

# EASY READ

STUDY SHOP



“*KEY QUESTIONS AND ANSWERS*”

ON

## Professional Ethics and Skills

### **AREA OF CONCENTRATION**

1. **LEGISLATIVE DRAFTING**
2. **LAW OFFICE MANAGEMENT**
3. **CONTEMPT OF COURT**
4. **ALTERNATIVE DISPUTE RESOLUTION**
5. **BOOKS OF ACCOUNT**
6. **LAWYER RESPONSIBILITY**
7. **DISCIPLINE OF LAWYERS**
8. **APPOINTMENT AND REMOVAL OF JUDICIAL OFFICERS**

## QUESTION 1

Chief Dan Harry is a successful businessman dealing in hospital equipment. His company is Dan Harry Medical Supplies (Nig.) Limited. He operates a shop at No.10, D Line, Utako Modern Market, Abuja as well as a large warehouse at Industrial Area, also in Abuja. He supplied medical equipment worth Seventeen million (N17, 000,000.00) to Good Health Hospital Limited at its new clinic at No.1, Hospital Road, Kubwa, Abuja. On November 21, 2016 Mr. Alabi Yaro, a staff of the hospital received the medical equipment on behalf of the hospital. The hospital made a payment of N5million upon delivery and promised to liquidate the balance of N12million within two weeks in accordance with clause 4 of the contract agreement dated November 14, 2016 between the parties. The hospital failed to pay the balance as promised and on February 22, 2017 Chief Dan Harry approached the law firm of A.Y Brown & Co to recover the indebtedness. On the same day, A.Y Brown, Esq asked you, a junior counsel in the law firm, to draft a letter of demand to be served on the hospital, giving it two weeks to liquidate the debt, failing which an action will be filed against the hospital at the High Court of the Federal Capital Territory.

- (a) Draft the letter of demand to be served on the hospital. Your name for this purpose is A.B Smart, Esq.

### ANSWER TO QUESTION 1 A

A Y BROWN & CO  
LEGAL PRACTITIONERS

Tell: \_\_\_\_\_  
Our ref: \_\_\_\_\_

Web Address: \_\_\_\_\_

E-Mail: \_\_\_\_\_  
Your Ref: \_\_\_\_\_

[Insert date]

The Managing Director  
Good Health Hospital Limited  
No. 1 Hospital Road  
Kubwa  
Abuja

Sir,

YOUR INDEBTEDNESS TO DAN HARRY MEDICAL SUPPLIES (NIG) LIMITED IN THE SUM OF N12,  
000,000.00 (TWELVE MILLION NAIRA) ONLY

We act as Legal Practitioner to Dan Harry Medical Supplies (Nig.) Ltd. (referred to as our client) and we have our client's instructions in respect of the above matter.

Our instructions are as follows:

1. Our client had a contract agreement with you dated November 14, 2016 for the supply of medical equipment. In line with your agreement, our client supplied your hospital with medical equipment worth N17, 000,000.00 (Seventeen million Naira) on November 21, 2016. The equipment was received by your Mr. Alibi Yaro at your clinic situate at No.1 Hospital Road, Kubwa, Abuja.
2. You made an initial payment of N5, 000,000.00 (Five million Naira) upon delivery and promised to pay the balance of N12, 000,000.00 (Twelve million Naira) within two weeks in accordance with Clause 4 of the current agreement, but you failed to fulfill your promise.

Our client has finally run out of patience and we gave instructions to demand from you and we hereby demand the immediate liquidation of your indebtedness to our client in the sum of N12,000,000.00 (Twelve million Naira). Be warned that if you fail to do so within two weeks from your receipt of this letter, we shall file an action against you at the High Court of the Federal Capital Territory, Abuja.

Yours faithfully,

\_\_\_\_\_  
A.B Smart, Esq

Counsel

PP: AY Brown & Co

- (b) Chief Dan Harry accepted the proposal for installment payment and you duly communicated same to the hospital through its lawyers. At the end of March, 2017, the hospital paid the sum of N4 million as the first installment. Your principal, A.Y Brown, Esq instructed Chucks Banigo, a junior counsel in the office to deposit the money in the firm's client's account with First Bank Plc. and notify the client. Chucks Banigo instead took N3.5million out of the funds and purchased a "tokunbo" Toyota Rav 4 jeep which he needed to make transportation easier. He hoped to repay the money within a few months from some land deals he was pursuing. He only lodged the balance of N500,000.00 into the client's account and informed the client, Chief Dan Harry, that the hospital only paid N500,000.00
- i. What duty has Chucks Banigo breached?

**ANSWER TO QUESTION 1 B (i)**

Chucks Banigo has breached Rule 23(1) and (2) Rules of Professional Conduct (RPC) which provides that:

- 1) A lawyer shall not do any act whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by his client.
- 2) Where a lawyer collects money for his client, or is in a position to deliver property or on behalf of his client, he shall promptly report and account for it and shall not mix such money or property with, or use it as his own.

He has also breached Rule 3 of the Legal Practitioners Accounts Rules which provides that client's money must be part into clients account without delay.

- ii. Assuming that the client, Chief Dan Harry learns of the conduct of Chucks Banigo and wants to have him disciplined for professional misconduct, what is the appropriate step to take?

