



British Nigeria Law Forum

REPORT ON THE NIGERIAN BAR ASSOCIATION AND THE BRITISH NIGERIA LAW FORUM LEGAL SERVICES MISSION TO THE UNITED KINGDOM

THEME: A REVIEW OF THE REGULATORY FRAMEWORK OF THE LEGAL PROFESSION IN NIGERIA AND THE UNITED KINGDOM

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TABLE OF CONTENTS

1. PART ONE-INTRODUCTION 4

a. Overview of the Legal Services Mission 4

b. Aim and Objectives of the Legal Services Mission 5

c. Scope and Participants of the Legal Services Mission 6

2. PART TWO- LEGAL SERVICES MISSION MEETINGS..... 9

a. Roundtable with the Solicitors Regulation Authority (SRA)..... 9

b. Meeting with the Inns of Court College of Advocacy (ICCA) 11

c. Meeting with the Legal Ombudsman 13

d. Roundtable Discussion with Members of the United Kingdom’s Parliament All Party Parliamentary Group on Nigeria (APPG) 15

e. Meeting with the Commercial Bar Association (COMBAR)- Africa Committee 17

f. Roundtable Discussion with the Law Society of England and Wales (LSEW) 19

g. Meeting with the Bar Standards Board (BSB) 24

3. PART THREE-LEGAL SERVICES MISSION ENGAGEMENTS 28

a. NBA-BNLF Symposium Hosted by Stephenson Harwood LLP 28

b. Lunch Meeting with the Chair of the General Council of the Bar (GCB)..... 31

c. British Nigeria Law Forum End of Year (Christmas) Dinner 32

4. PART FOUR- LEGAL SERVICES MISSION EVALUATION 33

a. Delegates Debriefing Meeting 33

b. Conclusions from the Legal Services Mission 35

c. Outcomes from the Legal Services Mission..... 42

APPENDIX- PICTURES FROM THE NBA LEGAL SERVICES MISSION43



PART ONE- INTRODUCTION

a. Overview of the Legal Services Mission:

The Nigerian Bar Association and the British Nigeria Law Forum held a Legal Services Mission to the United Kingdom, from Wednesday 29 November 2017 to Friday 1 December 2017 in London, United Kingdom. The theme for this Mission was '*A Review of the Regulatory Framework of the Legal Profession in Nigeria and the United Kingdom*'.

The Mission was in furtherance of the work commenced by the Nigerian Bar Association's Legal Profession Regulatory Review Committee (LPRRC) which was inaugurated on 24th January, 2017 by the President of the Nigerian Bar Association, A.B. Mahmoud SAN, OON, FCI Arb who then mandated the LPRRC to review the current regulatory framework of the Nigerian legal profession and advise on its suitability to meet international standards and comply with international best practices for a robust, responsive and independent legal profession.

The LPRRC led by Chief Anthony Idigbe, SAN carried out its work through Calls for Memoranda; Committee and (the Current State, Job Creation and the Future State) Sub-committee Meetings; Stakeholder Engagements with the Chief Justice of Nigeria, the Honourable Minister of Justice and Attorney General of the Federation (AGF), the National Institute for Legislative Studies, the National Assembly, the Nigerian Law School, and Law Faculties of Nigerian Universities, Attorney Generals of various States, the National Judicial Council (NJC), the National Judicial Institute (NJI) and the British Nigeria Law Forum. There were also Town Hall Meetings held in Lagos, Kaduna and Cross River States with members of the Legal Profession and the Public. The LPRRC concluded its work on 31st May 2017, presented its Committee and Sub-Committee Reports and Recommendations, and also produced a draft Legal Practitioners Bill for consideration by the Nigerian Bar Association and other key stakeholders.

Further to the recommendations made by the LPRRC in the areas of; the regulation of the legal profession in Nigeria, representative role of the Nigerian Bar Association, the role of existing statutory bodies of the legal profession, current legislations governing the Nigerian legal profession, standards of legal and continuing legal education in Nigeria, standards of legal practice and continuing professional development in Nigeria; the Nigerian Bar Association engaged on a 3 day Legal Services Mission to the United Kingdom which comprised of meetings with the main regulatory agencies of the Legal Profession in the United Kingdom notably: the Solicitors Regulation Authority, the Bar Standards Board, and the Law Society of England and Wales. There were also meetings with Members of the United Kingdom Parliament (MP) and a symposium on cross-border practice between Nigeria and United Kingdom, to be hosted by Stephenson Harwood LLP, a leading international law firm.



b. Aim and Objectives of the Legal Services Mission:

The Nigerian Bar Association aimed to achieve the following during the Legal Services Mission to the United Kingdom:

- a. engage the main statutory bodies responsible for the regulation of the legal profession in the United Kingdom and gain insights into their work in the following areas:
 - i. the regulatory framework of the legal profession in the United Kingdom,
 - ii. the role of representative bodies in the Legal Profession of the United Kingdom,
 - iii. the role of regulatory bodies of the United Kingdom's legal profession,
 - iv. current legislations governing the legal profession in the United Kingdom,
 - v. standards of legal and continuing legal education in the United Kingdom,
 - vi. standards of legal practice and continuing professional development in the United Kingdom.
- b. Engage members of the United Kingdom Parliament on crucial issues and legislations of mutual interest (e.g. anti-trafficking legislations, the Diaspora Act 2017 and the draft Legal Practitioners Bill prepared by the LPRRC).
- c. Engage leading international lawyers and law firms in discussions on cross border partnerships in the areas of trainings, business development and networking opportunities between Nigeria and the United Kingdom.



c. Scope and Participants of the Legal Services Mission:

The Legal Services Mission focused on meeting with governmental agencies, statutory bodies, law firms and lawyers based in London, United Kingdom, which is the hub of the legal profession and the seat of Government in the United Kingdom. The Mission met with representatives of the following organisations:

- i. The Solicitors Regulation Authority (SRA)
- ii. The Inns of Court College of Advocacy (ICCA)
- iii. The Legal Ombudsman
- iv. United Kingdom's Parliament All Party Parliamentary Group on Nigeria (APPG)
- v. The Commercial Bar Association (COMBAR)- Africa Committee
- vi. The Law Society of England and Wales
- vii. The Bar Standards Board (BSB)
- viii. The General Council of the Bar (GCB)

The delegation for the Legal Services Mission comprised of; Representatives of the Nigerian Bar Association, Representatives of the British-Nigeria Law Forum, Members of the Nigerian Bar Association's Legal Profession Regulatory Review Committee, Members of the Nigerian Bar Association's Young Lawyer's Forum, Representatives of Statutory Bodies of the Nigerian Legal Profession, Representative of the National Assembly, and Representatives of Nigerian Law Firms. The delegates included the following distinguished individuals:

1. Abubakar Balarabe Mahmoud- President, Nigerian Bar Association
2. Aare Isiaka Abiola Olagunju- General Secretary, Nigerian Bar Association
3. Ms. Aisha Ado Abdullahi- Treasurer, Nigerian Bar Association
4. Mr. Chuks Mbamala- Ass. Publicity Secretary, Nigerian Bar Association
5. Professor Olanrewaju Onadeko SAN- Director-General, Nigerian Law School
6. Mallam Yusuf Ali SAN- Senior Advocate of Nigeria
7. Dr. Muiz Banire SAN- Senior Advocate of Nigeria
8. Niyi Akintola SAN- Senior Advocate of Nigeria
9. Chief Anthony Idigbe SAN- Chairman, NBA Legal Profession Regulatory Review Committee
10. Paul Usoro SAN- Member, NBA Legal Profession Regulatory Review Committee
11. Dr. Garba Tetengi SAN, Mni- Senior Advocate of Nigeria
12. Professor Fidelis Oditah, QC, SAN- Senior Advocate of Nigeria



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LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

13. Rakiya Ayuba- Honourable Attorney-General of Kebbi State
14. Mrs. Nkeonia Maha- Head of Department, Legal Practitioners Privileges Committee
15. Mrs. Amina Oyagbola- Partner, Oyagbola Chambers
16. Muritala Abdul-Rasheed- Chief of Staff to the NBA President
17. Ms. Salamatu Sidi- Ag. Executive Director, Nigerian Bar Association
18. Sarah Omega-Ajjola- Assistant Director, NBA Bar Services Department
19. Grace Igyo- Assistant Director of NBA Legal and Regulatory Affairs Department
20. Ms. Zainab Animashaun- Policy and Strategic Planning Adviser to the NBA President
21. Ibrahim Abdullahi- Technical Assistant to the President of the Nigerian Bar Association
22. Ms. Olive Akem- Member, Nigerian Bar Association Legal Practitioners Regulatory Reform Committee
23. Ms. Sa'adatu Hamu-Aliyu- Member, Young Lawyers Forum
24. Ms. Fariha Abdullahi- Member, Young Lawyers Forum
25. Kazeem Nasir- Protocol Officer, Nigerian Bar Association
26. Seye Aina,- Member, British-Nigeria Law Forum
27. Babatunde Akinyanju,- Member, British-Nigeria Law Forum
28. Oba Nsugbe QC, SAN- Member, British-Nigeria Law Forum
29. Kayode Okenla - Member, British-Nigeria Law Forum
30. Kash Balogun,- Member, British-Nigeria Law Forum
31. Juliet Benson ,- Member, British-Nigeria Law Forum
32. Funmi Oyeneyin- Member, British-Nigeria Law Forum
33. Jonathan Akinsanya- Member, British-Nigeria Law Forum
34. Stephen Akinsanya- Member, British-Nigeria Law Forum
35. Paul Esheyiegba- Member, British-Nigeria Law Forum
36. Maureen Obi,- Ezekpazu- Member, British-Nigeria Law Forum
37. Jenny Okafor- Member, British-Nigeria Law Forum
38. Iquo Amagbe- Member, British-Nigeria Law Forum
39. Adesida Oyebode- Consultant Child Psychiatrist
40. Adetosoye Ade- Bromley Council
41. Alomo Richard- No5 Barristers Chambers
42. Mosaku Kemi - Emerald Solicitors



