



NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: Plot 1102, Muhammed Buhari Way, Cadastral Zone A00, Central Business District, Abuja Nigerian Tel: +234 800 333 1111
www.nigerianbar.org.ng

14th August, 2022

SETTING THE RECORD STRAIGHT

Dear Learned Silks, Benchers and Distinguished colleagues,

Ordinarily, I would not have responded to the Disclaimer issued by the President on the 13th of August, 2022, but I am constrained to do so. It is important that I set the record straight as I have received numerous calls from concerned members asking me to state my side of the story. Let me begin by saying that my loyalty goes to the generality of the members of our great profession; and so, in carrying out my responsibilities as the General Secretary [GS] of the Association, I will uphold, dispatch my responsibilities by working within the ambit of the NBA Constitutional provisions whilst respectfully carrying out legal directives and instructions from the National Executive Council [NEC] and the President.

1. As the President stated in paragraph 1 of the Notice, the NBA National Executive Council (NBA-NEC) at the last meeting held in Ilorin on the 9th of June, 2022 resolved that some amendments be made to the NBA Constitution. These amendments include the 'Increment of the amount from the Bar Practicing remitted to the Branches from 10% to 20%, and other non-contentious issues.' The Constitution Review Committee and other interested persons could, thus propose amendments to the constitution in line with the conditions stipulated in the NBA Constitution 2015 (as amended in 2021).
2. The condition for amendment of the constitution is stated in Section 25 (1) of the NBA Constitution, thus: "The constitution shall not be amended or repealed or re-enacted except at the Annual General Meeting of the Association and two-third of the branches of the Association are represented and provided further **that at least sixty (60) days' notice of the proposed amendment shall have been given to the General Secretary who shall have circulated same to delegates at least thirty (30) days before the proposed amendment is tabled for discussion at the Annual General Meeting.**".

NATIONAL OFFICERS:

Olumide A. Akpata **President**

Joyce Oduah, **General Secretary**; John Aikpokpo Martins, **1st Vice President**; Debo Adeyemo Kazeem, **2nd Vice President**; Mercy Ijato Agada, **Treasurer**; Olakunle Edun, **Welfare Secretary**; Raphael Nnamdi Anagor, **Financial Secretary**; Dr. Rapuluchukwu Nduka, **Publicity Secretary**; Uchenna Nwadialo, **Assistant Secretary**; Ferdinand Naza, **Assistant Publicity Secretary**

3. In line with the above provision, the office of the General Secretary received a Notice of Proposed Amendment on the 14th day of June, signed by the Chairmen of the Branches for the amendment of Section 23 (8) of the NBA Constitution to read “Twenty percent of the BPF paid by members of each Branch shall be remitted to the Branch in the month of April and December of each year.” **The said letter which complies with Section 25 of the constitution is attached herewith.**
4. The Constitution Review Committee was also to send in their proposed amendments but it was not forthcoming. In the National Executive Committee (Exco) meeting held on the 30th day of June, 2022, I informed the President and ExcOs that the Constitution Review Committee was out of the constitutionally stipulated time to forward the said amendment. Prior to this time, I had called the Chairman of the Committee on several occasions to send in the Committee's proposed amendment as they were almost out of time. I had also called the President to persuade the committee to send in their report in time but to no avail. The Notice of the proposed amendment was eventually sent by the Constitution Review Committee to the office of the General Secretary on the 26th of July 2022 via email – 30 days behind the stipulated time required by the constitution. **Receipt of the email is attached.**
5. The President instructed that a Notice of proposed Constitutional Amendment be sent to members for the AGM, and it was in compliance with his directive and observance of the rule of law which guides the Nigerian Bar Association that I sent out the said Notice on the 27th of July 2022 containing only the proposal by the Branch Chairmen which met the requirement of Section 25 (1) of the Constitution.
6. When this matter was brought up at the National Executive Committee (Exco) meeting on the same day, I informed the meeting that the amendment by the Constitution Review Committee was omitted because of their non-compliance with section 25(1) of the Constitution. The President and excOs canvassed that we could conveniently bypass the requirement of the constitution, but I informed them that the requirement of Notice was not a mere procedural matter but a substantive issue which could not be sidestepped without meaningful consequences. The President and other excOs resorted to using several tactics to bully me into conforming with their position to overlook the Constitutional requirement. I informed them that I swore to uphold the Constitution of the NBA and that I will do.

