

NLS BAR FINALS · REVISION SERIES

MIDE'S GUIDE TO
**PROFESSIONAL ETHICS
& SKILLS**

Legal Profession History · Regulatory Bodies · Law Office · RPC · ADR · Legislative Drafting

A revision guide by **Mide Alabi Esq.**

BL, LLB, ACIArb UK · Co-founder, Trellis Africa · midealabi.com

Compiled for students of the Nigerian Law School. For educational purposes only. Not a substitute for official study materials. In any conflict between this guide and official materials, official materials prevail.

How to Use This Guide

Professional Ethics and Skills is the most wide-ranging paper in the Bar Finals. It covers the history of the legal profession, the eight regulatory bodies, law office management, rules of professional conduct, legislative drafting, client interviewing, and alternative dispute resolution. The examiner tests breadth as much as depth.

Three things characterise the high-scoring candidate in this paper: they know the composition and functions of each regulatory body without confusing them; they apply the correct RPC rule number to the correct duty; and they can produce a structurally correct legislative draft or ADR clause from memory.

The four papers in the Bar Finals each have a diagnostic moment. In PLP it is the transaction type. In Criminal Litigation it is the nature of offence and location. In Professional Ethics it is: which regulatory body has jurisdiction? And which RPC rule applies? Answering those two before writing anything else will organise every answer in this paper.

—a

THE MASTER REGULATORY MAP

Eight Bodies · What Each Does · Who Sits on Each

Before writing any regulatory body question, identify which body has jurisdiction over the issue in the scenario. Confusing their functions — particularly between the LPPC, LPDC, BOB, and NJC — is the single most common error in this paper.

Body	Primary Function	Key Composition Note
Council of Legal Education (CLE)	Train aspirants; issue qualifying certificates; present candidates to BOB for call to bar	Chairman appointed by President on AGF recommendation. Quorum: 10
Body of Benchers (BOB)	Organise call to bar; issue call to bar certificate; regulate dining terms; discipline lawyers; regulate NBA	Includes CJN, all SC Justices, AGF, all AGs of States, President CoA, Chief Judges. Quorum: 10
General Council of the Bar (Bar Council)	Enact Rules of Professional Conduct; grant business permissions to lawyers; prescribe practising fees	AGF as Chairman; AGs of States; 20 NBA-appointed legal practitioners (7 must be ≥10 years post-call). Quorum: 8
Nigerian Bar Association (NBA)	Promote unity among lawyers; organise continuous legal education; discipline lawyers; organise annual general conference	Incorporated Trustee — juristic personality
Legal Practitioners Privilege Committee (LPPC)	Sole function: conferment of SAN	CJN as Chairman; AGF; 1 SC Justice; President CoA; 5 Chief Judges; 5 SANs
Legal Practitioners Disciplinary Committee (LPDC)	Discipline erring lawyers. Appeal lies to Supreme Court	Chairman NOT a SC Justice; 2 AGs; 2 CoA Justices (President CoA + 1); 4 legal practitioners appointed by BOB
Legal Practitioners Remuneration Committee (LPRC)	Regulate professional charges	AGF; AGs of States; President NBA; 3 NBA-appointed legal practitioners
National Judicial Council (NJC)	Recommend, discipline, and recommend removal of judicial officers	CJN as Chairman; most senior SC Justice as VC; 5 retired SC/CoA Justices; 5 Chief Judges; 1 Grand Kadi; 1 Customary CoA President; 2 distinguished public members

CHAPTER 1

HISTORY OF THE LEGAL PROFESSION

Colonial Era · Post-Amalgamation · Post-Independence · Exemptions

Appeared in Bar Finals: 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Era	Period	Who Could Practise
Colonial Era	1876–1914	(1) Legal Practitioners — called to bar in England, Scotland, or Ireland (2) Article Lawyers — served in a law firm for at least 5 years; must be a person of integrity; application signed by a judge or ≥2 district commissioners; must pass bar exams (3) Local Attorneys — issued a warrant (renewable) for 6-month periods
Post-Amalgamation Era	1914–1962	(1) Barristers — called to bar at one of the four Inns of Court (Gray's Inn, Lincoln's Inn, Inner Temple, Middle Temple). Requirements: WAEC holders → Bar Part I; LLB holders → Bar Part II; observe ≥12 dining terms; pass bar finals (2) Graduate Barristers — university law graduates with 2nd Class Honours (3) Solicitors — served articles in a law firm for ≥4 years; passed solicitor bar organised by the Law Society (est. 1922)
Post-Independence Era	1962–present	Ushered in by the Unsworth Committee (1959). Established: Nigerian Legal System; Council of Legal Education (1960); Faculty of Law; Nigerian Law School (1962). (1) General Practitioners — called to Nigerian Bar after passing bar finals; can only practise after enrolment (2) By virtue of office — civil servants in Ministry of Justice; can practise in any court in Nigeria (3) Warrant holders — called to a foreign bar; issued warrant by CJN to practise in a specific proceeding

Conditions for Call to Bar (Post-Independence)

- Passed the bar finals exams
- Obtained original certificate from the university
- Collected qualifying certificate from Council of Legal Education
- Must be fit and proper (Nigerian or non-Nigerian)

Conditions for enrolment: legal practitioner must be fully robed; must present qualifying certificate and call to bar certificate.

