

SERIES: 7

AKINJIDE & CO

**BARRISTERS, SOLICITORS
& TRADE MARK AGENTS**

Part 1
ABOUT OURSELVES

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***MUCH ADO
ABOUT LAWYERS***



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Part 1
ABOUT OURSELVES

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Akinjide & Co, a firm of Barristers and Solicitors is one of the leading and best known law practices in Nigeria.

Akinjide & Co, was formed over 40 years ago by Chief Richard Akinjide. Since its inception and up to the present day, the firm has been at the forefront of legal practice and development in Nigeria.

The firm has offices in the Nigerian cities of Lagos, Ikeja, Ibadan and representative offices in London, Banjul and Washington D.C., and is, therefore, able to serve both national and international clients. Akinjide & Co undertakes the full range of works offered by a premier law firm, a substantial proportion of which is commercial and international in nature. As a leading corporate law firm, we are able to act and offer advice both in Nigeria and overseas in our chosen areas of practice. Akinjide & Co over the years developed a first class client base by providing top quality specialist advice. The size and diversity of our client portfolio is matched by the diverse experience of the firm's lawyers, some of whom have previously worked in European banks, City of London law firms, and the International Law Commission of the United Nations (Geneva).

Akinjide & Co. is specialist in Oil and Gas; maritime, shipping and insurance matters with solid contacts in the city of London. The firm is also very experienced in corporate mergers and acquisitions.

The key element to Akinjide & Co's approach is that all client work is partner led. The lead partner provides the main point of contact and ensures that work is done at an appropriate level within the firm. The lead partner also ensures that a commercial approach is adopted at all times and monitors the speed and quality of response to a client's requirements.

Another notable quality of Akinjide & Co is its flexibility and immediate accessibility to foreign markets. This is provided through our London Chambers from which the firm is able to give advice on Nigerian law and render legal advice at short notice by actually meeting with clients. Clients are thus saved the expense of travelling and the risk of faxing and mailing sensitive documents.

Part 2
***MUCH ADO ABOUT
LAWYERS***

MUCH ADO ABOUT LAWYERS

Most people believe in justice and ostensibly accept that justice should apply to everyone equally. However, because justice is blind, the fundamental principle of any fair judicial system is that everyone has the right to a lawyer, even a person accused of serial murders or of child abuse. However, as lawyers have a duty to defend and do defend people accused of these horrendous crimes, it is apparent that the public's belief that justice should apply to everyone equally, is skin deep and the perception of lawyers by the public is coloured by this. Therefore, it is easy for the public to forget the traditional depiction of justice as being blind and the dictum *'fiat justitia, ruat caelum'* (let justice be done, though the heavens fall). Lawyers can easily be seen as bad news and hence the joke: "What do you call 20,000 lawyers on the Pacific seabed?" Answer - "A good start!"

In recent years the number of lawyer jokes has increased sharply and the unfavourable portrayal of lawyers in films has caught the public imagination. This is partly why I feel compelled to do my bit as a lawyer to put the record straight. An example of one of the jokes doing the rounds goes as follows - "A truck driver used to amuse himself by running over lawyers he would see walking down the side of the road. Everytime he saw a lawyer walking along the road, he would swerve to hit him, and there was a loud "thump" and he would swerve back on to the road. One day, as the truck driver was driving along, he saw a priest hitch hiking. He thought he would do a good turn and pulled the truck over. He asked the priest "where are you going, father?" "I am going to the church five miles down the road!" replied the priest. "No problem, father, I will give you a lift. Climb in the truck and lets go." The happy priest climbed into the passenger seat and the truck driver continued down the road. Suddenly the truck driver saw a lawyer walking down the road and instinctively he swerved to hit him and then he remembered that there was a priest in the truck with him, so at the last minute, he swerved back on to the road, narrowly missing the lawyer. However, even though he was certain he'd missed the lawyer, he still heard the loud "thud." Not understanding where the noise came from he glanced into his mirrors and when he didn't see anything, he turned to the priest and said, "I'm sorry father, I almost hit that lawyer." "That's okay," replied the priest. "I got him with the door!"

With the British election now over, Britain like the United States, is a democracy led by a lawyer. Not only are Tony Blair and Bill Clinton lawyers but they are married to lawyers. This is no coincidence. Lawyers are now found everywhere. Gore Vidal voiced the opinion that, litigation for some takes the place of sex. Christopher Odgen in Time Magazine (March 31, 1997) described the similarities between President Clinton and Prime Minister Tony Blair as follows - "Both are articulate lawyers married to ambitious lawyers who are more liberal or perhaps less pragmatic, than they." Hah! Hah!