**ANSWER TO QUESTION 1 B (ii)**

He can lay a complaint against Chucks Banigo a Legal Practitioners Disciplinary Committee (LPDC) by reporting to any of the following:

- 1) Chairman of the Nigerian Bar Association (NBA) branch to which Chucks belongs
- 2) President of the NBA
- 3) Chairman of the Body of Benchers (BOB)
- 4) AG of a State
- 5) AGF
- 6) CJN

- 7) President, Court of Appeal or any Presiding Justice of a Court of Appeal
  - 8) Chief Judge of a State or of the FCT, or of the Federal High Court.
- iii. Itemize in numbered paragraphs the steps which the relevant body, should take to have Chucks Banigo's conduct to have him disciplined.

**ANSWER TO QUESTION 1 B (iii)**

- 1) Reference of the case to NBA.
  - 2) Investigation of the case by NBA
  - 3) If a *primo facie* case is made, NBA will forward the report, and all the documents used in the course of investigation to the LPDC.
  - 4) LPDC will hear both parties and give its decision.
- iv. What is the likely to be the fate of Chucks Bello if he is found to have breached the rules of professional misconduct?

**ANSWER TO QUESTION 1 B (iv)**

His name may be struck off the roll or suspended and admonished and asked to refund the money to the client.

- (c) The Mock Trials for the 2016/2017 Academic Session of the Nigerian Law School was just concluded. The Head of Academics of your Campus has directed you, as supervisor of the Criminal Mock Trial, Group 1, to write a Memorandum of not more than one page to him, giving a report of the activities of your group.  
Draft the memorandum

**ANSWER 1 C**

FROM: Supervisor, Criminal Mock Trial Group 1

TO: Head of Academics

DATE: 17<sup>th</sup> August 2017

SUBJECT: Report on the activities of Criminal Mock Trial 1 in the August 2017 Mock trials.

Sir,

Kindly refer to the above subject matter and your directive dated 17<sup>th</sup> August 2017.

The Mock Trials at the Abuja Campus of the Nigerian Law School held on 8-9 August 2017 Rehearsals for the group commenced on 2<sup>nd</sup> August, 2017 using the scenario that had been provided. The group was divided equally into the Prosecution and Defence Teams. The roles were assigned by the various sub group leaders and all group members were diligent in performing the roles assigned to them. Attendance was mandatory, attached is a copy of the Attendance Registrar.

The Mock Trial was presided over by Hon. Justice V.B Ashen of the High Court of the Federal Capital Territory and the venue was the Multipurpose Hall. The exercise was hitch free and very beneficial to all the group members.

(signature)

(Any name will suffice)

- (d) The compulsory dinner prescribed by the Body of Benchers for students of the Nigerian Law School is a very important part of their training in table manners, etiquette and decorum.

Briefly state sequentially, the procedure for these dinners.

#### **ANSWER TO QUESTION 1 D**

Procedure for the conduct of the law dinners is as follows:

1. Students are to be checked in and seated thirty minutes to the scheduled dinner time.
2. The Director-General (or Deputy Directors-General in the Campuses), academic staff and other lawyers who are also staff of the Nigerian Law School file in first and remain standing while the members of the Body of Benchers also file in. all remain standing until all the Benchers take their seats.
3. Opening prayer is said with all standing, after which dinner is served.
4. During dinner, students are allowed to speak to their colleagues in low tones only, observing proper table manners. Speaking in loud tones or voices is not permissible. Movement about the hall is also strictly forbidden unless in exceptional cases which the Chairman of the Body of Benchers can allow on a representation made to him by the Director or the Secretary to the Council. Photograph taking is also strictly forbidden during dinner. Students should conduct themselves decently and with decorum throughout the dinner.
5. A member of the Body of Benchers is called upon to propose the loyal toast to the Federal Republic of Nigeria.
6. The Chairman or its delegate will give a brief after dinner speech.
7. The Director General or the Deputy Directors-General of the Campuses of the Nigerian Law School will give a brief introduction of the members of the Body of Benchers present.
8. All will stand for the closing prayer.
9. The Body of Benchers file out first, then the academic staff and other lawyers present also file out and then the student will depart.

(e)The President of the Nigerian Bar Association has appointed you, a new wig, to propose, on behalf of the Young Lawyers Forum, the Loyal Toast at a Bar Dinner. Briefly propose the Toast in not more than six sentences.

#### **ANSWER TO QUESTION 1 E**

The loyal toast takes the following format:

Ladies and gentlemen, may I request everyone to rise with charged glasses. As we all aware, the Federal Republic of Nigeria is a nation abundantly blessed by the Almighty God in every area of human endeavor. The most populous black nation in the world. Nigeria occupies a pride of place in the country of nations. It is indeed a singular privilege to be citizens of this blessed nation.

Proposal of the toast, proper: May we now toast "To the Federal Republic of Nigeria"

Others respond: "To the Federal Republic of Nigeria"

**PLEASE NOTE:** The preliminary words may differ, but the toast proper must be: "TO THE FEDERAL REPUBLIC OF NIGERIA"

## QUESTION 2

Mr. Felix Townboy has a flourishing legal practice in Bayelsa State. He was retained by Populace Pharmaceuticals International, a company based in Cameroun, to execute in Nigeria, a judgment obtained in Cameroun for CFA 45,000,000 against three Nigerians namely Ade Ahmed, Pat Olowo and Chinedu Akpos. Mr. Felix Townboy took steps to execute the foreign judgment at the High Court of Bayelsa State and was able to recover part of few total judgment debt through *fi-fa* and sale of immovable property belonging to the 1<sup>st</sup> and 2<sup>nd</sup> judgment debtors. Mr. Townboy had deliberately refrained from levying execution against any property belonging to the 3<sup>rd</sup> judgment debtor, Chinedu Akpos, being his old school mate. The company eventually lost confidence in Mr. Townboy as a result of his conduct and consequently debriefed him.