Exemptions from Nigerian Law School

Full Exemption	Partial Exemption
Exemption from Bar Part II program — applicant will be called to the Nigerian Bar Conditions: • Qualified for admission at law school • Must be a Nigerian citizen • Must comply with all core courses recommended by CLE • Must state that attendance was impossible due to circumstances beyond control • Must have at least 5 years experience	Exemption from Bar Part I program only — applies to foreign students For common law countries: teaching experience in faculty of law in a Nigerian university for ≥5 years For non-common law countries: teaching experience in faculty of law in a Nigerian university for ≥10 years

■ THE THING MOST CANDIDATES MISS

Full exemption applies to NIGERIANS only who could not attend law school due to circumstances beyond their control. Partial exemption applies to FOREIGNERS with teaching experience in Nigerian law faculties. Candidates reverse these two categories.

CHAPTER 2

DINING TERMS, EXCLUSIVE RIGHTS & RESTRICTIONS*Dining Procedure · Rights · Restrictions on Lawyers, SANs, and Judicial Officers*

Appeared in Bar Finals: 2009, 2010, 2011, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Dining terms are regulated by the Body of Benchers. Aspirants must dine at least three times before call to bar.

Procedure for Observing Dining Terms

1. Aspirants seated at least 30 minutes before time
2. Lawyers (non-academic staff, academic staff, Director-General or Deputy Director-General) file in — students remain standing
3. Opening prayer; food served immediately (no noise with cutlery)
4. Chairman or delegate makes loyal toast to the Federal Republic of Nigeria
5. Chairman gives brief speech
6. Director-General or Deputy Director-General introduces the Body of Benchers to aspirants
7. Closing prayer
8. Filing out: Body of Benchers → Director-General/Deputy Director-General → Academic Staff → Non-Academic Staff who are lawyers. Aspirants remain seated throughout

Exclusive Rights of Lawyers

- Right to represent litigants in court
- Prepare instrument of transfer
- Prepare probate application
- Conferment of SAN
- Appointment of judicial officers of superior courts
- Appointment as notary public (must be ≥7 years post-call; appointed by CJN)
- Appointment as Attorney-General
- Attestation in the oath of compliance for incorporation of companies

Restrictions on Lawyers

Restriction	Detail
Failure to pay practising fees	New wigs: pay within 1 month of enrolment (₦5,000). All other lawyers: not later than 31st March every year
Lawyers engaged in business	Excluded from practising law — except for businesses permitted by the General Council of the Bar. Currently, only farming is permitted
Failure to participate in continuous training	Must participate in continuous training by the Institute of Continuous Legal Education (ICLE)

Salaried employment (public officers)	Restricted from private legal practice
---------------------------------------	--

Restrictions on SANs

- Cannot appear alone in civil cases
- Restricted from appearing before inferior courts except in criminal matters
- Cannot file pleadings less than ₦400

Restrictions on Retired/Removed Judicial Officers

- Cannot practise law as counsel
- Can only practise as solicitors
- May retain the title 'Honourable Justice'
- Can partner with a law firm for research purposes only

Precedence in Court

The order in which cases are called:

1. Attorney-General of the Federation
2. Attorney-General of States
3. Life Member of the Body of Benchers
4. Senior Advocate of Nigeria — in order of year of conferment
5. Law Officers in the Ministry of Justice
6. Lawyers — in order of year of call
7. Those issued warrant by the Chief Justice of Nigeria

THE THING MOST CANDIDATES MISS

Practising fees for new wigs must be paid within ONE MONTH of enrolment. All other lawyers must pay not later than 31st March every year. These are separate deadlines and the examiner has tested both. Failure to pay either restricts the lawyer from practice.

CHAPTER 3

CONTEMPT OF COURT

Criminal Contempt · Civil Contempt · Sanctions

Appeared in Bar Finals: 2009, 2010, 2011, 2012, 2013, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Contempt of court covers acts that interfere with the administration of justice. Any person can be a contemnor — litigants, counsel, externs, and members of the public.

Criminal Contempt	Civil Contempt
Acts against the court or the person of the judge: • Accusing judge of lying or bias • Calling the court a kangaroo court • Belittling the judge • Publication against the judge In facie curiae (court in session): summary trial adopted — contemnor placed in dock → informed of wrongful act → may remain silent or tender genuine apology → sanctioned Ex facie curiae (court not in session — e.g. publication): full trial — (1) formal report to AGF or AGs; (2) warrant of arrest issued; (3) contemnor arraigned before High Court before another judge; (4) tried and sentenced Maximum: 3 months imprisonment	Disobedience to a court order. Procedure: (1) Form 48 issued — Notice of disobedience to court order (2) Contemnor must appear within 2 clear days (3) Failure to appear: Form 49 issued — Notice to show cause why order of contempt should not be made (4) Disobedience to Form 49: bench warrant issued for arrest Maximum: 6 months imprisonment

Sanctions: (1) Criminal contempt: maximum 3 months. (2) Civil contempt: maximum 6 months. (3) Payment of bond for good behaviour. (4) Imprisonment until contempt is purged. (5) Genuine apology: court may discharge contemnor. Where members of the Bar tender apology on the contemnor's behalf, they do so as amicus curiae.