43. Nwokolo Nwabueze - Great Britain's Black Solicitor's Network
44. Obaseki Jennifer- Obaseki Solicitors
45. Sanni Abi- Trinity Solicitors
46. Situ Michael- Solicitor & Former Councillor in Southwark
47. Rebecca Okoria - Member, British Nigeria Law Forum
48. Dano Awano,- Member, British Nigeria Law Forum
49. Fausat Muhammad- Member, British Nigeria Law Forum
50. Jide Adesokan Member, British Nigeria Law Forum

PART TWO- LEGAL SERVICES MISSION MEETINGS

i. Roundtable with the Solicitors Regulation Authority (SRA)

The SRA regulates solicitors of England and Wales, law firms of England and Wales, non-lawyers who can be either managers or employees of firms; and other types of lawyers, such as registered foreign lawyers (RFLs) and registered European lawyers (RELS).

Date of Meeting: *Wednesday 29th November 2017*

Time: *10.00am – 1pm*

Location: *Boardroom, 24 Martin lane, London EC 4R 0DR*

Notes Prepared By: *Aisha Ado Abdullahi and Sa'adatu Hamu-Aliyu*

Meeting Objectives: *The main objective for having the meeting is, to have discussions and compare notes on review if or a review of the regulatory framework of the legal profession in Nigeria and the United Kingdom. This is for the purpose of learning lessons and adopting ideas that will further strengthen the good work that has already been done by the LPRRC.*

Meeting Notes:

- i. *Welcome and introduction /About the SRA and our priorities- Paul Phillip (CEO, SRA):* Paul Philip gave a detailed account of how the Law society saw the need to create the Solicitors Regulation Authority with its main purpose being to serve as an independent body that deals with regulatory issues. He described the nature; structure and functions of the SRA. He explained how the need for the creation of the SRA came about in response to the increasing rate of complaints from the general public against practitioners. The idea was to separate the regulatory role from the representative role of the law society. Providing a set of rules to regulate individual solicitors and Firms, putting the interest of the public above that of the solicitor.

He noted that the main objectives of the SRA are:

- To build confidence in the minds of the general public on the profession through high standards.
- Helping the public access solicitors they can trust and afford, putting more trust in professional judgement.
- Providing simpler, shorter, sharper rules.

Mr. Phillip also noted that the SRA regulates 170,000 solicitors and 10,400 law firms in England and Wales. It issues annual practice licence to solicitors. The SRA also has the authority to assess the accounts of firms annually through reputable auditors who must audit the accounts. The SRA conducts risk assessment and provides succession plans and monitors transition in case a principal dies. A new practice concept and innovation being regulated by the SRA is that of Alternative Business Structure. This involves non-lawyers venturing into law practice or giving legal advice, this is limited to certain areas of practice.



ii. *SRA's Regulatory Framework- Juliet Oliver (General Counsel, SRA):*

A. *Looking to the Future / Compliance-* The SRA regulation provided in the handbook is to protect consumers of legal services, support the operations of the rule of law and administration of justice and remove unnecessary legal burden. The current handbook provides complex rules and procedures; it is too long and costly to apply. The handbook is now under review, moving from a system of rules to that of principles providing new code of conducts and account rules. It will be easier to navigate and understand, less detailed and prescriptive, providing flexibility so they are fit for different and changing circumstances, focuses on issues that really matter by maintaining the high consistent professional standards the public expect.

B. *Enforcement Strategy-* The mechanism for enforcement of the rules currently include:

- Questionnaires administered at the point of renewal of annual licence where certain questions are asked to ensure compliance.
- The rules provide for compliance officers and account officers for firms, whose roles provide an important framework for compliance.
- A firm must provide a domestic practising address for inspection and supervision.
- Handbook also provides compensation funds. The funds are sourced from the annual practice fees.

iii. *Solicitors Qualifying Examination- Julie Brannan (Director, Education and Training, SRA):*

A. *How we are proposing solicitors might qualify in the future*

B. *International routes to qualification:* The current system for training and qualifying as a solicitor is through different routes, such as obtaining a law degree, specialised training and sitting for the SQE exams. The concept of continuing competence was introduced mandating every solicitor to have 16 hours of training each year. Following the review of the SRA, a proposal is now in view to introduce a centralised assessment at the point of entry to the profession. Also under review is the route to qualification for overseas lawyers, introduction of national bar exams to be assessed by a specialist organization, which will be in two stages; first stage will assess knowledge and the second stage will assess skills. Where there is an overlap of qualification the chance to negotiate with the country overseas for an exemption is also being considered.

ii. **Meeting with the Inns of Court College of Advocacy (ICCA)**



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

The Inns of Court College of Advocacy (formerly the ATC) was established by the Council of the Inns of Court (COIC). The College comprises barristers, judges and others drawn from the Inns, the Circuits, the Bar Council of England and Wales, Specialist Bar Associations and other representative organisations. Its main functions are to provide leadership, guidance and coordination in relation to the pursuit of excellence in advocacy.

Date of Meeting: *Wednesday 29th November 2017*

Time: *10.00am – 12pm*

Location: *Tribunal Suites; 1st Floor, 9 Gray's Inn Square, London WC1R 5JD*

Notes Prepared By: *Ms. Salamatu Sidi and Ms. Olive Akem*

Meeting Objectives: *The Nigeria Bar Association delegation led by, The Director General of the Nigerian Law School, Prof Olanrewaju Onadeko alongside members of the British Nigerian Law Forum (BNLF) met with representatives of the Inns of Court College of Advocacy (ICCA) to discuss training opportunities for young Nigerian lawyers between one (1) to five (5) years post call. (It was noted by the ICCA that their training covers lawyers between 1-8 years of practice within their jurisdiction).*

Issues for discussion included the following; Understanding the workings and international trainings for lawyers by the Inns of Court College Advocacy, Types of training they offer, The type training we would require(including Bespoke), Frame Work of how the training can be conducted, Proposal on how trainings would be financed.

Meeting Notes:

i. *The work of the Inns of Court in the Legal Education of UK Barristers-*

A. *Hampel Methods (Advocacy):* The training by the Inns of Court College of Advocacy is usually done through the adopted method of the 'seed and corn approach'. What this means is that accredited trainers work alongside local members of the legal profession to develop and implement their own advocacy training provision. The training method used is the advanced 'Hampel Method' devised by professor the Honorable George Hampel AM QC of the Australian Advocacy Institute and has been refined by him over the years. We were also informed that this method of training is ongoing and as a matter of fact advocates from the Common law world are trained using this method. How does this method work? The delegate performs an exercise and his/her performance is then reviewed by the trainer adopting a six-stage technique teaching you by doing rather than lecturing. The trainings offered focused mainly on advocacy. We were informed that Ethics and Advocacy go hand in hand in their curriculum i.e. professional ethics causes trainees people examine their own performance (advocacy) then merges into the ethics teaching. There was also bespoke training on ethics.



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

- ii. *Proposed Methods of Training of Nigerian Lawyers by the ICCA:*** The ICCA stated that there are two viable options for advocacy training of lawyers in Nigeria; Attend trainings at the Inns of Court in London or Training in Nigeria by trainers from the ICCA. They explained that the method of training is not a lecture hall type of training, and that rather it is an intimate training where the trainees and the trainers interact on a one on one basis. This is almost like a moot court trial it involves doing rather than theory by listening. The ICCA also informed the NBA that they held trainings in places as diverse as Ghana, Poland and Zimbabwe just to mention a few countries.

The ICCA suggested trainings of a small group of people in batches of about 6 trainees. The NBA noted that 6 was a small number for us due to the size of the NBA membership base and the Nigerian Law School also produces approximately 4-5000 graduates from the law School each academic year.

- iii. *Partnerships on Training between the ICCA and the NBA:*** The ICCA noted that it had funding limitations, as the Inns of Court receives a budget of 40,000 pounds annually and the ICCA would thus need financial support from the NBA to cover the costs of travel (Premium economy tickets) and accommodation for the trainers. Professor Onadeko SAN noted that the NBA and the Nigerian Law School had a symbiotic relationship, as the President of the Nigerian Bar Association (NBA) is a member of the Council of Legal Education and there was a possibility of the Nigerian Government keying into the advocacy initiative and providing some financial support for the training and in the alternative, the NBA would consider funding the trainings.

- iv. *Proposals from the NBA-Acting Executive Director (Ms. Salamatu Sidi):*** The ICCA program can be institutionalised by the NBA by incorporation into an annual Training Calendar. She noted that programs such as the Human Rights Day, Administration of Criminal Justice Conferences, etc. have already been institutionalised. Ms. Sidi proposed that the NBA Institute of Continuing Legal Education (ICLE) may be tasked with the management of the trainings and the program would also be structured to target lawyers from the 125 branches of the NBA across the six geo-political zones, which would enable the training to become an all-inclusive process.