Some of the best performers in the British Parliament include Mr. Blair with his sound bites and other barristers such as Simon Hughes of the Liberal Democrats and Michael Howard of the Conservative Party. President Clinton deploys his legal wiles and forensic skills to avoid tricky issues.

In the previous Conservative government in Britain, three of the longest serving ministers were lawyers, namely, Kenneth Clarke, Patrick Mayhew and Malcolm Rifkind. In fact by March 1996 they had served continuously in office (nearly 17 years), longer than anyone at a senior level since Palmerston's 19 years as Secretary of War in the 1810s & 1820s. As Peter Riddell commented, it was no coincidence that they were lawyers and had shown flexibility in mastering varying briefs.

More than one in five members of the candidates who contested the British General Election of 1997 were either solicitors or barristers, according to figures collected by the Law Society's parliamentary unit. Among the three major parties, there were at least 65 solicitors and 81 barristers standing. Another three solicitors stood in Wales for Plaid Cymru. With 91 lawyer candidates - 39 solicitors and 52 barristers the Conservatives put forward the largest lawyer contingent to the electorate. By contrast, 36 lawyers were standing for Labour, 13 of whom were solicitors. For the Liberal Democrats there were 18 lawyers, of which 12 were solicitors. Of the total 148 lawyer candidates from the major parties, 75 were sitting MP's hoping for re-election.

Lawyers are at the core of Tony Blair's government. Lord Irvine of Lairg, the Lord Chancellor, chairs up to four cabinet committees. A member of five other cabinet committees, Lord Falconer of Thoroton, is the Solicitor General. Jack Straw is the Home Secretary and Lord Williams of Mostyn (a QC and a former Bar Chairman) is an Under-Secretary of State at the Home Office. Other ministers who are lawyers include Alistair Darling - Chief Secretary to the Treasury, Donald Dewar Scottish Secretary, Michael O'Brien the Immigration Minister Geoff Hoon a Parliamentary Secretary in the Lord Chancellor's Department, Harriet Harman the Social Security Secretary, Paul Boateng a Junior Health Minister and of course John Morris who is the Attorney General.

The House of Lords, also has many legal eagles, with Lord Williams and Lord Richard QC, Lord Privy Seal and Leader of the House to name just a few.

In Nigeria lawyers have also been leading lights in politics, these include Obafemi Awolowo, Richard Akinjide, Meridith Akinloye, Bola Ige, Ladoke Akintola, Kolawole Balogun, Abdul Razaq, Denis Osadebey, Webber Egbe, Onyeabo Obi, H. O. Davies, Adeleke Adedoyin, Gani Fawehinmi, Femi Falana and Ali Kaloma.

This should not be surprising as throughout the world lawyers have traditionally been

successful in politics e.g. Prime Ministers Gladstone, Disraeli Attle and Thatcher, Lee Kuan Yew, the Cambridge law graduate and first Prime Minister of Singapore, and ex President Richard Nixon. When Israeli Prime Minister Benjamin Netanyahu was in danger of losing power in Israel and being questioned by police about an alleged influence trading scandal, he hired one of his countries most illustrious lawyers, Yaako Wienrot.

Nelson Mandela and Oliver Tambo were, of course, lawyers (and in fact set up the first firm of African lawyers in South Africa (see "Long Walk to Freedom" by Mandela). It was through being a lawyer that both Nelson Mandela and Oliver Tambo could sustain themselves and have a platform to fight apartheid, as this extract from Long Walk to Freedom shows:-

"I realised quickly what Mandela and Tambo meant to ordinary Africans. It was a place where they could come and find a sympathetic ear and a competent ally, a place where they would not be either turned away or cheated, a place where they might actually feel proud to be represented by men of their own skin colour. This was the reason I had become a lawyer in the first place, and my work often made me feel that I had made the right decision" (page 173).

Their education as lawyers obviously helped them see vividly the internal inconsistencies of the apartheid laws and they were able to present their cases in and out of Court with eloquence and clarity.

In India, Mahatma Gandhi was a barrister (starting out in South Africa). The first President of India, Nehuru was a barrister (he started out as a barrister in London). Mr Jinnah, a former member of the Congress party in India with Gandhi, was a clever and brilliant lawyer who practised as a barrister in both London and India. He rose to power as the first Prime Minister of Pakistan by putting his case as the saviour of Indian Muslims (he was a leader of The Muslim League in India) during the events which led to the creation of East and West Pakistan from India.