7. The President indicated that it was irrelevant whether I amended the notice or not as he had the power to request any member of the Exco to perform any duties including that of the General Secretary. To my surprise, the next day, 28th of July, 2022, the Assistant Secretary sent out a second notice of proposed amendment to the constitution and attached the proposal sent by the Constitution Review Committee that did not meet the 60 days requirement of Section 25 (1). This was a failed attempt to usurp the constitutional duties of the office of the General Secretary and countermand the notice issued by the office of the General Secretary the previous day; which was infact resisted by the good members of the Association.
8. On the 29th of July, the president and exco members left the executive group chat because of my insistence on upholding the rule of law. Since then, I have received no notice or information of Exco meetings. On arriving at my office on the 13th of August, 2022, I discovered that the President had transferred my secretary who had worked with me for 2 years without consulting, informing or giving me reasons. This action by the President to move my personal Secretary, at a critical time of preparing documentation for the Pre-Conference NEC and AGM demonstrates his well-established unilateral control and command leadership style. Also, I was informed that the members of staff of the Secretariat had been directed by the President not to take instruction from my office but directly from him – a Secretariat which the General Secretary is in charge of. This action by the President clearly denigrates my person and office, making it impossible to be accountable to members of the Association, National Executive Council and AGM.
9. On the 10th of August, 2022, on getting to the office of the Head, Admin and Finance Department, I saw the Treasurer recommending memos for the Annual General Conference to the President. This is usually a responsibility reserved for the office of the General Secretary who is the second signatory to the account, and customarily the officer to vet and recommend memos to the president for his approval – a fact which was affirmed by the President in the last Annual General Meeting of 2021. This is a duty which I have carried out since the inception of the administration to ensure that the monies of the Association are judiciously utilized. I believe, all these were done by the President in a bid to intimidate me and to undermine my office.

10. I received letters from some members of our Association asking for the notices to be withdrawn or we face court action. These letters were forwarded to the President by me, but he did not respond. I made several calls to the President to enable us discuss the way forward or to call for an emergency meeting to discuss the issues raised in the letters, but he neither picked nor returned any of the calls. **I also sent the Pre-Conference NEC Notice to him, but he failed to acknowledge same, and I had no choice but to send it to members because we were running out of time.**
11. On the 11th of August, 2022, I went to see the President in his office and to my astonishment his secretary informed me that the President had given instruction that she should not let me in whenever I come to see him. When I found my way into his office, I saw and heard a vicious president screaming at the top of his voice that I should leave his office. I had no choice than to leave his office without being able to discuss the threat of a law suit and other issues.
12. It was imperative that I withdrew the notices to save the NBA any negative publicity and preventable litigation cost from any potential lawsuits. I sent the Notice of withdrawal to the IT Support staff to disseminate to members, and he neglected/ failed to do so despite several calls and chats to him. This uncharacteristic behaviour of the IT staff is, I believe, based on the instruction of the President to the members of staff. Hence, my sending the withdrawal notice through my private email and at my cost.
13. For the avoidance of doubt;
- a. I am unaware of any meeting where it was decided that the two notices; one issued by the General Secretary on the 27th of July, 2022 and the other issued by the Assistant Secretary on the 28th of July, 2022 would be presented to the Annual General Meeting for a resolution of which should be discussed at the meeting.
 - b. I have nothing against the proposed amendments by the Constitution Review Committee. However, my stance as I told the President and other members of Exco is that the Proposed Amendment did not meet the sixty (60) days requirement of the Constitution.

I will always stand for the truth and the best interest of the Association even if it means standing alone. I am not a political appointee; I contested for the office of the General Secretary and won

by your votes and God's mercies. The duties of my office are well defined, and I will uphold the provisions of the Constitution which I swore to uphold.

Thank you.

A handwritten signature in blue ink, appearing to read 'Joyce Oduah', is written over a faint, circular official stamp.

Joyce Oduah, FICMC
General Secretary, NBA

11th of June, 2022



The General Secretary,
Nigerian Bar Association,
National Secretariat,
NBA House, Plot 1101 Muhammadu Buhari Way,
Central Business District, Abuja, F.C.T, Nigeria.

Dear Madam,

NOTICE OF PROPOSED CONSTITUTIONAL AMENDMENT

Whereas Section 23 (8) of the Nigerian Bar Association (NBA) Constitution provides that "Ten (10) percent of Bar Practicing Fee paid by members of each Branch shall be remitted to the Branch in the month of April and December of each year.

Whereas by a resolution passed at the meeting of the NBA National Executive Council (NEC) on the 10th of June, 2022 held in Ilorin, Kwara State, the NEC resolved that the said constitutional provision is increased from Ten (10) percent to Twenty (20) percent

Pursuant to Section 25 of the constitution, we hereby notify your office of the proposed amendment of the said provision of the Constitution as resolved by NEC for the increase of the remittance to branch to twenty (20) percent by amending the said Section 23 (8) in the following manner:

"Twenty (20) percent of Bar Practicing Fee paid by members of each Branch shall be remitted to the Branch in the month of April and December of each year".

We look forward to your cooperation to ensure that the Branches of the NBA are financially strengthened and empowered.

Undersigned for themselves and on behalf of all the Chairmen of Branches of the Nigerian Bar Association.