Next Steps/Action Points:

- NBA to select a nucleus / small group to be the first recipients of the training – persons that are competent and enthusiastic about advocacy, the Inns of court usually provides two trainers for a maximum of 8 persons. These trainers are expected to train other persons. Get people over to London to see how it is done. The NBA agreed to invite ICCA trainers to Nigeria and also send trainees to the Inns of court College of Advocacy in England.
- NBA to put the proper structure in place to sustain the Advocacy training program in Nigeria.
- NBA to develop a training calendar to prepare for the continuous training of the lawyers in batches to ensure sustainability of the training program. The calendar should note the target participants, the method of training and number of participants.

iii. Meeting with the Legal Ombudsman



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

The Legal Ombudsman for England and Wales was set up by the 'Office for Legal Complaints' (the Ombudsman Board) under the Legal Services Act 2007 as an independent organ which assists citizens of England and Wales with complaints about the services received from their lawyers. It also helps legal service providers to improve their complaint handling procedures.

Date of Meeting: *Wednesday 29th November 2017*

Time: *1.30pm- 2.30pm*

Location: *Boardroom, 24 Martin Lane, London EC4R ODR*

Notes Prepared By: *Sarah Ajjola and Grace Igyo*

Meeting Objectives: *The essence of the meeting was to engage the Chief Ombudsman and her team and learn how complaints are resolved professionally and successfully by the Legal Ombudsman.*

Meeting Notes:

i. Overview of the work of the Legal Ombudsman:

The Office of the Legal Ombudsman is managed by a Chief Executive Officer (CEO), the Chief Ombudsman, Director of Operations, Head of IT and Head of Human Resources and other management staff. It currently has a staff strength of over 250 employees (with varying professional backgrounds i.e. investigating, banking and accounting) in their head office located in Birmingham, UK. Their employees are provided with training on the law and legal terminology. The Legal Ombudsman was established by the Office for Legal Complaints to receive and consider complaints from citizens of England and Wales, against any regulated legal Service provider when they believe they had not been properly represented by the Service Provider.

The Ombudsman has powers to enforce its decisions and may also refer complaints to the Solicitors Regulatory Authority or the Bar Standards Board when they might have established professional misconduct in the course of resolving the complaint. The Ombudsman has received over 60,000 complaints since its inception via telephone and social media platforms, out of which over 8000 have been successfully resolved. The Ombudsman is very impartial in its dispute resolution process and it only steps in to resolve an issues after the complainant has exhausted the complaints process.

The annual budget for the Office of the Legal Ombudsman is Fourteen Million British Pounds (£14,000,000). These funds are generated through; the Case Fees paid by the respondent at the end of a complaint, levies on all Regulators established by the Legal Services Act, and Fees collected by the Lord Chancellor from the authorised claims management sector through the Claims Management Services Regulator.

The Legal Ombudsman is accountable to the following Bodies: Office of Legal Complaints, the Legal Services Board, the Ministry of Justice and the general public.



ii. Partnerships between the NBA and the Legal Ombudsman on the development and training of the NBA on Complaints Handling Mechanisms:

The NBA intends to continuously engage with the Office of the Legal Ombudsman and they are in turn willing to collaborate with the NBA.

iii. Legal Ombudsman Rules for Disciplinary Procedures

The dispute resolution process of the Ombudsman is guided by a set of Rules which explain the complaints covered by the scheme and how they are dealt with.

The process basically has 3 stages;

- A. **Assessment:** Usually the first stage where all the useful information and everything relevant to the case is compiled and assessed.
- B. **Investigation:** Here, investigation is carried out and both sides are heard and no side is taken to ensure a fair outcome. During this process, opportunities of resolving the issues are sought.
- C. **Final Decision:** At the end of the investigation, a final decision is reached and communicated to the parties; this could range from an apology to a refund of the initial fee paid by the complainant or a proportion of same.

The Ombudsman has powers to enforce its decision by resorting to the courts. It has a dedicated Legal team that handles its enforcement processes. It may also refer a defaulter to the appropriate regulatory body for misconduct for failure to comply with its decision, or award compensation up to the sum of Fifty Thousand British Pounds (£50,000).

iv. Roundtable Discussion with Members of the United Kingdom's Parliament All Party Parliamentary Group on Nigeria (APPG)



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

The APPG is a cross-party group with membership spanning both houses of Parliament, all parties and backgrounds – including but not limited to Nigerian heritage MPs) – the APPG is currently focused on anti-trafficking measures and legislation in Nigeria.

Date of Meeting: *Wednesday 29th November 2017*

Location: *UK House of Parliament, Committee Room 8, Westminster, London, SW1A 0AA*

Time: *4.00pm-5.00pm*

Topic: *Enforcing Nigeria's Anti-People Trafficking Legislation: Challenges Toward Effective Implementation.*

Notes Prepared By: *Zainab Animashaun*

Please Note: *This meeting was held under the Chatham House Rules, and the Meeting Notes have been drafted to preserve the principle of non-attribution and to capture the main conclusions and actions only.*

Meeting Notes:

i. Meeting Objectives:

The aim of the Roundtable is to engender a discussion on the capacity challenges (and/or strengths) of Nigeria's anti-people trafficking legislation, the remit of NAP TIP, and how the UK (through the diaspora, including legal organisations) and UK parliamentarians can work to share best practice, enhance capacity and improve the effectiveness of Nigeria's anti-trafficking legislation.

ii. Meeting Presentations:

The Roundtable watched a short Presentation on 'Enforcing Nigeria's Anti-Trafficking Laws: Challenges towards Effective Implementation'. The presenter revealed that there were currently 45.8 million (male, female, adult and children) victims worldwide. As part of interventions to tackle the challenges of implementing the laws in Nigeria, the presenter noted that there were efforts to develop online tools to provide information and resources on legislations against trafficking and modern day slavery. The presenter also noted that there were also efforts by parliamentarians from across the world to review existing legislation on human trafficking.

The Roundtable noted the following from the presentation:

- A. That the concept of Modern Day Slavery is an evolving concept.



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

- B. There are a number of cultural and religious norms that may be impediments to the effective implementation of anti-trafficking laws.
- C. Though Nigeria has a legal framework on Human Trafficking, there are challenges facing its implementation agency, National Agency for the Prohibition of Trafficking in Persons (NAPTIP), and there were also issues of limited exchange of information between NAPTIP and other enforcement agencies. There was therefore a need to strengthen the framework.
- D. There are also peculiar occurrences that are fuelling the current increase in trafficking which include the refugee crises in the North-East, and the insurgency in the Niger-Delta, and other socio-economic challenges.
- E. There is a need for governmental and non-governmental organisations to use their clout and influence to scale-up their engagements related to advocacy and sensitisation on Human Trafficking.

v. **Meeting with the Commercial Bar Association (COMBAR)- Africa Committee**

COMBAR is the Specialist Bar Association for commercial barristers advising the international business community.



Date of Meeting: *Wednesday 29th November 2017*

Time: *5.30pm*

Location: *3-4, South Square, Gray's Inn Square, Grays Inn Rd, London WC1R 5HP*

Notes Prepared By: *Ibrahim Abdulahi*

Meeting Objectives: *The main Objective of the meeting was to learn about the work of the COMBAR and seek partnership with the NBA.*

Meeting Notes:

i. Welcome Remarks:

The meeting started with a welcome and introduction of Glen Davis QC of South Square Grays Inn, who is the Chair and also hosted the meeting on behalf of the Africa Committee of the Commercial Bar Association (COMBAR). Notable attendees at the meeting were Professor Fidelis Oditah QC SAN and Professor Oba Nsugbe QC SAN who are also members of the Commercial Bar Association.

ii. About COMBAR:

Glen Davis QC gave an introduction to the work of the Commercial Bar Association as a specialist bar association for commercial barristers advising the international business community. The COMBAR has a significant Africa focus especially with its Africa Committee. On the opportunities for developing the legal profession in Africa, Glen Davis QC made a strong case for International Commercial Arbitration as providing potentially an in road for Africa as a continent and its practitioners to play a prominent role in the international legal market. He noted as an instance, that Mauritius has been trying to reposition as a potential center for international commercial arbitration and its laws also being positioned as governing law for commercial disputes. Mr. Davies QC noted that if sustained, the efforts of the Mauritian Government would make a profound impact in the international legal community, and believed that Nigeria, specifically Lagos State, was capable of playing the same role, based on its current status as a leading commercial hub in Africa.

iii. Commercial Litigation and Alternative Dispute Resolution in Nigeria:

Chief Anthony Idigbe SAN, while commenting on Glen Davis QC's insightful remarks, noted that Nigeria possesses the potential to become a leading resource for International Commercial Arbitration in Africa, but perhaps suffered a perception problem due to lack of confidence in the Nigerian legal system. Professor Fidelis Oditah QC SAN also agreed there is a need for confidence building in the Nigerian Legal System, noting also that a significant number of Nigerian and African businesses relied more on international law firms than Nigerian law firms getting international representations due to the lack of confidence in the system.

iv. Partnerships between the NBA and COMBAR:



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

The NBA President AB Mahmoud SAN thanked the COMBAR and its Africa Committee led by Glen Davis QC and Graham Cunningham for hosting the NBA delegation and giving such an insightful presentation on the potentials for Africa and Nigeria in international commercial arbitration. He noted that the NBA under his leadership is keen to build the necessary partnerships that will enable Nigeria and its lawyers take part in the global legal market. The NBA President also stated that the Nigerian legal profession is in dire need of reforms and the NBA under his leadership is committed to the reforms which were the key objectives of this mission. He also identified the need for a partnership between the NBA and COMBAR, based on the opportunities identified during the meeting.

