

FOR NIGERIAN LAW SCHOOL STUDENTS WITH PRECISE EXPLANATION ON THE ANSWERS

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HISTORY OF THE LEGAL PROFESSION

On the first day of your orientation programme at the Nigerian Law School, you were given an assignment to conduct an extensive research on the history of the legal profession in Nigeria.

Answer the following questions

	10	2 but full academic course didn't					
		ff until13 and graduates					
		figerian Universities were admitted in					
	_1¬	· 					
1.							
	a.	3					
	b.	4					
	c.	2					
	d.	5					
2.							
		1074 and 1014					
		1874 and 1914					
		1876 and 1913					
		1876 and 1914					
	a.	1873 and 1914					
3.							
	a.	Professionally trained lawyers					
		Lawyers called to the Nigerian Bar					
		Articled lawyers					
		Local attorneys					
		•					
4.							
	a.	3 months renewable for another 3					
		months					
	b.	4 months renewable for another 4					
		months					
	c.	5 months renewable for another 5					
		months					
	d.	6 months renewable for another 6					
		months					
5.							
٥.							
	a.	3					
	b.	4					
	c.	5					
	d.	2					
6.							

- a. Queen's Inn
- b. Lincoln's Inn
- c. Inner Temple
- d. Gray's Inn

7.

- a. They studied under the Unitary system of government while Nigeria operated Federal system
- b. They studied English cases which were more binding in Nigerian courts
- c. There was lack of appreciation of the local laws in Nigeria
- d. In England, they were trained as either Barristers or solicitors, while there was fusion of both in Nigeria

8.

- a. 1957
- b. 1958
- c. 1959
- d. 1960

9.

- a. Legal Secretary of Southern Cameroon
- b. Solicitor General of the Federation
- c. 6 distinguished legal practitioners
- d. None of the above.

10.

- a. 28
- b. 24
- c. 12
- d. 15

11.

a. 1960

- b. 1961
- c. 1962
- d. 1963

12.

- a. January 1963
- b. March 1963
- c. October 1963
- d. January 1964

13.

- a. 1964
- b. 1965
- c. Later that same year
- d. None of the above

14.

- a. 1963
- b. 1964
- c. 1965
- d. 1966

Professor Jackie Chan, a Chinese man who had taught law in the University of Wuhan for more than 15 years, was invited by Babcock University in January, 2015 as an expatriate to teach the University students International Trade Law. After spending 5 years in Nigeria, Professor Jackie Chan is considering the prospect of being able to practice as a legal practitioner in Nigeria and has called you, as one of his students, to advise him on his eligibility and the procedures he needs to follow to realise his aspirations.

Answer the following questions 15-18 using the above scenario:

15. None of the following, except one, is correct

- a. Professor Jackie Chan, having taught law in Nigeria for more than 5 years, is qualified for total exemption from attending the Nigerian Law School
- Professor Jackie Chan, having been a professor of law for more than 15 years is automatically entitled to practice law generally in Nigeria
- Professor Jackie Chan, having taught law in Nigeria for more than 5 years, qualifies for partial exemption in the Nigerian Law School
- d. Professor Jackie Chan, having taught law for just 5 years in Nigeria, is not qualified for any exemption from Nigerian Law School.
- 16. Assuming Professor Jackie Chan is a citizen of the United Kingdom, and has taught law for more than 20 years in the University of Cambridge before being invited to Nigeria as an Emeritus Professor to teach law in University of Ibadan in 2015 and still desires to practice in Nigeria, then:
 - a. Professor Jackie Chan will be qualified for total exemption from Nigerian Law School
 - Professor Jackie Chan will be qualified for partial exemption from Nigerian Law School
 - c. Professor Jackie Chan will be entitled to practice by virtue of his position in Nigeria as an Emeritus Professor of the Premier University
 - d. Professor Jackie Chan does not qualify for exemption from Nigerian Law School
- 17. Professor Jackie Chan was accused of raping one of his students and has been charged before the High Court of Oyo State

on a one count charge of rape. Feeling aggrieved and convinced that no Nigerian lawyer is capable of representing him, he sought to bring in his old time friend from college, Mr. Harvey Specter a senior lawyer in the United Kingdom to represent him.

Mr. Harvey Specter will be able to represent Professor Jackie Chan when granted a warrant by:

- a. The Attorney General of the Federation
- b. The Minister of Internal Affairs
- c. The President of the Federal Republic of Nigeria
- d. The Chief Justice of Nigeria
- 18. One of the following is not a condition to be fulfilled before the warrant is granted?
 - a. Mr. Harvey must be qualified to practice in the United Kingdom
 - b. The legal system in the United Kingdom must be similar to that of Nigeria
 - c. Professor Jackie Chan must have paid the sum of №50,000 as his application for warrant fee on behalf of Mr. Harvey Specter
 - d. None of the above
- 19. Three legal practitioners, Funke Akindele, Olisa Metuh and Kemi Adetiba who are 10, 8 and 7 years respectively at the Bar, decided to set up a law firm and practice together. They rented a big office space at Sterling Towers, Marina Road, Lagos Island and started their law practice together. The three legal practitioners qualified to practice the legal profession in Nigeria when

- a. They received their qualifying certificates
- b. They received their call to bar certificates
- c. They were called to the Nigerian Bar
- d. They got their names enrolled at the Supreme Court
- 20. The three legal practitioners are qualified to:
 - a. Practice generally in Nigeria
 - b. Practice in Nigeria for the purpose of a particular proceeding
 - c. Practice by virtue of their office
 - d. All of the above
- 21. During dinner at the Nigerian Law School (NLS), the correct sitting order for members on the high table is:
 - a. Principal members of NLS on the first row, members of the Body of Benchers on the second roll, other academic staff of NLS on the third row
 - Principal members of NLS on the first row, other academic staff of NLS on the second row, members of the Body of Benchers on the third row
 - c. Members of the Body of Benchers on the first row, principal members of NLS on the second row, other academic staff of NLS on the third row
 - d. Members of the Body of Benchers on the first row, other academic staff of NLS on the second row, principal members of NLS on the third row.

- 22. One of the following is not among the categories of persons entitled to practice law in Nigeria under the Legal Practitioners Act Cap L11 2004.
 - a. Those entitled to practice by virtue of their office
 - b. Those entitled to practice with leave of the Court
 - c. Those entitled to practice for the purpose of particular proceedings
 - d. Those entitled to practice generally
- 23. One of the following is not a necessary condition to be fulfilled by aspirants to the Nigerian Bar:
 - a. Success at Law School Portfolio
 Assessment
 - b. Nigerian Citizenship
 - c. Good Conduct
 - d. Success at Bar Part II Examinations

ANSWERS

HISTORY OF THE LEGAL PROFESSION

- 1. (A) The history of the development of the legal profession in Nigeria is divided into three stages as follows: 1876-1914, 1914-1962, 1962 till date.
- 2. **(C)**
- 3. (B) There were three categories of lawyers that could practice in Nigeria between 1876 and 1914. During that period, it was possible to be called to a Nigerian Bar because there was no Nigerian Bar.
- 4. (D) The license granted to local attorneys during the first stage was for a period of 6 months, renewable for another period of 6 months.
- 5. (B) There are 4 Inns of Court in England: Lincoln's Inn, Gray's Inn, Inner Temple and Middle Temple.
- 6. (A)
- 7. (B)
- 8. (C) The Unsworth Committee was set up in 1959. The Committee came up with a total of 28 recommendations.
- 9. (D)
- 10. (A)
- 11. (C)
- 12. (A)
- 13. (C)
- 14. (C)
- 15. (D) Professor Jackie Chan, as a foreigner from a non-common law jurisdiction, can only be entitled to a partial exemption. That's after he

- must have taught law in a Nigerian University for more than 10 years.
- 16. (B) Professor Jackie Chan will be qualified for partial exemption because of two things: first, the United Kingdom is a common law jurisdiction and second, he has taught law in a Nigerian University for a period of 5 years.
- 17. (D) The warrant is that of the Chief Justice of Nigeria.
- 18. (C) The application fee is N50.00K.
- 19. (D) It is not enough to be called to the Nigerian Bar; one's name must also be enrolled to be able to practice generally in Nigeria. See the Legal Practitioners Act, (LPA).
- 20. (A) Anyone who has been called to the Nigerian Bar and whose name is enrolled in the Supreme Court is entitled to practice generally in Nigeria.
- 21. (A)
- 22. (B) Section 24 LPA.
- 23. (B) There are Ghanians and other Africans that are called to the Nigerian Bar. Nigerian citizenship is not a condition precedent.

REGULATORY BODIES IN THE LEGAL PROFESSION AND EXCLUSIVE RIGHTS OF LEGAL PRACTITIONERS IN NIGERIA

In the fourth week of your resumption at the Nigerian Law School, you were nominated by your group to give a presentation in front of the whole class on the regulatory bodies in the legal profession, exclusive rights and privileges of legal practitioners and limitations on those rights.

You began your presentation by stating that the legal profession is a highly regulated profession that comprises different regulatory and controlling bodies each with their distinct functions and powers. For example, the___1___ is a body of legal practitioners of highest distinction in the legal profession in Nigeria. It is established by___2__ and has all the following as its functions except___3___. And whenever the body is meeting, its quorum shall be ____4___.

The second regulatory body you discussed was the Legal Practitioners Disciplinary Committee. You explained to the class that the____5___ sets up the Legal Disciplinary **Practitioners** Committee (LPDC) while the _____6__ prepares the procedural rules used by the Committee. In your words "The Committee was established by section 10 of the Legal Practitioners Act and is charged with the responsibility to determine and consider charges brought against legal practitioners in Nigeria who have misbehaved." You went ahead to state that the Committee comprises_____7_ members which includes all but one of the

following 8 At the end of your
presentation on the LPDC, a member of the
class asked you a question on the quorum
for the meeting of the Committee and your
answer was 9 .

You moved ahead to the third regulatory body on your list, the Council of Legal Education. "The Council of Legal Education is the Body primarily responsible for the education of persons aspiring to be members of the legal profession in Nigeria. It is the proprietor of the Nigerian Law School. The proper designation of the head of the Council of Legal Education the ____10____ who is appointed bv on the recommendation of ___12___ and stays in office for __13____".

1.

- a. The Council of Legal Education
- b. The Body of Benchers
- c. The Nigerian Bar Association
- d. The National Judicial Council

2.

- a. Section 1 of the Body of Benchers
 Act
- b. Section 2 of the Legal Education Act
- c. Section 3 of the Legal Practitioners
 Act
- d. Section 4 of the Legal Practitioners
 Act

3.

- a. Prescription of call fees to be paid by aspirants of the Bar
- b. Prescription of dinning terms to aspirants of the Bar

- c. Issuance of certificate of Call to Bar to new wigs
- d. Issuance of qualifying certificates to aspirants of the Bar

4.

- a. 10
- b. 11
- c. 12
- d. 15

5.

- a. The Body of Benchers
- b. The Nigerian Bar Association
- c. The President of the Court of Appeal
- d. The Chief Justice of Nigeria

6.

- a. Chairman of the Legal Practitioners
 Disciplinary Committee
- b. Attorney General of the Federation
- c. Chief Justice of Nigeria
- d. President of the Court of Appeal.

7.

- a. 10
- b. 11
- c. 15
- d. 20

8.

- a. President of the Court of Appeal
- b. Two Chief Judges
- c. A Justice of the Supreme Court
- d. Four members of the Nigerian Bar Association

9.

a. 7

- b. 5
- c. 9
- d. 11

10.

- a. Chairman
- b. Director General
- c. President
- d. Provost

11.

- a. The Body of Benchers
- b. The Attorney General of the Federation
- c. The Chief Justice of Nigeria
- d. President of Nigeria

12.

- a. National Judicial Council
- b. Chief Justice of Nigeria
- c. Director General of NLS
- d. Attorney General of the Federation

13.

- a. 3 years
- b. 2 years
- c. 5 years
- d. 4 years

At the end of your presentation on those three regulatory bodies, you received a standing ovation from every member of the class. However, the work did not end there. You were summoned by your lecturer who asked you a series of questions on the remaining aspects of the topics thus:

- 14. One of the following is not cloaked with juristic personality:
 - a. The Body of Benchers

- b. The Council of Legal Education
- c. The Nigerian Bar Association
- d. None of the above
- 15. The Chief Justice of Nigeria is the Chairman of which of the following regulatory bodies:
 - a. The National Judicial Council
 - b. The Legal Practitioners Privileges Committee
 - c. A and B
 - d. None of the above

Mrs Efunsetan Aniwura was called to the Nigerian Bar in 2010 when she was just 21. She has always had the passion to be the best in all her endeavours and attain the highest position in her career, in this regard, the rank of the Senior Advocate of Nigeria. In 2011, she obtained a loan of \aleph 10,000,000 (Ten Million Naira) from First Bank of Nigeria PLC which she used to acquire a big office space in Awolowo, Ibadan. She furnished the office with the necessary equipment and items that would enhance her practice. Over the years, she has carved a niche of excellence for herself and handles all the high profile cases in Ibadan. She has over 10 fee earners working for her. One of her 2020 is to be youngest of Senior Advocate of Nigeria.

Answer the following questions.