■ THE THING MOST CANDIDATES MISS

Criminal contempt in facie curiae uses SUMMARY TRIAL. Criminal contempt ex facie curiae uses FULL TRIAL — it requires a formal report to the AG, a warrant of arrest, and arraignment before a different judge. Civil contempt uses a two-form procedure (Form 48 → Form 49 → bench warrant). These are three completely different procedures.

CHAPTER 4

APPOINTMENT & REMOVAL OF JUDICIAL OFFICERS

Qualifications · Regulatory Bodies · Procedure · Punishment

Appeared in Bar Finals: 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Judicial officers preside over superior courts of record. Those who preside over inferior courts are called presiding officers, not judicial officers.

Post-Call Qualifications

Court	Minimum Post-Call Experience
Supreme Court	15 years post-call
Court of Appeal	12 years post-call
All other superior courts (FHC, NIC, State High Court, FCT High Court, Sharia CoA, Customary CoA)	10 years post-call

Regulatory Bodies and Their Functions

Body	Level	Key Functions
Federal Judicial Service Commission (FJSC)	Federal	Advises NJC chairman on new appointments; calls for nominations; sends shortlisted names to NJC; appoints/removes/disciplines court officials (bailiffs, sheriffs) within the federation
Judicial Service Committee of FCT	Federal/FCT	Advises FJSC chairman on new appointments within FCT; calls for nominations; sends shortlisted names to NJC; appoints/removes/disciplines court officials within FCT
State Judicial Service Commission (SJSC)	State	Advises Executive Governor on new appointments; calls for nominations; sends shortlisted names to NJC; appoints/removes/disciplines court officials within the state
National Judicial Council (NJC)	Both	Sends names to President or Governor for appointment; disciplines erring judicial officers; investigates complaints; recommends removal to Governor or President; can suspend erring judicial officers; involved in payment of all judicial officers' salaries

President	Federal	Appoints judicial officers from those recommended; power to remove; conducts swearing-in of CJN; CJN conducts swearing-in of other federal judicial officers
Governor	State	Appoints judicial officers from those recommended; power to remove; conducts swearing-in of all state judges
Senate	Federal	Confirms heads of federal courts: CJN, all SC Justices, President CoA, President NIC, Chief Judge FHC, Chief Judge FCT High Court; confirms removal of federal judicial officers
State House of Assembly	State	Confirms Chief Judge of the State; confirms removal of Chief Judge of the State

Procedure for Appointment

1. Relevant body advises appropriate body
2. Call for nomination is made
3. Names of shortlisted candidates sent to NJC using NJC Form A, accompanied by: (a) medical report; (b) security report; (c) comments or petitions if any
4. NJC recommends to President or Governor for appointment
5. President or Governor appoints
6. For heads of court: appointment subject to confirmation by Senate (federal) or State House of Assembly (state)

Removal — Grounds and Procedure

Grounds: (1) Inability to perform duties due to illness; (2) Misconduct (e.g. collecting bribes); (3) Failure to comply with the Code of Conduct for Judicial Officers.

1. Written complaint made to NJC within 6 months of when the action arose
2. NJC sets up a panel for investigation
3. If case is established: NJC recommends removal to Governor or President
4. Heads of court: removal subject to confirmation by 2/3 majority of Senate or State House of Assembly

Punishments for judicial officers: (1) Removal; (2) Suspension; (3) Warning; (4) Compulsory retirement.

THE THING MOST CANDIDATES MISS

The Senate confirms heads of federal courts on APPOINTMENT and on REMOVAL. The State House of Assembly confirms the Chief Judge of the State only — not all state judicial officers. Complaints for removal must be made to the NJC within 6 MONTHS of when the action arose — a limitation period that candidates regularly miss.

CHAPTER 5

DISCIPLINE OF LAWYERS*LPDC · Supreme Court · CJN · Procedure · Sanctions · Relisting*

Appeared in Bar Finals: 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Professional Offences

- Infamous conduct in a professional respect (breach of RPC)
- Enrolment by fraud
- Conviction by any competent court in Nigeria
- Conduct incompatible with the status of a legal practitioner

Jurisdiction of Regulatory Bodies

Body	Jurisdiction
Legal Practitioners Disciplinary Committee (LPDC)	Power to determine ALL professional offences. Standard of proof: balance of probability. Constituted by 3 members for trial
Supreme Court of Nigeria	Power to determine INFAMOUS CONDUCT IN PROFESSIONAL RESPECT only — no other offence
Chief Justice of Nigeria (CJN)	Power to SUSPEND only

Procedure for Discipline

1. Applicant files originating application with: (a) statement of allegation; (b) affidavit; (c) documents to be relied upon
2. Documents served on one of: CJN; AGF; AG of States; Chairman of BOB; Judicial officers; President of NBA; Chairman of local NBA branch
3. Named persons forward documents to LPDC within 30 days
4. LPDC constituted by 3 members tries the erring lawyer (standard of proof: balance of probability)
5. If respondent is dissatisfied: appeal to Supreme Court within 28 days of service of the decision

Decisions by the LPDC

- Striking off the name from the roll call
- Suspension
- Admonition (warning)
- Order to return all documents and money in possession to the client

Relisting After Striking Off

Application brought before the body that made the order (LPDC or Supreme Court). Conditions: (1) applicant must be remorseful; (2) must show he is now fit and proper; (3) must state the nature of his offence.