In response to the NBA President's remarks, Mr. Babatunde Akinyanju, a former Chairperson of the British Nigeria Law Forum, informed the meeting that there was an already existing relationship between the COMBAR and BNLF. The President then requested that the BNLF work with the NBA to identify specific actors to drive the mechanics of the partnership.

The meeting ended with a Networking and Drinks Reception hosted by COMBAR.

vi. **Roundtable Discussion with the Law Society of England and Wales.**



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

The Law Society 'TLS' is the representative body for Solicitors qualified to practice in England and Wales. TLS aims to represent, promote and support all solicitors, to enable them support their clients and promote England and Wales as the jurisdiction of choice due to the vital role legal services play in our economy. TLS also works internationally to open up markets for its members and to defend human rights while supporting its members with opportunities within the domestic market.

Date of Meeting: *Thursday 30th November 2017*

Time: *10.30am- 2pm*

Location: *113 Chancery Lane, London WC2A IPL*

Notes Prepared By: *Ms. Salamatu Sidi and Ms. Fariha Abdullahi*

Meeting Objectives: *To meet with key representatives of the Law Society for discussions on the work of the TLS, and identify areas of potential partnerships with NBA.*

Meeting Notes:

- i. Regulatory Affairs – Role of the Law Society in regulation of the profession in England & Wales; current reforms and developments in regulation of the profession; process and challenges of regulatory change.*

The Law Society 'TLS' is the Representative body for solicitors in England and Wales and they provide support on regulatory processes, complaints, rules and ethics, professional Indemnity Insurance, education and training. The society is also the approved Regulator under the Legal Services Act, but due to the requirements under the Act that regulation of the Legal Profession should be separate from its representation, the society's regulatory functions are delegated to an independent regulatory arm which is the Solicitors Regulation Authority. (SRA)

Apart from being an approved regulator, TLS also lobbies regulators, government and other related bodies, offers advice, helps, protects and promotes solicitors across England and wales. TLS runs accreditation schemes, provides practice help line and encourages consumers to use solicitors services through promoting the profession.

The governance structure of the law society of England and Wales- There are over 170,000 Solicitors registered with TLS and the TLS Council has over 100 seats, 61 is for geographical constituencies and 39 for special interest group and areas of practice. The Council meets 7 times in a year, with Members occupying their seats for 4 years but trainee/student member for 2 years. The Council makes decisions on the position of the TLS on major policy issues, sets out its budget, recommends practicing certificate fee and the level of payment to the legal services board, gives a nod to the business plan that the budget will cover and deliver and is the voice of the profession and debates on matters that are of interest to the members.



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LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

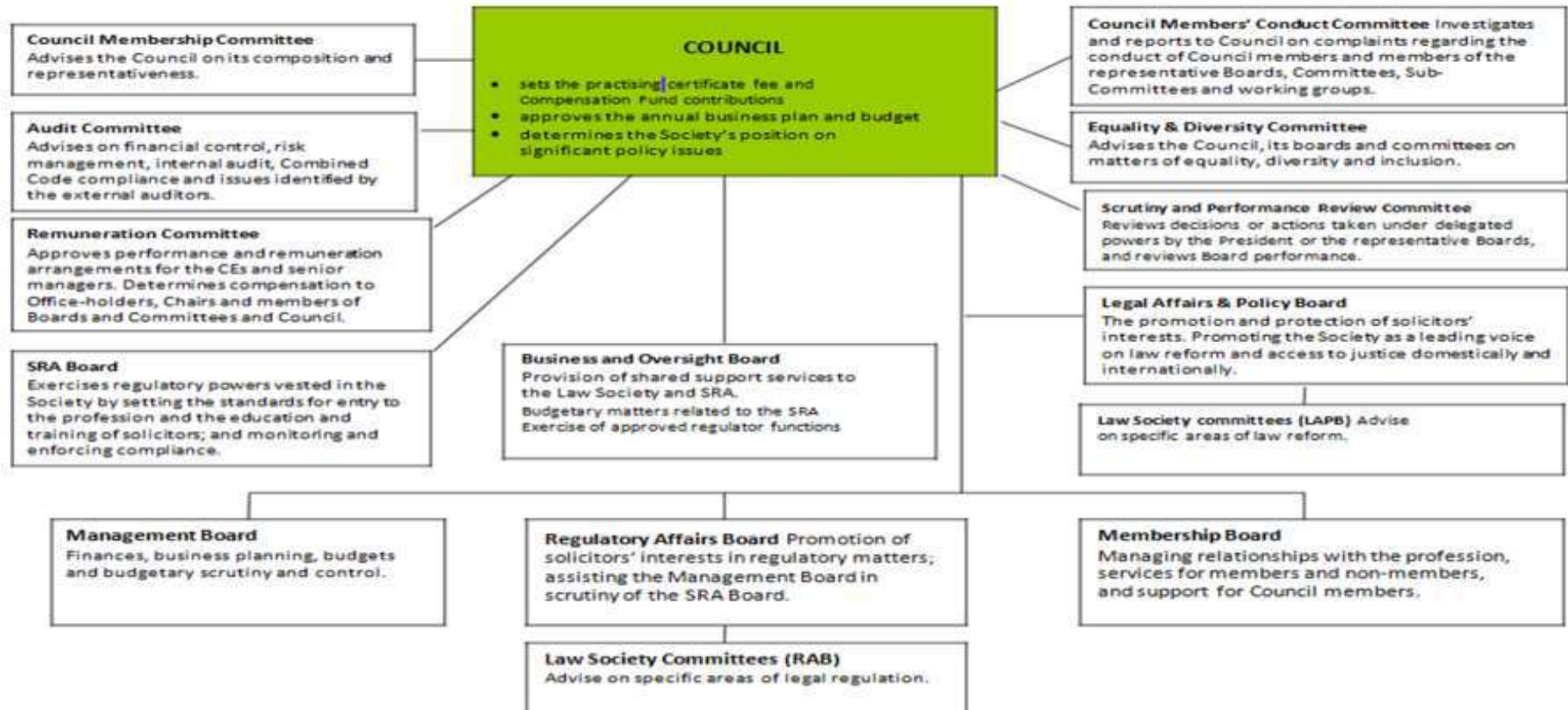
The TLS Council also deals with regulatory matters (this includes the SRA Board), ensures coordination of work between the board and committees, conducts elections, election of Deputy Vice President each year, who then becomes the Vice President and then President. The TLS Council holds all office holders (President, Vice President, Deputy Vice President and chief executive to account).

Electoral Procedures by the TLS Council:

- A. Ethnic minorities' council seats and junior lawyers' division council (trainee/LPC student) seat – Is by on line voting and voting would be conducted by the National Committee.
- B. All other seats are usually by ballot papers sent by election scrutineer, Electoral Reform Services (ERS) to members registered addresses.
- C. Voting is usually done in one of two ways;
 - 1. Complete ballot paper, sign and return it to the ERS in the reply paid envelope.
 - 2. There is a PIN you can use to register to vote electronically on the ERS law society elections webpage.
- D. How to fill the ballot paper:
 - 1. Names of candidates are placed on each contested seat, you are required to put an x beside the name of your preferred candidate.
 - 2. If more than two candidates put '1' on the preferred candidate and '2' on the second preferred candidate.
- E. How votes are counted;
 - 1. Ballot papers are sorted out according to their first preference.
 - 2. If any candidate has more 1st preference he is elected.

ii. Governance – Overview of the current governance structure of the Law Society of E&W and of proposed changes to the governance structure

Law Society governance structure 2014





A. The Law Society's role in the standardisation of legal practice and continuing professional development in the UK:

1. LEXCEL (Excellence in Legal Practice Management and Client Care):

LEXCEL is TLS's quality mark for any practice that can demonstrate excellence in legal practice management and client care. As soon as one hears the name LEXCEL it is usually associated with excellence in legal practice management and client care. Lexcel is a quality mark which promotes quality management for client service and how to run a legal practice.

Lexcel sets the required Standard in seven different areas: structure and strategy, financial management, information management, people management, risk management, client care, file and case management. It should be noted that practices and organisations who are accredited against the standard have flexibility to implement procedures that are appropriate to their circumstances. Lexcel is also designed for international markets and not-for-profit organisations, in-house teams in organisations and local authorities.

Accreditation is awarded for 3 years and an independent assessor is used to assess the firm/organisation the assessor is usually external to law society. This shows that the process is transparent, independent and objective. Lexcel provides a flexible supportive management framework to help practices develop consistent operational efficiencies and client services management risk, reduce cost and promote profitability.

2. QLTS (The Qualified Lawyers Transfer Scheme):

QLTS allows those who are already qualified lawyers in other jurisdictions to qualify as a solicitor of England and Wales. The scheme also applies to barristers qualified in England and Wales who have completed pupillage and want to qualify as a solicitor. The SRA has appointed Kaplan QLTS as the sole QLTS assessment provider.

