efficient service delivery in our modern-day society. There is no aspect of our daily lives that is not impacted by one form of technology or the other. The pace of penetration of technology to the Nigerian court system is still very slow. Most courtrooms in Nigeria are still not fitted with capacity-enhancing technology. Judges in most jurisdictions, in Nigeria, still write in long-hand as most Courts do not have the verbatim recording device.^{xxxiv}

Furthermore, a lawyer has a general duty to preserve the confidence of his client.^{xxxv} With the protocol on physical distancing put in place for the prevention and control of the pandemic, a lot of information, confidential and otherwise, now inevitably passes between the lawyer and his client over what may be termed 'secured' network. These networks are managed by third parties who are independent of both the client and the lawyer. Where confidential information travelling on these networks are intercepted or revealed resulting from a compromise of the networks, who then answers for such breach, the lawyer, the client or the third party whose conduct is regulated by a completely different legal regime? The RPC appears to impute liability on the lawyer under such circumstances, if reasonable care is not taken by him to prevent disclosure.^{xxxvi}

Another significant fall out of the authorized virtual judicial proceedings, necessitated by the Covid-19 pandemic, is the issue of examination of witnesses. The evidence of witnesses offered in the course of judicial proceedings is required to be on Oath or Affirmation, or unsworn, depending on the age or preference of each witness.^{xxxvii} Where a witness elects to offer his evidence on Oath, such Oath is to be administered by an officer of the Court using the instrument of the faith the witness professes. Where a witness gives evidence in virtual proceedings administering the Oath on such a witness may be a challenge.

Furthermore when one witness, other than a party to the proceedings, is testifying all other witnesses are, by practice required to be out of Court and out of hearing. In virtual court proceedings this rule may be incapable of enforcement, as the witness testifying can connive with other witnesses to remain within earshot while evidence is being given. This can give rise

to the other witnesses having knowledge of the nature of the evidence already offered by the witness that had testified earlier, and tailor his own evidence to align with the evidence of the earlier witness which may affect the quality of evidence offered by parties to the proceedings. This is because the justification for the rule is to prevent witnesses offering evidence from a tainted mindset.

Demeanor of a witness while testifying is a veritable tool that can be utilized by the presiding Judge for purposes of determining the credit or weight to be accorded to the testimony of such a witness. Virtual proceedings may not avail a judge the opportunity of taking full advantage of the opportunity of observing the demeanor of witnesses who give evidence in such proceedings.

CONCLUSION

Legal profession comprises the Bar and the Bench. In Nigeria, lawyers practice at the Bar as barristers and solicitors or sit on the Bench as Magistrates or Judges of Court.^{xxxviii} Conventionally, members of the Bar practice from their office as enjoined by the Rules of Professional Conduct while members of the Bench administer justice from the courtroom. COVID-19 pandemic and the ensuing government orders geared towards curbing the spread of the pandemic, altered life circumstances in countries of the world including Nigeria. Radical alterations were made to the way and manner lawyers rendered legal services. Online adjudication or virtual court proceedings became the new normal. This posed a challenge as to the extent of professional responsibility of a lawyer in his duty of devotion and competence to his client. For services dependent on technology over which the lawyer may not have total control over its efficient performance, would the lawyer be adjudged guilty of misconduct or professional negligence where technological hitches or underperformance inhibits the capacity of the lawyer in his devotion and expertise? It is recommended that this issue be specifically provided for in the laws and rules regulating lawyer's professional responsibility to serve as guide in the conduct of legal practitioners in the event of any future occurrence of pandemic. Courtrooms in Nigeria should be fitted with capacity-enhancing technology. Judges homes should also be well equipped with ICT facilities and judiciary staff should be constantly trained so as to possess the technical know-how and assist our whole-hog Judges during court

proceedings, whether virtual or traditional. This will reduce the stress of the conventional way of writing in long hand by Judges.

