

**ADDRESS OF HON. JUSTICE OLUKAYODE ARIWOOLA, GCON AS  
THE CHAIRMAN OF THE OPENING CEREMONY OF THE 70TH  
ANNIVERSARY OF THE IBADAN BRANCH OF THE NIGERIAN BAR  
ASSOCIATION**

**PROTOCOL:**

I am delighted for the opportunity extended to me today by the Ibadan Branch of the Nigerian Bar Association to be the Chairman of the Opening Ceremony of this 70th Anniversary of the Branch. I considered the invitation to be here today as a sort of homecoming for me.

As you might have been aware, throughout my years as a legal practitioner, I was an active member of this Branch from when I was called to the Bar in 1981 to the time I was elevated to the Bench in 1992. Such was my devotion to the Branch, that when I moved my practice to Oyo town in 1989, I still remained a member of the Branch. This was not a strange development because the Constitution of the Association allows a legal practitioner to be a member of a Branch in another town, where his own town of practice has no formal Branch.

I recall that during the election that ushered in, the late Arakunrin Oluwarotimi Odunayo Akeredolu, SAN as the Chairman of the Ibadan Branch, I came all the way from Oyo to campaign for him. My presence here today is therefore a manifestation of the Yoruba proverb that 'Ile ni abo isinmi oko.

There is however another personal reason the 70th Anniversary of the Ibadan Branch holds a special, attraction for me. As you are no doubt aware, I recently retired from the Supreme Court of Nigeria as a Justice and stepped down as the Chief Justice of Nigeria having clocked the mandatory retirement age of 70. In effect, I was born in the same year, the foundation for the Ibadan Bar was laid. My connection with the Premier Branch therefore started from birth.



## **LAW, LEGAL PRACTICE AND DEVELOPMENT**

### **HISTORICAL CONTEXT OF LAW, LEGAL PRACTICE AND DEVELOPMENT**

To Start with, Black's Law Dictionary, Tenth Edition edited by Bryan A. Garner, defined Law at page 1015-1016 thus:

- "1. The regime that orders human activities and relations through systematic application of the force of politically organized society, or through social pressure, backed by force, in such a society; the legal system.
2. The aggregate of legislation, judicial precedents, and accepted legal principles; the body of authoritative grounds of judicial and administrative action; esp., the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them e.g. the law of the land
3. The set of rules or principles dealing with a specific area of a legal system e.g. copyright law
4. The judicial and administrative process; legal action and proceedings i.e. when settlement negotiations failed, they submitted their dispute to the law.
5. A statute i.e. Congress passed a law.
6. COMMON LAW i.e. law but not equity.
7. The legal profession e.g. she spent her entire career in law.

"Some twenty years ago I pointed out two ideas running through definitions of law: one an imperative idea, an idea of a rule laid down by the law making organ of a politically organized society, deriving its force from the authority of the sovereign, and the other a rational or ethical idea, an idea of a rule of right and justice deriving its authority from its intrinsic reasonableness or conformity to ideals of right and merely recognized, not made, by the sovereign." Roscoe Pound, "More About the Nature of Law," in Legal Essays in Tribute to Orrin Kip McMurray at 513, 515 (Max Radin & Alexander M. Kidd eds., 1935).



"All law is the law of a group of individuals or of groups made up of individuals. No one can make a law purely for himself. He may form a resolution, frame an ambition, or adopt a rule, but these are private prescriptions, not laws." Tony Honoré, *Making Law Bind: Essays Legal and Philosophical* 33 (1987).

"It will help to distinguish three senses of the word 'law.' The first is law as a distinctive social institution; that is the sense invoked when we ask whether primitive law is really law. The second is law as a collection of sets of propositions the sets we refer to as antitrust law, the law of torts, the Statute of Frauds, and so on. The third is law as a source of rights, duties, and powers, as in the sentence 'The law forbids the murdering heir to inherit.'" Richard A. Posner, *The Problems of Jurisprudence* 220-21 (1990)

Again, in **MUSTAPHA V. GOVERNOR OF LAGOS STATE & ORS. (1987) LPELR – 1931 (SC)** where Law is defined thus:

'It is also trite that by the interpretation Act, 1964, Law means – "any law enacted or having effect as if enacted by the legislature of a region and includes any instrument having the force of law which is made under a law.'" Per NNAMANI, JSC (P. 16, PARAS. E-F).

In the same token, in **BUHARI & ORS. V. OBASANJO & ORS (2003) LPELR – 813 (SC)**, the concept of law in a civilized society is defined thusly:

"The beauty of law in a civilized society is that it owes its respect and due observance to the society. It should be progressive and act as a catalyst to social engineering. Where it relies on mere technicality or out-model or incomprehensible procedures and immerses itself in a jacket of hotchpotch legalism that is not in tune with the times, it becomes anachronistic and it destroys or desecrates the temple of justice it stands." Per EDOZIE, JSC CP. 68. Paras. C-E)

Having said that, practice of law which is a synonym of Legal practice is defined by the aforesaid Black's Law Dictionary at page 1362 infra:

"The professional work of a lawyer, encompassing a broad range of services such as conducting cases in court, preparing papers necessary to bring about various transactions from conveying land to effecting corporate mergers, preparing legal opinions on various points of law,



drafting Wills and other estate planning documents, and advising clients on legal questions."

