



## Strengthening the bar and bench collaboration: A pathway to professional discipline and justice delivery in Nigeria

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### Abstract

This paper interrogates the foundational importance of Bar and Bench collaboration in promoting professional discipline and enhancing justice delivery in Nigeria. Employing the doctrinal research methodology, it undertakes a critical analysis of constitutional provisions, statutory frameworks, ethical rules, and judicial codes, specifically the 1999 Constitution (as amended), the Rules of Professional Conduct for Legal Practitioners 2023, and the Code of Conduct for Judicial Officers 2016. The study is uniquely enriched by the personal and professional experiences of its co-authors: the first, a retired Chief Judge of the Federal Capital Territory (FCT) and current Chairman of the Legal Practitioners' Disciplinary Committee (LPDC), who has traversed both the Bar and the Bench over four decades; and the second, a legal practitioner in active practice and an academia of law. Their complementary perspectives offer a layered insight into the ethical, procedural, and institutional factors affecting the integrity of the justice system. The paper identifies key impediments to effective Bar-Bench synergy, including professional misconduct, inefficiency, courtroom incivility, and declining public trust. It advocates for structural and ethical reforms such as institutionalised Bar-Bench forums, joint capacity-building programmes, and stricter enforcement of disciplinary codes as pathways to restoring public confidence and fostering a justice system that is both credible and accountable. The conclusion affirms that sustainable justice delivery in Nigeria depends on principled collaboration between the Bar and the Bench, anchored in mutual respect, ethical vigilance, and constitutional fidelity.

**Keywords:** Bar-Bench collaboration, justice delivery, professional discipline, legal ethics, judicial reform

### Introduction

The integrity of any justice system is fundamentally anchored on the strength and efficiency of the collaboration between the Bar (legal practitioners) and the Bench (judicial officers). These two arms of the legal profession function as coequal stakeholders in the administration of justice, forming what is often described as “two sides of the same coin”<sup>[1]</sup>. The Bar advocates for the rights and liberties of citizens, while the Bench ensures impartial interpretation and application of the law<sup>[2]</sup>. Their interaction, therefore, is not merely procedural or symbolic, but structural forming the bedrock upon which the administration of justice rests<sup>[3]</sup>. The legal profession, as a whole, occupies a unique and indispensable position in any democratic society. Its practitioners are not only legal technicians but also social engineers, charged with the responsibility of upholding the rule of law, preserving civil liberties, and fostering societal order<sup>[4]</sup>. In other words, the legal profession inhabits a central role, that is it functions not only as a facilitator of justice but also as a stabilizing force in times of political, economic, or social upheaval<sup>[5]</sup>. The Nigerian Constitution, in Section 6<sup>[6]</sup>, situates the judiciary as one of the three coequal arms of government, with the specific mandate of adjudicating disputes and protecting constitutional order. Legal practitioners, who participate both as advocates and judges, are thus bound by ethical duties set out in instruments such as the Rules of Professional Conduct for Legal Practitioners, 2023<sup>[7]</sup> and the Code of Conduct for Judicial Officers of the Federal Republic of Nigeria, 2016. A functional justice system demands more than the individual competence of lawyers and judges; it requires a

collaborative, respectful, and principled working relationship between them. This synergy ensures the integrity of court proceedings, minimizes unnecessary delays, discourages unethical practices, and promotes public confidence in the justice system<sup>[8]</sup>. However, in recent years, the Nigerian legal system has been increasingly scrutinized due to growing perceptions of inefficiency, partiality, and even complicity in politically sensitive cases<sup>[9]</sup>. Allegations of judicial compromise, unethical conduct by some legal practitioners, and undue political interference have eroded public trust<sup>[10]</sup>. These concerns are further compounded by widespread delays in the dispensation of justice, questionable legal strategies, and inconsistent judicial pronouncements that have cast doubts on the impartiality of the courts<sup>[11]</sup>. As a result, the legitimacy of legal institutions is increasingly called into question, especially in matters with significant political, electoral, or economic implications. The growing distrust in legal institutions has prompted scholarly discourse on the need for enhanced synergy between the Bar and the Bench as a mechanism for restoring the integrity of the justice system<sup>[12]</sup>.