The QLTS assessments are designed to test applicants on SRA's Day One Outcomes, which are outcomes that solicitors who qualify through the domestic route (Those that trained in the UK) are expected to have achieved before they are admitted as solicitor in England and Wales. Secondly, the Multiple Choice Test (MCT) is the next stage. The Day One Outcomes covers over 180 questions and usually last up to 6 hours. You must pass the test before you move to the next stage which is the objective structured clinical examination (OSCE). This part, tests the skills of interviewing, advocacy, legal research, writing and drafting in the context of the following areas of practice: business civil, criminal litigation, property and probate.

3. ETHEL:

The aim for Ethel (Ethical guru) is to provide ethical training in an enjoyable engaging way. Ethel creates opportunities for learning for instance users are asked to say what they would do in a given situation and Ethel gives them feedback on their choices. The goal is that awareness is raised on professional and ethical issues stimulate critical thinking and debate. It does not seek to provide the user with a definite answer. It should be noted that Ethel complements other work on ethics being undertaken by the society.



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LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

TLS also believes that when solicitors are committed to behaving ethically, it shows that they are fully committed to be solicitors. The Society supports solicitors' in recognising and handling difficult professional situations, it helps them by referring them to the SRA Code of Conduct, 2007. Furthermore it was stated that ethics does not stop with just the commitment to acting with integrity and honesty in accordance with widely recognised moral principles, but that it can also be a guide towards proper behaviour in relation to moral issues that arise in practice. In conclusion a good ethical practice is one that supports the interest of consumers of legal services and acting in the interest of administrative justice.

The President of the NBA, thanked the representatives of the TLS for their detailed and insightful presentations to the delegation. He promised that the NBA would take the following steps based on the information shared at the meeting:

1. Study the regulatory frame work of the TLS and identify areas in which the NBA can improve on the regulatory framework of the Nigerian Legal Profession.
2. Consider the governance structure of TLS and its system of devolution and transition of power, to note areas that the NBA can adopt into its Corporate Governance processes.
3. Review the LEXCEL and ways in which a similar standards may be adopted into Nigeria to assist in the development of legal practice. Action point: NBA to set up a meeting with the LEXCEL team to discuss the modalities on how we can train our lawyers and improve on their law firms

The meeting ended with a Lunch Reception hosted by the Law Society of England and Wales.

vii. Meeting with the Bar Standards Board (BSB)



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LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

The Bar Standards Board regulates barristers and their professional practice and specialised legal services businesses in England and Wales in the public interest. They are responsible for: setting the education and training requirements for becoming a barrister; setting continuing training requirements to ensure that barristers' skills are maintained throughout their careers; setting standards of conduct for barristers; Authorising organisations that focus on advocacy, litigation, and specialist legal advice; monitoring the service provided by barristers; handling complaints against barristers and taking disciplinary or other action where appropriate).

Date of Meeting: *Friday 1 December 2018*

Time: *10.00am-12.00pm*

Location: *Bar Standards Board, 289 High Holborn, London WC1V 7HZ*

Notes Prepared By: *Grace Igyo and Fariha Sani Abdullahi (Mrs.)*

Meeting Objectives: *To meet with representatives of the Bar Standards Board (BSB) for discussions on the work of the BSB and identify areas of potential partnerships with NBA.*

Meeting Notes:

i. The BSB Regulatory Framework

The BSB operate under the Legal Services Act and the Act sets out their regulatory objectives and professional principles. The BSB have been in operation for 3 years and are an independent regulatory arm of the General Council of the Bar (empowered under section 29-30 of the Legal Services Act), with the GCB exercising executive function while the BSB carries out regulatory functions.

The BSB has a protocol for ensuring regulatory independence and their decision making is independent. They have their own board members, chair, director general, etc. all for ensuring independence. Their Board consists of barristers and non-barristers to advice on policy issues. The BSB Board also has a lay chair, a barrister as vice chair and seven other lay members and 6 other barrister members. The Board is moving away from the use of committees which governed their decision making, to granting an increased role to its executives with expert help from their Advisory pool of experts.

The BSB currently regulates;

- A. authorised persons: individual barristers with practising certificates, authorised entities
- B. alternative business structures
- C. unregistered barristers: those training to become barristers, those called to the bar but before pupillage, barristers who do not practice.

ii. Disciplinary Mechanisms for Barristers in the UK



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LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

The BSB has a Code of Conduct Handbook which is used to enforce against the obligations set out therein. It is important to note that the BSB uses a risk based approach which focuses on conduct that represents the greatest risk to their regulatory objectives. They stated that all breaches result in regulatory action because of the risk based approach. Their decision making is governed by complaints regulations (Part V of their handbook) and all decision making powers are vested in the professional conduct committee which comprises of about 45 members of lay and barristers.

The Professional Conduct Committee authorises the executive to take a range of decisions on complaints (approximately 50% of decisions are taken by staff) BSB decision making process is a three stage process: Assessment, Investigation, and Enforcement Action. The BSB also has an Independent Tribunals Bar Tribunals and Adjudication Service (BTAS) which provide services under contract to the BSB that is the Inn of Courts are the ones that provide the services

- They are independent but are appointed by the BSB
- They appoint and administer all relevant panels (disciplinary tribunals, interim suspension, appeals from administrative sanctions, fitness to practise)
- They issue decisions and judgements re panel decisions
- They publish relevant outcomes on its website

There are 2 types of complaints that may be brought to the BSB:

- A. External complaint: received external sources e.g. clients of barristers (via the Legal Ombudsman), member of the public, solicitors, judges, it can be any complaints that a lawyer is telling a lie, misleading evidence in Court, etc. They also include:
 - Misleading the court
 - Making misleading submissions or statements
 - Inappropriate communications with clients or others
 - Inappropriate handling of evidence
 - Failure to co-operate with LO
- B. Internal complaint: raised by the BSB of its own motion in light of the information received. Examples: referrals from other sections of the organisation e.g. failures to comply with practising requirements (CPD, Authorisation to practise, insurance), reporting requirements (self-reports of serious misconduct, criminal convictions etc.). They also include failure to comply with practicing requirements.

Between 2016/2017 the BSB dealt with and made decisions on a total of 433 complaints as follows:

- Closed after investigation- no action- 20% (73)
- Administrative sanctions-9% (38)
- Referred to disciplinary action – approximately 18% (66)
- 51 Tribunal cases concluded -86% uphold rate
- 5 barristers suspended, 19 disbarred

iii. BSB Compliance and Enforcement Strategies

The BSB has the following enforcement powers:

- A. Formal advice
- B. Administrative sanctions for breaches (non-disciplinary, warnings and fines)
- C. Disciplinary action for professional misconduct:
 1. determination by consent (decided by the Professional Conduct Committee)
 2. disciplinary tribunal (independent tribunals consist of 3 or 5 persons: a judge as chair, barrister member and lay man)
- D. Interim suspension pending disciplinary action within 14 days
- E. Fitness to practice proceedings (health grounds) which includes suspension pending medical check.

iv. Certification of Legal Services Organisations in the UK by the BSB

The BSB provides certification to organisations through the ‘BSB Entity Authorisation’ which authorises entities to provide reserved legal activities. There are two types of BSB entities:

- A. BSB authorised bodies are fully owned and managed by individuals that is lawyers with current practicing certificates.
- B. BSB licensed bodies also referred to as Alternative Business Structures (ABS) are owned and managed jointly by authorised individuals and non-authorised individuals that is non-lawyers.

The advantages of the BSB Entity Authorisation is that it enables organisations to pool resources, share risks, co-own legal services, manage advocacy based business models and develop the market. It also enables the BSB to protect the public and the clients of these authorised entities, promote transparency and encourage the legal profession and legal services market.

The BSB uses the following process to assess/ authorise an entity:

- Application- applicant submits application and pays fee
- Assessment- officer assesses application and supporting documentation



- Authorisation- resolve queries and concerns

The process is designed around the requirement to complete applications within six months and usually takes 3 to 6 months, depending on the complexity of an application and the number of applications received. It is important to note that the BSB has purposefully adopted a cautious approach to entity authorisation, as some applicants have pushed against boundaries set because they felt it is too restrictive. This led to the introduction of Alternative Business Structures (ABS). The BSB continues to review its approach to entity authorisations.

v. *Legal Education and Continuing Professional Development of Barristers in the UK:*

There are three stages of training for Barristers in the UK:

- A. Academic stage (undergraduate law degree): Requirements- Undergraduate law degree, Non-Law undergraduate degree or Graduate Diploma in Law (Minimum of 2:2) and 7 Foundation Subjects
- B. Vocational stage (Bar profession training): A one-year full time or two years part-time, Eight providers across 14 sites in England and Wales. An intensive course covering the skills and knowledge required to become a barrister. Knowledge subjects assessed centrally (professional ethics, Criminal litigation, civil litigation, 75 multiple choice questions, essay questions).
- C. Professional Stage (pupillage): 12 months of training, split into two periods of 6 months. First 6 months- non-practising and Second 6 months- awarded a provisional practicing certificate, then awarded a practicing certificate on successful completion of pupillage.

After (Post qualification) there are two stages of training:

- A. New Practitioner Programme
- B. Continuing professional development (CPD)

Future Bar Training (FBT): The FBT is a programme of significant change which would cover many areas such as the role of the Inns of court, Pupillage, Curriculum and Assessment strategy (vocational stage). It shall also provide a framework for authorising training providers. Still in progress- major changes starting from 2019. Relationship between the BSB and Inns of Court: According to the BSB, the Inns of Courts conduct the 'fit and proper' test before enrolment of Barristers and the BSB may consider appeals on the fit and proper test where dissatisfied.