With reference to the word "Development" which is an integral part of the theme of this discourse. In order to pungently apply the word development to the subject matter of discourse in this Law Week programme, we must bear in mind that words have no meaning except in the context in which they are used. Therefore, development in this context aims at expansion of legal practice beyond the scope of operation of the first generation of legal practitioners in this great country, particularly in Ibadan and its environs by engaging in cosmopolitan and/or international legal practice so as to meet the yearnings of members of the public who need the services of legal practitioners.

I have noticed that it is becoming customary to reduce anniversary of this nature to an avenue where issues that have no relevance to both the Association and the larger community are given a pride of place. However, I noticed that in selecting the theme of this your 70th Anniversary, Ibadan Bar was discerning enough to focus not only on a topical issue: **Law, Legal Practice, and Development**; you went further to select quality Faculty to deal with the theme. This is a commendable and a remarkable feat.

It is my considered view that the essence of Law and Legal Practice is the development of the society. The distinction between the state of nature where there is no law, and the state of man, where law and justice prevail, is the presence of legal architecture. The common thread that must therefore run through our practice of law is 'development'. In effect, our practice of law whether from the Bar or from the Bench - must be benchmarked against the matrix of development. If our law is not going to lead to advancement of our community, and will not engender development, then there is a need for a comprehensive overhauling of our legal system.

Ibadan Branch, in my view, is eminently poised to lead this charge of what I describe as 'development-oriented legal practice' This is legal practice which is conducted not for the selfish advancement of the practitioner alone, but for the well-being of the entire community. Every law passed by the Parliament must be geared toward the development



of the country. Every Bill assented to by the Executive must be focused on the development of the Nation. Every case prosecuted and defended by the Bar, and decided by the Bench, must be decided based on the Law in the interest of Justice.

It is against the backdrop of the above, coupled with the need to broaden and/or develop legal practice of members of this Branch, that I am particularly delighted about the range of the topics selected for discussion during this event. One issue that is on the front burner of public discourse in Nigeria today is tax administration. This is against the back drop of some tax bills which are currently under legislative processing before the National Assembly. It is a common saying that only two things are certain in this life: taxes and death. I am therefore happy that Ibadan Bar has assembled a crop of brilliant speakers to illuminate this topic subject.

I am also delighted to note that the issues of medical negligence and intellectual properties are also going to be placed under our legal x-ray today. Medical negligence is an area of law where we need more practitioners in order to protect the teeming population of Nigeria who might not be aware of their right. This will also ensure that our medical practitioners are able to compete favourably with their counterparts across the world.

In this age of technology, one subject that we cannot escape from is Artificial Intelligence. It is my understanding that in some jurisdictions, robots are being considered for licensing as legal practitioners. It is also my understanding that artificial intelligence is being considered for deployment in legal practice. These novel concepts, attractive and promising as they might be, need to be properly evaluated before being adopted into our legal system.

My Lords, Distinguished Ladies and Gentlemen, I have reasons to congratulate Ibadan Bar. Firstly, your choice of Keynote Speaker for this Special Anniversary, in person of Chief Wole Olanipekun, CFR, SAN, the Asiwaju of Ikere-Ekiti who is a formidable institution as far as the legal profession is concerned in Nigeria. He is a former President of the Nigerian Bar Association and has devoted close to five decades of his life to active legal practice. He is a litigator, he is an advocate, he is a Bar Man, he is a Bar Leader, and he is a man of integrity. In addition, the



matriarch of Ibadan Bar, Chief Folake Solanke, SAN and the first female to be conferred with that exalted rank in the country is a great pride of this branch and she will remain so forever. I pray that the Lord continue to grant mama sound health until the end of time.

In conclusion, I must congratulate the Chairman of the Ibadan Bar, Mr. Ibrahim Lawal, and the Chairman of the Organising Committee of this Anniversary, Asiwaju Mutalubi Adebayo Ojo, SAN, and their team for the singular success of this event. I personally thank the Ibadan Bar for continuing to be the Premier Branch, which others look up to. I thank all the members for keeping the torch of the Branch burning over the years. I am certain that if it is possible for the dead to see what is going on in the world, former leaders of the Bar like Chief Rotimi Williams, Chief Richard Akinjide, Chief Bola Ige and Arakunrin Oluwarotimi Akeredolu, all Senior Advocates of Nigeria, will be beaming with pride today from the other side.

I pray that their illustrious souls will continue to rest in perfect peace.

I thank you all for your kind attention and I congratulate you, once again, on the success of the Anniversary.

**Hon. Justice Olukayode Ariwoola, GCON**

**Former Chief Justice of Nigeria**

**Vice-Chairman, Body of Benchers of Nigeria**