In light of these challenges, this article critically examines the current state of collaboration between the Bar and the Bench in Nigeria. It explores the structural and ethical deficiencies that hinder their cooperation, analyses the implications of a dysfunctional relationship on justice delivery, and offers pragmatic strategies for enhancing their synergy. The central thesis advanced here is that meaningful reform of the justice system must begin with strengthening this professional partnership. Only through a deliberate,

principled, and ethically driven collaboration can the legal profession restore its credibility and fulfil its constitutional mandate to deliver timely, fair, and impartial justice to all [13].

### **The Importance Of Bar And Bench Collaboration**

Lawyers, as agents of social change, have historically played a transformative role in shaping public policy, protecting civil liberties, and expanding democratic space. From the abolition of slavery and colonial resistance to the advancement of women's rights and electoral reforms, legal practitioners have often been at the forefront of societal progress. Their unique training in advocacy, legal reasoning, and statutory interpretation positions them not only as defenders of individual rights but also as architects of institutional reform [14]. In a democratic context particularly in a multi-ethnic, legally pluralistic, and evolving polity like Nigeria the legal profession serves as one of the critical pillars of statehood. Lawyers contribute to justice delivery in three essential ways; through advocacy, by representing individuals and institutions in courts and ensuring that rights are vindicated; through legal interpretation, by clarifying ambiguous statutes and developing jurisprudence; and through legal administration, by serving as judges, lawmakers, and legal advisers in both public and private sectors [15]. For example, consider a scenario where a state government in Nigeria enacts a policy limiting public protest under the guise of "national security." Civil rights lawyers could challenge the law on constitutional grounds, citing its infringement on the right to peaceful assembly as enshrined in Section 40 of the 1999 Constitution of the Federal Republic of Nigeria As Amended. Through rigorous advocacy, they might secure a judicial declaration striking down the policy as unconstitutional, thereby reinforcing democratic accountability. In case of *FRSC & Ors v. Shebbs Emmanuel Ugochukwu* [16], where the Court of Appeal sitting in Owerri upheld the decision of the Abia State High Court that found officers of the Federal Road Safety Commission (FRSC) liable for violating the applicant's fundamental rights. The fact of the case; thus, in 2020, during the COVID-19 lockdown, Dr. Ugochukwu was stopped by FRSC officers who initially verified that his documents and safety equipment were in order but later fabricated infractions after he refused to offer a bribe. His driver's licence was unlawfully seized. Rather than using influence or paying a fine, he initiated legal action, invoking his rights under Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria as Amended. The High Court awarded ₦30 million in damages, later affirmed (but reduced to ₦10 million) by the Court of Appeal in its June 27, 2025, judgment. The court held that the seizure of personal documents without due process constitutes a breach of fundamental rights [17]. This case exemplifies how lawyers, through well-prepared litigation and ethical advocacy, serve as watchdogs against the abuse of power and arbitrariness in law enforcement. It also sets an important judicial precedent in that FRSC officers do not have the legal right to seize drivers' documents unless the motorist is being lawfully prosecuted. Beyond individual justice, the judgment contributes to the jurisprudence on administrative abuse and strengthens public confidence in the judiciary. Similarly, imagine a commercial dispute involving a multinational corporation and a Nigerian SME. A competent legal team ensures the dispute is handled

fairly, without bias toward the more powerful party. If the judges involved uphold the rule of law despite external pressures thanks in part to the ethical advocacy of legal counsel the outcome enhances trust in the judiciary and the broader investment climate. These illustrations demonstrate why a strong, independent, and competent legal profession is indispensable for societal development. In Nigeria, where legal issues often intersect with political, religious, and cultural sensitivities, the integrity and effectiveness of the legal profession bear even greater significance. However, the strength of the legal profession cannot be achieved in isolation. The relationship between the Bar and the Bench a collaboration that is both structural and professional ensures that legal disputes are resolved efficiently, impartially, and in accordance with constitutional and statutory norms.

When this relationship is healthy, courts operate with greater efficiency, lawyers uphold ethical standards, and judicial decisions command public legitimacy. Conversely, when there is mutual distrust, disrespect, or professional indiscipline between the two, the consequence is often a justice system riddled with delays, corruption, forum-shopping, and loss of public confidence. Where the legal system becomes complicit in injustice, it loses both its moral authority and institutional credibility [18]. Thus, reinforcing the bond between the Bar and the Bench based on professionalism, respect, and shared responsibility is not merely desirable but essential for the survival of the rule of law in Nigeria.