Next steps by the NBA: All the issues raised at the meeting were previously discussed by the NBA LPRRC at the committee's drafting stage in Nigeria, and most of the ideas have been incorporated under the bill. Compared UK to Nigeria, UK has one main regulator for the legal profession with 7 organs, whilst Nigeria has two main regulators. The NBA is to identify the shortcomings in the Nigerian Legal system to compare it with best international practice.

PART THREE-LEGAL SERVICES MISSION ENGAGEMENTS

a. NBA-BNLF Symposium Hosted by Stephenson Harwood LLP.



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

Engage leading international lawyers and law firms in discussions on cross border practice and exploring the potentials in areas of trainings, business development and networking opportunities between Nigeria and the United Kingdom. Discussions will include - How to build a successful practice and reach your potential in the UK or Nigeria, comparing and contrasting the experience of lawyers in both jurisdictions, advantages and disadvantages of practice in UK or Nigeria, tips for success and career progression.

Date of Event: *Thursday 30th November 2017*

Time: *7pm- 10pm*

Location: *Stephenson Harwood LLP, 1 Finsbury Circus, London EC2M 7SH*

Notes Prepared By: *Grace Igyo and Ibrahim Abdullahi*

Theme of Symposium: *'Should I Stay or Should I Go - Building a Successful Practice: UK or Nigeria?'*

Welcome & Introductions:

The Chairman of the Symposium; Prof Oba Nsugbe QC, SAN welcomed all to the event. He introduced the speakers on the panel:

- Carolann Edwards - Global Director of Learning & Organisational Development, Norton Rose Fulbright
- AB Mahmoud - President, Nigerian Bar Association
- Kamal Shah - Partner, Stephenson Harwood LLP
- Jide Adesokan - Associate, Stephenson Harwood LLP
- Amina Oyagbola- Partner, Oyagbola Chambers
- Ben Uduje - Partner, Charles Anthony LLP (Nigeria) and Barrister, 42 Bedford Row

The panel discussants were invited to share their experiences across different areas of practice both in Nigeria, the United Kingdom, and take positions on the prospects and challenges of working in each jurisdiction.

i. Jide Adesokan - Associate, Stephenson Harwood LLP

The Speaker, a young Associate at Stephenson Harwood a UK law firm who has spent about 7 years working on major transactions. He gave key advantages of practicing in London as having the opportunity of being engaged in ground breaking and precedent setting cases, having access to the leading practitioners and most sophisticated legal transactions. He was also of the opinion that the Law firms in the U. K had some expected minimum standards of practice which was not the case in Nigeria. He however acknowledged the fact that the Nigerian Law was well rounded because they work on various aspects of the law and as such would be able to advice of various aspects of the law.



ii. Amina Oyagbola- Partner, Oyagbola Chambers

Amina Oyagbola who trained in Nigeria and the UK gave an account of her having the experience of training in both jurisdictions. She described her own experience as profound and managing relationships was key to her professional success and that Nigeria presents many challenges that pushes one and keeps them on their toes. In course of her successful career which commenced with a litigation firm, a stint in the banking sector, some time with an oil and gas company, working with a major Telecommunications company and finally settling down to running her legal firm, her legal knowledge gave her the ability to multi-task. She concluded by saying that lawyers need to understand business and come up with practical solutions to problems and understand that clients are customers in this modern business environment.

iii. Ben Uduje- 42 Bedford Row Chambers

Ben Uduje who only recently made the move from the UK to Nigeria was of the view that it was the trend for professionals in various fields the law included moving from the developing world to the developed world. He said that the global economy as it is presents opportunity for reversal of the 'brain drain' to 'brain circulation'. He called on the NBA to consider reviewing the criteria or requirements for qualifications to practice in Nigeria for would be returnees because the current regime was not practicable and would discourage anyone looking to make a shift. He concluded by saying that practicing in Nigeria broadens ones; horizon because there are no restrictions one could practice unlike in the UK where there is too much specialisation.

iv. Carolann Edwards- Norton Rose Fulbright

Carolann Edwards who is the Global Director of learning and development at Norton Rose Fulbright gave a different perspective in her presentation as she shared some tips for success in the legal profession with delegates. Having been at Norton Rose Fulbright LLP, she has extensive experience in career development of Lawyers. She believed that Networking and showing genuine interest in people were key in building any business. She also thinks that its always better to confront and deal with difficult situations before they get worse.

v. Kamal Shah- Stephenson Harwood



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

Kamal Shah, a Partner at Stephenson Harwood, welcomed the Nigerian delegation and thanked the NBA President particularly for taking this initiative to be in England to seek partnerships for the development of the Nigerian Legal profession. He said that Stephenson Harwood has been working in Nigeria and is interested in the development of our legal profession. He was of the opinion that regardless of where one decides to practice the following are would make a huge difference in whether they succeed or not; continuous development of the staff, effectively managing relationships and true partnership. He opined that instead of focusing on a particular jurisdiction, and individual could have a practice in both places. He concluded by saying that it was much better to partner with the law firms in Nigeria than to relocate and compete with them.

vi. AB Mahmoud SAN, OON- President, Nigerian Bar Association

The NBA President, who was the last speaker, started with an overview of his vision for the Nigerian legal profession and the need to open the profession up to qualified lawyers of Nigerian descent, to enable for the cross-pollination of innovative ideas that would impact on the development of our legal profession. He noted that it does not really matter whether one stays back in the UK or returns to Nigeria, what matters is the relationship built and developed over time and the bridges that would close the gaps in both jurisdiction. He stressed on the important role that the NBA had to play in organising and properly regulating the Nigerian legal profession, and the recent reforms his administration had embarked on to create and build confidence in the Legal profession.. He indicated interest in more partnerships with law firms and regulatory authorities in England and further opportunities to share insights, best practices and experiences.

He concluded by noting that there is a renewed interest in the development of the Nigerian Legal Profession even by Lawyers in the United Kingdom and the NBA would collaborate with all interested parties to achieve this. He also noted that the NBA has an important role in building partnerships between Nigerian Lawyers and Lawyers in England, with events such as the NBA-BNLF Symposium playing a crucial role in its development.

The Symposium ended with a Networking and Drinks Reception hosted by Stephenson Harwood.

b. Lunch Meeting with the Chair of the General Council of the Bar (GCB)

Date of Event: *Friday 1 December 2017*



Time: 1.30pm- 4pm

Location: Middle Temple (Elizabethan) Hall, Middle Temple Lane, London EC4Y 9BT

Notes Prepared By: Zainab Animashaun

Meeting Notes:

Members of the Nigerian Bar Association and British Nigeria Law Forum were hosted to Lunch by the Chair of the Bar Council of England and Wales, Andrew Langdon QC at the Middle Temple Hall of the Honourable Society of the Middle Temple. The Middle Temple Hall is an exclusive venue, mainly accessible to members of the Inns of Courts and their guests, and on request to members of the public. It was built between 1562 and 1573, and the main buildings and artifacts have been retained over the centuries with many original features surviving the Great Fire of London and both World Wars.

The delegation was then taken on a guided tour around the historic buildings of Middle Temple by Professor Oba Nsugbe QC SAN. The Middle Temple has been a home to legal professionals in England and Wales since it was first built in the 16th century. It is one of the four ancient Inns of Court exclusively entitled to call their members to the English Bar as barristers. The Inns previously served as colleges for the education of lawyers until they stopped being responsible for legal education in 1852, but they continue to provide training in areas such as advocacy and ethics for students, pupil barristers and newly qualified barristers. One of the Middle Temple's main functions now is to provide education and support for new members to the profession. This is done through capacity development (advocacy training), the provision of scholarships (over £1 million in 2011), subsidised accommodation, and in the organisation of networking events where junior members may meet senior colleagues for help and advice.

The Middle Temple Inn is situated at the heart of London, overlooking the Thames River and is occupied by barristers' offices, known as chambers. The delegation was also hosted at the Pump Court Chambers, one of the leading common law chambers in the UK currently headed by Professor Oba Nsugbe QC SAN. The firm has been in existence for over 70 years, with chambers in London, Swindon and Winchester.

c. British Nigeria Law Forum End of Year (Christmas) Dinner

Date of Event: 1 December 2017

Venue: Holiday Inn, London Kensington Forum, 97 Cromwell Road, London, SW7 4DN



Time: 6pm- 12.00am

Members of the NBA Delegation attended the End of Year (Christmas) Dinner of the British Nigeria Law Forum (BNLF). The BNLF is a bilateral organisation comprising of lawyers of Nigerian Descent based in the United Kingdom and/or qualified to practice in both jurisdictions. The BNLF aims to use its platform to communicate and collaborate with its members for their mutual benefit and the promotion of legal ideals. Since 2005 BNLF has been an independent professional body run by its members, funded by subscriptions and corporate sponsorship. BNLF is governed by a constitution and is run by an executive committee of members currently led by Mrs. Seye Aina.