Thank you.

Yours faithfully,

1. Ikkechukwu Uwanna, Esq NBA Lagos chairman - *Ikkechukwu Uwanna*
2. M.T. Mohammed, Esq. NBA Kaduna chairman - *M.T. Mohammed*
3. Ahmed Turker Esq NBA Gombe Chairman. *Ahmed Turker*

①

4. AbdulGaniyu Bello, Esq, NBA Ilorin Chairman - ✓
5. Munday Acheh NBA Bwari Chairman ✓
6. YAKUBU MOSES FIDE NBA KETI Chairman ✓
7. Isah Abubakar Aliyu NBA Gwagwada Chairman ✓
8. T.J.J. DANJUMA NBA PANKSHIN CHAIRMAN ✓
9. C.E. OKHAGBE NBA SULEJA BRANCH, CHAIRMAN ✓
10. Mustapha Sadiq NBA CHAIRMAN LAFIA. ✓
11. Barnabas A. Munonye Chairman, Orke branch ✓
12. Adayemi Adewumi, Chairman, Ado-Ekiti Branch ✓
13. Sir Segun Oyewo Chairman Ogbomoso Branch ✓
14. Promise Uche Icheigbo chairman, Isiokepo Branch - ✓
15. Junaidu Abubakar, chairman, Gusau Branch ✓
16. ABDULLAH YAHYA, SAN chairman Bannawa Branch. ✓
17. Yakubu S. Bawa, Chairman Jos Branch ✓
18. Ibrahim Mohammed, Auchi Branch ✓
19. JOHN AKU AMBI KATANCHAN BRANCH ✓
20. Hussaini Abdu, Zaria Branch ✓

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From: Asamah
Kadiri

<asamah.kadiri@j
ee.africa>

Sent: Tuesday, 26
July 2022, 14:12

To: Joyce Oduah
<Joyce.Oduah@ni
gerianbar.org.ng>;
Olumide A. Akpata
<Olumide.Akpata
@nigerianbar.org.n
g>

Cc: Afam Osigwe
<osuigweaj@yaho
o.com>;
orjiagwuuka@gma



UKPAI UKAIRO & ASSOCIATES

(Barristers • Solicitors • Arbitrators • Mediators)

**NDE UDO CHAMBERS,
ULUE IFE,**
B16, Pound Road, (By Adazi) Aba,
Box 20355, Aba.

08033382685
e-mail: ukpaiukairoandassociates@yahoo.com

Our Ref: Vol.22/A/1/80 Your Ref: Date: 01/08/2022

The General Secretary,
Nigerian Bar Association,
Plot 1102 Muhammed Buhari Way,
Cadastral Zone AOO,
Central Business District Area,
Abuja.

Dear Sir,

DEMAND TO WITHDRAW NOTICES TAGGED "NOTICE OF PROPOSED AMENDMENT OF THE CONSTITUTION OF THE NIGERIAN BAR ASSOCIATION 2015 (AS AMENDED IN 2021)" AND "FURTHER NOTICE OF PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE NIGERIAN BAR ASSOCIATION (2015) AS AMENDED IN 2021" PURPORTING TO GIVE 30 DAYS NOTICE TO DELEGATES TO 2022, ANNUAL GENERAL MEETING OF NBA FOR THE AMENDMENT OF NBA CONSTITUTION AMENDED LAST IN 2021.

We write for and on behalf of **Victor C. Nwaugo Esq.** of No.174 Hospital Road Aba and **Onyemachi Chukwu Esq.** of No.48 Okigwe Road, Aba (hereinafter referred to as our clients) and we have their instructions and authority to write to you in the following terms:

.../2.

1. That our Clients are members of NBA and Delegates to NBA Annual General Meeting fixed on Thursday, 25th August, 2022 at Eko Atlantic city, Victoria Island, Lagos State having paid their practicing fees and Branch Dues before March, 31st 2022.
2. That our clients received notices tagged "Notice of proposed Amendment of the constitution of the Nigerian Bar Association 2015 (As Amended in 2021)" written by your humble self, Joyce Oduah in your capacity as the General Secretary of NBA and another tagged "Further notice of proposed Amendments to the Constitution of the Nigerian Bar Association (2015) as amended in 2021 signed by Uchenna Nwadialo in his capacity as Assistant General Secretary of NBA, on the 27th day of July 2022 and 28th day of July, 2022 respectively, with varied versions of proposed constitutional amendments which accompanied the notices (see notices attached).
3. It is instructive to note that the notice issued by Uchenna Nwadialo on the face of it countered the notice issued by you.
4. That both Notices issued by you and the one issued by the Assistant General Secretary purport to serve as notice required by Article 25(1) of NBA Constitution amended in 2021 mandating the General Secretary of NBA to circulate any proposed amendment or repeal and re-enactment of the NBA Constitution to delegates to Annual General Meeting at least thirty (30) days before the proposed amendment is tabled for discussion at the Annual General meeting.
5. On the clear reading of the notices aforesaid and the proposed amendment to the NBA Constitution, our clients observed the following:
 - (i) The Notices and the purported proposed amendment to the NBA Constitution were circulated to the Delegates to the Annual General Meeting scheduled to hold on 25th August, 2022 on 27th and on 28th day of July, 2022 in clear breach of Article 25(1) of the NBA Constitution amended in 2021 as 25th day of August 2022 being the date of the Annual General meeting cannot be the anniversary of the 30th day for a notice served on 27th or 28th July, 2022.