With the aid of relevant authorities, answer the following questions:-

- a. Assuming that Mr. Townboy trained at Fouray Bay College, Sierra Leone and was called to the Cameroonian Bar, under what circumstance(s) can he represent Populace Pharmaceuticals International in a court in Nigeria?

### ANSWER TO QUESTION 2 A

He can apply to the CJN for a warrant to be allowed to come into Nigeria for the purposes of proceedings described in the application, i.e. to present Populace Pharmaceuticals International in court. If the CJN considers it expedient, he will grant the application. **S. 2(2) (a) & (b) LPA. Awolowo v Minister of Interior.**

- b. Assuming that the company briefed you to take over the case from Mr. Townboy, what necessary steps will you take in accordance with the Legal Practitioners' Act?

### ANSWER TO QUESTION 2 B

I will do the following:

- 1) Promptly give notice to the former lawyer;
  - 2) Use my best endeavours to ensure that the former lawyer is paid his professional fees;
  - 3) Give notice to the court. **Rule 29 RPC**
- c. At the conclusion of a matter in the High Court, a counsel was about to leave when Mr. Okiri observed that he was the only counsel left in the court room. He also observed that the judge was busy putting finishing touches to a brief ruling in another matter. What should Mr. Okiri do in the circumstance? Give reason for your answer.

### ANSWER TO QUESTION 2 C

He should remain at the Bar until the Court rises to avoid undressing the Court, as is customary in practice and by leaving the bar empty it is said to be undressing the bar.

### QUESTION 3

One of the cardinal objectives of the Bauchi State Government is the promotion of education in the State. As part of measures to reduce the level of illiteracy among the adult population in the State, the Government has resolved to set up an agency that will be saddled with the responsibility of educating persons of the age of 20 years and above in primary and secondary education.

To this end, the State Executive Council has mandated the Honourable Attorney-General of the State to send a Bill to the State House of Assembly, towards the actualization of this objective. The Law, when enacted shall come into effect on a date to be stipulated by the Commissioner for Information.

You are a Junior State Counsel in the Ministry of Justice and the Attorney-General has instructed you to prepare the Bill for presentation to the State House of Assembly.

Answer the following questions:-

- (a) Mention the stages by which you will proceed for the purpose of drafting the Bill.

#### ANSWER TO QUESTION 3A

The stages in drafting the bill are as follows:

- 1) Receiving and understanding instructions for the draft
- 2) Analysing the instructions
- 3) Designing the Draft
- 4) Composing the Draft
- 5) Scrutinizing the Draft

- (b) Assuming that analysis is one of the stages you identified in (a) above, list four areas you will have to focus on, at that stage.

#### ANSWER TO QUESTION 3B

At the analysis stage, the areas I will focus on are as follows:-

1. Whether there are existing laws in the proposed areas of the legislation.
2. The potential danger areas
3. Practicality of the policy
4. Categories of persons to whom the proposed law is applicable

- (c) Draft the following parts of the Bill:

- (i) Long title

#### ANSWER TO QUESTION 3C (i)

“A BILL FOR LAW TO REDUCE THE LEVEL OF ILLITERACY AMON THE ADULT POPULATION IN THE STATE AND SET UP THE BAUCHI STATE ILLITERACY ERADICATION AND OTHER MATTERS CONNECTED THERTO”

- (ii) short title

#### ANSWER TO QUESTION 3C (ii)

This law may be cited as Illiteracy Eradication Law 2017

- (iii) Commencement

#### ANSWER TO QUESTION 3C (iii)

This law shall come into effect on a date to be stipulated by the Commissioner of Information.

(iv) Enacting clause

**ANSWER TO QUESTION 3C (iv)**

ENACTED BY the Bauchi State House of Assembly of the Federal Republic of Nigeria as follows:

(v) Establishing clause

**ANSWER TO QUESTION 3C (v)**

There is hereby established a body to be known as the Bauchi State Illiteracy Eradication Agency (hereinafter referred to as the Agency).

(vi) Interpretation section

**ANSWER TO QUESTION 3C (vi)**

In the law, unless the Bill otherwise provides:

Adult age includes persons above the age of 20 years.

Agency means \_\_\_\_\_

(d) State three professional duties, which as a drafts man, you owe the sponsor of the Bill.

**ANSWER TO QUESTION 3D**

The professional duties a draftsman owes the sponsor of the Bill are as follows:

1. Duty to copy the instructions of the sponsor of the Bill.
2. Duty to draw the attention of the sponsor to existing legislation in the proposed legislation.
3. Duty to advise on the practicability of the proposed law.
4. Duty to draw the attention of the sponsor to the potential danger areas in the proposed legislation

(e) As a State Counsel from the Chambers of the Honourable Attorney-General of the Federation, you were assigned to represent the State in the case of: FRNVs Ego Beke, Case No. FHC/2017/081C at the Federal High Court, Abuja.

(i) Announce your appearance.

**ANSWER TO QUESTION 3 E (i)**

May it please the Honourable court; A.B Smart, Esq appears for the state/prosecution

(ii) Assuming that the Court upheld your argument against bail for the accused person, how will you respond to the order of Court?

**ANSWER TO QUESTION 3 E (ii)**

As the court pleases. Thank you, my lord, for the well-considered ruling. We are most obliged, My lord.