- 16. The Body responsible for the conferment of the rank of Senior Advocate of Nigeria is:
 - a. The Body of Benchers
 - b. The Legal Practitioners Privileges Council
 - c. The Council of Senior Advocates of Nigeria

- d. The Legal Practitioners Privileges Committee
- 17. How many years post call is required of Mrs Efusetan Aniwura before she can be conferred with the rank?
 - a. 10 years
 - b. 12 years
 - c. 15 years
 - d. 8 years
- 18. All of the following are correct about the processing fee required of applicants for the rank of Senior Advocate of Nigeria except:
 - a. The sum is \aleph 600,000
 - b. It is non-refundable
 - c. The sum is \aleph 200,000
 - d. None of the above
- 19. To be qualified for the prestigious rank, Mrs Efusetan Aniwura is required to show____
 - a. Particulars of 29 contested cases: 3 at the Supreme Court, 6 at the Court of Appeal, 20 at the High Court
 - b. Particulars of 29 contested cases: 3 at the Supreme Court, 4 at the Court of Appeal and 22 at the High Court
 - c. Particulars of 27 contested cases: 3 at the Supreme Court, 4 at the Court of Appeal and 20 at the High Court
 - d. Particulars of 29 contested cases: 4 at the Supreme Court, 5 at the Court of Appeal and 20 at the High Court
- 20. The following restrictions apply to Senior Advocates of Nigeria except:
 - a. They shall not draft any instrument where the charge is below \$400

- b. They shall not handle any pro bono case personally, but shall give it to his junior
- c. They shall not appear in any criminal case alone without a junior counsel
- d. B and C
- 21. Assuming Mrs Efunsetan Aniwura was finally conferred the prestigious rank of the Senior Advocate of Nigeria, the annual practising fee she would be required to pay is:
 - a. N50,000
 - b. №20,000
 - c. ₹40,000
 - d. ₹15,000
- 22. Whenever Mrs. Efunsetan Aniwura is conferred with the rank of Senior Advocate of Nigeria, her privileges include all but one of the following:
 - a. The right to sit in the inner bar
 - b. The right to wear the silk
 - c. The right to mention her application out of turn
 - d. The right to be appointed the President of the NBA
- 23. The Rules of Professional Conduct was made by:
 - a. The Nigerian Bar Association
 - b. The Attorney General of the Federation
 - c. The General Council of the Bar
 - d. The Legal Practitioners Disciplinary Committee

On the 20th day of August, 2019, you accompanied your principal to the Lagos State High Court where you met the following persons: Kingsley, Chief Law

Officer of the Federation, Olalere, a Senior Advocate of 10 years in the inner Bar, John, a life Bencher, Johnson, the AG of Lagos state and Caleb, the oldest lawyer in the profession with 45 years post call.

- 24. Which of the following is the correct order of their precedence according to the Legal Practitioners' Act?
 - a. Kinsley, Johnson, Caleb, John and Olalere
 - b. Kinsley, Johnson, John, Olalere and Caleb
 - c. Johnson, John, Olalere, Kinsley and Caleb
 - d. Johnson, Olalere, John, Kinsley and Caleb

The №5000 you are required to pay within one month of your enrolment is called___25____, prescribed by ___26___ and paid to ___27___.

25.

- a. Call to Bar fee
- b. Annual Practicing fee
- c. Nigerian Bar Association fee
- d. Roll number fee

26.

- a. The Body of Benchers after consultation with the Nigerian Bar Association
- b. The Nigerian Bar Association
- c. The Legal Practitioners
 Remuneration Committee
- d. The Attorney General of the Federation after consultation with the Nigerian Bar Association

- a. Nigerian Bar Association
- b. Body of Benchers
- c. Registrar of the Supreme Court
- d. Any of the above
- 28. The rules guiding the conduct of dinner for candidates of the Nigerian Bar were prescribed by:
 - a. The Council of Legal Education
 - b. The Body of Benchers
 - c. The Nigerian Law School
 - d. The Nigerian Bar Association
- 29. One of the following is not an exclusive right of legal practitioners:
 - a. Appointment as notary public
 - b. Statutory declaration of compliance
 - c. Registration of business name
 - d. None of the above
- 30. A lawyer who is in active legal practice is prohibited from being:
 - a. The Managing Director of a company
 - b. A shareholder of a company
 - c. The Chairman of a company
 - d. A non-executive director of a company
- 31. The following are functions of the Nigerian Bar Association except:
 - a. Maintenance of the honour and independence of the Bar
 - b. Investigating complaints against legal practitioners found wanting
 - c. Promotion of legal education and law reforms
 - d. None of the above

During your portfolio assessment in the Nigerian Law School, while you were prepared to deliver your well written speech on your externship experience, your expectation was cut short when, as soon as you walked in, the panel painted a scenario for you thus, and you were asked to answer the questions that followed:

Sisi Akowe followed her principal, Mr. Tolu Akande to Court on the first day of her law firm attachment. She noticed that most of the lawyers coming into the court avoided the front seats; rather they took other seats behind. Quite confused, Sisi Akowe asked her Principal why that happened. Before he could answer, her Principal's matter which was the last on the list was called. When he was done with his matter, Sisi Akowe noticed that her principal did not pack his bag unlike other lawyers before him. He waited for the judge to rise and after which, himself and another counsel who also waited left the court room together.

- 32. The reason why the front row was avoided by Mr. Tolu Akande and other lawyers was because:
 - a. The seat was reserved for Senior Advocates and Benchers
 - b. The seat was reserved for Senior Advocates and Benchers and Attorneys - General
 - c. The seat was reserved for Senior Advocates, life Benchers and Attorneys -General
 - d. The seat was reserved for Senior Advocates, life Benchers, Attorneys-General and Notaries Public

- 33. Another privilege enjoyed by the category of persons you have identified above is?
 - a. Right to mention all their cases out of turn
 - b. Right to mention matters for trial out of turn
 - c. Right to mention any motion in which he is appearing out of turn
 - d. Right to have their matter adjourned sine die
- 34. All but one of the following statements is incorrect:
 - Only a legal practitioner can prepare all instruments for fees, gains or rewards
 - b. Only a legal practitioner can legally sign documents to be admissible in court
 - c. Only a legal practitioner can prepare instruments relating to immovable property for fees, gains or rewards
 - d. Only a legal practitioner can incorporate companies under Companies and Allied Matters Act

Chief Pius Braimo is a Legal Practitioner and Notary Public for Nigeria with his Law office at Shagamu. He does not belong to the Local branch of the Nigerian Bar Association. Anytime he appears at the Shagamu High Court in Shagamu, he usually seats at the Inner Bar, claiming to be a Notary Public and so should be heard before other Legal Practitioners. Chief Ayeni is also a Legal Practitioner of over 30 years at the Bar. He appeared in the same Court with Chief Pius Braimo. Chief Braimo, who is twelve years at the Bar

desires to mention his cases before Chief Ayeni, claiming that he is a Notary Public.

Answer Question 35&36

- 35. The title of Notary Public of Nigeria is conferred on:
 - a. Legal Practitioners who have been conferred with the rank of Senior Advocates of Nigeria
 - b. Legal Practitioners who have practiced law for a period of ten years
 - c. Legal Practitioners who have practiced law for a period of ten years and have appeared in the High Court in five civil cases
 - d. Legal Practitioners of exemplary character who have practiced law for not less than 10 years and have paid their practicing fees for not less than seven years.
- 36. The title "Notary Public of Nigeria" is conferred on Legal Practitioners by the:
 - a. Chief Justice of Nigeria
 - b. Nigerian Bar Association
 - c. General Council of the Bar
 - d. Legal Practitioners Privileges Committee.
- 37. One of the following is incorrect;
 - A lawyer who practices at the bar can engage in any other profession if permitted by the Bar council
 - A director of a registered company shall not appear as an advocate in court or in a judicial tribunal for his company

- c. A retired judicial officer cannot represent himself in court
- d. A lawyer who has not paid his practicing fee will be denied right of audience
- 38. To enjoy the exclusive rights of legal practitioners in Nigeria, a lawyer must have to do all the following except:
 - a. Payment of practising fees promptly
 - b. The appropriate use of seal and stamp
 - c. Participating in mandatory continuing legal education
 - d. Contesting for executive positions of the NBA
- 39. During the recently concluded portfolio assessment at the Nigerian Law School, Mary, a student, gave an account in her log book of witnessing Mr. Okeke Dabo, a non-lawyer prosecuting his personal matter in court. Which of the following is a correct statement in respect of Mr. Okeke Dabo?
 - a. The RPC prohibits him from prosecuting any case in court unless he is called to bar
 - b. He may prosecute his personal case in Court
 - c. He may prosecute his personal case in court provided he does not cite legal authorities and use legal jargon
 - d. He may prosecute cases in court but may not form a law firm.
- 40. Also recorded in Mary's log book is an account of a dismissed Magistrate appearing in court and prosecuting a matter for his client at the High Court. Which of the

following is true of the dismissed Magistrate?

- Having been dismissed, the Magistrate has no right of audience in court
- b. The Magistrate, being a judicial officer who is no longer on the bench can prosecute a matter in court
- c. The Magistrate, being a judicial officer who is no longer on the bench cannot prosecute a matter in court
- d. The Magistrate is not a judicial officer within the meaning of S.292 of the constitution and therefore is entitled to prosecute a case in court after leaving the bench.

ANSWERS

REGULATORY BODIES IN THE LEGAL PROFESSION AND RIGHTS OF LEGAL PRACTITIONERS

- 1. (B)
- 2. (C)
- 3. (D) Issuance of qualifying certificate is the function of the Council of Legal Education.
- 4. (A)
- 5. (A) The LPDC is a Committee of the Body of Benchers.
- 6. (C) The CJN prescribes the Rules of procedure of the Committee.
- 7. **(B)**
- 8. (C)
- 9. (B)
- 10. (A)
- 11. (D)
- 12. (D)
- 13. (D)
- 14. (C) The Nigerian Bar Association is not a juristic person because it is not a creation of the law. There is no Act or Law which established it. But the Registered Trustees of the NBA is a juristic person.
- 15. (C) The CJN is the Chairman of the NJC as well as the LPPC. See Sec. 5(3), LPA and Third Schedule to the 1999 Constitution as amended.
- 16. (D)
- 17. (A)
- 18. (C) Every Applicant for the rank of SAN shall pay a non-refundable processing fee in the sum of ₹600,000 or such amount as may be

- fixed by the LPPC. Section 9(3) of the Guidelines for the Conferment of the Rank of SAN 2018.
- 19. (D) Applicants for the rank of SAN are to show particulars of 20 final judgments of the High Court, 5 final judgments of the Court of Appeal and 4 final judgments of the Supreme Court. Section 14(5) of the Guidelines, 2018.
- 20. (D) There is nothing which prevents SANs from handling probono cases themselves. Likewise, they can appear alone without any junior in a **criminal** case, not civil case.
- 21. (A)
- 22. (D)
- 23. (C) The General Council of the Bar is responsible for making and revising the Rules of Professional Conduct for lawyers.
- 24. (B) Note that the AGF is also the Chief Law Officer of the Federation. The order of precedence is: AGF, AGs in that State, Life-Benchers, SANs in order of conferment of the rank, Persons authorized to practice by virtue of their office, persons whose names are on the roll in order of seniority and persons authorized to practice by warrant.
- 25. (B) Rule 9, RPC.
- 26. (A) Section 10 (1)(d) LPA. The Body of Benchers has the duty to prescribe fees to be paid by legal practitioners after consultation with the NBA.
- 27. (C) The Annual Practicing Fee of legal practitioners is paid to the Registrar of the Supreme Court.

- 28. (B) One of the functions of the BOB is the prescription of dining rules.
- 29. (C) Registration of business names and even companies is not part of the exclusive rights of legal practitioners. Note that the statutory declaration is no longer an exclusive right of legal practitioners.
- 30. (A) Managing Director of a company is an executive officer of the company, but the Chairman is a non-executive officer. Rule 7(3), RPC.
- 31. (D)
- 32. (C)
- 33. (C) See sec. 8 of the LPA.
- 34. (C) Sec. 22 of the LPA.
- 35. (D)
- 36. (A)
- 37. (C) Atake v Afejuku, Rule 8(3), RPC.
- 38. (D)
- 39. (B) Sec. 36(6)(c), CFRN.
- 40. (D)

LAWYERS' DUTIES TO CLIENTS, STATE AND THE LEGAL PROFESSION

Tony, a 10 year old girl, was raped by two thugs on her way home from school. She was brutally injured and left to die, but was miraculously rushed to the Hospital by passers-by and she survived. Furious and determined to end the lives of the two thugs, Carlee Jackson, the father of Tony, contacted Jimoh Esq and told him of his intention to kill the thugs and should be be charged to court, Jimoh would defend him. Jimoh advised him to go ahead saying if he found himself in similar situation, he would have killed the thugs a long time ago.

Answer the following questions:

- 1. Which professional duty has Jimoh Esq. breached from the scenario?
 - a. Duty to advise his client within the bounds of the law
 - b. Duly to prevent the commission of a crime
 - c. Duty to uphold the rule of law
 - d. All of the above
- 2. Assuming eventually, Carlee Jackson was arrested and charged before the Court to be prosecuted by Mr. Sunmobo on behalf of the State, based on Rule 37 of RPC, Mr. Sunmobo's primary duty is:
 - a. To make sure to convict Carlee Jackson
 - b. To achieve maximum punishment for the accused
 - c. To see that justice is done
 - d. All of the above

- 3. Assuming it was after he killed the two thugs that Carlee Jackson approached Jimoh Esq and confessed the commission of the crime to him, then Jimoh must:
 - a. Make sure to reveal the information to the Court
 - b. Make sure to keep the information privileged
 - c. Make sure to put a defence contrary to the confession
 - d. Any of the above
- 4. The section the Evidence Act dealing with the privilege of lawyer-client communication is:
 - a. Section 97
 - b. Section 197
 - c. Section 191
 - d. Section 192
- 5. The circumstances in which a lawyer is permitted to disclose privileged communications with a client include one of the following:
 - a. Where the client's consent is withheld
 - b. Where the communication relates to the confession of a crime
 - c. Where the information is not a confidential one
 - d. None of the above
- 6. During your externship experience, you noticed that on many occasions, counsel did not leave the courtroom once the number of counsel would otherwise be reduced to one because counsel did not want to:

- a. Empty the Court
- b. Reduce quorum of the Court
- c. Disgrace the Court
- d. Undress the Court

Use this scenario to answer questions 7 - 13

During your externship programme, on one of the days you followed your principal to Court 16 of the High Court of Oyo State, Ibadan, you observed the following which took place in court that day:

The case between Yewande Kanu v Odulade						
Igwe, Suit No. 124/HC/20 was called by						
the7from the8						
Thereafter, counsel for the claimant stood up						
and9as follows:10 He						
then informed the Court that he						
was11for his colleague, Mr.						
Bamiloye Esq, who had been handling the						
case personally, but had an emergency						
medical appointment for 9:00 am. In line						
with his colleague's instruction, he therefore						
applied for12, till 11:00am when						
his colleague would be around. When Mr.						
Bamiloye arrived, the matter was called						
again and hearing continued. In the process,						
Mr. Bamiloye, while trying to persuade the						
Court said "My Lord, I am speaking from						
bar". This means he is telling the Court						
that13						

7.

- a. The Judge
- b. The Bailiff
- c. The Registrar
- d. The Clerk

8.

- a. Court list
- b. Court book
- c. Course list
- d. Cause list

9.

- a. Introduced himself
- b. Entered appearance
- c. Announced appearance
- d. Registered appearance

10.

- a. With due respect, A.B. Dauda, for the claimant
- b. A.B. Dauda, appearing for the claimant
- c. Barrister A.B. Dauda for the claimant
- d. Any of the above

11.