In the Philippines, one of the leading contenders to be President is the brilliant corporate lawyer and former President of the University of the Philippines - Edgardo Angara.

There have been 42 American presidents and an amazing 23 of these were lawyers (two read law but did not practise)!

John Adams, Thomas Jefferson, James Madison (well-read in law), James Monroe, John Quincy Adams, Andrew Jackson, Martin Van Buren, John Tyler, Millard Fillmore, Franklin Pierce (studied law), Abraham Lincoln, Rutherford B. Hayes, Chester A. Arthur, Grover Cleveland, Benjamin Harrison, William McKinley, Woodrow Wilson, (attended University of Virginia law school),

Calvin Coolidge, Franklin D. Roosevelt, Harry S. Truman, Richard Nixon, Gerald R. Ford, William J. Clinton. It can be argued that lawyers have built the only superpower in the World.

Lawyers are increasingly taking over in big business. Robert Alexander QC, one of the most successful commercial silks at the English Bar, is the chairman of The National Westminster Bank. The old view of lawyers is that of a professional telling the business man how to do what he wants to do - an oldtime tycoon John Piermont Morgan once snapped: "I don't want a lawyer to tell me what I cannot do; I hire him to tell me how to do what I want to do". Now, lawyers both initiate and execute transactions.

Nigerian lawyers who have reached great heights in the corporate world or who have become millionaires in business include Bayo Kuku (Ogbeni Oja of Ijebu Ode), Keem BeloOsagie (the middle aged lawyer whose interests include property, oil, gas and banking) F.R.A. Williams, Ayo Rosiji, Adeyemi Lawson and Chris Ogunbanjo.

Shakespeare had something to write about lawyers. The Shakespearean character "Dick the Butcher" drunkenly proclaimed in Henry VI Part II. "The first thing we do, lets kill all the lawyers". Hamlet in the graveyard scene, held up the "Skull of a lawyer" and asked Horatio: "Where be his guiddies now, his guillities, his lassies, his tenures and his tricks?". As Chief Richard Akinjide explained in his monograph titled "Advocacy, Ethics and the Bar" (West Africa Magazine, London July 15 1996) the reading of Shakespeare's plays greatly helps any advocate. The oral advocacy in *Julius Caesar* took the form of funeral orations by Brutus and Antony over Caesar's corpse. *The Merchant of Venice* is of course a favourite of lawyers. In *Advocacy, Ethics and the Bar* the play is described as "dramatising the struggle in Shakespeare's England for supremacy between the Common Law Courts and the Equitable Court of Chancery" - this of course refers to Portia's ruling in the case of Shylock v. Antonio that the contract between Shylock and Antonio referred to a pound of flesh as compensation but nowhere mentioned blood. Therefore, ruled Portia, Shylock must cut precisely one pound of flesh without shedding a drop of Antonio's blood!

This type of legal wiles reminds me of the story of King Solomon in the Bible. Solomon had to make a legal decision in what must be the earliest recorded custody case. He had to determine who was the real mother of the baby in question. The woman, who would rather give up the child than see it hurt or cut into two.

Even the Bible refers to lawyers. In Matthew 22 verse 35 - "Then, one of them, which was a lawyer, asked him a question, tempting him and saying, Master, which is the great commandment in the law?" Jesus, as all Christians will (I hope!) know, replied that "thou shalt love the lord thy God will all thy heart, soul and body." The lawyer was a pharisee. The same account is narrated in Luke 10 verse 25. When Jesus said in Luke 11 verse 46: "Woe unto you also, ye lawyers! For ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of

your fingers." He was of course not admonishing solicitors, attorneys or barristers as we know it, but rather the religious teachers of the day as Luke 12 verse 44 shows: 'Woe unto you, scribes and pharisees, hypocrites' as well as Luke 8 verse 30: "But the pharisee and lawyers rejected the counsel of God against themselves, being not by him".

Of all the professions lawyers are the only ones who are entitled to refer to each other as "my learned colleague".

I hope that I have gone some way towards setting the records straight about lawyers. I can now lightheartedly sign off with an amusing legal anecdote - Three lawyers were in a room, a low fee lawyer, an expensive lawyer and a very expensive lawyer together with £1000 on a table. The lights went out and the £1000 disappeared. Who took it? The very expensive one - the other two were figments of our imagination!

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