ENDNOTES

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- ⁱ A. Babalola, 'The Judiciary Must Remain Independent' <<https://barristerng.com/the-judiciary-must-remain-independent-1/>> accessed 5 July 2022.
- ⁱⁱ Osaro Eghobamien, 'Emergence of the Global Lawyer and the Nigerian Legal Education', *Fifty Years of Legal Education in Nigeria - Challenges and Next Steps*, (CSS Sterling Printers Ltd, Lagos) p. 139.
- ⁱⁱⁱ Miles George, *et al* (eds), *Foundations For The LPC*, (13th ed, 2009-2010, Oxford University Press) p. 8.
- ^{iv} Gbemi Odusote, 'Ethics in Nigerian Legal Practice: Making Rules of Professional Conduct Both in Words and in Deed', *Fifty Years of Legal Education in Nigeria - Challenges and Next Steps*, (CSS Sterling Printers Ltd, Lagos) p. 311; Peoples Union for Democratic Rights v Minister of Home Affairs (1986) LRC (const.) 548 at 575 per Kirpal, J who held, 'In a changing society the courts cannot remain static. In the interest of the administration of justice, some of the old and well established procedural rules and practices have been altered'.
- ^v G. E. Oputa and R. E. Ofodile, (eds), 'Hon. Justice C.A. Oputa, Themes On Judicial Activism and Law', p. 39.
- ^{vi} Osaro Eghobamien, (n 2) p. 140.
- ^{vii} NBA, National Needs Assessment for the Justice Sector (2007) p. 1.
- ^{viii} Miles George, *op cit* (n 3) p. 7. (Stating that 'professional standards are now emphasized and made more and more explicit. Older solicitors may view this with distaste, taking the line that 'there was no need for it in my day...it's the sort of people coming into the profession now...'. It is more likely that the increase in emphasis has been in response to the general attitude of the public who are readier to complain and demand a high standard from members of professions generally. At one time people would have been reluctant to complain about their doctor or solicitor. It was not the 'done thing' and there was a general impression that a complaint would not be properly dealt with in any event. Although professions may still be seen as closing ranks to protect their own, they are now much more conscious of their public image and the need to be seen to be serving and protecting their clients' interests).
- ^{ix} Eric Ikhilae, 'Body of Benchers, NBA, Supreme Court Justice Worry Over State of Legal Profession', *The Nation Newspaper*, April 2, 2022, Vol. 014, No.5724 p. 6.; Newswire Law and Events, 'Be Honest to Clients, Enugu Judge Urges Lawyers' <<https://newswireandevents.com/be-honest-to-clients-enugu-judge-urges-lawyers/>> accessed 20 July 2022. (stating that lawyers should 'maintain the highest standard of honesty, integrity and fairness towards their clients, the court and members of the public, "which includes promptly honoring of any undertaking given in the course of a lawyer's practice").
- ^x Chukwuma A. J. Chinwo v Okechukwu Ow'honda & Ors (2008) 3 NWLR (Pt. 1074) 341.
- ^{xi} For instance SMS has been expressly recognized as a good and acceptable mode of service of hearing notice in the case of, *C.M& E.S LTD v. PAZAN SERVICES NIG/LTD* (2020) 1 NWLR (Pt. 1704) 70.
- ^{xii} The High Court of Benue State Practice Directions (for the Covid-19 period) No. 1, 2020.
- ^{xiii} John N. Samba, 'Scope of Legal Education and the Contributions of Lawyers to the Development of Law in Nigeria' in I. A. Ayua (ed.), *Law, Justice and the Nigerian Society: Essays in Honour of Hon. Justice Mohammed Bello*, 1995, Nigerian Institute of Advanced Legal Studies, Lagos, pp. 29-30.
- ^{xiv} I. A. Ayua, 'Nigerian Legal Profession: Problems and Prospects' in I. A. Ayua (ed.), *Law, Justice and the Nigerian Society: Essays in Honour of Hon. Justice Mohammed Bello*, 1995, Nigerian Institute of Advanced Legal Studies, Lagos, p. 4.
- ^{xv} C. A. Oputa, *The Law and the Twin Pillars of Justice*, 2014, Justice Watch, Mabushi Abuja, p. 113.
- ^{xvi} I. A. Ayua, *op cit* (n 14) p. 4.
- ^{xvii} Rule 1 Rules of Professional Conduct (RPC) 2017.