### **Historical Perspective On The Bar And Bench Relationship**

The historical interaction between the Bar and the Bench is not only central to the architecture of a functional justice system but also fundamental to its legitimacy and integrity. This relationship is deeply embedded in the common law tradition, where both roles advocate (Bar) and adjudicator (Bench) derive from the same legal and ethical foundations. In many jurisdictions, including Nigeria, members of the Bench are typically drawn from the ranks of seasoned legal practitioners, creating an organic continuity that links legal advocacy with judicial adjudication [19]. Judges are constitutionally and ethically bound to act as impartial arbiters, interpreting the law without fear, favour, or prejudice [20]. Lawyers, as officers of the court, are responsible for representing their clients within the parameters of legality, ethics, and procedural fairness. This dichotomy is not adversarial but complementary: each side reinforces the other's function in upholding the rule of law and facilitating access to justice [21].

Historically, the transition from Bar to Bench has served to preserve institutional memory and promote professional excellence. A lawyer who becomes a judge brings practical courtroom experience, a deep understanding of advocacy strategies, and familiarity with procedural law skills that enrich judicial reasoning [22]. This progression also fosters mutual respect between the Bar and the Bench, rooted in shared values, training, and traditions. Moreover, the seamless operation of this relationship is crucial for maintaining public trust in the judicial system. Where the relationship is strained due to unprofessional conduct, disrespect, or institutional interference justice delivery suffers. For example, excessive judicial delays, frivolous adjournments, courtroom hostility, or misuse of contempt powers can often be traced back to a breakdown in the

professional rapport between the Bar and Bench <sup>[23]</sup>. In the Nigerian context, this partnership is especially critical due to the complex interplay of legal pluralism, political tension, and socio-economic disparities <sup>[24]</sup>. Judges must rely on the competence, candour, and ethical restraint of lawyers to present cases fairly, while lawyers, in turn, depend on judges to interpret the law consistently and without bias. A well-functioning Bar-Bench dynamic ensures that legal proceedings are not only procedurally sound but also substantively just <sup>[25]</sup>.

As observed in comparative jurisdictions such as the United Kingdom, Canada, and South Africa, institutional platforms such as Bar-Bench forums, judicial liaison committees, and continuing legal education (CLE) symposia have proven effective in reinforcing mutual accountability and reducing friction <sup>[26]</sup>. Nigeria could benefit from strengthening such mechanisms to deepen trust, improve courtroom culture, and ultimately enhance justice delivery.

### Challenges To The Bar And Bench Collaboration

Despite its foundational importance to the legal system, the relationship between the Bar and the Bench in Nigeria is fraught with multifaceted challenges that threaten the credibility and effectiveness of justice delivery. One of the most pressing concerns is the widespread public perception of judicial bias, particularly in cases with significant political implications. High-profile litigation involving political actors or election disputes often fuels suspicion that judicial outcomes may be influenced by extrajudicial considerations rather than strict adherence to legal principles <sup>[27]</sup>. Although such perceptions are not always substantiated with hard evidence, they have a corrosive effect on public trust in the judiciary. While external pressures such as political interference, executive overreach, or influence-peddling by powerful interests undoubtedly contribute to this narrative, internal dysfunctions within the legal profession also play a significant role. For instance, lawyers sometimes contribute to the politicisation of justice by filing frivolous applications, engaging in forum shopping, or deliberately delaying proceedings to manipulate outcomes <sup>[28]</sup>. In other cases, members of the Bench have been accused of unethical conduct, ranging from preferential treatment of certain litigants to outright compromise of judicial integrity <sup>[29]</sup>. The Nigerian judiciary has seen several instances where judges have been disciplined or removed due to allegations of corruption or professional misconduct, thereby reinforcing public scepticism <sup>[30]</sup>. Prolonged litigation is another systemic weakness that undermines the Bar-Bench synergy. Cases often take years sometimes decades to be resolved, even at the trial level. This delays justice, erodes public confidence, and imposes financial and emotional burdens on litigants <sup>[31]</sup>. Lawyers contribute to this problem through frequent requests for adjournments, absence from court, and procedural gamesmanship. Judges, in turn, may fail to curtail such practices due to leniency, overburdened dockets, or reluctance to confront senior members of the Bar <sup>[32]</sup>. The resultant culture of delay and inefficiency frustrates the ideal of timely justice and signals institutional complacency. Furthermore, the ethical standards of some legal practitioners have been called into question. Breaches such as falsification of court processes, abuse of judicial discretion, and collusion with law enforcement agents weaken the professional framework meant to ensure accountability <sup>[33]</sup>. These lapses have a ripple effect on the