- a. Watching brief
- b. Holding brief
- c. Amicus curiae
- d. Observing proceedings

12.

- a. An adjournment
- b. A stand down
- c. A postponement
- d. A short recess

13.

- a. He is speaking from the seat reserved for lawyers in court
- b. He is speaking as counsel on behalf of his client

- c. He is speaking upon his honour as counsel and should therefore be believed
- d. He is speaking as counsel and not as a judge

Denton West and Momoh Daudu are old time friends from the Nigerian Law School. Both of them have been called to the Bar. but while Momoh Daudu is still in active legal practice, Denton West has ventured into business. Recently, one of Denton West's duplexes in Lagos was compulsorily acquired by the Lagos State government to be used as a permanent isolation centre for patients. No compensation was paid to her from the compulsory acquisition. approached her friend, Momoh Daudu who agreed to take up the case for free. Momoh won the case and the Court awarded the monetary compensation of №200,000,000 (Two Hundred Million Naira) to the claimant. The money was paid to Momoh Daudu who remitted it to his personal account, because that was the only account he has. He deducted 20% as his professional fee and after a month. forwarded ₹100,000,000 to Denton West. Denton West was furious by the action and has decided to make sure Momoh Daudu is punished for his acts.

Answer the following questions 14 and 15 using the scenario

- 14. Which of the following professional duties was breached by Momoh Daudu?
 - a. Duty to properly account for client's property
 - b. Duty to open a client account

- c. Duty not to mix client's property with personal property
- d. All of the above
- 15. The provision of the RPC containing dealings with client's property is in what Rule?
 - a. Rule 23
 - b. Rule 22
 - c. Rule 24
 - d. Rule 19
- 16. One of the following is not expected of a counsel to his client
 - a. Duty to take instructions in chambers
 - b. Cab rank rule duty
 - c. Assuring clients of success
 - d. Duty to open client's account
- 17. Lawyers are enjoined to have offices where they practise and can receive instructions from clients so as not to breach what Rule of RPC?
 - a. Rule 20
 - b. Rule 22
 - c. Rule 21
 - d. Rule 24

Mr. Isaac Toogood, a legal practitioner was sometime in 2019 briefed by one Mr. Babe Solomon to prepare a Deed of Assignment in respect of a land he wanted to buy. Prior to that, Mr. Babe had concluded investigations on the land; all Mr. Isaac did was to prepare the final document. In September, 2020, Mr. Idowu Laki, a long time client whose vast properties have always been managed by Mr. Isaac Toogood requested Mr. Isaac to come to his house

where he instructed him to represent him in a matter involving a land dispute between Mr. Idowu and Mr. Babe. Mr. Isaac is now at a loss trying to determine if he can represent Mr. Idowu in the said suit considering the fact that he had one time prepared the Deed for Mr. Babe with respect to the same land.

Answer the following questions 18-20 using the scenario above

- 18. Mr. Isaac is not inclined to go over to Mr. Idowu's house to take instruction. He can only do so in all but one of the following circumstances:
 - a. The client is very ill and frail
 - b. The client is of extreme old age
 - c. The client cannot visit his law firm due to security reasons
 - d. The client is in custody
- 19. In advising Mr. Isaac on whether he can represent Mr. Idowu in the law suit having prepared the Deed of Assignment for Mr. Babe, one of the following is correct:
 - a. He cannot represent Mr. Idowu in the law suit
 - b. He can represent Mr. Idowu after he has disclosed the fact and the former does not object
 - c. He can assign another lawyer from his office who was not in the preparation of the Deed
 - d. None of the above
- 20. What kind of retainership does Mr. Idowu have with the law firm of Mr. Isaac Toogood?

- a. Special retainership
- b. General retainership
- c. Specific retainership
- d. Corporate retainership
- 21. On a lawyer's liability to the client in the face of failure to exercise professional competence, one of the following is not an exception:
 - a. When acting on a pro bono basis
 - b. Filing of a case out of time
 - c. When acting without remuneration
 - d. In the case of negligence committed in the face of the Court
- 22. Which of these duties is otherwise called the cab rank rule?
 - a. Duty to accept brief
 - b. Duty to take instruction in chambers
 - c. Duty to exercise professional competence
 - d. Duty to open client's account

Mr. Abiola Daniel was called to the Nigerian Bar in November, 2019, and exactly two months after, he established his own private office and employed two of his colleagues to work for him. Mr. Tanko Bako retained Mr. Abiola Daniel to defend him in a case of defamation of character instituted against him by Miss Juliet Azaka. On the 29th of January, 2020, the matter came up for hearing before Justice Mukhtar Mumba. Mr. Mohammed Isa, counsel to Miss Juliet raised an objection to the right of audience of Mr. Abiola Daniel on the ground that he has not paid his practicing fee for the year. The Court made a ruling in favour of Mr. Mohammad Isa, who thereafter came out of the Court and granted a brief press conference to journalists where he boasted that his client will definitely win the case.

Answer the following questions 22-26 using the scenario above

- 23. Justice Muhktar Mumba owes all but one of the following duties to the counsel:
 - a. To treat counsel with respect
 - b. To give counsel right of audience in court
 - c. To entertain counsel in court
 - d. Not to unnecessarily interfere in the conduct of a case
- 24. Mr. Abiola Daniel owes Mr. Tanko Banko all but one of the following duties as a client
 - a. Duty to accept brief
 - b. Duty to take instruction in chambers
 - c. Duty to avoid conflict of interest
 - d. Duty to preserve confidential information
- 25. The first annual practicing fee of Mr. Abiola Daniel must be/have been paid on or before:
 - a. March 2020
 - b. December 2019
 - c. October 2020
 - d. January 2020
- 26. One of the following is not a consequence of failure to pay annual practising fee by legal practitioners?
 - a. No right of audience in court

- b. Inability to sign processes to be used in court
- c. Inability to receive briefs from clients
- d. None of the above
- 27. The conduct of Mr. Mohammed Isa in granting a press conference to journalists boasting that his client will definitely win the case is:
 - a. Proper as counsel is allowed to do that
 - b. Improper as it amounts to contempt of court
 - c. Improper as it constitutes a breach of Rule 34 of RPC
 - d. Improper as it constitutes a breach of Rule 33 of RPC
- 28. It is not unethical for a legal practitioner to:
 - a. Stand surety for a respectable client
 - b. Thoroughly investigate facts communicated by his client
 - c. Accept an instruction which involves arguing against the interest of a party paying his retainer
 - d. Reveal confidential information after the termination of the client-counsel relationship
- 29. Generally, legal practitioners ought to pay their practising fees within___period every year
 - a. 3 months
 - b. On or before the next year March east
 - c. 6 months

- d. None of the above
- 30. Murutai Esq is a legal practitioner with 12 years post call experience; he's neither a Senior Advocates of Nigeria nor a lifebencher. How much will he pay as his practicing fee?
 - a. ₹15,000
 - b. №25.000
 - c. ₹17,500
 - d. ₹50,000
- 31. A Counsel does not owe any duty to the:
 - a. Client
 - b. State
 - c. Court
 - d. None of the above
- 32. Generally, legal practitioners are not to be accorded right of audience in court for failure to pay their annual practicing fee, but this rule does not apply to the following except:
 - a. Senior Advocates of Nigeria
 - b. Attorneys General
 - c. Directors of Public Prosecution
 - d. Principal States Counsel in Ministry of Justice

In the course of your externship, you witnessed the following in open court. When the case of Mr. Akin Alabi Esq. was called, Mr. Alabi was not in court to conduct the case of his client but Olorukiya Seun Esq stood up and announced appearance on behalf of Mr. Akin Alabi and said he would proceed with the case. Shortly in between the case, Honorable Justice Chinukwe cautioned Mr. Olorunkiya over his

unsavoury use of words on Mrs Elumelu, the opposing counsel with regard to her failure to produce a key witness for cross examination. However, Mr. Olorunkiya did not heed to the words of the Judge but continued to berate Mrs. Elumelu.

Answer the following questions

- 33. From the scenario, Mr. Olorunkiya is said to be doing what for Mr. Akin Alabi
 - a. Watching brief
 - b. Holding brief
 - c. Carrying brief
 - d. Representing Mr. Akin Alabi

Seun	Olorunkiya	as	_34	owes	a	duty
to	_35					

34.

- a. Minister in the temple of justice
- b. A lawyer in a reputable law firm
- c. An officer of the court
- d. A and C

35.

- a. Air his grievance against the Judge
- b. Communicate with the Judge
- c. Treat the court with respect, dignity and honour
- d. Solicit for the judge's assistance in conducting his case
- 36. Sisi Jennifer was appearing before Hon. Justice Prim and Proper with very long earrings. She was denied right of audience by the Judge as a result of her dressing. According to the RPC, a lawyer owes the court the following duties save:
 - a. Duty to appear with a junior counsel

- b. Duty to adhere to proper dress code
- c. Duty to be decorous
- d. Duty to assist the court to attain justice
- 37. Which of the following is not a reason counsel should be punctual to court?
 - a. The need to have settled down before court sits
 - b. The need to wait for court and not the reverse
 - The need to get familiar with court procedures and witnesses before the Court sits
 - d. The need to get acquainted with the court clerk and registrar
- 38. A lawyer may reasonably refuse to accept brief under all but one of the following circumstances:
 - a. Lack of interest
 - b. Lack of expertise in the area
 - c. Conflict of interest
 - d. Failure of client to pay professional fee
- 39. Which of these is not a dereliction of duty to the profession by counsel?
 - a. Instigating litigation directly or indirectly.
 - b. Searching of land titles for defects
 - c. Counselling agents and other persons to follow up on accidents with intention to have employment
 - d. Giving of proper advice to those seeking relief against unfaithful and neglectful counsel.

Choose the option that best completes the following passage

- 40. The court started___at exactly 9.am when the case was___out,___announced their appearances and the matter was ____ to 11am for hearing.
 - a. Proceedings, announced, counsel adjourned.
 - b. Sitting, announced, Counsel, adjourned.
 - c. Sitting, called up, counsels, stood down.
 - d. Sitting, called, counsel, stood down.
- 41. In announcing appearance in court, the expression "your Honour" is used before one of the following courts.___
 - a. Area court in Gusau, Zamfara State
 - b. Magistrate Court in Enugu, Enugu State.
 - c. Magistrate Court in Lagos State
 - d. High court in Asaba, Delta State

Franklin Onwuegbuchunam was briefed by Gbedu Bio to represent the latter in a sale transaction involving his property in Asokoro Abuja. Franklin sold the property to one Miss Yinxie Baby, a profound actor for the whooping sum of \aleph 100,000,000. Franklin who had never dreamt of concluding a transaction that big thought God has finally answered his prayers. He received the sum on behalf of his client but failed to remit the money to him. He spent N20,000,000 to buy his dream car and surprised his girlfriend, whom he took to a 5 star hotel where they both spent a week there paying the sum of \aleph 1,000,000. He lavished a substantial part of the money and paid the remaining \(\mathbb{N}\)30,000,000 into his personal account. Meanwhile, as a result of Franklin's greed and his failure to provide best services to his clients, one of whom is James Wellington, whose action has witnessed series of setbacks in Court. James Wellington has debriefed Franklin and engaged the service of Isiaka Mumuni.

Answer the following questions

- 42. The right of James Wellington to debrief a lawyer and change his counsel is contained in what Rule of RPC?
 - a. Rule 18
 - b. Rule 29
 - c. Rule 25
 - d. A and B
- 43. What duty does Isiaka Mumuni owe Franklin as the latter's client has changed counsel?
 - a. Duty to notify Franklin of the change of counsel
 - b. Duty to join Franklin and prosecute the case jointly
 - c. Duty to notify Franklin of the juicy nature of the case
 - d. None of the above
- 44. Assuming James Wellington has defaulted in paying Franklin his outstanding fees, what is the duty of Isiaka Mumuni in this regard?
 - a. Duty to ensure that Franklin is paid his earned fee
 - b. Duty not to accept the brief in solidarity with his colleague

- c. Duty to report the matter to the police
- d. Duty to do the matter pro bono
- 45. Which rule of RPC has Franklin Onwuegbuchunam breached?
 - a. Rule 21 RPC
 - b. Rule 23 RPC
 - c. Rule 24 RPC
 - d. Rule 26 RPC
- 46. Franklin Onwuegbuchunam, as a member of the legal profession, owes the following duties to the profession except:
 - a. Aiding unauthorised practice of law
 - b. Preventing the admission of unqualified persons to the legal profession
 - c. Upholding the rule of law
 - d. Maintaining an honourable standard of professional conduct
- 47. Where a counsel knows that he would most likely be called as a witness in a case, then he should:
 - a. Accept the brief because cab rank rule admits of no exception
 - b. Transfer the case to another person in his firm to handle
 - c. Accept the brief, as that does not bar him from testifying in the case
 - d. None of the above
- 48. There is no liability for negligence committed when conducting a case in court. This was the ratio in the case of:
 - a. Rondel v Worsely
 - b. Lawson v Sifre

- c. Cassidy v Minister of Health
- d. Arthur Hall v Simmons
- 49. A lawyer shall not wear the Barrister's or Senior Advocate's robe in all of the following circumstances except:
 - a. As directed by the Bar Council
 - b. When conducting his own case as party to a legal proceeding in Court
 - c. When giving evidence in a legal proceeding in Court.
 - d. When attending a procession in his church where they want to recognise him
- 50. A lawyer owes all but one of these duties to his profession
 - a. Duty to pay his practising fee
 - b. Duty to attend Bar meetings
 - c. Duty to preserve the confidentiality of the Bar
 - d. Duty to attend the Mandatory Continuing Legal Education Programme

ANSWERS

LAWYERS' DUTIES TO CLIENTS, STATES AND THE LEGAL PROFESSION

- 1. (D)
- 2. (C)
- 3. (B) Rule 37, RPC
- 4. (D)
- 5. (C)
- 6. (D)
- 7. **(C)**
- 8. (D)
- 9. (C)
- 10. (A)
- 11. (B)
- 12. (B)
- 13. (C)
- 14. (D)
- 15. (A)
- 16. (C)
- 17. (B) Rule 22 prevents calling at a client's house or place of business for the purpose of taking instructions.
- 18. (C)
- 19. (B) Onigbongbo Community v Minister of Lagos Affairs. If Mr. Isaac had investigated the title to the land, then he must refuse the brief to represent Mr. Idowu.
- 20. (B)
- 21. (B)
- 22. (A)
- 23. (C)
- 24. (B) The duty to take instructions in chambers is not owed to clients, but it is to preserve the dignity of the legal profession.
- 25. (B) Rule 9, RPC.