.../3.

- (ii) Article 7 (2) of the said proposed amendment to NBA Constitution on COMPOSITION OF THE REPRESENTATIVES OF THE ASSOCIATION IN THE GENERAL COUNCIL OF THE BAR seeks to amend and in fact is in direct conflict with Section 1(2) (c) (3) (b) of the Legal Practitioners Act Cap LII,LFN 2004 (Incorporating the provisions of the Legal Practitioners (Amended) Decree, N1.21 1994) when it proposes and seeks to exclude members of NBA who are below 10 years post call into the Bar Council and seeks to reserve the Bar Council Representatives to NBA Members who are 10 years and above post call including serving NBA president and the immediate past president with no reservation for members of NBA who are below ten (10) years post call contrary to Legal Practitioners Act, 2004.
- (iii) Article 9(4) (c) of the said proposed amendment to NBA Constitution in seeking to restrict members who have held elective offices as national officers of NBA for two (2) terms till after ten (10) years from the date of the last office held, proposed such restriction to have retrospective effect so as to affect members who held two national offices when the said Constitution of NBA 2015 had not been made, contrary to the rules of legislative drafting which does not stretch the mischief sought to be corrected in an amendments to have retrospective effect beyond when the main legislation was made or came into effect. The NBA constitution now sought to be amended was enacted in 2015. In the circumstance, no amendments to the said constitution will take retrospective effect beyond 2015 when it was first made whereas the said proposed amendments has a clause for retrospective effect of the said constitution which has no limitation of time.
- (iv) The entirety of fifth schedule to the said proposed amendment to NBA Constitution seeks to abrogate, repeal and second-position section 10 (1) (b), 10 (7) of the Legal Practitioners Act, 2004, Legal Practitioners Disciplinary Committee Rules 2020 and the Constitution of Federal Republic of Nigeria,1999 as amended as it disregarded the powers of Legal Practitioners Disciplinary
...../4.

Committee (LPDC) of the Body of Benchers to investigate and for the consideration of the question whether there is a case to answer in respect of the allegation made in the originating application against a legal practitioners pursuant to Rule 5(1) (2) (3) (4) (5) of LPDC Rules, 2020 made pursuant to Section 10(7) of LPA when the said purported proposed amendment to NBA Constitution seeks to empower Registrar of Discipline of the Association (NBA) at National Secretariat, Ethics and Disciplinary Committees of the Association at State Level, the President of the Association, and a Review committee to usurp and investigate originating application or petition against a legal practitioner for infraction of Rules of Professional conduct for legal practitioners in Nigeria not being originating application originated by the Association or originating application referred to it for investigation by Legal Practitioner Disciplinary Committee in line with Rules 4(5) and 15 of LPDC Rules, 2020.

6. By our clear grounds above, we have the instructions of our clients to demand that you withdraw the notices and the said purported proposed amendment to NBA Constitution and extinguish further publication of the said purported amendment. .
7. We, on behalf of our clients, also required you to remove or cause to be removed from the list of agenda to be discussed at the said Annual General Meeting, a proposal, motion, debate touching and concerning on any issue connected to or relating to proposal to amend the NBA Constitution as amended in 2021.
8. Where you fail, refuse or neglect to heed to our request as stated above within 7 days of dispatch of this letter to you, we shall have no option than to seek injunctive and mandatory orders against the incorporated trustees of NBA, the president of NBA, yourself and the Assistant General Secretary of NBA at any high court in Nigeria.
9. We therefore require you to circulate this letter to all the appropriate organs, committees and bodies of NBA upon receipt of this letter including but not limited to: NBA President, Assistant General Secretary, any dispute resolution body of NBA within two days of the receipt of this letter by you.

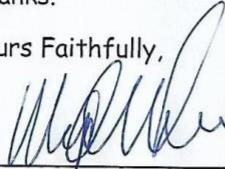
.../5.

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Note however that our clients will not be bound by the decision of any dispute resolution body not in line with the constitution of Federal Republic of Nigeria 1999 as amended.

Thanks.

Yours Faithfully,



Ukpai O. Ukairo Esq.

Ukpai Ukairo & Associates,
Nde Udo Chambers,
B16, Pound Road, Aba.