■ THE THING MOST CANDIDATES MISS

The appeal against LPDC decisions goes to the SUPREME COURT — within 28 days of service of the decision. Not the Court of Appeal. Not 30 days. The standard of proof in LPDC proceedings is BALANCE OF PROBABILITY, not beyond reasonable doubt. Both are tested.

CHAPTER 6

LAW OFFICE MANAGEMENT

Setting Up · Classification · Accounts · Case Files · Technology

Appeared in Bar Finals: 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

A lawyer cannot take instructions from a client's house or place of business — except where the client is ill, of extremely old age, detained in custody, or a close relative. The correct term is 'law office' — not 'chambers', which connotes litigation only.

Notification to NBA upon setting up a law office (Rule 13 RPC 2023): notify the NBA local branch within 30 days by filing: particulars of lawyers in the firm; copies of call to bar certificates; copies of qualifying certificates; evidence of payment of bar practising fees; any other relevant document.

Four Types of Law Office

Type	Key Features
Sole Practitionership	Set up by one lawyer who employs supporting staff only — practises alone. Advantages: enjoys all profit; easy decision-making; takes credit for success Disadvantages: professionally isolated; bears losses alone; cannot take long vacations
Sole Proprietorship	Set up by one lawyer who employs other lawyers as fee earners AND supporting staff. Advantages: enjoys all profit; easy decision-making Disadvantages: death of principal partner ends the firm; bears all losses
Associateship	Set up by 2 or more lawyers who practise independently in their respective fields. Advantages: each enjoys own profit; not professionally isolated; easy decision-making Disadvantages: death of one associate ends it; each bears own losses
Partnership	Set up by 2 or more lawyers who practise jointly. Rules: (a) cannot partner with a non-lawyer; (b) sole practitioner cannot use 'and Co.'; (c) if a partner is elevated to the bench, his name must be removed; (d) if a partner dies, his name may be retained by remaining partners

Five Classifications of Law Office

Classification Basis	Categories
Location	Metropolitan cities (Lagos, Abuja, Kano, Port Harcourt) · State capitals · Semi-urban areas
Number of lawyers	Small: 1–4 lawyers · Medium: 5–9 lawyers · Large: 10+ lawyers
Facilities	Traditional (no advanced technology) · Modern (advanced technology)

Client base	Private law office (private individuals) · Corporate law office (corporate entities)
Status of lawyers	SAN law office (has a SAN) · Non-SAN law office

Case Files

A separate case file must be opened for each matter — even where the same client has multiple matters. Contents of a case file: file number; client's name, address, occupation, marital status, and age; date file opened; name of court if matter is pending; professional fees; all conversations and communications; updates on progress; significant dates (execution, filing, judgment, etc.).

Filing System	Description
Numerical	Combination of numbers and alphabets — e.g. AN/21 or 17-34
Tickler	Colour-coded to differentiate files — e.g. RED = client is deceased
Alphabetical	Uses alphabets from client name, geographical location, or subject matter
Topical	Uses subject matter or topic to indicate the case file
Geographical	Used where firm handles litigation from many locations — arranged by location of each case

Closing a case file: once matter is concluded, draw two parallel lines across the face of the file and write 'CLOSED' in uppercase between them. Write to the client informing them of closure and demanding outstanding fees. File remains open at the client level. Retention period: no statutory minimum — but suggested practice is at least one year longer than the applicable limitation period. Destruction: by burning, shredding, or other firm-adopted method after notice to client.

■ THE THING MOST CANDIDATES MISS

A lawyer must notify the NBA local branch within 30 DAYS of setting up a law office — not 60 days, not 'within a reasonable time.' This is Rule 13 RPC 2023. The examiner tests the exact period and the exact rule number.

CHAPTER 7

RULES OF PROFESSIONAL CONDUCT

*Duties to Profession · Client · Fellow Lawyers · Court***Appeared in Bar Finals:** 2009 – 2024 (every sitting)

The RPC 2023 governs the conduct of legal practitioners in Nigeria. Questions in this paper almost always require you to cite the correct rule number alongside the duty. Learn both together.

Duties to the Profession

Duty	Rule
Uphold the Rules of Professional Conduct	R.1 RPC
Not allow or prevent an unqualified person from being admitted into the profession	R.2 RPC
Not aid unauthorized practice of law (e.g. signing a document you did not prepare)	R.3 RPC
Not partner with a non-lawyer	R.4 RPC
Pay practising fees	R.9 RPC
Affix seal and stamp on all processes	R.10 RPC
Engage in continuous learning programme by the NBA	R.11 RPC
Notify the NBA upon setting up a law office	R.13 RPC

Duties to the Client

Duty	Rule & Notes
Be devoted to the cause of the client's case	R.14 — unnecessary adjournment amounts to contempt of court
Act within the bounds of the law	R.15 RPC
Not handle a case in which he is incompetent — unless with client's consent	R.16 — exception: pro bono services (not guilty of negligence)
Disclose all information to avoid conflict of interest	R.17 RPC
Respect all agreements with clients (whether written or not) — advisable to reduce to writing	R.18 RPC