- 26. (C) The fact that a legal practitioner has not paid his practicing fee does not prevent him from accepting briefs from clients.
- 27. (D)
- 28. (B) A legal practitioner is enjoined to investigate facts presented by his clients. Rule 25, RPC.
- 29. (D) Practicing fee should be paid not later than 31st March every year.
- 30. (C)
- 31. (D)
- 32. (A) Section 8, LPA.
- 33. (B)
- 34. (D)
- 35. (C)
- 36. (A)
- 37. (D)
- 38. (A)
- 39. (D) Rule 47, RPC.
- 40. (D)
- 41. (C) 'Your Honour' is used to address Magistrates in Lagos State.
- 42. (D) The right of a client to debrief a counsel is contained in Rule 18 and 29 RPC.
- 43. (A) Rule 29, RPC.
- 44. (A)
- 45. (B)
- 46. (A) A lawyer shall not aid a non-lawyer in the unauthorized practice of law. Rule 3 RPC.
- 47. (D) Rule 20, RPC. Where a counsel knows that he would most likely be called as a witness in a case, then he should not accept the brief. This applies to the firm.
- 48. (A)
- 49. (A) Rule 45 RPC.
- 50. (C)

APPOINTMENT AND DISCIPLINE OF JUDICIAL OFFICERS

Justice Adams, the Presiding Judge of the Court of Appeal Division, Kwara State was found guilty of gross misconduct and was removed from the Bench by the Governor of Kwara State.

Answer the following questions 1-3 using the above scenario

- 1. One of the following is not involved in the appointment of Justice Adams as a Justice of the Court of Appeal, Kwara State:
 - a. Governor of Kwara State
 - b. National Judicial Council
 - c. State Judicial Service Commission
 - d. A and C
- 2. The following are grounds for the removal of a Judicial Officer except:
 - a. Inability to discharge the duties of his office
 - b. Inability to provide for his family
 - c. Misconduct
 - d. Contravention of the Code of Conduct
- 3. Only one of the following has the power to remove Justice Adams as a Justice of the Court of Appeal
 - a. The President
 - b. The Senate
 - c. The National Judicial Council
 - d. All of the above

- 4. All but one of the following are things to consider in the appointment of judicial officers:
 - a. Year of call
 - b. Report of the Director of State Services
 - c. Availability of Courtrooms
 - d. Number of pro bono cases handled
- 5. Which of the following is a disciplinary measure that can be meted out to erring judicial officers?
 - a. Recommendation for dismissal
 - b. Demotion to a lower court
 - c. Non promotion to a higher court for a period of 10 years
 - d. Non promotion to a higher court for a period of 5 years
- 6. A complaint against a Judicial Officer can be addressed to:
 - a. The Chairman NJC
 - b. Chief Justice of Nigeria
 - c. Only A
 - d. A and B

Use this scenario to answer questions 7-10

During the first dinner out of the three dining terms for students at the Nigerian Law School, the Director General, Professor Chiroma Isa Hiyatu SAN, introduced the presiding Bencher, Honorable Justice Adams Igube, the Chief Judge of the High Court of the Federal Capital Territory. Quickly, you turned to your colleague to refresh your memory on what you were taught that day on appointment of judicial officers. His appointment as Chief Judge is

made by the7upon the recommendation of the8and requires the confirmation of9 And in case of his proposed removal from office, one of the following is required10	 a. Kadi of the Sharia Court of Appeal b. Chief Magistrate of Lagos State c. Chief Judge of Lagos State d. None of the above 12. Use this scenario to answer questions 12-16
 a. Minister of the Federal Capital Territory b. Chief Justice of Nigeria c. Judicial Service Committee of the FCT d. President of the Federal Republic of Nigeria 	In the course of your externship in 2019, you accompanied your Principal to the swearing in of 19 newly appointed Judges of the National Industrial Court (NIC). They were sworn in by the12 Your Principal later gave you an assignment to briefly state the procedure for their appointment. You stated that
a. Federal Judicial Service Commissionb. Judicial Service Committee of the	the13which comprises all but one of the following14advises the15who then recommends them to the16
FCT c. National Judicial Committee d. National Judicial Council	a. President of the National Industrial
 a. House of Assembly of the FCT b. House of Representatives c. The Senate d. The National Assembly 	 Court b. President of the Federal Republic of Nigeria c. President of the Court of Appeal d. Chief Justice of Nigeria
 a. The Minister of the Federal Capital Territory b. 3/4 majority of the Senate c. 2/3 majority of the Senate d. 2/3 majority of the National Assembly 	 a. Federal Judicial Service Commission b. National Judicial Council c. Federal Ministry of Justice d. Judicial Service Committee of the FCT
11. One of the following is not a judicial officer:	a. The Chief Justice of Nigeriab. The Chief Judge of the High Court

of the Federal Capital Territory

- c. The Chief Judge of the Federal High Court
- d. The Attorney-General of the Federation

15.

- a. National Judicial Committee
- b. The President
- c. National Judicial Council
- d. Federal Judicial Service Committee

16.

- a. The Chief Justice of Nigeria
- b. The President of the Federal Republic of Nigeria
- c. The Senate
- d. The President of the National Industrial Court
- 17. A non-lawyer is qualified for appointment as a Judicial Officer into one of the following courts:
 - a. Customary Court of Appeal
 - b. Sharia Court of Appeal
 - c. A and B
 - d. None of the above
- 18. All but one of the following are not judicial officers:
 - a. Kadis of the Sharia Court of Appeal
 - b. Judges of customary courts
 - c. Chief Magistrates of various courts
 - d. Judges of Area Courts

Using the scenario below, answer questions 19-22

President Goodboy Donatus, on the 12th of June, announced the following appointments, Justice Abiola Kalu as Chief

Justice of Nigeria (15 years post call), Justice Idris Abiodun (12 years post call) and Emeka Dawodu (10 years) as Justices of the Supreme Court and Court of Appeal respectively. The appointment of Justice Kalu was on the recommendation of the National Judicial Council and approved by the Senate while that of Justices Abiodun and Dawodu were on the recommendation of the Judicial Service Commission and approved by the House of Representatives.

- 19. The only thing wrong in the appointment of Justice Abiola Kalu as CJN is:
 - a. The appointment was based on the recommendation of NJC
 - b. The 15 years post call
 - c. The appointment was made by the President of Nigeria
 - d. None of the above
- 20. Which of the following is right concerning the appointment of Justice Idris Abiodun as a Justice of the Supreme Court?
 - a. The 12 years post call qualification
 - b. The appointment was made by the President
 - c. The recommendation was rightly made by the Judicial Service Commission
 - d. The House of Representatives making the approval
- 21. As the Attorney General of the Federation, which of the following counsel would you have given the President concerning the appointment of Justice Emeka Dawodu as Justice of the Court of Appeal?

- a. The post call qualification ought to be 15 years
- b. The recommendation ought to be by the Judicial Service Committee
- The Senate and not the House of Reps ought to have approved the appointment
- d. None of the above
- 22. Assuming the appointments above only related to Judges of Abia State High Court, which of the following is true?
 - a. The President would still have had powers to make the appointment
 - The recommendation would be made to the Governor by the Abia State Judicial Service Commission
 - c. The Abia State House of Assembly would be required to approve all the appointments
 - d. None of the above
- 23. The approval of the House of Representatives is required in the case of the appointment of:
 - a. Chief Justice of Nigeria
 - b. Justices of the Supreme Court
 - c. President of the Court of Appeal
 - d. None of the above
- 24. The form to be filled for application for appointment as a judicial officer is
 - a. NJC Form A
 - b. NJC Form I
 - c. NJC Form 1
 - d. NJC Form B
- 25. Recently, upon the death of the incumbent Chief Judge of Imo State, the

Governor of the State appointed the most senior Judge to take over the position of the Chief Judge. The appointment was neither based on the recommendation of the appropriate body nor was it confirmed by the House of Assembly. Your junior colleague from the University is confused as to the validity of the appointment and has met you for guidance. Which of the following is true?

- a. The appointment is valid
- b. The appointment is invalid for lack of recommendation by the appropriate body
- c. The appointment is invalid for lack of confirmation by the House of Assembly
- d. B and C
- 26. All except one are members of the National Judicial Council:
 - a. Chief Justice of Nigeria
 - b. Attorney General of the Federation
 - c. Next most senior Justice of the Supreme Court
 - d. President of the Court of Appeal

Three judicial appointments have just been announced by the Nigerian Television Authority. The first is Honorable Justice Kotako, Justice of Supreme Court, whose appointment was made by the Senate President on the recommendation of the Judicial Service Committee of the Federal Capital Territory without any confirmation. The second is Honorable Justice Agabi, Chief Judge of Abia State whose appointment was made by the Abia State Governor without recommendation and

confirmation by the Senate. The third is Justice Wamako, Chief Judge of the Federal Capital Territory whose appointment was made by the FCT Minister on the recommendation of the National Judicial Council, and confirmed by Senate.

Answer questions 27-30 based on the above facts.

- 27. Which of the following statements can be said to represent the correct position of the law in the three appointments?
 - a. All the appointments are validly made
 - b. None of the appointments is validly made
 - c. Only the third appointment is validly made
 - d. All the appointments except the first were validly made,
- 28. The only valid thing in the appointment of Justice Wamako is that:
 - a. The appointment was made by the FCT Minister and confirmed by Senate.
 - The appointment was made on the recommendation of the National Judicial Council and confirmed by the Senate.
 - c. All actions taken in the appointment were valid.
 - d. None of the actions taken in the appointment was valid.
- 29. Appointment of Justice Agabi is invalid because of one of the following options:

- a. He cannot be appointed a Chief Judge while there is an incumbent Chief Judge of the State
- b. The appointment is not invalid
- c. Only because there was no recommendation of the National Judicial Council and no confirmation by the State house of Assembly
- d. Both because the confirmation by the Senate is inappropriate as there was no recommendation to the Senate
- 30. Which of the following is a common requirement of the Constitution for the appointment of Honorable Justices Kotako, Agabi and Wamako?
 - a. All the appointments are required to be made by the President.
 - b. All the appointments are required to be confirmed by the Senate.
 - All the appointments are required to be recommended by the National Judicial Committee
 - d. All the appointments are required to be recommended by the National Judicial Council
- 31. The total membership of the National Judicial Council according to the Constitution is:
 - a. 24
 - b. 23
 - c. 25
 - d. 26

Justice Agba Akin was appointed Chief Judge of Kogi State in 2017. The Governor of Kogi State wanted to remove him as the Chief Judge on grounds of misconduct and inability to perform his duty. The Governor

sent an address to the House of Assembly in that regard. The House of Assembly considered the address and invited the Chief Judge to the floor of the House where a vote was passed and he was removed accordingly.

- 32. Which of the following is true of the removal of the Chief Judge?
 - a. It is proper as the House of Assembly has the power to do so on the recommendation of the Governor
 - It is improper because the power of removal lies with the National Judicial Council acting on the advice of the State Judicial Service Commission
 - c. It is improper because the power of removal lies with the President acting on an address of two-third majority of the House of Assembly and recommendation of the NJC
 - d. It is improper because the power of removal lies with the Governor acting on an address of two-third majority of the House of Assembly and recommendation of the NJC
- 33. A non-lawyer shall be qualified to be appointed a judge of the Customary Court of Appeal of the FCT if:
 - He has considerable knowledge and practice of customary law in the opinion of NJC
 - He has considerable knowledge and practice of customary law, for not less than 10 years in the opinion of NJC

- c. He has considerable knowledge and practice of customary law from a recognised institution approved by NJC
- d. None of the above

ANSWERS

APPOINTMENT AND DISCIPLINE OF JUDICIAL OFFICERS

- 1. (D) The Governor and States Judicial Service Commission are not involved in the appointment of Justices of the Court of Appeal and the Supreme Court.
- 2. (B)
- 3. (A) The power of removal lies with the President alone. Although there are checks on this power, which are: recommendation by the NJC and address of two-third majority of the Senate.
- 4. (D)
- 5. (A) The disciplinary measures against a judicial officer are removal and suspension. It must be noted that the NJC does not have the power of removal, but can only recommend such.
- 6. (D) The CJN is the Chairman of the NJC.
- 7. (D) Sec. 255, CFRN.
- 8. (D)
- 9. (C)
- 10. (C)
- 11. (B) Magistrates are not judicial officers. Sec. 318, CFRN.
- 12. (D)

- 13. (A)
- 14. (B) Federal Judicial Service Commission, Third Schedule, CFRN.
- 15. (C)
- 16. (B)
- 17. (C) Note that a non-lawyer is qualified for appointment as judge of the Customary Court of Appeal or Kadi of the Sharia Court of Appeal. See. Sec. 261 and 266, CFRN.
- 18. (A) Customary Courts, Area Courts and Magistrates' Courts are not superior courts, thus, judges and magistrates of these courts are not regarded as judicial officers. Sec. 318, CFRN.
- 19. (D) There is nothing wrong in the appointment of Justice Abiola as the CJN. The appointment was made by the President of Nigeria on the recommendation of the NJC and Justice Abiola has fulfilled the requirement of 15 years post call.
- 20. (B) Appointment of Justices of the Supreme Court is by the President, on the recommendation of the NJC and subject to confirmation of the senate, not the House of Representatives or the National Assembly.
- 21. (C)
- 22. (D) Appointment of Judges into States High Court is by the Governor, on the recommendation of the NJC and only the appointment of the **Chief Judge** is subject to confirmation of the House of Assembly.