PART FOUR- LEGAL SERVICES MISSION EVALUATION

a. Delegates Debriefing Meeting

Date of Meeting: *Thursday 30th November 2017*



Venue: *Peters & Peters Solicitors LLP, 15 Fetter Lane, London EC4A 1BW*

Time: *2pm-4pm*

Meeting Objectives: *A review of all meetings and engagements held during the NBA Legal Services Mission*

Notes Prepared By: *Zainab Animashaun*

Meeting Notes:

The NBA Legal Services Mission delegates met for a debriefing meeting hosted by Peters & Peters Solicitors LLP. The objective of the debriefing was to review the meetings and events attended by the delegation on Day 1 and 2, identify the main insights gained therein and make recommendations on the way forward. The NBA President, Abubakar Balarabe Mahmoud OON, SAN was joined by Chief Anthony Idigbe SAN (Chairman, NBA Legal Profession Regulatory Review Committee) and Mallam Yusuf Ali SAN (Chairman, NBA Constitution Review Committee) to provide a brief overview of the work that the current administration had carried out in the areas of Regulation of the Legal Profession (which is one of the four key areas of focus in the 3R's-P: Regulation, Representation, Re-engineering and Public Interest).

The following meeting co-ordinators then made short presentations to the delegation:

- i. Roundtable with the Solicitors Regulation Authority (SRA)- Ms. Aisha Ado Abdullahi/Ms. Sa'adatu Hamu-Aliyu*
- ii. Meeting with the Inns of Court College of Advocacy- Ms. Salamatu Sidi/Ms. Olive Akem*
- iii. Meeting with the Legal Ombudsman- Mrs. Sarah Omega-Ajijola/Grace Igyo*
- iv. Roundtable Discussion with Members of the United Kingdom's Parliament All Party Parliamentary Group on Nigeria (APPG)- Hon. AG Mrs. Rakiya Haruna- Ayuba/Zainab Animashaun*
- v. Meeting with the Commercial Bar Association (COMBAR)- Africa Committee- Mr. Chuks Mbamala (NBA Ass. Publicity Secretary)/Ibrahim Abdullahi*
- vi. Roundtable Discussion with the Law Society of England and Wales- Ms. Salamatu Sidi/Fariha Abdullahi*

Each presentation was followed by questions and comments from members of the delegation which are summarised as follows:

- i. The NBA had many opportunities to gain from the reform of its corporate governance structure and the Legal Practitioners Act/Rules of Professional Conduct.*
- ii. Existing Directorates of the NBA (i.e. legal and regulatory affairs, programmes, bar services, administration, and institute of continuing legal education) need to be properly restructured to enable for increased performance and productivity.*
- iii. There were significant areas of revenue generation that the NBA is able to harness if it succeeds in institutionalising some of its internal directorates*
- iv. The NBA needs to further develop its relationships with all the organisations it met with during the legal services Mission, in order to promote capacity development for its staff and members.*



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LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

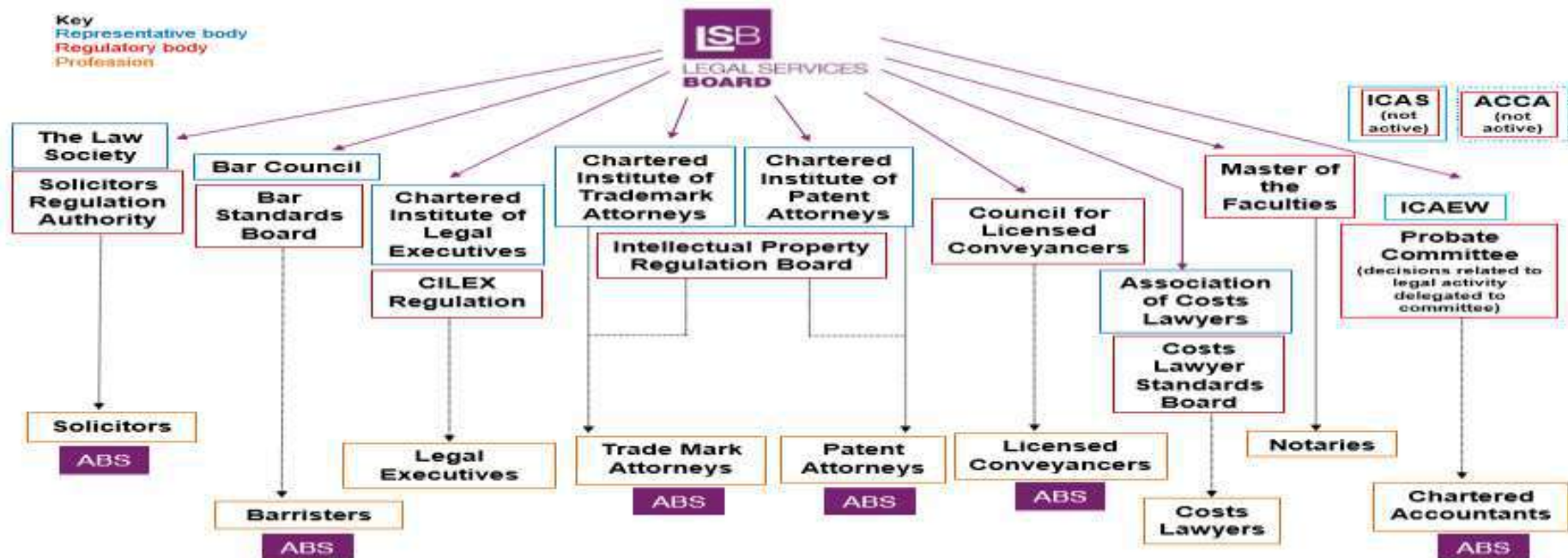
- v. The short term focus of the regulatory reforms embarked on by the current administration should be the amendment of the NBA Constitution especially in the areas of the review of its current corporate governance structure and the Professionalisation of the National Secretariat.

The meeting ended with brief remarks from representatives of Peters & Peters Solicitors LLP, led by Mr. Keith Oliver (Head of International) who received the delegation warmly and noted his previous relationships with some notable Nigerian Lawyers and Law Firms.

b. Conclusions from the Legal Services Mission

At the end of the 3 day Legal Services Mission to the United Kingdom, the following are conclusions which may be drawn by the Nigerian Bar Association from the review of the Regulatory Framework of the Legal Profession in Nigeria and the United Kingdom:

- i. **The Institutional Arrangements for the Regulation of the Bar:** The UK Legal Services Act 2007 provides an institutional framework for the regulation of the UK Legal Profession. The Act established the Legal Services Board which is an oversight regulator responsible for supervising legal regulators in England and Wales. The Board is independent of Government and of the legal profession. And oversees ten separate bodies; known as the approved regulators, which themselves regulate the lawyers practicing throughout the jurisdiction. The Board also oversees the organisation established to handle consumer complaints about lawyers; the **Office for Legal Complaints**.





In comparison, the institutional framework for the regulation of the Nigerian Legal Profession is provided for in two legislations: the **Legal Education (Consolidation) Act Cap 206** and the **Legal Practitioners Act Cap 207, Laws of the Federation of Nigeria 1990**. These legislations establish seven entities responsible for the regulation of various areas of the Legal Profession, with no oversight regulator or independent ombudsman.

ii. Should Regulators be separate and independent of the Bar, if so to what extent?

Though the Nigerian Bar Association is the statutorily recognised representative organ of the Nigerian Legal Profession, holds representative positions on the board of all regulatory entities (except for the Legal Practitioners Privileges Committee) and is vested with wide regulatory powers in the **Legal Practitioners Act** and **Rules of Professional Conduct 2007**, the Association does not have any independent regulatory units that are created or recognised by its Constitution or the law, similar to the Law Society which created the Solicitors Regulation Authority or the Bar Council and its Bar Standards Board, both established with the main purpose of separating their representative roles from their regulatory functions.

There may therefore be a need for the Association to consider institutionalising the Bar Services Directorates of the Nigerian Bar Association into an independent and if possible, constitutionally or statutorily recognised entities responsible for managing the regulatory affairs of the Association. These entities may continue to serve not only the Association in carrying out its regulatory functions; which include the issuance of practicing certificates and seals.

iii. Entry Standards:

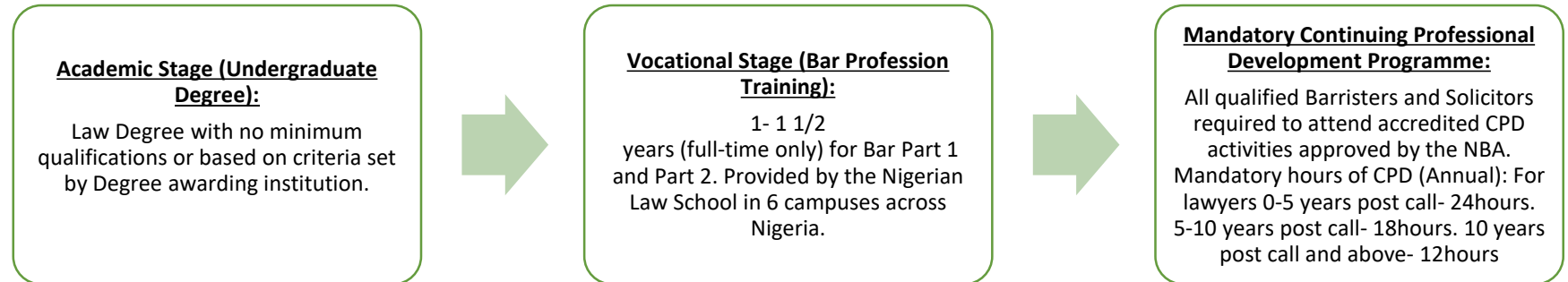
The Mission noted that there are 5 stages of legal education for Barristers in the UK, with three stages (Pre-Qualification) and two stages (Post-Qualification):



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LEGAL SERVICES MISSION TO THE UNITED KINGDOM**



In comparison, there are only 3 stages of legal education for Barristers in Nigeria, with 2 stages (Pre-Qualification) and 1 stage (Post-Qualification):



The Mission also noted that with the exception of the Academic Stage of legal education in the UK, all other stages of education were regulated by one entity; the Bar Standards Board. In comparison, there are four separate entities that regulate the three stages of legal education in Nigeria i.e. Degree Awarding Institutions (Academic Stage), Council of Legal Education and the Body of Benchers (Vocational Stage and Call to Bar) the Nigerian Bar Association (Mandatory Continuing Professional Development Programme). There is

a need for increased collaboration between these regulators, especially the Council of Legal Education and NBA Institute of Continuing Legal Education.

iv. **Continuing Professional Development:**

It was observed that the Legal Profession in the United Kingdom had various pathways to specialised areas of practice i.e. Barristers, Solicitors, Legal Executives, Trademark Attorneys, Patent Attorneys, Licensed Conveyancers, Cost Lawyers and Notaries. This is unlike the Nigerian legal education system which provides only one combined pathway into the legal profession i.e. as Barrister and Solicitor. This limited option has led to admission of an unprecedented number of Nigerian legal practitioners into the profession without areas of specialisation.