Maintain confidentiality of all communications — privileged communication	R.19 — exceptions: (a) to suppress crime; (b) information is notorious; (c) information to be communicated to a third party
Not appear as a witness in a case being handled	R.20 — exceptions: (a) information is undisputed; (b) formal communication not subject to dispute; (c) evidence as to legal practice; (d) where non-appearance would occasion great hardship
Not take instructions from client's house or place of business	R.22 — exceptions: client is ill; of extreme old age; close relative; in detention
Not interfere with client's property	R.23 RPC
Accept all briefs (Cab Rank Rule)	R.24 — may withdraw where: (a) client advises acting outside bounds of law (R.15); (b) conflict of interest (R.17); (c) client fails to pay professional fees
May interview own witnesses or adverse party's witnesses before hearing	R.25 — must not engage in secrecy or contingent arrangements; payment of transport to secure witness attendance is permitted

Duties to Fellow Lawyers

- Duty to respect one another — R.26 RPC
- Duty to inform the other lawyer of change of lawyers — R.29 RPC: (a) new lawyer ensures old lawyer has been paid his fees; (b) both lawyers inform the court of the change

Duties to the Court

- Duty of punctuality
- Duty to observe court decorum — R.35 RPC
- Duty to address the court appropriately
- Must be properly dressed before the court — R.45 RPC
- Must not engage in unnecessary adjournment — note: a letter to the court requesting time adjustment amounts to 'standing down' or 'stood down', not adjournment

■ THE THING MOST CANDIDATES MISS

The Cab Rank Rule (R.24) means a lawyer must accept all briefs. But withdrawal is permitted on three specific grounds: client instructs acting outside bounds of law (R.15); conflict of interest (R.17); client fails to pay fees. Candidates either forget the rule number or forget that withdrawal is available at all.

CHAPTER 8

LEGISLATIVE DRAFTING

Stages · Formalities · Key Clauses · Drafting Formats

Appeared in Bar Finals: 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

A person engaged in legislative drafting is called a draftsman. The product is a bill — a proposed law or act. The process by which a bill becomes an act is called the legislative process.

Five Stages of Legislative Drafting

1. Understanding the instruction
2. Analysing — consider: (a) existing laws; (b) location; (c) practicability; (d) potential danger areas
3. Designing
4. Composition
5. Scrutiny

Six Stages of the Legislative Process

1. First reading
2. Second reading
3. Committee stage
4. Report stage
5. Third reading
6. Executive assent

Numbering of Sections

Unit	Format
Section	Figures, no brackets — e.g. Section 1
Sub-section	Figures in brackets — e.g. Section 1(2)
Paragraph	Lowercase alphabet in brackets — e.g. Section 1(2)(a)
Sub-paragraph	Roman numerals in brackets — e.g. Section 1(2)(a)(iv)

Key Drafting Clauses

Long Title (Federal): "A BILL FOR AN ACT [PURPOSE OF THE ACT] AND OTHER RELATED MATTERS"

Long Title (State): "A BILL FOR A LAW [PURPOSE OF THE LAW] AND OTHER RELATED MATTERS"

Commencement (express date): "COMMENCEMENT [1st of January 2025]"

Commencement (no express date): "THIS ACT/LAW SHALL COME INTO EFFECT ON SUCH A DATE TO BE DETERMINED BY ____"

Enacting Formula (Federal): "ENACTED BY THE NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC OF NIGERIA AS FOLLOWS:"

Enacting Formula (State): "ENACTED BY THE [STATE NAME] STATE HOUSE OF ASSEMBLY AS FOLLOWS:"

Establishment Clause (new body): "There is hereby established a body to be known as ____."

Establishment Clause (continuing body): "There shall continue to be a body to be known as ____."

Short Title (new Act): "This Act may be cited as ____ Act, 2025."

Short Title (amended Act): "This Act may be cited as Companies and Allied Matters (as amended) Act, 2020."

Short Title (amended State Law): "This Law may be cited as Administration of Criminal Justice (as amended) Law of Lagos State, 2021."

Interpretation: "In this Act, ____ means ____" OR "In this Act, ____ includes ____"

Application: "This Act shall apply within the Federation" (or specify state/territory)

Duration: "This Act/Law shall be effective for a period of ____ years."

Basic Formalities

Formality	When Used
Preamble	Used for: Constitution; ceremonial statutes; treaties; local enactments. Note: not interpreted as part of the section
Marginal notes	Brief summary of sections; placed at the margin. Not interpreted as part of the section
Parts	Used where Act is lengthy or contains several subject matters/themes
Schedule	Used to reduce the bulky nature of sections

Qualities of Good Legislation

- Must not command what is impossible
- Must be equal

- Must not be retrospective
- Must not oust the jurisdiction of the court

■ **THE THING MOST CANDIDATES MISS**

In legislative drafting, 'Act' is used for federal legislation and 'Law' is used for state legislation. Using the wrong word in a drafting answer is a marking error. 'ENACTED BY THE NATIONAL ASSEMBLY' for federal; 'ENACTED BY THE [STATE] STATE HOUSE OF ASSEMBLY' for state.