- ^{xxviii} Sahara Reporters, ‘Nigerian Civil Servants, Families Rush to Hospitals for COVID-19 Vaccines Ahead of December 1 Deadline’ <<https://saharareporters.com/2021/11/30/nigerian-civil-servants-families-rush-hospitals-covid-19-vaccines-ahead-december-1/>> accessed 24 July, 2022.
- ^{xix} Punch, ‘Compulsory Vaccination: Workers Demand March Deadline, Throng Centres, FG Insists on December 1’ <<https://punchng.com/compulsory-vaccination-workers-demand-march-deadline-throng-centres-fg-insists-on-dec-1/>> accessed 24 July, 2022.
- ^{xx} Rule 1, Rules of Professional Conduct for Legal Practitioners, 2007. Herein referred to as ‘RPC’; see also the Solicitors Regulation Authority (SRA), guidelines to Rule 1 as follows (‘[a] modern just society needs a legal profession which adopts high standards of integrity and professionalism. As a solicitor, registered foreign lawyer (RFL), registered European lawyer (REL) or recognized body you serve both clients and society, you uphold the rule of law and the proper administration of justice. In serving clients, you work in partnership with the client making the clients business your first concern’).
- ^{xxi} David B. Wilkins, Who Should Regulate Lawyers? (1991) 105 Harv. L. Rev. 801 (stating that disciplinary controls involves disciplining members using independent agencies [like in Nigeria, the Legal Practitioners Disciplinary Committee (LPDC) acting under the supervision of the Nigerian Bar Association (NBA) or Supreme Court] to investigate and prosecute violations of rules of professional conduct; operating with a basic structure resembling criminal prosecution. The liability control model is a mechanism under which injured clients and to a limited extent, third parties, can under statute or the common law sue for malpractice. Institutional controls often include sanction imposed on lawyers who render services under institutional models; such as sanctions a judge may impose for litigation-related misconduct or those the Security and Exchange Commission (SEC) may impose under its regulatory regime on lawyers for ethical infractions. Legislative control takes the form of specific regulatory control by the legislative or executive branch rather than the courts to regulate professional conduct. The Legal Practitioners Act, 1975 (as amended), is a good example of legislative control model.
- ^{xxii} R. 55 RPC
- ^{xxiii} Olakunle J. Orojo, *Conduct and Etiquette for Legal Practitioners*, (London: Sweet & Maxwell, 1979); Niki Tobi, *The Nigerian Lawyer*, (Lagos: Law Research & Dev. Forum, 2002); O. Doherty, *Legal Practice and Management* in Nigeria, (London: Cavendish Pub. 1998); Mary M. Devlin, The Development of Lawyer Disciplinary Procedures in the United States (1994) 7 Geo. J. Leg. Ethics 911. See also, Rotimi Williams Akintokun v LPDC (2014) 13 NWLR (pt. 1423) 1; Jide Aladejobi v NBA (2013) 15 NWLR (pt. 1376) 66; Ndukwe v LPDC (2007) 5 NWLR (pt. 1026) 47 @ 48 (Mohammed, JSC, stated that misconduct is viewed “with great concern not only for the protection of the public ... but also for the protection and preserving the good name of the legal profession”); In Re Echeles (1970) 430 F.2d 347 at 349 (7th Cir.) (USA).
- ^{xxiv} Rules 14 to 25 RPC.
- ^{xxv} Rule 14 RPC.
- ^{xxvi} Alex M. Johnson, Jr., ‘Think Like a Lawyer, Work Like a Machine: The Dissonance Between Law School and Law Practice’ cited by O.F. Emiri and K.A. Omengala, ‘Is It Time to Welcome the Online [or the Hybrid] Classroom for Teaching Law?’ (2020) 3ECULJ p.1-24 (stating that “many members of the Bar and Judges have shown deep concern about the growing disjunction between legal education and the legal profession. They fear that both are moving in opposite directions. For them the faculties should be producing “ practice-ready” graduates with clear understanding of the nuances of practice, procedure and the increasing role of technology in legal service delivery, but the faculties are pulling the other way round as they are rather emphasizing abstract theory at the expense of practical scholarship and “in-class” pedagogy’)
- ^{xxvii} Rule 22 RPC.
- ^{xxviii} Gbemi Odusote, *op cit* (n 4).
- ^{xxix} Part F. R 20-24 of the High Court of Benue State Practice Directions, (for Covid-19 Period) No. 1, 2020.
- ^{xxx} Unini Chioma, ‘Lawyer Caught On Zoom Stripping Naked And Having Sex During Hearing Is Slammed By Judge’ available on <https://thenigerialawyer.com/lawyer-caught-on-zoom-stripping-naked-and-having-sx-during-hearing-is-slammed-by-judge/>> accessed on 31st January, 2021>. The report quoted the judge as follows: “we are witnessing obscene acts which represent a violation of public decency and are aggravated by the fact they are being recorded nationally. I instruct the State Prosecution Service to launch an immediate investigation”.
- ^{xxxi} The following comment by the judge; John Chahua Torres, support our conclusion, “Hector Paredes Robbles has been fully identified as the lawyer who has disrespected the dignity of this court as well as the other lawyers present and the legal profession as a whole”.
- ^{xxxii} Section 133 Criminal Code.

^{xxxiii} B. Edokwe, 'HOT: Supreme Court Justices Accuse CJN Tanko of Being Irresponsible, Morally Decadent' <<https://barristerng.com/hot-supreme-court-justices-accuse-cjn-tanko-of-being-irresponsible-morally-decadent/>> accessed 20 July 2022.

^{xxxiv} Epiphany Azinge, 'Towards Effective Justice Delivery In Nigeria' <<https://newswirelaawandevents.com/towards-effective-justice-delivery-system-in-nigeria>> accessed 1 May 2022.

^{xxxv} Rule 19 RPC.

^{xxxvi} R.19 (4) RPC which states '[a] lawyer shall exercise reasonable care to prevent his employees, associates and others whose services are utilized by him from disclosing or using confidences or secrets of a client, but a lawyer may reveal the information allowed by sub-rule(3) through an employee'.

^{xxxvii} Sections 208 and 209 Evidence Act 2011.

^{xxxviii} C. A. Oputa, 'Legal and Judicial Activism in an Emergent Democracy: The Last Hope for the Common Man?' in Chris Okeke (ed), *Towards Functional Justice: Seminar Papers of Justice Chukwudifu A. Oputa* (2007, Gold Press Limited, Ibadan), p. 12.