#### QUESTION 4

The Gwadara Community and their neighbouring Gbyagi Community in Kuje Area Council of the Federal Capital Territory, Abuja have been embroiled in a land dispute for several years and all efforts to resolve the dispute have proved abortive. The Gwadara Community retained Mr. John Kudos, a legal practitioner, to file an action in court seeking a declaration of title over the disputed land.

Mr. John Kudos charged the Gwadara Community the sum of N3million as professional fee. The Gwadara Community in their bid to motivate Mr. John Kudos to represent them effectively paid the fee fully. Mr. John Kudos filed the action at the High Court of the Federal Capital Territory. On October 15, 2014, when the matter came up for hearing, Mr. John Kudos was before the Court of Appeal in another matter and the Judge struck out the case due to his absence. Two months after the case was struck out, he did not take any step to have it relisted. The Gwadara Community is aggrieved and has petitioned the leadership of the Nigerian Bar Association, Federal Capital Territory, Abuja branch.

Answer the following questions:-

- (a) What document should Mr. John Kudos have sent to the High Court to ensure that while he was at the Court of Appeal in another matter, his case at the High Court would not be struck out?

#### ANSWER TO QUESTION 4 A

John Kudos should send a letter to the Court applying for adjournment of the matter.

- (b) Draft the document you identified in (a) above

#### ANSWER TO QUESTION 4 B

#### EASY READ CHAMBER

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Our Ref \_\_\_\_\_

Your Ref \_\_\_\_\_

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23<sup>rd</sup> April 2018

The Registrar  
High Court of the FCT,  
High Court No \_\_\_\_ Abuja

**Suit No. FCT/\_\_\_\_\_/2015: AB & C vs. XYZ**

I hereby notify you of my inability to attend Court on \_\_\_\_\_ due to my scheduled appearance at the Court of Appeal, Abuja Division in another case. Subject to the court's convenience, I respectfully suggest an adjournment to any of the following dates: \_\_\_\_\_ I regret the inconvenience that this might cause to the Court and to my learned friend.

Yours Faithfully  
Oboagwina Caleb Esq.  
Applicant counsel

(c) Identify the duties breached by Mr. John Kudos

**ANSWER TO QUESTION 4 C**

Mr. John Kudos has breached the following rules:

- 1) Rules 14 and 16 of the RPC – duty to devote diligence, attention, energy and skills to client’s service and duty not to act in a manner inconsistent with client’s interest.
- 2) Rule 16 (1) (b) (c) and (d) of the RPC – Duty to competently represent a client
- 3) Rule 21 RPC – duty not to abandon client’s cause once assumed, except for good cause.
- 4) Rule 23 – a lawyer should avoid doing anything whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed on him by the client

(d) What steps should the Nigerian Bar Association, Abuja branch take upon receipt of the complaint against Mr. John Kudos?

**ANSWER TO QUESTION 4 D**

On receipt of the complaint, the NBA Abuja Branch should take the following steps:

- 1) Written presentation demanded and taken from the person complained against which will help NBA to form an opinion.
- 2) If the NBA is satisfied that prima facie case has been made from the investigation and presentation, it shall transmit a report of such case to the Secretary LPDC.
- 3) The report shall include all the documents relied upon by the NBA in forming its opinion, together with the original complaint.
- 4) The LPDC shall try the legal practitioner.

(e) Answer the questions below;

- i. How would you categorize the misconduct of Mr. John Kudos?

**ANSWER TO QUESTION 4 E (i)**

The conduct will be categorized as a conduct incompatible with the status of a legal practitioner.

- ii. List the other categories of misconduct for which a legal practitioner may be disciplined.

**ANSWER TO QUESTION 4 E (ii)**

Other categories of misconduct are: infamous conduct in a professional respect; obtaining enrolment by fraud; conviction by a court in Nigeria of an offence incompatible with the status of a legal practitioner.

(f) What is the likely punishment the Legal Practitioners Disciplinary Committee will meet out to Mr. John Kudos in the event that he is found guilty?

**ANSWER TO QUESTION 4 F**

The likely punishment for Mr. John Kudos may be any of the following:

- i. Striking off his name from the roll
- ii. Suspension from practice of law for a stated period
- iii. Admonition or caution and a directive for refund of money and, or return of documents received by him.

## **QUESTION 5**

T.A. Joseph, Esq. is a legal practitioner based in Akure, Ondo State of Nigeria. His client, John Madaki briefed him to manage his property located at No.2, Stadium Road, Akure. Mr. Joseph collected rents for two years totaling N3, 600,000.00 but only handed over one year's rent in the sum of N1, 800,000.00 to the landlord (John Madaki). He paid the balance into his savings account at Star Bank Plc. He later withdrew it from his savings account and invested it in the purchase of a vacant plot of land along Palace Road, Akure, Ondo State. He hoped to sell the land at a profit before handing over the balance of the rent to his client. His client, John Madaki, has severally requested for accounts from Mr. Joseph regarding the management of the property, but he has continually rebuffed him. Recently, Mr. Madaki visited T.A Joseph's office to request for accounts, but Mr. Joseph invited the police and alleged that Mr. Madaki was threatening his life, whereupon the police arrested Mr. Madaki and detained him for two days before granting him administrative bail. Since then, Mr. Madaki has been bitter, disappointed and yet confused about what to do. With the aid of legal authorities, answer the following questions:-

- a. Has T.A Joseph, Esq. breached any of the duties imposed on a legal practitioner? If yes, list five of the duties he has breached.