CHAPTER 9

ALTERNATIVE DISPUTE RESOLUTION

Negotiation · Mediation · Arbitration · ADR vs Litigation

Appeared in Bar Finals: 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

ADR refers to methods of resolving disputes that both parties agree upon, outside traditional court proceedings. A lawyer must inform the client about ADR options before pursuing or continuing litigation — Rule 15(3)(d) RPC 2023. The governing statute is the Arbitration and Mediation Act 2023.

ADR Mechanisms and Key Distinctions

Mechanism	Key Feature	Third Party?
Negotiation	Most private ADR — parties only, no third party involved. The only ADR mechanism without a third party	No
Mediation	Offshoot of negotiation — triangular: 2 parties + 1 third party in the middle	Yes — mediator (facilitates, does not decide)
Conciliation	Third party actively suggests solutions	Yes — conciliator
Arbitration	Most formal ADR — decision is called an AWARD; enforceable by the court. Governed by Arbitration and Mediation Act 2023	Yes — arbitrator (decides)
Multi-Door Courthouse	Institutional: parties are directed to the most appropriate ADR method	Yes — institution

Negotiation

Aspect	Detail
Roles of lawyer	(1) Adviser — advises client on options; may peruse agreement before execution (2) Evaluator — assesses issues as third party (3) Negotiator — acts as negotiator for client while action is pending or before action (4) Draftsman — reduces concluded agreement into writing
Strategies	Positional (win/lose): party maintains position; usually results in deadlock and litigation Problem-solving (win/win): 4 rules: (a) separate the people from the problem; (b) focus on interests not positions; (c) invent options for mutual settlement; (d) insist on objective criteria
Yardsticks	BATNA — Best Alternative to Negotiation Agreement WATNA — Worst Alternative to Negotiation Agreement

Styles	Hardstyle — maintaining position Firm style — ready to resolve at all costs Soft style — disadvantaged party; will do anything to resolve
Four Stages	(1) Opening — preparation and meeting; (2) Bargaining — items discussed; (3) Closing — agreement summarised and reduced to writing; (4) Execution — parties sign binding agreement; if pending court action, filed in court as consent judgment

Arbitration — Key Rules

Issue	Rule
Arbitrable matters	Breach of contract; tort; compensation for acquisition of land; justiciable matters; commercial disputes; civil disputes; investment disputes
Non-arbitrable matters	Civil disputes touching on criminal allegations; crime; matters excluded by public policy
Number of arbitrators	Parties agree on number — if no agreement, sole arbitrator
Appointment	By parties; by arbitrators; by institution; by court
Enforcement	Written application to court; objecting party files motion ex-parte within 3 months. Applicant must supply: (1) duly authenticated original award or certified copy; (2) original arbitration agreement or certified copy; (3) if foreign award in another language, a translation
Forms of award	Must be: in writing; contain reasons (unless dispensed with by parties); dated; state place of sitting; final; signed by all arbitrators or majority

Drafting an Arbitration Clause

"Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration under the Arbitration and Mediation Act 2023."

ADR vs Litigation — Comparison

ADR	Litigation
Less expensive	More expensive
Party autonomy — parties prescribe rules and presiding person	No autonomy — court rules apply
Private proceedings	Public proceedings
Allows venting of emotions	Comportment and composure required
Non-adversarial — preserves relationships	Adversarial

Flexible	Rigid — rules of procedure must be followed
Faster	Slower
Party-controlled; experts regularly used	Court-controlled

■ THE THING MOST CANDIDATES MISS

Arbitration is the MOST FORMAL ADR mechanism — its decision is called an AWARD and is enforceable by the court. Negotiation is the MOST PRIVATE — no third party. These two distinctions are tested directly and candidates confuse them with mediation or conciliation.

CHAPTER 10

CLIENT INTERVIEW & LEGAL RESEARCH

*Interview Stages · Source Models · Legal Databases · Sources of Law***Appeared in Bar Finals:** 2010, 2012, 2013, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Client interview is a medium of communication between a practitioner and a potential client. Defective information produces defective advice. The examiner tests the stages of interview according to different theorists — know all four models.

Four Models of Client Interview

Model	Stages
Avrom Sherr (LQA)	(1) Listening — allow client to tell story; open questions; maintain eye contact (passive: no interjection; active: frequent interjection) (2) Questioning — clarify ambiguities; probe relevant areas (3) Advising — tell client whether they have a case; mention ADR options
Chay and Smith	(1) Preparation; (2) Commencement of interview; (3) Appreciation of client's problem from facts; (4) Identification and evaluation of available remedies; (5) Taking instructions; (6) Closing the interview; (7) Reflecting on the conduct
Mike Wolfe	(1) Listening to the client; (2) Analysis of facts; (3) Investigation of facts; (4) Taking decisions on course of action; (5) Implementation of decisions
Brayrie and Gruries	(1) Preparation; (2) Connecting/introductory matters; (3) Establishing legal framework re solicitor's charges; (4) Listening to client's story; (5) Identifying legal issues; (6) Questioning client on facts; (7) Analysis of facts; (8) Summary of facts; (9) Handing over to client to make decisions; (10) Closing the interview; (11) Housekeeping