Section 1(2) of the **Legal Education (Consolidation, etc.) Act** which establishes the Council of Legal Education, vests it with the responsibility for the '*legal education of persons seeking to become members of the legal profession*'. It may be therefore be advisable for the Council of Legal Education to consider introducing other specialised courses at the Nigerian Law School (beyond the Bar Practical Course) to individuals seeking to become legal practitioners, which would lead to an increase in the number of specialised legal practitioners and a decrease in the number of Barristers and Solicitors with minimal expertise admitted annually.

It is important to note that the Institute of Continuing Legal Education is the only statutorily established entity of the Nigerian Bar Association, created pursuant to section 11 (5) of the **Rules of Professional Conduct 2007** and vested with responsibility for overseeing the Mandatory Continuing Professional Development Programme and provides continuing legal education to recent graduates and other Alumni of the Nigerian Law School, by partnering with specialised professional associations or through courses on the Institute's E-Learning Platform. The Institute however faces challenges of poor compliance by Nigerian Legal Practitioners due to weak enforcement of the MCPD. An effective enforcement strategy may lie in the strict implementation of section 12 of the **Rules of Professional Conduct**, which requires all legal practitioners to comply with CPD requirements set by the ICLE, along with the payment of their practicing fees for



their inclusion in the Annual Practising List and issuance of their Annual Practising Certificate. The ICLE would also need to introduce an Annual Training Calendar developed in partnership with indigenous and international legal education (e.g. the ICCA, the BHRC etc.) services providers to offer legal practitioners with CPD activities across all regions, states and NBA branches.

v. **Disciplinary Processes, Service or Consumer Complaints**

The Mission also learnt that each of the regulatory entities established pursuant to the UK Legal Services Act, had independent disciplinary processes for their members e.g. the Bar Standards Board Handbook and Professional Conduct Committee, the Solicitor's Regulatory Authority Handbook.

The UK Legal Services Sector is also supervised by the Office of the Legal Ombudsman, an independent organ which assists citizens of England and Wales with complaints about the services received from their lawyers. The Legal Ombudsman reports to the Office of Legal Complaints, the Legal Services Board, the Ministry of Justice and the general public. These various entities and their disciplinary processes help to give UK citizens increased confidence in the legal practitioners, legal services sector and the legal system.

The Disciplinary process of the Nigerian Legal Profession is governed by the **Legal Practitioners Act 1975** and initiated by the Nigerian Bar Association, which is statutorily responsible under the **Legal Practitioners (Disciplinary Committee) Rules 1965** for the receipt, assessment, investigation and establishment of a prima facie case against any legal practitioner in Nigeria. The Association is also well represented on the Legal Practitioner's Disciplinary Committee (responsible for considering and determining disciplinary allegations) and the Appeal Committee of the Body of Benchers (responsible for hearing appeals from the Disciplinary Committee).

Pursuant to its statutory powers, the Association may consider establishing an independent entity (specifically the Legal and Regulatory Unit) responsible for handling the Association's Complaint Handling Mechanisms. This entity would be receipt of complaints from relevant



statutory bodies and the general public against practitioners; and would also support existing statutory bodies such as the Legal Practitioners Disciplinary Committee and the Appeals Committee of the Body of Benchers.

This entities would also be capable of generating alternative revenue streams for the Association similar to the UK Office of the Legal Ombudsman which has an annual budget of Fourteen Million British Pounds (£14,000,000) generated through; case fees paid by the respondent at the end of a complaint, levies on all regulators established by the Legal Services Act, and fees collected by the Lord Chancellor from the authorised claims management sector through the Claims Management Services Regulator.

vi. Indemnity Insurance:

The Law Society of England and Wales, which is the representative body of all qualified Solicitors in the United Kingdom provides Professional Indemnity Insurance for its 170,000 registered members. This Insurance covers legal costs and expenses incurred by legal practitioners in the course of any claims against them, or any damages or costs which may be awarded against them in response to allegations of the provision of unsatisfactory legal advise or services to a client, which led to a loss of revenue by the client.

The Solicitor's Regulatory Authority requires all practicing lawyers and law firms in the UK to have Professional Indemnity Insurance and abide by the its Indemnity Insurance Rules. The Insurance is provided to legal practitioners through insurance companies or their brokers, which are independent and not regulated by the LSEW nor may the SRA. Though a welcome concept to be considered by the Nigerian Bar, there be challenges arising from the management of insurance claims from clients and payment of insurance premiums by legal practitioners and law firms.

vii. Qualifying Entry for Foreign Lawyers:

The Mission notes that this issue generated a lot of debate between Legal Practitioners based and practicing in Nigeria and Nigerian Legal Practitioners based in the United Kingdom, during the NBA-BNLF Symposium Hosted by Stephenson Harwood LLP. The UK provides



**THE NIGERIAN BAR ASSOCIATION AND BRITISH NIGERIA LAW FORUM
LEGAL SERVICES MISSION TO THE UNITED KINGDOM**

various opportunities for foreign qualified legal practitioners to become Solicitors through the Qualified Lawyers Transfer Scheme (QLTS) regulated by the Solicitor's Regulatory Authority, whilst the **Legal Practitioners Act** only allows non-Nigerians to be called to the Bar by the Body of Benchers under section **4(2)**, if they produce qualifying certificates issued by the Council of Legal Education. However, the Legal Education Act under section **5** only allows the Council to grant qualifying certificates to Nigerian citizens who have completed the Bar Practical Course at the Nigerian Law School (with limited exceptions).

It was also noted that the Bar Practising Course in the UK provided students an option of 1 year (full-time) or 2 years (part-time) study unlike the Nigerian Law School which provides a Mandatory full time Bar Part 1 and Part 2 course. The stringent conditions for entering into the Nigerian Legal Profession has made it difficult for Nigerians qualified to practice in other jurisdictions to decide to relocate to Nigeria, often to the detriment of their established practices and sources of livelihood in the diaspora.

viii. Collaboration with the BNLF and other International Law Associations:

The Mission notes the positive outcome of the partnership between the Nigerian Bar Association, the British Nigeria Law Forum and other International Law Associations it met and worked with during the 3 day Legal Services Mission. These organisations assisted the NBA in developing productive partnerships across the United Kingdom and the Associations intends to continue strengthening the relationships through training programs, capacity development opportunities for its members.

The NBA also intends to establish an International Affairs Unit to manage its partnerships with International Law Associations across the world, enabling the Association share and exchange knowledge and expertise and adopt global best practices from Law Associations across the world.



c. Outcomes from the Legal Services Mission

At the conclusion of the Legal Services Mission, the following outcomes are expected to be achieved:

- i. A Report on the NBA Legal Services Mission to the United Kingdom.
- ii. An updated Report of the Legal Profession Regulatory Review Committee to be implemented by the Nigerian Bar Association
- iii. An updated Report of the NBA Constitution Review Committee to be implemented by the Nigerian Bar Association
- iv. An improved draft and legislative advocacy strategy for the Legal Practitioners Bill to be sponsored by the Nigerian Bar Association
- v. Partnerships between the Nigerian Bar Association and the main statutory bodies of the United Kingdom Legal Profession on the development of standards mechanisms for the Nigerian Legal Profession.
- vi. Partnerships between the Nigerian Bar Association, Nigerian and leading United Kingdom Law Firms in the areas of trainings, business development and networking opportunities for Nigerian Lawyers.
- vii. An NBA Bar Leaders' Summit to be held in Abuja, FCT in 2018 (invitations to be extended to representatives of the BNLf, SRA, TLS, COMBAR, BSB, GCB, etc.).

APPENDIX- PICTURES FROM THE NBA LEGAL SERVICES MISSION

Roundtable with the Solicitors Regulation Authority (SRA)



Meeting with the Inns of Court College of Advocacy (ICCA)



Meeting with the Legal Ombudsman



Roundtable Discussion with Members of the United Kingdom's Parliament All Party Parliamentary Group on Nigeria (APPG)



Meeting with the Commercial Bar Association (COMBAR) Africa Committee



Roundtable Discussion with the Law Society of England and Wales (LSEW)



NBA-BNLF Symposium Hosted by Stephenson Harwood LLP





British Nigeria Law Forum End of Year (Christmas) Dinner





Delegates Debriefing Meeting