Bench, as judges must rely on the integrity and competence of lawyers to present accurate facts and make cogent legal arguments. Where such professionalism is lacking, the adjudicatory function is compromised. To this end, the integrity of the justice system is not solely determined by the impartiality of judges but also by the ethical discipline and procedural responsibility of lawyers <sup>[34]</sup>. Addressing these internal and external challenges requires a holistic reform agenda that includes strict enforcement of disciplinary rules, judicial independence, legal education reform, and stronger oversight by professional regulatory bodies such as the Legal Practitioners Disciplinary Committee (LPDC) and the National Judicial Council (NJC).

### The Role Of Judges In The Justice System

Judges occupy a unique and pivotal position within the justice system. As neutral arbiters, they are entrusted with the sacred duty of interpreting laws, resolving disputes, and upholding the rule of law in a manner that commands public confidence and affirms institutional legitimacy <sup>[35]</sup>. Their responsibility extends beyond the mere application of legal rules to encompass the broader ideals of fairness, equity, and impartiality. The famous Socratic aphorism "to hear courteously, answer wisely, consider soberly, and decide impartially" encapsulates the philosophical underpinnings of judicial conduct <sup>[36]</sup>. These principles remain as relevant today as they were in ancient jurisprudence, serving as a moral compass for the modern judiciary. In practice, judicial impartiality requires more than the absence of overt bias; it demands the appearance of neutrality, the exercise of restraint, and an unwavering commitment to justice even in the face of political pressure, public opinion, or personal beliefs <sup>[37]</sup>. A judge must ensure that their decisions are grounded solely in the evidence presented and the applicable law. Failure to do so risks undermining the legitimacy of judicial proceedings and, by extension, the entire legal system. This is especially critical in pluralistic societies like Nigeria, where ethnic, religious, and political affiliations often exert subtle influence on public institutions <sup>[38]</sup>. Judges must therefore guard against both conscious and unconscious bias, a phenomenon that has garnered increasing attention in legal and psychological scholarship <sup>[39]</sup>. While conscious bias might manifest in clear favouritism, unconscious bias is more insidious lurking beneath awareness and often affecting decisions through cultural stereotypes, prior experiences, or unacknowledged assumptions. Judicial training and continuing legal education can help mitigate these risks, but ultimately, it is the individual judge's ethical commitment to fairness that serves as the final bulwark.

Moreover, judicial independence is the cornerstone of any credible justice system. This independence must be both institutional and personal: judges must be free from external influences such as executive interference or media intimidation, but they must also possess the internal fortitude to resist flattery, fear, or prejudice <sup>[40]</sup>. The principle of independence is enshrined in international instruments such as the Basic Principles on the Independence of the Judiciary, which emphasise that the judiciary shall decide matters impartially, without any restrictions or improper influences <sup>[41]</sup>. In Nigeria, breaches of these standards whether through corrupt inducement, political patronage, or lax adjudication have far-reaching

consequences. Public trust erodes when courts are perceived as venues for predetermined outcomes rather than reasoned justice. As such, safeguarding judicial impartiality is not a matter of internal court policy; it is a national imperative that affects democratic stability, investor confidence, and social cohesion. It is also incumbent upon the Bar to reinforce these values. Lawyers must hold judges accountable through respectful challenge and appellate review where necessary, while also upholding their own duty to present arguments candidly and ethically. The synergy between a principled Bench and a responsible Bar ensures that justice is not only done but is seen to be done a doctrine fundamental to the rule of law<sup>[42]</sup>.