Sources of Nigerian Law

1. Received English Law
2. Nigerian Legislation
3. Nigerian Case Law
4. Customary Law
5. Islamic Law

Sources of Materials in Legal Research

Source Type	Examples
-------------	----------

Primary	All Federation Weekly Reports; Nigerian Weekly Law Reports; Nigerian Supreme Court cases; statutes; case law; bye-laws; Holy Quran (for Islamic law embedded in customary law of northern states)
Secondary	Law textbooks; treaties; journals; precedent books; law dictionaries
Tertiary	Index of sources of law reports; Digest of Supreme Court Cases
Hybrid	Mixture of sources — e.g. loose-leaf services; form books

Tools of Interpretation

Rule	What It Does
Literal Rule	Interprets the word as it is — plain meaning
Golden Rule	Substitutes absurdity for clarity — departs from literal meaning to avoid absurd results
Mischief Rule	Considers historical antecedents: (1) What was the common law position? (2) What was the mischief? (3) What is the remedy proposed? (4) What is the reason for the remedy?
Ejusdem Generis	General words following specific words are limited to the same category as the specific words
Lex Non Cogit Ad Impossibilia	The law should not command the impossible

TWENTY WAYS CANDIDATES LOSE EASY MARKS

Read This the Night Before the Exam

These are the marks that well-prepared candidates drop not because they do not know the law, but because they confuse similar bodies, forget rule numbers, or misapply a procedure they know in general.

Mistake	The Correct Answer
1. Confusing LPPC with LPDC	LPDC confers SAN — that is its SOLE function. LPDC disciplines erring lawyers. These are different bodies with different compositions and different functions. Writing 'LPDC confers SAN' is a fundamental error.
2. Wrong standard of proof — LPDC	LPDC proceedings use BALANCE OF PROBABILITY, not beyond reasonable doubt. Criminal proceedings use beyond reasonable doubt. The LPDC is not a criminal court.
3. Appeal from LPDC — wrong court and wrong time	Appeal from LPDC lies to the SUPREME COURT — not the Court of Appeal. It must be filed within 28 DAYS of service of the LPDC decision.
4. Complaint against judicial officer — time limit	Complaint to NJC for removal of a judicial officer must be made within 6 MONTHS of when the action arose. Candidates treat this as unlimited.
5. Removal of head of court requires 2/3 majority	Removal of heads of federal courts requires confirmation by a 2/3 majority of the Senate. Not a simple majority. Not a vote. Two-thirds.
6. Wrong post-call qualification	Supreme Court: 15 years. Court of Appeal: 12 years. All other superior courts: 10 years. Candidates either forget the tiers or swap the SC and CoA figures.
7. Sole practitioner cannot use 'and Co.'	A sole practitioner using '& Co.' is misrepresenting the nature of his firm. This is a specific partnership rule that is tested directly in ethics questions.
8. NBA notification — 30 days, Rule 13	Notification to NBA upon opening a law office must be within 30 DAYS. Rule 13 RPC 2023. Wrong time or wrong rule number loses the mark.
9. 'Act' vs 'Law' in legislative drafting	Federal legislation = 'Act'. State legislation = 'Law'. Using 'Act' in a state drafting exercise, or 'Law' in a federal one, is a marking error.
10. Enacting formula — wrong legislature	Federal: 'ENACTED BY THE NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC OF NIGERIA AS FOLLOWS'. State: 'ENACTED BY THE [STATE] STATE HOUSE OF ASSEMBLY AS FOLLOWS'. Writing the wrong legislature nullifies the draft.
11. Marginal notes are not interpreted as part of the section	Candidates cite marginal notes in interpretation exercises. They are a summary only — they are NOT interpreted as part of the Act.
12. Criminal contempt — wrong procedure by type	In facie curiae: SUMMARY TRIAL. Ex facie curiae: FULL TRIAL (formal report to AG, warrant, arraignment before different judge). Civil contempt:

	Form 48 → Form 49 → bench warrant. Using the wrong procedure for the wrong type of contempt costs all the marks for that question.
13. Arbitration award — enforcement objection timing	Objection to enforcement of an arbitration award must be filed by motion ex-parte within 3 MONTHS. Miss the period and the right to object is gone.
14. Negotiation — no third party	Negotiation is the ONLY ADR mechanism with no third party. All others (mediation, conciliation, arbitration, multi-door courthouse) involve a third party. Candidates write 'a neutral third party facilitates' for negotiation — incorrect.
15. Arbitration award is called an 'award' not a 'judgment'	The decision of an arbitral tribunal is an AWARD. Using 'judgment' or 'ruling' for an arbitration outcome is technically incorrect and signals that the candidate does not know the distinction.
16. Wrong SAN qualification figure — 29 decided cases	For SAN conferment, the applicant must have engaged in at least 29 DECIDED CASES of a superior court (4 SC + 5 CoA + 20 High Court). Candidates write '20 cases' or '30 cases' — both are wrong.
17. Full exemption vs partial exemption — who qualifies	Full exemption: NIGERIAN CITIZENS only. Partial exemption: FOREIGNERS only. These apply to different categories of people and the conditions are completely different.
18. SAN restrictions — civil cases and inferior courts	SAN cannot appear ALONE in civil cases (can appear with junior). SAN cannot appear in inferior courts EXCEPT in criminal matters. These two restrictions are frequently confused or merged into one.
19. Dining terms — aspirants dine 3 times, seated 30 minutes early	Candidates write '12 dining terms' (that is the post-amalgamation era requirement, not the current one). Current requirement: at least 3 dining terms. And aspirants must be seated 30 minutes before time — not just on time.
20. Cab Rank Rule — mandatory to accept, not optional	R.24 RPC: a lawyer MUST accept all briefs. It is mandatory, not discretionary. The three withdrawal grounds are exceptions, not the general rule. Treating brief acceptance as optional is wrong.