### **ANSWER TO QUESTION 5 A**

Yes, Mr. T.A Joseph has breached his duties to his clients. The breaches are as follows:-

1. Duty against conflict of interest – Rule 17 and 23(1) (RPC)
  2. Fiduciary duty
  3. Duty to avoid sharp practices
  4. Duty to observe good faith, honesty and integrity
  5. Duty not to covet client's property
  6. Duty to account for money received on behalf of a client. R 23(2)
- b. Comment specifically on the status of any made by T.A Joseph, Esq. from the investment of his client's money in the purchase of the landed property

### **ANSWER TO QUESTION 5 B**

He shall report and make account of the profits to the client, and shall not mix such money or use it as his own. Rule 23(2)

- c. Advise Mr. Madaki on the most appropriate step to take in the circumstances

### **ANSWER TO QUESTION 5 C**

Mr. Madaki is advised to send a written complaint to any of the following; CJN, Chairman, Body of Benchers, President of the NBA or Chairman of a State Branch of the NBA.

## QUESTION 6

Recently the Nigerian Government noticed a growing restiveness among the youths in the country. A closer investigation by the Federal Ministry of Youths and Sports Development, revealed an appalling level of unemployment and dissatisfaction among the youths due to the harsh economic realities in the country.

An attempt to involve the Federal Civil Service Commission in the effort by the Federal Government to get more youths gainfully employed did not yield much fruit as the Federal Civil Service is already over staffed.

On the advice of the Ministry of Youths and Sports Development, the President summoned the Senate President to discuss the need for a law on inclusion of compulsory skills acquisition in the curriculum of Universities and tertiary institutions in the country.

You have been contacted to prepare the draft bill. Draft the following parts of the Legislation in the appropriate order:

1. Short title
2. Long title
3. Application
4. Commencement
5. Enacting formula
6. Interpretation

## ANSWER TO QUESTION 6

### 1. Long Title

A BILL FOR AN ACT TO INCLUDE SKILLS ACQUISITION IN THE TERTIARY INSTITUTIONS CURRICULUM AND RELATED MATTERS

### 2. Commencement

Commencement: [27<sup>th</sup> May, 2015]

### 3. Enacting Formula

BE it enacted by the National Assembly of the Federal Republic of Nigeria as follows:-

### 4. Short Title

This may be cited as 'Tertiary Institutions Skills Acquisition Act, 2015

### 5. Interpretation

In this Act, skill includes: \_\_\_\_\_

Or

In this Act, skill means \_\_\_\_\_

### 6. Application

The Act shall apply to all tertiary institutions in Nigeria.

## **QUESTION 7**

Law and Equity Partners, a firm of legal practitioners held a meeting on July 25, 2017 at its office located at No. 26 John Bull Crescent, Lagos Island. The meeting was to discuss the activities of the firm for the quarter just ended and deliberate on the proposed purchase of an existing building on the mainland to be used as a law office.

Present at the meeting were Chief Eric Johnson, Principal Partner, Mr. Felix Johnson, Partner, Mrs. Bimbo Allen, Counsel and Mr. Afees Looper, Counsel. In attendance was Mr. Robert Bridgestone, an Estate Surveyor.

It was resolved at the meeting that additional lawyers should be employed.

- (a) Prepare the minute of the meeting of Law and Equity Associates held on July 25, 2017

### **ANSWER TO QUESTION 7 A**

#### **MINUTES OF MEETING OF LAW AND EQUITY PARTNERS HELD AT NO. 26 JOHN BULL CRESCENT, LAGOS ISLAND, LAGOS ON 25<sup>TH</sup> DAY OF JULY, 2015**

##### **PRESENT:**

1. Chief Eric Johnson – Principal Partner
2. Mr. Felix Johnson – Partner
3. Mrs. Bimbo Allen – Counsel
4. Mr. Afees Looper – Counsel

##### **IN ATTENDANCE:**

1. Mr. Robert Bridgestone – Estate Surveyor

##### **OPENING PRAYER**

The meeting commenced at about 9am with the opening prayer said by Mrs. Bimbo Allen. It was observed that quorum was properly formed.

##### **READING AND ADOPTION OF THE MINUTES OF THE LAST MEETING:**

The Minutes of the last meeting of the firm was read and a few corrections were made. The Minutes was then seconded and adopted and the meeting proceeded the agenda of the day's meeting.

##### **MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING:**

##### **AGENDA**

###### **1. QUARTERLY REVIEW OF FIRM'S ACTIVITIES**

The meeting reviewed the activities of the last quarter. The principal partner commended every staff of the firm for meeting client goals and delivering on set deadlines for the tasks in the firm.

###### **2. PROPOSED PURCHASE OF A BUILDING FOR A LAW FIRM**

The principal partner asked Mr. Felix Johnson to give his report on the market survey he had carried out on the proposed purchase of an existing building for the law firm. Mr. Felix Johnson presented his report, noting that he had gone to the firm of Mr. Robert Bridgestone, an estate surveyor. He reported that this informed the attendance of Mr. Robert Bridgestone at the meeting. The Principal partner then called on Mr. Robert Bridgestone to give his professional advise on the prime location of the property situate at No.2 Johnson Street, Off Awolowo Road, its proximity to banks and other corporations, and being free of encumbrances, he would strongly advise the firm to purchase the property at a fair price of N45million with a 10% commission payable to his estate firm in bank draft. The meeting unanimously agreed to purchase the property based on the outcome of research report conducted by the firm and the professional advice of the estate surveyor.