### **The Role Of Lawyers In Upholding Justice**

The ethical responsibilities of legal practitioners are foundational to the credibility and functionality of the legal system. In Nigeria, these responsibilities are codified in the Rules of Professional Conduct for Legal Practitioners (RPC) 2023, which set the professional standards expected of every member of the Bar<sup>[43]</sup>. A lawyer is not merely a representative of clients but a minister in the temple of justice an officer of the court whose primary obligation is to uphold the rule of law and the integrity of judicial processes<sup>[44]</sup>. Among the most fundamental duties of a lawyer is the obligation to maintain respect for the court and to avoid conduct that could bring the administration of justice into disrepute<sup>[45]</sup>. This respect is not one of blind allegiance, but of professional decorum and fidelity to legal process. Lawyers are prohibited from knowingly misleading the court, making frivolous claims, or suppressing material facts that may be essential to the just resolution of a case<sup>[46]</sup>. Indeed, the duty of candour to the court supersedes a lawyer's obligation to secure an outcome favourable to the client at all costs. Furthermore, lawyers are required to eschew unethical practices, including forgery, misrepresentation, abuse of court process, and other forms of misconduct that may compromise the impartiality of adjudication. The integrity of legal practice is essential not just for individual reputation but for public confidence in the legal system<sup>[47]</sup>. For instance, the misappropriation of client funds a recurring problem in professional discipline proceedings is considered professional misconduct under Rule 23 of the RPC 2023, and often results in severe sanctions including disbarment<sup>[48]</sup>. Such behaviour erodes the trust placed in legal practitioners and reflects negatively on the entire profession. An often overlooked yet critical ethical requirement is the duty to avoid dilatory tactics or procedural gamesmanship that result in unnecessary delay of proceedings<sup>[49]</sup>. In a judicial system already plagued by systemic congestion and prolonged litigation, it is ethically indefensible for lawyers to exploit loopholes, seek repeated adjournments, or raise objections designed to stall justice. The maxim justice delayed is justice denied becomes especially relevant here. Lawyers, as officers of the court, are obligated to work collaboratively with the Bench to ensure that justice is not only done but done expeditiously and efficiently. The lawyer's role is thus dual: to advocate zealously for their clients while remaining faithful to the broader ideals of justice. This duality requires a high level of professional maturity, legal knowledge, and ethical discipline. When properly upheld, the ethical code forms the backbone of the legal profession's contribution to democratic stability and social order. Conversely,

widespread ethical breaches weaken the rule of law, embolden corruption, and breed public cynicism toward the courts.

The Legal Practitioners Disciplinary Committee (LPDC), established under the Legal Practitioners Act, plays a pivotal role in maintaining these standards<sup>[50]</sup>. Through its adjudicative processes, the LPDC has sanctioned erring lawyers, thereby reinforcing the ethical guardrails of legal practice. However, more proactive professional education, mentorship, and peer accountability are needed to promote preventive ethics ensuring that lawyers internalise their professional values before misconduct arises. Ethical lawyering is not ancillary to justice delivery; it is central to it. Lawyers who act with integrity, civility, and diligence help preserve the sanctity of the legal profession, while those who violate their ethical obligations contribute to a justice system that falters in the eyes of those it seeks to serve.

### **The Path To Strengthening Bar And Bench Collaboration**

A functional justice system is built not only on laws and institutions but also on the moral architecture that underpins professional conduct and inter-institutional collaboration. In this regard, the Bar and the Bench, as co-stewards of justice delivery, must continually renew their commitment to ethical excellence, mutual respect, and professional integrity. These shared values are not aspirational luxuries but practical imperatives for sustaining the legitimacy of judicial processes in a constitutional democracy such as Nigeria<sup>[51]</sup>. For the Bar, this means upholding the dignity of the court and ensuring that advocacy is not manipulated into a tool for obfuscation or delay. Legal practitioners have a duty to present their arguments faithfully within the bounds of the law, to avoid personal attacks on judicial officers, and to model decorum even in adversarial settings. In politically sensitive or high-stakes cases, the conduct of lawyers can either strengthen or erode public faith in the justice system. By exhibiting professionalism, lawyers indirectly reinforce the Bench's authority and help maintain the courtroom as a site of principled adjudication rather than public spectacle or political theatre<sup>[52]</sup>. Conversely, the Bench must reciprocate by exercising its judicial authority with modesty, openness, and fairness. Judges must avoid the appearance of partiality, arrogance, or condescension when engaging with members of the Bar. Respect for counsel, even in moments of disagreement, is not a concession of weakness but a mark of judicial temperament<sup>[53]</sup>. Indeed, the principle of judicial collegiality extends beyond fellow judges to include the Bar as a critical part of the justice system. As Justice Roscoe Pound once remarked, "mutual respect between the Bench and Bar is the soul of judicial independence and integrity<sup>[54]</sup>."