KEY NUMBERS AT A GLANCE

Every Specific Figure in This Guide

These are the figures the examiner tests precisely. Knowing the general rule is not enough — you need the exact number.

Figure	What It Governs	Context
3 times	Minimum number of dining terms aspirants must observe before call to bar	Body of Benchers — dining terms
30 minutes	Aspirants must be seated at least 30 minutes before dining term commences	Dining procedure
12 dining terms	Post-amalgamation era requirement to qualify as a barrister — NOT the current requirement	History of legal profession
5 years	Article lawyer requirement (colonial era): must serve in a law firm for ≥5 years	Colonial era
6 months	Local attorney warrant period (colonial era — renewable)	Colonial era
4 years	Solicitor requirement (post-amalgamation): must serve articles for ≥4 years	Post-amalgamation era
15 years	Minimum post-call for Supreme Court judicial officer	Judicial appointments
12 years	Minimum post-call for Court of Appeal judicial officer	Judicial appointments
10 years	Minimum post-call for all other superior court judicial officers	Judicial appointments
6 months	Complaint to NJC for removal of judicial officer must be made within 6 months of when action arose	Removal of judicial officers
2/3 majority	Required for Senate confirmation of removal of heads of federal courts	Removal of heads of court
10 years	Minimum post-call for SAN application	SAN qualifications — LPPC
10 years	Applicant must present practising fee receipts for last 10 years for SAN application	SAN qualifications
₦1,000,000	Non-refundable SAN application fee	SAN qualifications
29 cases	Minimum decided superior court cases for SAN — 4 SC + 5 CoA + 20 High Court	SAN qualifications

7 years	Minimum post-call for appointment as notary public	Exclusive rights
1 month	New wigs must pay practising fees within 1 month of enrolment	Restrictions on lawyers
31 March	Annual practising fees deadline for all other lawyers	Restrictions on lawyers
₦5,000	Practising fee for new wigs	Restrictions on lawyers
₦400	Minimum pleadings value — SAN cannot file pleadings below ₦400	SAN restrictions
30 days	NBA notification deadline after opening a law office — Rule 13 RPC	Law office management
30 days	Named persons forward discipline documents to LPDC within 30 days of receipt	Discipline of lawyers
28 days	Time to appeal LPDC decision to Supreme Court	Discipline of lawyers
3 months	Time to object to enforcement of arbitration award (motion ex-parte)	Arbitration — enforcement
4 years	Quorum: BOB and CLE both require 10 members, not 4 — but CLE Chairman and 2 Authors have 4-year terms (renewable once)	CLE composition
10	Quorum for both the Council of Legal Education and the Body of Benchers	CLE and BOB quorum
8	Quorum for the General Council of the Bar	Bar Council quorum
5 years	Full exemption from NLS: must have at least 5 years experience	NLS exemptions
5 years	Partial exemption (common law country): teaching in Nigerian law faculty for ≥5 years	NLS exemptions
10 years	Partial exemption (non-common law country): teaching in Nigerian law faculty for ≥10 years	NLS exemptions
3 months	Criminal contempt in facie curiae: maximum sentence	Contempt of court
6 months	Civil contempt: maximum sentence	Contempt of court
2 clear days	Time for contemnor to appear after Form 48 is issued	Civil contempt procedure

A Final Word

Professional Ethics and Skills rewards the candidate who has taken the time to memorise specifics: exact rule numbers, exact composition figures, exact post-call thresholds.

The examiner will present a scenario and expect you to identify which regulatory body has jurisdiction, cite the applicable RPC rule, and either describe the correct procedure or produce a correctly formatted document. Generic answers — 'the appropriate body will handle this' — do not score.

The three things that separate strong PE&S candidates from the rest:

- They know the eight regulatory bodies — composition, primary function, and how they interact. The LPPC, LPDC, BOB, and NJC are the ones that cause the most confusion. Drill those four in particular.
- They cite rule numbers alongside duties — R.14 for devotion to client's cause, R.15 for acting within the law, R.19 for confidentiality, R.24 for the Cab Rank Rule. The rule number is part of the answer.
- They draft from memory — the legislative drafting clauses (long title, enacting formula, commencement, establishment clause, short title, interpretation) and the ADR arbitration clause are short and highly formulaic. There are free marks available for anyone who drills the formats.

Use this guide as your final pass. The key numbers chapter and the Twenty Ways chapter are your exam-eve targets. The regulatory map at the front is your first read before every question.