###### **3. EMPLOYMENT OF ADDITIONAL LAWYERS**

The meeting resolved to employ 2 additional lawyers and engage a new wig who must be a Youth corp member. The principal partner informed the meeting that he will coordinate the modalities for employment in terms of advertising for the post, shortlisting, fixing of terms of employment in consultation with the other partner in the firm. 1 mark

#### **ANY OTHER BUSINESS**

The Principal partner emphasized the need to be punctual at work and asked for renewed dedication to work in the new quarter. Mrs. Bimbo Allen thanked the management of the firm for the bonus emolument paid after the sale of No. 27 Falomo Street, Lagos.

#### **MOTION FOR ADJOURNMENT**

Mr. Felix Johnson moved a motion for adjournment, seconded by Mrs. Bimbo Allen

#### **CLOSING**

The meeting ended at 12:27pm with the closing prayers said by Mr. Felix Johnson.

---

Chief Eric Johnson  
Chairman

---

Mr. Afees Looper  
Secretary

(b) What are the functions of the minutes of a meeting?

#### **ANSWER TO QUESTION 7 B**

- 2) It helps to know the state of affairs of the organization per time
- 3) It is useful for record and reference purposes
- 4) It helps to know the extent of policy implementation of an organization
- 5) It helps to reduce conflict in the management of an organization because the resolution of the meeting become a guide and binding on all members of the organization
- 6) It helps in drawing up the agenda for subsequent meetings
- 7) It helps to know persons present and absent at a meeting

(c) Write an application for employment as Counsel, in the law firm of Law and Equity Partners and attach your updated Curriculum Vitae. Your name for the purpose is A.B Smart, Esq.

#### **ANSWER TO QUESTION 7 C**

No.2 Ajala Street  
Victoria Island  
Lagos

19<sup>th</sup> August, 2017  
The Principal Partner  
Law and Equity Partners  
No.26 John Bull Crescent  
Lagos Island  
Lagos State  
Dear Sir,

#### **APPLICATION FOR EMPLOYMENT AS COUNSEL ½ mark**

I hereby apply for employment as a Counsel in your law firm. I am lawyer of one year post call with good communication and advocacy skills.

Kindly find attached to this application, my detailed Curriculum Vitae. ½ mark

Thanks in anticipation of a favourable consideration of my application.

Yours faithfully,

Signature

A.B Smart Esq.

Encl: Curriculum Vitae

### **PERSONAL DETAILS**

Surname: Smart  
Other Names: Abuh Bako  
Date of Birth: 29<sup>th</sup> January, 1989  
Place of Birth: Bwari  
Home Town: Bwari  
State of Origin/L.G.A: Federal Capital Territory/Bwari Area Council  
Nationality: Nigerian  
Sex: Male  
Marital Status: Single  
Tel No./E-Mail Address [08033322998/smarky@yahoo.com](mailto:08033322998/smarky@yahoo.com)

### **EDUCATIONAL INSTITUTIONS QUALIFICATIONS ATTENDED (with Dates)**

Nigerian Law School, Abuja	2016
University of Abuja, Abuja	2015
Comprehensive High School, Bwari, Abuja	2006
Unity Junior School, Bwari, Abuja	2000

### **EDUCATIONAL QUALIFICATIONS (with Dates)**

Call to Bar Certificate/Qualifying Certificate/BL	2016
Bachelor of Law, LL.B (Hons.)	2015
Senior School Certificate Examination (SSCE)2014	
First School Leaving Certificate	2000

### **WORKING EXPERIENCES (With Dates)**

Legal Adviser, Jos Local Government Area, Jos (NYSC)	2016-2017
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### **HOBBIES**

Table Tennis & Reading

### **REFEREES**

1. MR. JACKSON ORUWOLE  
Medical Lab Scientist  
Department of Public Health  
General Hospital  
Bwari  
Federal Capital Territory, Abuja
2. MR. JACOB MALCOLM  
Partner  
Igwe & Partners  
Destiny Chambers

Barrister & Solicitors  
No. 60 Aguda Road  
Kubwa,  
Federal Capital Territory, Abuja

**SIGNATURE AND DATE:**.....

(d) Apart from an existing building being proposed by the firm, what other types of premises may a legal practitioner use as a law office?

**ANSWER TO QUESTION 7 D**

Apart from an existing building being proposed by the firm, the other types of building a firm may use for the purpose of a law firm are as follows:

- 1) Purpose built premises
- 2) Office in the home.



## **QUESTION 8**

You are a Junior Counsel in the law of B.A Alade & Co. your principal has asked you to interview Chief Fred, a new client. Answer the following questions:

- a. List the stages of your interview, in accordance with Avron Sherr's model.

### **ANSWER TO QUESTION 8 A**

The stages of client interview as postulated in the Avrom Sherr's model are:

1. Listening
  2. Questioning
  3. Advising
- b. Having assured Chief Fred during the interview of your duty of confidentiality, list the exceptions to the duty.

### **ANSWER TO QUESTION 8 B**

The exceptions to the duty of confidentiality, to Chief Fred (any client) are:

- 1) When the client consents to the disclosure
  - 2) If permitted by the Rules of Professional Conduct
  - 3) If disclosure is require by the court
  - 4) If the information is necessary to be disclosed to prevent the commission of a crime
  - 5) If the confidence is necessary to be disclosed to collect the lawyer's professional fees
  - 6) If they are notorious facts which is already in the public domain
  - 7) If they are facts ordinarily revealed to third parties
  - 8) If they are facts to be revealed to other parties in a matter when counsel is representing more than one party
  - 9) When the disclosure is necessary for the lawyer to defend himself, his associates and staff against an accusation of misconduct
  - 10) Where the legal practitioner observes in the course of his employment that a crime or fraud has been committed since the commencement of his employment
- c. Assuming that after listening to Chief Fred, you advised him to attempt ADR before litigation and he wanted to know your reasons, mention three advantages of ADR over litigation that may convince him.