- 23. (D) House of Representatives is not involved in the appointment of judicial officers; the Senate is.
- 24. (A)
- 25. (A) Upon the death of the incumbent Chief Judge of a state or his inability to perform the duties of his office, the Governor shall appoint the most senior judge of the High Court to perform those functions. Such appointment need not be based on any recommendation nor subject to confirmation of the House of Assembly. But the appointment shall not exceed three months. Sec. 271(4)(5), CFRN.
- 26. (B) The AGF is not a member of the NJC. See the composition of the NJC, Third Schedule, CFRN.
- 27. (B)
- 28. (B)
- 29. (C)
- 30. (D)
- 31. (A) Third Schedule, CFRN as amended.
- 32. (D) Sec. 292, CFRN. The power of removal of a state judicial officer lies with the governor. This power of the Governor must be based on the recommendation of the NJC and in the case of the Chief Judge, must also be supported by an address of two-third majority of the House of Assembly.
- 33. (A)

DISCIPLINE OF LEGAL PRACTITIONERS IN THE LEGAL PROFESSION

Franklin Onwuegbuchunam was briefed by Gbedu Bio to represent him in a sale of land transaction involving his property in Asokoro Abuja. Franklin sold the property to one Miss Yinxie Baby, a profound actor for the whooping sum of №100,000,000 (One Hundred Million Naira only). Franklin who had never dreamt of concluding a transaction that big thought God has finally answered his prayers. He received the sum on behalf of his client but failed to remit the money to him. He spent \$\frac{1}{20},000,000\$ to buy his dream car and surprise his girlfriend, who he took to a 5 star hotel and they both spent a week there paying the sum of №1,000,000. He lavished a substantial part of the money and paid the remaining №30,000,000 into his personal account. Meanwhile, as a result of Franklin's greed and his failure to provide best services to his clients, one of whom is James Wellington, whose action has witnessed series of setbacks in Court, James Wellington has debriefed Franklin and together with Gbedu Bio, have decided to set in motion disciplinary actions against Franklin Onwuegbuchunam.

Answer the following questions

- 1. All but one of the following can validly receive a complaint brought by Gbedu Bio against Franklin
 - a. Presiding Justice of the Court of Appeal Division, Asokoro

- b. Chairman of the Asokoro NBA Branch
- c. Chairman of the Body of Benchers
- d. None of the above
- 2. The Legal Practitioners Disciplinary Committee has decided to try Franklin for the professional offence(s) committed. Which of the following constitutes proper parties before the Committee?
 - a. NBA v Franklin
 - b. BOB v Franklin
 - c. LPDC v Franklin
 - d. Registered Trustees of NBA v Franklin
- 3. The standard of proof in LPDC disciplinary proceedings is:
 - a. Balance of probabilities
 - b. Proof beyond reasonable doubt
 - c. Proof to the satisfaction of the LPDC
 - d. A and C
- 4. The conduct of Franklin against Gbedu Bio would earn him the punishment of:
 - a. Suspension
 - b. Order for return of documents or money by the lawyer
 - c. Striking off of name from the roll
 - d. Any of the above
- 5. Assuming Franklin was served with the originating application containing the allegations on the 1st of June, 2020, if he intends to defend the allegations, he should file an affidavit disclosing a defence not later than
 - a. 30th June, 2020
 - b. 21st June, 2020

- c. 24th June, 2020
- d. 14th June, 2020
- 6. The minimum number of days between service of the notice of hearing and the day fixed for hearing by the LPDC is____
 - a. 14 days
 - b. 15 days
 - c. 7 days
 - d. 5 days
- 7. The composition of the Legal Practitioners Disciplinary Committee does not include:
 - a. The Chief Justice of Nigeria
 - b. Four members of NBA appointed by the Body of Benchers
 - c. Chief Judge of the Federal High Court
 - d. Two Chief judges
- 8. Appeal against the decision of the LPDC must be filed within how many days of the decision of the Committee and lies to the___?
 - a. 30 days, Supreme Court
 - b. 28 days, Appellate Body of the Body of Benchers
 - c. 28 days, Supreme Court
 - d. 30 days, Appellate Body of the Body of Benchers
- 9. The Supreme Court has original jurisdiction to discipline a legal practitioner only for:
 - Infamous conduct in a professional respect in a matter the Supreme Court is seised only

- b. Professional misconduct committed before the Supreme Court or Court of Appeal by the legal practitioner
- c. Infamous conduct in professional respect in a matter the Supreme Court is seised of or matter before any court of record in Nigeria
- d. Professional misconduct committed by the legal practitioner before any court in Nigeria.

John Kobe Esq, a renowned legal practitioner, has been arrested by the EFCC for obtaining money by false pretence, an offence that attracts 7 years imprisonment. Some persons have written an anonymous complaint reporting the arrest of John Kobe Esq to the Chief Registrar of the Supreme Court, who as a result, struck John Kobe's name off the roll of legal practitioners. This action has caused a serious argument amongst some students of the Nigerian Law School.

- 10. All the following except one have disciplinary powers over legal practitioners:
 - a. Legal Practitioners Disciplinary Committee
 - b. The Chief Registrar of the Supreme Court
 - c. The Chief Justice of Nigeria
 - d. None of the above
- 11. Which of the following is true of the Chief Registrar's action to strike the name of a legal practitioner off the roll?
 - a. It can be exercised upon the order of the LPDC
 - b. It can be exercised upon the order of the Chief Justice of Nigeria

- c. It can be exercised unilaterally by the Chief Registrar of the Supreme Court
- d. A and B
- 12. A legal practitioner may be disciplined in respect of all the following except:
 - a. Infamous conduct in a professional respect
 - b. Conviction by any court anywhere
 - c. Obtaining enrolment by fraud
 - d. Conducts which are incompatible with the status of a legal practitioner.
- 13. Conviction by any court having power to award imprisonment for an offence (whether or not punishable with imprisonment) is one of the professional offences mentioned in the Legal Practitioners Act. The LPDC puts the following into consideration in its determination of this offence except:
 - a. The location where the case was heard
 - b. The seriousness of the offence
 - c. Whether or not an appeal is pending
 - d. None of the above
- 14. The 'Legal Practitioners Disciplinary Committee Rules' was made by
 - a. The Attorney General of the Federation
 - b. The President of the Court of Appeal
 - c. The Chief Justice of Nigeria
 - d. The National Assembly
- 15. The decision of the LPDC is appropriately referred to as:

- a. Judgment
- b. Direction
- c. Award
- d. Ruling
- 16. Which of the following is incorrect about an infamous conduct in a professional respect?
 - Infamous conduct in a professional respect is a conduct which brings only the legal practitioner to public ridicule
 - b. It is a conduct which belittles and disparages the legal practitioner in the estimation of right thinking men in the society
 - c. It is a scandalous and disgraceful conduct unbecoming of a person who belongs to the honorable legal profession
 - d. It reduces the reputation of the profession in the estimation of right thinking men of the society

Denton West and Momoh Daudu are old time friends from the Nigerian Law School. Both of them have been called to the Bar. but while Momoh Daudu is still in active legal practice, Denton West has ventured into business. Recently, one of Denton West's duplexes in Lagos was compulsorily acquired by the Lagos State government to be used as a compulsory isolation centre and no compensation whatsoever was paid to She approached her friend, Momoh Daudu who agreed to take it up for free, without any professional fee being paid. Momoh won the case and the Court awarded the monetary compensation ₹200,000,000 (Two Hundred Million Naira)

to the claimant. The money was paid to Momoh Daudu who remitted it to his personal account, deducted 20% as his professional fee and forwarded ₹100,000,000 to Denton West. Denton West was furious by the action and has decided to make sure Momoh Daudu is punished for his acts.

Answer the following questions 15 and 16

- 17. The alleged acts of Dauda Momoh can appropriately be described as
 - a. Obtaining by false pretence
 - b. Infamous conduct in a professional respect
 - c. Conduct unbecoming of a status of a legal practitioner
 - d. B and C
- 18. Assuming the LPDC gives a direction for the refund of the embezzled money to the client, within how many days must Momoh Daudu comply with the direction?
 - a. 1 month
 - b. 30 days
 - c. 28 days
 - d. 2 months
- 19. Where a legal practitioner is guilty of misconduct, though not infamous, but is incompatible with the status of a legal practitioner, the punishment that can be meted out includes all but one of the following:
 - a. Suspension from practice for a certain period
 - b. Striking his name off the roll of legal practitioners

- c. Admonition
- d. None of the above

Kevin Oba, a legal practitioner has a brother Vincent Oba, whose first son Mike Oba was a 3rd year law student in Obafemi Awolowo University. In order to help him, Kevin employed him in his Chambers, bought him a wig and gown and assigned cases to him which he handled successfully in Court with the help of Kevin. When this was discovered, Kevin quickly procured travelling documents for Mike with which he travelled to South Africa.

- 20. What offence has Mike Oba committed?
 - a. Obtaining enrolment by fraud
 - b. Conduct incompatible with his status.
 - c. Infamous conduct but not in a professional respect
 - d. None of the above
- 21. On the authority of Garba v. Uni Maiduguri;
 - a. Kevin Oba must be expelled by NBA. .
 - b. LPDC must strike out Mike Oba's name from the roll.
 - c. Kevin Oba will be admonished.
 - d. Kevin Oba will be prosecuted for LPDC to discipline him.
- 22. Only one of the following is incorrect of the disciplinary power of the Chief Justice of Nigeria
 - a. It covers all the punishments
 - b. It is restricted to suspension of the legal practitioner

- c. It can be exercised while proceeding before the LPDC is pending
- d. The fact that an appeal is pending against a conviction does not affect its exercise

ANSWERS

DISCIPLINE OF LEGAL PRACTITIONERS IN THE LEGAL PROFESSION

- 1. (D) Regulation 4(1), LPDC Rules, 2020.
- 2. (D)
- 3. (A)
- 4. (D)
- 5. (C) The legal practitioner is expected to file his affidavit disclosing evidence within 24 days from the date of service on him. Regulation 10, LPDC, 2020.
- 6. (B) Regulation 12(4) LPDC Rules.
- 7. (A) Sec. 11, LPA.
- 8. (C) Sec. 12(7) LPA.
- 9. (C) Sec. 13(1), LPA
- 10. (B) The Chief Registrar of the Supreme Court does not have disciplinary powers over legal practitioners. He can only act upon the order of the LPDC or the Supreme Court.
- 11. (A) The CJN's power to discipline a legal practitioner is limited to suspension. Only the Supreme Court and the LPDC can order the name of a legal practitioner be struck off the roll.
- 12. (B) The reason is because the conviction has to be by a court

- having power to award imprisonment in Nigeria. Sec. 11(1)(b), LPA.
- 13. (B) LPDC puts all the options into consideration. The seriousness of the offence and the location are material, and it is essential that no appeal must be pending against the conviction.
- 14. (C) Section 10(7) LPA.
- 15. (B)
- 16. (A) Infamous conduct affects the profession, not just the legal practitioner involved. Allison v General Council of Medical Education.
- 17. (D)
- 18. (C) Section 12(9) LPA.
- 19. (B) Sec. 12(2) LPA. Where a legal is guilty of misconduct, not amounting to infamous conduct, the LPDC may suspend or admonish him, but not order that his name be struck off the roll.
- 20. (D) Mike Oba is not a legal practitioner, thus cannot be guilty of any of the professional offences.
- 21. (D) Where prosecuted before the LPDC, he will be given the right to be heard.
- 22. (A) The disciplinary power of the CJN does not cover all the punishments. The CJN does not have the power to order that the name of a legal practitioner be struck off the roll. Sec. 13(2), LPA.

CONTEMPT OF COURT

The following scenario played out in court during one of your visits there as an observer.

Alex Victor: My lord, since the ruling of this Court ordering the defendant to remove his earth-moving equipment (Caterpillar) from the premises pending the determination of this suit, the defendant has refused to comply. My Lord, my Client is apprehensive that the continued stay of this equipment may result in the eventual demolition being threatened. We seek that his Lordship orders the enforcement of his earlier ruling.

Justice Boniface: Is that the position, Counsel?

Francis Ibe: (stammering) ye... .yes, to some extent my lord. Since the equipment and the premises are properties of my client I don't think it matters if it remains on the premises.

Justice Boniface: Are you demeaning the authority of this honourable Court, or you are trying to subject my order to your own personal interpretation?

Francis Ibe: My lord, we have filed a Motion to have our claim proved within the shortest time possible.

Justice Boniface: In spite of whatever steps the defendant intends to take, the ruling of this Court must first be complied with and must be so done before the next adjourned date.

Now answer the following questions

1. If by the next adjourned date, the ruling of the Court is yet to be complied with, Francis Ibe may be charged with one of the following:

- a. Criminal conspiracy
- b. Civil contempt
- c. Criminal contempt
- d. Contempt in facie curiae
- 2. If Alex Victor wants to bring an application to enforce the contempt, he will apply to the Court to issue Notice to show cause why the order of contempt should not be made in form____of the Judgment Enforcement Rules of SCPA?
 - a. Form 47
 - b. Form 48
 - c. Form 49
 - d. Form 50

Wahid, a legal Practitioner was instructed by his client to bring an action in negligence and for damages for injuries sustained by his client from a car accident which happened along Lagos/Shagamu Express way on the 10th of February 2019. The action was filed on 12th March 2019 before Hon. Justice Kolakula of the Ikeja Judicial Division of Lagos State High Court. Following the proceedings of the day and feeling aggrieved with the outcome of events, Wahid spoke to the press thus:

"I do not have the least confidence in the Judge, who can clearly be referred to as a 'clown', a comedian of some sort"

- 3. Which of the following is correct?
 - a. Wahid's statement to the press was a truthful assessment of the Judge.

- b. Wahid's statement was contemptuous of the court.
- c. Wahid's statement was a criminal offence against the state and punishable
- d. None of the above
- 4. Assuming Wahid's statement to the Press was contemptuous, what type of contempt is it?
 - a. Contempt in facie curiae
 - b. Contempt ex-facie curiae
 - c. Contempt in the face of the land
 - d. Contempt ab-initio
- 5. Assuming the statement was contemptuous, the maximum punishment that can be awarded is imprisonment for:
 - a. 3 months
 - b. 6 months
 - c. 9 months
 - d. 12 months

Chief Walter Ochen, a senior member of the Bar was at the High Court of Rivers State before Honorable Justice Nwameka Okafor U. He insisted on having his matter which was for hearing out of turn. The Court refused and decided to deliver a judgment which was ready.

Chief Walter Ochen being dissatisfied with the conduct of the judge, made a comment "these days, all sort of people find their way to the Bench". Furious with the conduct, Justice Nwameka ordered Walter Ochen to enter the dock.