Adherence to professional codes of conduct such as the Rules of Professional Conduct for Legal Practitioners 2023 and judicial ethics guidelines serves as the common moral language that binds these two arms of the profession<sup>[55]</sup>. Where such codes are taken seriously and enforced with consistency, they serve as guardrails against misconduct, overreach, and unnecessary conflict. Moreover, fostering a culture of collaboration is not synonymous with compromising institutional independence. Rather, it involves cultivating mechanisms for constructive engagement, such as, one joint continuing legal education

programs, two annual Bar-Bench for a, three structured feedback mechanisms, and fourth platforms for discussing professional ethics, procedural efficiency, and legal reforms. For example, jurisdictions like Lagos State have institutionalized Bar-Bench Forums where practical issues such as delay in filing processes, service bottlenecks, and courtroom conduct are openly discussed and addressed collaboratively<sup>[56]</sup>. These fora help reduce institutional tensions and create channels for peer correction without public antagonism. The ultimate goal is to ensure that justice is not just done but seen to be done, and that both arms of the legal profession are perceived as credible and accountable. In an era marked by growing public scepticism and rising litigant frustrations, maintaining this credibility is essential to prevent a slide into judicial populism or professional cynicism. The judiciary cannot act alone; it must walk in lockstep with a Bar that is ethically grounded and civically conscious. In sum, sustained collaboration between the Bar and Bench, anchored in mutual respect, shared ethical norms, and transparent dialogue, is the cornerstone of a resilient justice system. By embracing their joint responsibility to uphold justice, both institutions ensure that the courts remain a sanctuary for the rule of law and not a battleground for professional egos or political manipulation.

### Conclusion

The integrity, legitimacy, and functionality of any justice system are inseparable from the quality of collaboration between its key stakeholders chiefly, the Bar and the Bench. In Nigeria, where the justice sector faces increasing scrutiny amidst allegations of judicial compromise, ethical breaches, and systemic inefficiencies, the need for a reinvigorated Bar-Bench partnership has never been more urgent. This paper has demonstrated that the relationship between legal practitioners and judicial officers is not merely procedural or institutional, but structural and foundational to the sustenance of the rule of law, public confidence in the judiciary, and the overall health of democratic governance. Through historical reflection, case analysis, and comparative insights, the discourse has traced how mutual respect, ethical compliance, and shared professional responsibility can enhance justice delivery. Conversely, it has exposed the dangers of a fractured or antagonistic relationship manifesting in courtroom hostility, prolonged litigation, forum shopping, and erosion of public trust. In highlighting the roles of both judges and lawyers, the paper has emphasized that neither party can claim moral superiority or institutional infallibility; instead, both must recommit to their constitutional and ethical mandates as co-stewards in the temple of justice.

Reform efforts must therefore be holistic and multidimensional. This includes strengthening disciplinary mechanisms through the Legal Practitioners Disciplinary Committee (LPDC) and the National Judicial Council (NJC), institutionalizing continuing legal and judicial education, fostering dialogue through Bar-Bench forums, and cultivating a professional culture rooted in integrity, candour, and mutual accountability. These are not mere administrative prescriptions but essential conditions for restoring public faith and achieving meaningful justice in a complex, pluralistic society such as Nigeria. Ultimately, the future of Nigeria's justice system will not be determined solely by the enactment of new laws or the construction of

more courtrooms. It will depend, fundamentally, on the ethical fibre, professional conduct, and collaborative spirit of those entrusted with interpreting and applying the law. A justice system that is accessible, impartial, efficient, and respected must be anchored on a functional and principled partnership between the Bar and the Bench. Only by strengthening this relationship can Nigeria hope to deliver justice not just in form, but in substance and ensure that the courts remain bastions of equity, accountability, and democratic resilience.

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