### **ANSWER TO QUESTION 8 C**

The advantages of Alternative Dispute Resolution over litigation are as follows:

- 1) ADR is faster than litigation
- 2) ADR in some instances is cheaper than litigation
- 3) ADR helps parties avoid publicity of trial unlike litigation
- 4) ADR does not involve complexity of procedure and rules involving technicalities like litigation
- 5) ADR promotes mutual relationship unlike litigation
- 6) ADR helps the parties to appoint or nominate their adjudicators unlike litigation
- 7) Litigation may engender inadequate award of cost unlike ADR.
- 8) Litigation may be psychologically traumatic for an unprepared or unfamiliar party whereas ADR is more friendly and harmonious.
- 9) In ADR, parties choose their venue and can unilaterally terminate proceeding

**QUESTION 9**

Cynthia Yemi was the Best Graduating Student both in the University and at the Nigerian Law School. Impressed by her academic excellence, the Governor of her State encouraged her to start up a law firm and gave her parents N10million on November 10, 2016 as incentive for establishing the law firm,. From the N10 million Cynthia’s parents gave her N5million on November 11, 2016 to start the firm. She rented an office accommodation for 2 years at the rate of N300, 000.00 per annum on November 13, 2016. Her uncle gave her N2million as his contribution for furniture and practice books on November 14, 2016. From the N2million, she bought 4 tables and 4 chairs at the rate of N120, 000.00 and N90, 000.00 each respectively on November 17, 2016. The next day, she purchased cupboard and file cabinet for N30, 000.00 and N150, 000.00 respectively. On November 20, 2016, she bought practice books including the Laws of the Federation for N300, 000.00, a set of Supreme Court of Nigeria Judgments for N270, 000.00 and precedent books for N80, 000.00. On November 22, 2016, she bought a refrigerator and a generator for N110, 000.00 and N450, 000.00 respectively. She took a loan of N350, 000.00 from united bank for Africa Plc. on November 23, 2016. From this loan she bought stationery items such as paper, ink, pen and envelopes on the same date. She spent a total of N20, 000.00 for all the stationery. Thereafter she kept an imprest of N200, 000.00 in her office for running the office daily.

Prepare Cynthia’s cash book only.

**ANSWER 9****CYNTHIA YEMI’s CASH BOOK     11/11/2016-23/11/2016**

DATE	PARTICULARS	DEBIT (DR) N	CREDIT (CR) N
11-11-16	Capital	N5,000,000	
13-11-16	Rent		N600,000
14-11-16	Capital	N2,000,000	
17-11-16	Tables		N120,000
17-11-16	Chairs		N90,000
18-11-16	Cupboard		N30,000
18-11-16	File Cabinet		N150,000
20-11-16	Practice Books		N300,000
20-11-16	Law Reports		N270,000
20-11-16	Precedent Books		N80,000
20-11-16	Refrigerator		N110,000
22-11-16	Generator		N450,000
22-11-16	Loan	N350,000	
23-11-16	Stationeries		N20,000
23-11-16	Imprest		N200,000
23-11-16	Balance c/d		N4,930,000
23-11-16	Balance b/d	N7,350,000	N7,350,000

### **QUESTION 10**

Mutiu Ojo is a legal practitioner who was called to the Nigerian Bar in November 2010. He immediately set up his own law firm. On 17 April, 2018 he has a matter before the High Court of Justice, Maitama, Abuja. The case is between Leventis Motors and John Agbua. He is representing the plaintiff. On that same day, he also has matter before the court of Appeal sitting in Abuja. He has decided to write an application for adjournment. In the matter in the High Court. He is thinking that in view of his robust practice, he needs to have other lawyers working with him. He is also thinking of updating his law office with modern facilities for more effective case management.

#### **Answer the following:**

- a. Draft the application for adjournment

#### **ANSWER TO QUESTION 10 A**

**[LETTER HEAD]**

**Ref No.**

**15 April 2018**

**The Registrar,  
High Court,  
Maitama, Abuja**

#### **APPLICATION FOR ADJOURNMENT:1MK**

**RE:LEVENTIS MOTORS LIMITED V JOHN AGBUA(SUIT NO-----)**

We are counsel for the plaintiffs in the above mentioned suit coming up for continuation of hearing on 17 April, 2018.

Mutiu Ojo Esq., who is personally handling the case, is engaged in a matter at the Court of Appeal, Abuja on the same day. We therefore humbly apply for an adjournment.

We humbly suggest 4th, 8th, or 16th of June, 2018.

We apologise for the inconveniences this may occasion.

Mutiu Ojo Esq.,  
Counsel for Plaintiff  
Mutiu Ojo & Co.,

- b. In view of Mutiu Ojo's need of other lawyers working with him, advise him on the options open to him.

#### **ANSWER TO QUESTION 10 B**

I will suggest sole practitionership to him

- c. State five modern office equipment for effective case management by a lawyer.

#### **ANSWER TO QUESTION 10 C**

1. Computer,
2. Telephone,
3. Photocopiers,
4. Scanner,
5. Electronic law reports,
6. Internet facilities.

- d. To give Mutiu's robust practice a support, suggest three possible office support staff that he would require.