Answer the following questions

- 6. Chief Walter's conduct is best described as
 - a. Civil contempt
 - b. Contempt on procedure
 - c. Contempt ex facie curie
 - d. Contempt in facie curie
- 7. Assuming Chief Walter Ochen committed a civil contempt, his lordship can impose a maximum punishment of how many months or years?
 - a. 6 months
 - b. 3 months
 - c. 2 years
 - d. 1 year
- 8. The judge's order for Walter Ochen to enter the dock means
 - a. He should face trial
 - b. He should give evidence
 - c. He should render apology
 - d. He should show cause
- 9. If some members of the Bar pleaded with his Lordship on behalf of Chief Walter Ochen, they would be doing so as...
 - a. Committee of friends
 - Out of their mandatory duties to the Court
 - c. Amicus curiae
 - d. Any of the above
- 10. Assuming Walter Ochen refuses to apologise to the Court, the Court may order that:
 - a. He be kept in police custody until he purges himself

- b. He be kept in prison until he purges himself
- c. He be kept under house arrest until he purges himself
- d. All of the above

Mr. Ferdinand Jobose is a legal practitioner representing Mrs. Onome Edore in a civil suit at the High Court of the FCT for the recovery of a debt of ₹45 million naira owed her by Shinzu Company Ltd. On the 14th of March, 2020, the hearing day of the suit, Mr. Jobose arrived court late at which time the judge had struck out the case. Mr. Jobose in anger addressed the judge rudely claiming that the judge has always been biased towards his case. He subsequently stormed out of the Court and addressed the press accusing the judge of having taken a bribe from the opposing party hence he hurriedly struck out the case.

Answer the following questions

- 11. Mr. Jobose's conduct towards the judge is a breach of rule____ of RPC
 - a. Rule 14
 - b. Rule 30
 - c. Rule 37
 - d. Rule 27
- 12. Assuming the judge wants to cite Mr. Jobose for contempt of court for the bribery accusation, the type of contempt he will be cited for is:
 - a. Contempt of accusation
 - b. Contemptuous conduct
 - c. Civil contempt
 - d. Criminal contempt

- 13. One of the following is correct regarding the procedure the judge will adopt in citing Mr. Jobose for contempt for the rude conduct:
 - a. The judge will summarily try Mr. Jobose
 - b. The judge will commence a full criminal trial against Mr. Jobose
 - c. The Judge will refer Mr. Jobose to another judge for trial
 - d. The judge will lodge a formal complaint to the police to commence a criminal investigation and trial against Mr. Jobose
- 14. Assuming Mr. Jobose is to be tried by another judge, the Court to institute the matter will be:
 - a. The Magistrates Court of the FCT
 - b. The Customary Court
 - c. A High Court of the FCT
 - d. The Federal High Court of the FCT
- 15. The standard of proof in contempt in facie curiae is
 - a. Balance of probability
 - b. Beyond reasonable doubt
 - c. Proof to the satisfaction of the Court
 - d. Clear and convincing evidence
- 16. The type of contempt of court that can be dealt with summarily is
 - a. Contempt in facie curiae
 - b. Contempt ex facie curiae
 - c. None of the above
 - d. All of the above

CONTEMPT OF COURT

- 1. (B) Civil contempt is the most appropriate because it consists of disobedience of court order, judgment or other processes.
- 2. (C) The heading of FORM 49 is notice to show cause why order of attachment should not be made.
- 3. (B)
- 4. (A) It does not matter that the statements were made outside the court, so far they were directed at the judge, it is contempt in facie curiae.
- 5. (A) Under Sec. 133 of the Criminal Code, the maximum punishment for criminal contempt is 3 months.
- 6. (D)
- 7. (A) The maximum punishment for civil contempt is 6 months imprisonment.
- 8. (D) It is an order to show cause why he should not be committed to prison for the contempt committed.
- 9. (C)
- 10. (B)
- 11. (B) Lawyers as officers of the Court.
- 12. (D)
- 13. (A) Criminal contempt can be summarily tried by the Judge.
- 14. (C) Magistrates' Court does not have the power over civil contempt of this nature.
- 15. (B) Proof of contempt, whether civil or criminal, is beyond reasonable doubt. This is because the outcome of contempt is penal in nature.
- 16. (A)

BASIC DRAFTING PRINCIPLES, LEGISLATIVE DRAFTING LETTER WRITING, MINUTES AND OTHERS

- 1. The following except one are habits to avoid when drafting:
 - a. Use of archaic words and expression
 - b. Use of uncommon words and phrases
 - c. Being precise
 - d. Use of Latin maxims
- 2. According to George Coode, every legislative sentence consists of how many parts?
 - a. 3
 - b. 4
 - c. 5
 - d. 6

Use this to answer 3 and 4

- "Where any person has obtained a degree in law, if he applies to the law school, the Council of Legal Education may admit him to the law school."
- 3. Based on George Coode's classification of a legal sentence, "where any person has obtained a degree in law" qualifies as what part of the sentence?
 - a. Case
 - b. Condition
 - c. Legal action
 - d. Legal subject
- 4. Council of Legal Education in the sentence above is?
 - a. The legal object

- b. The legal actor
- c. The case
- d. The legal subject
- 5. In legal drafting, how many types of paragraphing techniques do we have?
 - a. 2
 - b. 3
 - c. 4
 - d. 5

If an applicant:

- a. has attained the age of 21 years
- b. has completed six months service
- c. agrees to be bound by this Trust Deed,

he may be accepted as a member.

- 6. The above is an example of what type of paragraphing technique?
 - a. One layered
 - b. Two layered
 - c. Three layered
 - d. Four layered
- 7. In drafting a lease agreement for your client, you stated in the agreement that the lease shall commence from the 1st day of May, 2020. Which of the following is the effective date?
 - a. 1st May, 2020
 - b. 2nd May, 2020
 - c. 3rd May, 2020
 - d. Any day in May, 2020
- 8. During your externship at the Law Firm of Oladipo Olasope & Co, you were privileged to be in charge of legal writing

and attending to letters sent to the firm. In one of such letters you received, addressed to the managing partner, Oladipo Olasope SAN, it was marked "confidential".

Which of the following is not an implication of such mark?

- a. It must be confined to the law firm
- b. It can be opened and read by the Secretary of the Managing Partner
- c. It can only be opened and read by the Managing partner
- d. None of the above
- 9. The Principal Partner asked you to design a new letterhead for the firm. The letterhead should contain all except one of the following:
 - a. Space for client's name
 - b. Space for date
 - c. Firm's name and address
 - d. Names of legal practitioners in the firm
- 10. In one of the letters you were instructed to draft in pursuance of a negotiation agreement between your firm and another firm, your field supervisor told you to insert the words "without prejudice" in the letter. The implication of such inscription includes all but one of the following:
 - a. That the letter cannot be tendered in evidence in court
 - b. That parties have waived their rights in respect of anything in the letter
 - c. The position of the writer is not jeopardised if the terms proposed are not accepted
 - d. None of the above

- 11. You were present at a meeting where Mr. Johnson briefed the firm on a particular issue he would like the firm to handle on his behalf. Thereafter, your field supervisor told you to write a letter to Mr. Johnson to confirm the instructions he gave your firm. The most appropriate type of letter you would write is:
 - a. Status letter
 - b. Opinion letter
 - c. Demand letter
 - d. Confirming letter
- 12. In writing the letter, you used "Dear Mr. Johnson" as the salutation. The most appropriate complimentary close to use in that letter would be:
 - a. Yours faithfully,
 - b. Yours affectionately,
 - c. Yours truly,
 - d. Yours sincerely,
- 13. At the law firm, every Friday was scheduled for the 'technical meeting'. On one of such days, your field supervisor gave you the task of writing the minutes of meeting. In writing the minutes of a meeting, what does the expression "In attendance" mean?
 - a. Members of the firm present
 - b. Members absent with apologies
 - c. Members represented by proxies
 - d. Invited persons other than members present
- 14. The following except one are part of the minutes of a meeting:
 - a. Heading and list of members present

- b. Adoption of minutes of previous meeting
- c. Resolution on refreshment taken at the meeting
- d. Matters arising
- 15. You were an extern in the Legal Drafting Department of the Ministry of Justice of Lagos State. The Director has asked you what part of a legislation broadly captures main themes of the legislation?
 - a. Short title
 - b. Long title
 - c. Preamble
 - d. Commencement clause
- 16. He also asked you how section, subsection, paragraph and subparagraph and sub paragraph may be written in composing a legislation
 - a. S. 1(1) (a) (i) (B)
 - b. S. 1(1) (A) (i) (a)
 - c. S. 1(1) (A) (I) (B)
 - d. None of the above
- 17. The Director seeks to know which of the following is referred to as the nickname of a statute.
 - a. Marginal note
 - b. Short title
 - c. Schedule
 - d. preamble
- 18. He also asked you which of the following forms part of a legislation?
 - a. Long title
 - b. Marginal notes
 - c. All of the above

- d. None of the above
- 19. If a legislation is to establish a statutory body, the part of such legislation that deals with that is:
 - a. The enacting formula
 - b. The creating clause
 - c. The establishment clause
 - d. The founding clause
- 20. "The law may be cited as..." is usually the beginning phrase of what part of a legislation?
 - a. The short title
 - b. The long title
 - c. The preamble
 - d. The Marginal notes

In the light of recent happenings in the country and the world at large brought by the pandemic of Covid 19, the Honourable Speaker of the House of Representatives has met you and instructed you to draft a Bill that will compel the Federal government to mitigate the harshness of economic hardship that will be suffered by Nigerians during periods of pandemic.

- 21. Which of the following accurately reflects the stages you would have followed in preparing the Bill?
 - Taking and understanding the instructions, designing, analyzing, composing and scrutiny
 - b. Taking and understanding the instructions, composing, designing, analyzing and scrutiny

- c. Taking and understanding the instructions, designing, composing, analyzing and scrutiny
- d. Taking and understanding the instructions, analyzing, designing, composing and scrutiny
- 22. The stage of legal drafting where you would consult existing laws on the issue and the practicality of the proposed Bill is:
 - a. Strategic stage
 - b. Designing stage
 - c. Analysis state
 - d. Scrutiny stage
- 23. Which of the following accurately captures the proposed long title in your draft?
 - a. A BILL FOR AN ACT TO MITIGATE THE HARSHNESS OF ECONOMIC HARDSHIP OF NIGERIANS DURING PERIODS OF PANDEMIC AND OTHER RELATED MATTERS
 - b. AN ACT TO MITIGATE THE HARSHNESS OF THE ECONIMIC HARDSHIP OF NIGERIANS DURING PERIODS OF PANDEMIC AND RELATED MATTERS
 - c. A BILL FOR A LAW TO MITIGATE THE HARSHNESS OF THE ECONOMIC HARDSHIP OF NIGERIANS DURING PERIODS OF PANDEMIC AND CONNECTED MATTERS THEREWITH
 - d. A LAW TO MITIGATE THE HARSHNESS OF THE

ECONOMIC HARDSHIP OF DURING PERIODS OF PANDEMIC AND FOR THE PURPOSE CONNECTED THEREWITH

- 24. Assuming you would like to adopt a restrictive meaning of the word "pandemic" in the legislation, the appropriate drafting device to use in the interpretation section is:
 - a. Means
 - b. Includes
 - c. Comprises
 - d. Covers
- 25. As a draftsman, you do not owe your client one of the following duties:
 - a. To consider the interest of the client as absolute
 - b. To represent the client competently
 - c. Devotion and dedication to the cause of the client
 - d. All of the above
- 26. The long title falls under what part of a legislation?
 - a. The principal part
 - b. The miscellaneous part
 - c. The preliminary part
 - d. The final part
- 27. All but one of the following are not stages of a legislative process:
 - a. Taking and understanding of instructions
 - b. Analysing of instructions
 - c. First reading
 - d. Designing the draft

- 28. The end product of a legislative drafting is:
 - a. A Treaty
 - b. An Act
 - c. A Law
 - d. A Bill
- 29. One of the following is an example of a long title:
 - a. This Act may be cited as Child's Labour Prohibition Act
 - An act to amend the legal Practitioners Act and other connected matters.
 - Enacted by the National Assembly of Federal Republic of Nigeria as follows
 - d. We the people of the Federal Republic of Nigeria.
- 30. The following are ways in which an Act or Law may come into existence except:
 - a. By a date stated in the Act
 - b. By the Assent of the president or publication in the official gazette
 - c. By authorising a named person to determine the commencement
 - d. None of the above
- 31. A bill arranged in proper order should be:
 - a. Long title, commencement, short title enacting clause and interpretation clause
 - b. Commencement, long title, short title, enacting clause and interpretation clause

- c. Long title, commencement, enacting clause, interpretation section and short title
- d. None of the above

BASIC DRAFTING PRINCIPLES

- 1. (C) Being precise is a habit to embrace, not one to avoid when drafting.
- 2. (B)
- 3. (A)
- 4. (D)
- 5. (A) There are two paragraphing techniques: two layered paragraph and three layered paragraph.
- 6. (C)
- 7. (B) Note: "from" when used in drafting is exclusive of the reference date, while "on", when used, is inclusive of the reference date. So, if a lease is to commence from 2nd April, the commencement date is actually 3rd April. But if the lease is to commence on 2nd April, the commencement date is 2nd April.
- 8. (C) Where a letter is marked 'confidential', it means any person deputizing for, or the secretary to the addressee may open and read the letter. But where it is marked 'private confidential or private', the implication is that only the addressee should open and read it and no other person.
- 9. (A)

- 10. (B) The implication of the words, 'without prejudice' amongst others, include the fact that the position of the writer is not jeopardized if the terms he proposes are not accepted or where negotiation breaks down between the parties.
- 11. (D)
- 12. (D) The choice of salutation dictates the complimentary close to use. If you use 'Dear Sir', then use Yours faithfully or Yours truly. When you use 'Dear Mr. Johnson', then use Yours sincerely.
- 13. (D)
- 14. (C)
- 15. (B) The Long title captures the main theme of the legislation.
- 16. (A) The paragraphing techniques in a legislation are as follows:

Sections: Arabic numerals: 1

Subsections (Arabic numerals): (1)

Paragraphs (small letters): (a)

Sub-paragraphs (small roman numeral): (i)

Sub sub-paragraph (Capital Letter): (A).

For example: Section 1(1)(a)(i)(A)

- 17. (B) The nickname of a Statute is the short title.
- 18. (A) The marginal note does not form part of a legislation.
- 19. (C)
- 20. (A)
- 21. (D)
- 22. (C)
- 23. (A) Take note of the enacting formula of the Bill; it is proposed by the House of Representatives of the National Assembly, thus, it will be

- enacted by the National Assembly. By this, we can conclude that it will be 'A Bill for an Act'. It won't be 'An Act' because it is a Bill you are drafting. It is when it has been passed that it will become 'An Act'.
- 24. (A) When 'means' is used in the interpretation section, it is restrictive (closed) and it follows that the statute does not admit of any other meanings. However, when "include" is used, it is liberal (open) and it follows that the words defined could admit of other extraneous meaning.
- 25. (A) The interest of your client is never absolute. It is subject to the interest of the law and the state.
- 26. (C)
- 27. (C) Legislative process is different from legislative drafting. The latter is the processes a Bill must pass through to become law, which include the first reading, second reading, committee stage...
- 28. (D) The end product of a legislative drafting is a Bill, while the end product of a legislative process is a Law or an Act, depending on the enacting body.
- 29. (B)
- 30. (D)
- 31. (C) The proper order of arrangement of a Bill is Long title, Commencement, Enacting Clause, Establishment Clause, Interpretation Clause, Short title.

RULES OF INTERPRETATION OF STATUTES

1. In interpretation of statute a Judge must first give the provision in issue its literal meaning. However where there is ambiguity inconsistency and absurdity arising from giving it its literal interpretation the Judge has to vary or modify the meaning of the words used in order to give effect to the intention of the law makers.

He would be adopting:

- a. The mischief rule of interpretation
- b. The Golden rule of interpretation
- c. The ejus dem generis rule of interpretation
- d. The noscitor a socil rule
- 2. Grey v Pearson is an authority for what Rule of statutory interpretation?
 - a. Beneficial construction rule
 - b. Literal Rule
 - c. Golden Rule
 - d. Purposive Rule
- 3. Heydon's case is known for what rule of statutory interpretation?
 - a. Mischief Rule
 - b. Golden Rule
 - c. Literal Rule
 - d. Purposive Rule
- 4. Where the words of the statute are clear and unambiguous, they must be construed according to their ordinary, plain and natural meaning. This is the gist of:
 - a. Golden Rule of interpretation

- b. Literal Rule of Interpretation
- c. Ejudem generis rule
- d. Mischief rule of interpretation
- 5. Under the Wills Law, a man is expected to make reasonable financial provision for his children and dependants. In order to prevent a child who kills his father from benefiting from the provision of the Wills Law, what rule of interpretation will be used?
 - a. Literal Rule of Interpretation
 - b. Ejudem generis rule
 - c. Mischief rule of interpretation
 - d. Golden Rule of interpretation
- 6. The doctrine of construing documents e.g. contracts that are ambiguous against the maker is termed
 - a. Utres magisvale at quam pereat
 - b. Generalibuss pecialiaderogant
 - c. Ejusdem generis
 - d. Contra preferentem
- 7. Which of the following cases is mismatched to the principle?
 - a. Golden Rule Beck v Smith
 - b. Purposive Rule PDP v INEC
 - c. Ejusdem Generis Rule R v Bangaza
 - d. Mischief Rule Savannah Bank v Ajilo

RULES OF INTERPRETATION OF STATUTES

- 1. (B) The Golden rule is developed to prevent absurdity in the meaning of a statutory provision.
- 2. (C)
- 3. (A)
- 4. (B)
- 5. (D) It would be absurd to allow a child who killed his father to benefit under the provision. Thus, the golden rule will be used to avoid this absurdity.
- 6. (D) The contra proferentem rule means that the words of a written document, usually an exclusion clause in a contract, are construed more forcibly against the party using them.
- 7. (C) R v Bangaza is an authority for the literal rule of interpretation.

TRIAL ADVOCACY

In the course of your externship, you witnessed the following in open court. When the case of Mr. Akin Alabi Esq. was called, he stood up, announced his appearance and likewise Mrs Elumelu, counsel for the defendant. Shortly in between the case, Honorable Justice Chinukwe cautioned Mr. Akin Alabi over his unsavoury use of words on Mrs Elumelu, the opposing counsel with regard to her failure to produce a key witness for cross examination. However, Mr. Akin-Alabi did not heed to the words of the Judge but continued to berate Mrs. Elumelu.

Answer the following questions

- 1. The order of examination of witnesses in court is:
 - a. First-examination, cross-examination and re-examination
 - b. Pre-examination, cross-examination and re-examination
 - c. Examination-in-chief, crossexamination and re-examination
 - d. Cross-examination, cross crossexamination and re-examination
- 2. Cross-examination is important to Mr. Akin Alabi for all except one of the following reasons:
 - a. To put across the case of his client
 - b. To discredit the testimony of the witness during cross examination
 - c. To elicit facts favourable to the client's case
 - d. To clear ambiguities arising from witness testimony

- 3. Mrs Elumelu's key witness was taken through a process that qualified him to be cross examined. What is that process referred to in trial advocacy?
 - a. Oral examination
 - b. Final address
 - c. Pre-examination
 - d. Examination-in-chief
- 4. In one of the cases that was fixed for hearing that day, involving a land dispute, you noticed that the Registrar of the court ordered witnesses out of court and hearing, however, one of the defendant's witnesses refused to go out unknown to the Court, and was later called to testify. As an extern attached to the judge, he asked you the fate of the witness?
 - a. He's incapable of testifying
 - b. He will be deemed to be in contempt of court
 - c. His testimony is admissible but less weight will be attached to it
 - d. B and C
- 5. The rule relating to ordering witnesses out of court and hearing does not apply to:
 - a. Expert witnesses
 - b. Parties' Counsel
 - c. Subpoenaed witnesses
 - d. Eye witnesses
- 6. In that case, the claimant's legal practitioner sought to tender a document through his first witness. The following are conditions the document must fulfil before the Court will admit it except:

- a. It must have been signed at the Court Registry
- b. It must be pleaded
- c. It must be relevant
- d. It must be in a form admissible in law
- 7. Assuming the document to be tendered was the certificate of title to the land in dispute, and it was stated that the original had been destroyed by fire, what form of secondary evidence would be admissible?
 - a. Any secondary evidence of it
 - b. Only a certified true copy
 - c. Only the photocopy
 - d. The written admission of the defendant
- 8. The belief that the sky is the limit in cross examination is not true because only one of the following questions is allowed in cross-examination:
 - a. Questions intended to insult
 - b. Questions injuring a witness' character to shake his credit
 - c. Questions intended to annoy
 - d. Questions which appear to be needlessly offensive

While in Court during the externship exercise, Ola Jude witnessed the conduct of the examination of witnesses. He observed that all but one were the functions of cross examination__9__. He also discovered that one of the following is not a technique of cross examination__10__; and___11__questions are encouraged to be asked at cross examination. Ola noticed that the judge discouraged the use of ___12__when examining the witness in

chief. They were only allowed in instances such as in__13__. In the course of examination in chief, Ola noticed that the witness kept giving contradictory answers to the lawyer's questions contrary to the lawyer's expectation. The witness' lawyer applied to the Court to __14__.

9.

- a. To introduce undisputed facts
- b. To test the veracity or credibility of the witness's testimony
- c. To put forward the client's version of the disputed facts
- d. To lay foundation for the introduction of exhibits

10.

- a. Probing technique
- b. Impeaching technique
- c. Insinuation technique
- d. Confrontation technique

11.

- a. Introductory questions
- b. Open questions
- c. Closed questions
- d. None of the above

12.

- a. Non-leading questions
- b. Leading questions
- c. Open questions
- d. All of the above

13.

- a. Open matters
- b. Non-secret matters
- c. Contentious matters

d. Introductory matters

14.

- a. Call in the police for his arrest
- b. Call the adverse party to testify
- c. Cross examine him in order to declare him a hostile witness
- d. Tender evidence of his bad character
- 15. On a daily basis, cases are being struck out by the court for many reasons, prime of which is lack of diligent prosecution. The effect of a case being struck out is not all but one of the following:
 - a. The court becomes funtus officio
 - b. The doctrine of res judicata applies
 - c. The case is absolutely dead
 - d. The case can be relisted on application to the Court

ANSWERS

TRIAL ADVOCACY

- 1. (C) Section 215 of the Evidence Act.
- (D) Cross examination is not intended to clear ambiguities from the testimony of the witness being cross-examined.
- 3. (D) It is when a witness has been examined-in-chief that the witness can then be cross-examined.
- 4. (D) The witness who refused to go out when ordered out of court and heating, is still capable of testifying, but less weight will be attached to the testimony of the witness. And the

- witness is deemed to be in contempt of court.
- 5. (B) Sec. 212 of the Evidence Act.
- 6. (A) The three conditions necessary for the admissibility of a document in a civil case are: the document must be pleaded, the document must be relevant and the document must be in a form admissible in law.
- 7. (B) Certificate of title to the land is a public document, and the only form of secondary evidence of a public document admissible in court is the certified true copy. Sec. 90(1)(b), Evidence Act.
- 8. (B) Sec. 223, 227 and 228 of the Evidence Act.
- 9. (A)
- 10. (B) Impeaching is not one of the known techniques of cross-examination.
- 11. (C) Closed questions are encouraged to be asked during cross-examination.
- 12. (B) Leading questions are not allowed during examination-in-chief, except in certain instances like introductory matters or undisputed facts. Sec. 221 of the Evidence Act.
- 13. (D)
- 14. (D) Ordinarily, option C might come to mind, but the phrasing of the option, which was intended, makes it wrong. And option D is right. A reading of section 230 of the Evidence Act shows that a party can, when a witness proves hostile, apply to the court to tender evidence of bad character of the witness.
- 15. (D)

LEGAL RESEARCH, OPENING AND CLOSING FILES

During your externship with the Law firm of World Class LP in Lagos Nigeria, you were given the task of conducting extensive legal research on certain issues. Answer the following questions

- 1. The following except one are function of legal research:
 - a. To be acquainted with the current law on a particular matter
 - b. To determine the best approach to use in handling a case
 - c. To prepare for trial by getting the details
 - d. None of the above
- 2. In order to make sure that the Court is bound to follow your line of reasoning, you will focus on what source of legal literature?
 - a. Primary
 - b. Secondary
 - c. Hybrid
 - d. Tertiary
- 3. In conducting a legal research, which of the following is not a secondary source of law?
 - a. Nigerian Commercial law by M.C. Okany
 - b. Black's Law Dictionary
 - c. Nigerian Law and Practice Journal
 - d. Nigerian Weekly Law Report
- 4. Which of the following is not a class of legal literature for legal research?

- a. Original source
- b. Secondary source
- c. Primary source
- d. Tertiary source
- 5. The following except one are examples of primary sources of law;
 - a. Laws of the federation of Nigeria
 - b. Practical approach to criminal litigation in Nigeria
 - c. Laws of the various states of the federation
 - d. The criminal code
- 6. The following are hints on carrying out effective legal research except:
 - a. Having a good electronic and manual library
 - b. Having an effective research assistant
 - c. Having an aversion for consulting expert colleagues
 - d. Collaboration with court officials on matters within their knowledge
- 7. When you have successfully handled a client's case, what are you expected to do to the case file?
 - a. Close the file
 - b. Return the file
 - c. Archive the file
 - d. None of the above
- 8. The following are matters that are dealt with when closing a file except:
 - a. Client interview
 - b. Custody of documents
 - c. Self assessment or audit

- d. Fees
- 9. The statutory period for keeping closed files is
 - a. 6 years
 - b. 3 years
 - c. 4 years
 - d. None
- 10. When a case is completed and file is closed, the case file bearing the name, suit number and other documents used in the case is generally the property of:
 - a. The State
 - b. The Client
 - c. The Law Firm
 - d. The Counsel

LEGAL RESEARCH, OPENING AND CLOSING FILES

- 1. (D)
- 2. (A)
- 3. (D) Nigerian Weekly Law Report is deemed a primary source of law.
- 4. (A)
- 5. (B)
- 6. (C) Having a strong dislike for consulting experts on certain issues is bad for legal research.
- 7. (A)
- 8. (A)
- 9. (D) There is no statutory period or limit within which closed files are to be kept.
- 10. (B) Case files are generally the property of the client.

INTERVIEW AND CLIENT COUNSELING

Jozech Franklin, an associate in the law firm of Babalaakin and Co. was sent by his supervisor to conduct a client interview with a new client at the client's house because of the status of the client in the society as the branch manager of Access Bank PLC, Maitama Abuja, Mr. Olowoeyo.

- 1. Which of the following is not one of the objectives of initial client interview?
 - a. To ascertain why the client requires the assistance of a lawyer
 - b. To form a lawyer client relationship
 - c. To learn the goals of the client
 - d. To impress the client with his wealth of knowledge and research skills
- 2. The act of Jozech Franklin going to house of Mr. Olowoeyo to conduct the interview is a breach of which Rule of RPC?
 - a. Rule 22
 - b. Rule 21
 - c. Rule 18
 - d. Rule 24
- 3. In interviewing Mr. Olowoeyo, Franklin must adhere to one of the following procedures.
 - a. Questioning, listening and advising.
 - b. Listening, advising and questioning.
 - c. Listening, questioning and advising.
 - d. Listening, questioning and further listening

- 4. The following are ethical issues in client interview and counselling except:
 - a. Advising the client within the bound of the law
 - b. Assuring the client of the success of his claim
 - c. Preserving confidential information
 - d. None of the above
- 5. Avrom Sherr's interview and counseling model consists of
 - a. Three stages
 - b. Four stages
 - c. Five stages
 - d. Six stages
- 6. Which of the following represents Avrom Sherr's stages of an interview?
 - a. Listening, Questioning,Understanding and Advising
 - b. Listening, Understanding, Questioning and Advising
 - c. Questioning, Listening and Advising
 - d. Listening, Questioning and Advising

INTERVIEW AND CLIENT COUNSELLING

- 1. (D)
- 2. (A)
- 3. (C)
- 4. (B)
- 5. (A)
- 6. (D)

IMPROPER ATTRACTION OF BUSINESS

- 1. Which of the following may constitute touting in the legal profession?
 - a. Publishing in a law directory a lawyer's address, telephone, mail, telex, and e-mail
 - b. Where a lawyer frequently goes to clubs, hotels and restaurants for the purpose of distributing business cards.
 - c. Participating in radio and television programmes wherein he gives information on law
 - d. None of the above
- 2. A lawyer shall not wear the Barrister's or Senior Advocate's robe in all of the following circumstances except:
 - a. As directed by the Bar Council
 - b. When conducting his own case as a party to a legal proceeding in Court

- c. When giving evidence in a legal proceeding in Court.
- d. When attending a procession in his church where they want to recognise him
- 3. All but one of the following can be included in a law directory:
 - a. Date and place of birth and admission to practice law;
 - b. Any public or quasi-public office, post of honour, legal authorship
 - c. Any legal teaching position;
 - d. The highest amount earned from a case
- 4. A lawyer shall not, without being consulted proffer advice to bring a lawsuit to all of the following persons except.
 - a. A female accident victim
 - b. A pregnant woman
 - c. A victim of fraud
 - d. A sibling
- 5. A lawyer is allowed to make reasonable and permissible advertisements on all but one of the following:
 - a. Signs and notices
 - b. Fliers and billboards
 - c. Books and articles
 - d. Notepapers and envelopes
- 6. The RPC absolutely prohibits none except one of the following
 - a. Advertisement
 - b. Solicitation for professional job
 - c. Holding brief on behalf of another counsel

- d. None of the above
- 7. The provisions of the Rules of Professional Conduct guiding advertisement is contained in Rule___
 - a. Rule 37
 - b. Rule 38
 - c. Rule 35
 - d. Rule 39
- 8. Barrister Momoh permitted an inspiring sound recording in relation to his practice of law. Identify the Rule of professional conduct he has so breached.
 - a. Rule 39(3)
 - b. Rule 40(2)
 - c. Rule 39(3)(d)
 - d. Rule 39(4)(b)
- 9. For an advertisement to be approved under the 2007 Rules of professional conduct it must be all but one of the following:
 - a. Fair and proper in all the circumstances
 - b. Reasonable and of sober design
 - c. Complies with the provisions of the rules
 - d. Frequent and obstructive
- 10. Mr. Jaguda has employed Titilope to be on the lookout for new companies seeking to be incorporated in order to influence them to employ him in such regard. Which rule has been breached?
 - a. Rule 47(2) (d)
 - b. Rule 39 (1)

- c. Rule 45
- d. Rule 46 (3)

IMPROPER ATTRACTION OF BUSINESS

- 1. (B) Rule 39(3), RPC.
- 2. (A) Rule 45, RPC.
- 3. (D)
- 4. (D) Rule 47.A sibling is deemed to be a close relation.
- 5. (B)
- 6. (B)
- 7. (D)
- 8. (C)
- 9. (D) Rule 39(2)(e), RPC.
- 10. (A) Instigating litigation.