**ANSWER TO QUESTION 10 D**

Office Supports staff include:

1. Accountant;
  2. Receptionist;
  3. Litigation secretary
  4. Librarian
  5. Cleaner
  6. Messenger
- e. Mutiu Ojo wants to maintain a website for his law practice where he would display his qualification, the nature of cases he handled, the cases he has handled and won, his range of professional charges, etc. Advise him on the ethical issues involved in doing this.

**ANSWER TO QUESTION 10 E**

By stating the cases he has handled and won and the range of his professional charges he may be breaching the rule prohibiting soliciting which is unethical. Also the rule against advertising.

## HOW NUMBERING OF SECTIONS ARE ARRANGED

- **Section**  
This is drafted as “**section 1**”  
**Note:** sections are drafted using numerical figures without the use of bracket ( )
- **Sub section**  
This is drafted as “**section 1(1) - sub section**”  
**Note:** sub-sections are drafted using numerical figures with the use of bracket ( )
- **Paragraph**  
This is drafted as “**section 1(1) (a)**” – paragraph  
**Note:** paragraphs are drafted using small alphabet with the use of bracket ( )
- **Sub – paragraph**  
This is drafted as “**section 1(1) (a) (v)**” - sub- paragraphs  
**Note:** sub- paragraph are drafted using Roman numeral with the use of the bracket ( )
- **Sub- sub paragraph**  
**This is drafted as section 1(1) (a) (v) (A) -sub sub paragraphs**  
**Note:** sub-sub paragraph are drafted using capital alphabet I with the use of the bracket ( )

## MATTERS IN CURRICULUM VITAE

1. Name in full
2. Date of Birth
3. Place of Birth
4. Address-Permanent and work
5. Nationality
6. Local Government of Origin
7. Qualification
8. Job Experience
9. Educational Institution attended with dates
10. Hobbies
11. Referees
12. Conferences attended with dates
13. Awards and Distinctions
14. Telephone numbers and email address

## ESSENTIALS OF GOOD MINUTES OF A MEETINGS

1. Heading –stating type of meeting, venue and date
2. Attendance (present/absent)
3. Other parties in attendance
4. Opening Prayer
5. Reading minutes of the last meeting
6. Adoption of the minutes of the last meeting
7. Matters arising
8. Agenda for the meeting

9. Any other business
10. Motion for adjournment
11. Closing prayer
12. Signed by Secretary and Chairman

**INTERNAL MEMORANDUM  
THE NIGERIAN LAW SCHOOL  
ABUJA CAMPUS  
BWARI ABUJA  
INTERNAL MEMORANDUM**

FROM: The Director of Students Affairs  
TO: Bar Part II students 2017/2018 session  
DATE: 14 December, 2017.  
SUBJECT: INVITATION TO WELCOME COCKTAIL

You are hereby invited to a welcome cocktail party which will take place as follows:

Date: 16 December 2016.

Venue: School dining Hall

Time: 6 pm

Thank you for the anticipated response.

.....

Mr. Paul James  
(Director of Students Affairs)

**MAJOR PART OF LEGAL OPINION**

- INTRODUCTION
- MAIN BODY
- ADVICE ON BEST OPTIONS
- CONCLUSION

## **RULES OF PROFESSIONAL CONDUCT SUMMARY**

- R.1- General Responsibility of a lawyer**
- R.2- Duty as to admission in the legal profession**
- R.3- Aiding in the unauthorized practice of law (common in land matters)**
- R.4- Avoidance of intermediary in the practice of the law**
- R.5- Association for legal practice**
- R.6- Retirement from judicial or public employment**
- R.7- Engagement in business**
- R. 8- Lawyers in salary employment**
- R.9- Payment of practicing fees (31<sup>st</sup> march yearly)**
- R. 10- Seal and stamp**
- R. 11- Mandatory Continuing Professional Development (CPD)**
- R.12- Annual practice certificate**
- R.13- Notification to NBA of legal practice (not later than 30 days from commencement)**
- R.14- Dedication and devotion to cause of client**
- R.15- Representing clients within bounds of the law**
- R. 16- Representing client competently**
- R.17- Conflict of interest**
- R.18-Agreement with clients**
- R.19- Confidentiality rule**
- R.20- Lawyer prohibited from giving evidence for client**
- R.21- Withdrawal from employment as counsel**
- R.22- Calling at client's house or place of business**
- R 23- Dealing with client's property**
- R.24- Duty to accept brief**
- R. 25- Investigation of facts and production of witnesses**
- R- 26- Fellowship and order of precedence**
- R.27- Good faith and fairness among lawyers**
- R. 28- Associating in a matter**
- R.29- Change of lawyer**
- R.30- Lawyer as an officer of court**
- R.31-Duty of lawyers to court**
- R. 32- Candid and fair dealing**
- R. 33- Trial publicity**
- R. 34- Relation with judges**
- R. 35- Lawyer and tribunal**
- R.36- Court room decorum**
- R.37 Employment in criminal cases**
- R.38- Lawyer for an indigent accused**
- R.39- Advertising and soliciting**
- R.40- Note paper, envelopes, and visiting card**
- R. 41- Signs and note**
- R.42-Books and articles**
- R.43- Change of address**
- R. 44- Associate and Consultant**
- R.45- lawyers to be fully robed**

- R. 46- Press, Radio and Television**
- R.47- prohibition from instigating litigation**
- R.48- fees for legal services**
- R. 49- Retainer**
- R. 50- Contingent fee arrangement**
- R.51- Payment of the expenses of litigation**
- R.52- fixing amount of fees**