ALTERNATIVE DISPUTE RESOLUTION MECHANISMS

You have been approached by Chief Kola Johnson to institute an action against Goodside Nigeria Limited for damage as a result of negligence caused to his car.

- 1. By the Rules of Professional Conduct, the first thing you are expected to do is:
 - a. File an action immediately at the Court
 - b. Advise your client on the option of ADR
 - c. Reject the brief
 - d. None of the above

- 2. The authority for your answer in 1 above is
 - a. Rule 15, RPC
 - b. Rule 15 (3)(d)
 - c. Rule 15 (3)
 - d. Rule 15 (2)
- 3. The following are non-arbitral matters except:
 - a. Election petition
 - b. Validity of a Will
 - c. Breach of contract
 - d. Criminal matters
- 4. All the following ADR mechanisms involve a third party except:
 - a. Mediation
 - b. Negotiation
 - c. Arbitration
 - d. Conciliation
- 5. A dispute resolution mechanism involving a third party who is neutral who does not take any decision but simply helps the parties resolve their differences is:
 - a. Mediation
 - b. Conciliation
 - c. Arbitration
 - d. Negotiation
- 6. The four stages of negotiation do not include
 - a. Meet and Greet Stage
 - b. Bargaining Stage
 - c. Closing Stage
 - d. Execution Stage

- 7. A situation in a negotiation where the negotiator opts to negotiate issues in dispute one after the other instead of discussing them together is known as:
 - a. Hit and run
 - b. Puff
 - c. Win-win
 - d. Nibble
- 8. A party to a negotiation whose goal is to make sure to win no matter what is said to be using what negotiation tactic?
 - a. Win or lose approach
 - b. Competitive approach
 - c. Positional approach
 - d. All of the above
- 9. Which of the following ADR mechanisms is regulated by the law?
 - a. Arbitration
 - b. Mediation
 - c. Conciliation
 - d. A and C
- 10. Under Section 4 of the Arbitration and Conciliation Act 2004, where there is an arbitration agreement and one of the parties commences an action in court without recourse first had to the arbitration clause, the remedy is
 - a. The arbitration clause is deemed waived
 - b. The other party can apply for stay of proceedings
 - c. The other party can apply for a stay of execution
 - d. The Court should dismiss the action

On June 24, 2019, Barrister Inusa Obed signed a contract on behalf of his client, Edokpolo Obiosa with Council of Legal Education for the renovation of the Bayelsa campus of the Nigerian Law School. The agreement contains an arbitration clause that in the event of dispute, parties are to resort first to a three man Arbitral panel.

Answer the following question.

- 11. Arbitration can arise as a result of all but one of the following
 - a. By agreement of the parties
 - b. By statute
 - c. By order of the court
 - d. None of the above
- 12. An arbitration clause in a contract has all of the following characteristics except
 - a. Where the main contract has failed, the clause still stands
 - b. The exfacie illegality of the contract does not affect it
 - c. It is independent of the contract
 - d. Death of either party to the contract does not affect it.
- 13. The council of legal education may succeed in an application for the parties to first resort to arbitration only if:
 - a. It has filed its statement of defence
 - b. It has filed a memorandum of appearance
 - c. It has not taken any step in the proceeding
 - d. It is represented by a lawyer

- 14. At the Arbitral panel proceeding between Mr. Edokpolo Obiosa and the Council of Legal Education, the panel gave an award against the Council of Legal Education. The arbitral award can be enforced by:
 - a. Motion Ex parte
 - b. Motion on Notice
 - c. Originating Summons
 - d. Originating Motion
- 15. Council of Legal Education has decided to challenge the validity of the award of the Arbitral panel in court. What is the time limit within which it can do so?
 - a. Within 3 months
 - b. Within 2 months
 - c. Within 60 days
 - d. Within 90 days
- 16. The application to challenge the award is by:
 - a. Notice to challenge award
 - b. Proceeding in lieu of demurrer
 - c. Motion on notice
 - d. Originating summons
- 17. All but one of the following are Negotiating tactics
 - a. Control of the agenda
 - b. Contextual manipulation
 - c. Nibble
 - d. Problem solving
- 18. Arbitration is different from negotiation because an arbitral process is:
 - a. Binding on the parties and can be enforced in court

- b. It involves only four persons
- c. It is presided over by a High Court judge
- d. Lawyers do not appear before the tribunal

19. The acronym WATNA represents

- a. Worst Attempts To Negotiated Agreement
- b. Ways To Negotiate Agreement
- c. Worst Avenues To Negotiate
 Agreement
- d. Worst Alternative to Negotiated Agreement
- 20. The ADR mechanism that involves a neutral third party who merely suggests solutions to the parties and such suggestions are not binding on the parties, is
 - a. Conciliation
 - b. Mediation.
 - c. Arbitration.
 - d. Negotiation.

.

ANSWERS

ALTERNATIVE DISPUTES RESOLUTION MECHANISMS

- 1. (B) Rule 15(3)(d), RPC.
- 2. (B)
- 3. (C)
- 4. (B) Negotiation is between the parties without the participation of a third party.
- 5. (A)
- 6. (A)
- 7. (D)
- 8. (D)
- 9. (D) **Arbitration** and **Conciliation Act.**
- 10. (B)
- 11. (D)
- 12. (B)
- 13. (C) Section 5 of the Arbitration and Conciliation Act
- 14. (B)
- 15. (A) Section 29 of the Arbitration and Conciliation Act
- 16. (C)
- 17. (B)
- 18. (A)
- 19. (D)
- 20. (A) The main difference between conciliation and mediation is that in the former, the third party is the one suggesting solutions, while in the latter, the third party does not suggest solutions but facilitates communications between the parties

LAW OFFICE MANAGEMENT

Bobo Ajasco was called to the Nigerian Bar in 2019. He graduated with a second class lower both at the University and the Nigerian Law School, as a result of which he could not secure a meaningful paid employment with any law firm. Having shuffled from one job to the other with no increase in payment from the ₹20,000 he started with in his first job, he has decided to take the bold step to set up his own law office. He intends to get the capital from a loan with First Bank PLC.

Using the above scenario, answer the following questions

- 1. The following except one are reasons for setting up a law office
 - a. Lack of paid employment
 - b. Pride or self esteem
 - c. Compliance with the Rules of Professional Conduct
 - d. None of the above
- 2. The statutory post call period required before Bobo Ajasco can lawfully set up his law office is:
 - a. 5 years
 - b. 1 year
 - c. 2 years
 - d. None of the above
- 3. Assuming Bobo Ajasco sets up his law office in Ilupeju, Lagos on the 1st of July, 2020, he must give notification to the Ilupeju branch of NBA of his office on or before:
 - a. 31st July, 2020

- b. 31st August 2020
- c. 15th July, 2020
- d. 29th July, 2020
- 4. The following except one are contents of the Notice Bobo Ajasco must deliver to the NBA branch
 - a. His name
 - b. His grade from Law School
 - c. His office address
 - d. The date he was enrolled
- 5. Mr. Opeyemi Badmus was called to the Nigerian Bar in October 2018. During his call to bar ceremony, one of his uncles gave him the sum of N5,000,000 (five million naira only) to establish his own office and commence his legal career. He set up his office as Badmus Opeyemi LP in Industrial Avenue, Ilupeju, Lagos State. He decided to call two of his friends from school who were called to the Nigerian Bar in 2019 to work for him. He also employed a cleaner and a secretary.

Which of the following accurately captures Badmus Opeyemi's practice?

- a. He is the only fee earner in the law office
- b. There are four fee earners in the law office
- c. There are only two fee earners in the law office
- d. There are four supporting staff in the law office
- 6. Which of the following is not one of the factors Badmus Opeyemi must have considered before setting up his law office in the premises where it is?

- a. Size of the premises
- b. Compatibility of other businesses in the premises with a law office
- c. Proximity to NBA headquarters
- d. Proximity to courts and target clients
- 7. The basic skills the lawyers in Badmus Opeyemi LP must possess in order to be able to render necessary legal services to clients do not include:
 - a. Programming skills
 - b. Interview skills
 - c. Advocacy skills
 - d. Communication skills
- 8. The type of unit of practice of Badmus Opeyemi LP is:
 - a. Sole practitionership
 - b. Partnership
 - c. Sole proprietorship
 - d. Associateship
- 9. Only one of the following is not an advantage of the unit of practice of Badmus Opeyemi LP:
 - a. It is easy to set up
 - b. Absence of slow decision making
 - c. Concentration of credit or success
 - d. Absence of specialisation
- 10. In order to succeed in his practice, Opeyemi Badmus needs all but one of the following:
 - a. Good luck
 - b. Handsomeness
 - c. Knowledge
 - d. Experience

Eric Ebute was among the last batch of legal practitioners that were called to the Nigerian Bar in October, 2018. Before his call, his father had built a storey building for him to use as his office. He employed another Lawyer and a Secretary, both of whom he pays salary. Due to the location of the Law office, clientele base is very low and he is considering renting a new premises in another location.

Answer the following questions 11-13 using the above scenario

- 11. The type of premises that best describes the office accommodation of Eric Ebute is:
 - a. Office in the home
 - b. Rented office
 - c. Purpose built office accommodation
 - d. Existing building
- 12. Which of the following is not a method that can be employed by Eric Ebute in searching for a new office premises?
 - a. Search at land registries
 - b. Personal scouting
 - c. Placing adverts in the newspaper
 - d. Use of estate agents
- 13. The following are the accounts Eric Ebute must keep as a legal practitioner except:
 - a. Personal Account
 - b. Trust Account
 - c. Client's Account
 - d. Equity Account

Mr. Bubu Shinzu, a young wig, of one year experience at the Bar has his own office and practices alone as a sole proprietorship.

Right from his University days, he has always asserted that he would never work for any lawyer and earn peanuts; rather, other lawyers would work for him. In setting up his office and establishing his practice, he obtained a loan from First Bank Nigeria PLC using the property he inherited from his father as security for the loan. He has as his employees 5 other lawyers, a clerk, a secretary and a driver.

Answer the following questions 14 - 16

- 14. Mr. Bubu Shinzu being a sole proprietor means that:
 - a. He is the only fee earner in the law office
 - b. He employs fee earners in the law office
 - c. He is the only fee earner, but employs support staff.
 - d. None of the above
- 15. How many fee earners are in the office of Mr. Bubu Shinzu?
 - a. Five
 - b. Six
 - c. Three
 - d. Eight
- 16. Bubu Shinzu's office can best be classified as:
 - a. Small law office
 - b. Low size law office
 - c. Medium size law office
 - d. Large size law office

Taiwo Ahmed and Uche Alaba were called to the Nigerian Bar on July 6, 2017.

Immediately after their call, they decided to start practicing. In order to actualize the objective, they pooled resources together and rented an office space which was partitioned into two offices and a reception. Each of them has a separate practice but shared one Secretary.

From the scenario, answer the following questions 17 -19

- 17. Taiwo and Uche could have raised the above capital through all of the following means except:
 - a. Personal savings
 - b. Loan
 - c. Gifts from relatives
 - d. None of the above
- 18. The type of practice operated by Taiwo and Uche is:
 - a. Partnership
 - b. Sole proprietorship
 - c. Associateship
 - d. Sole practitonerships
- 19. The following except one are some of the office equipment necessary in the office:
 - a. Generator
 - b. Computer
 - c. Printer
 - d. Photocopier
- 20. Utility bills, staff salaries and cost of stationery is classified under
 - a. Start-up capital
 - b. Capital expenditure
 - c. Assets and expenditure

d. Working capital

The Law Firm of Bariwo & George is a partnership primarily because 21 . This unit of law practice is different from 22 in which two or more legal practitioners regardless of the fact that they jointly pool resources and bear running expenses together, still manage independent law practices. The partnership has all but one of the following advantages 23 . At the time Bariwo & George was going to commence business, the partners sought funding from all the following sources except____24___. Today, the law firm is well equipped. For instance, its library is filled with statutes, law reports, regulations and bye laws. These as referred to as___25___. The firm keeps both hard copy and 26 versions of the foregoing materials which can be retrieved from the operation of computers.

21.

- a. All the partners are very close friends
- b. It is established by 2 or more legal practitioners who share similar visions and contributed capital to set up the firm
- c. They have a deed of partnership
- d. All of the above

22.

- a. Sole proprietorship
- b. Sole Associateship
- c. Sole practitonerships
- d. Associateship

- a. Partners are liable for the acts of the others
- b. Financial responsibility is shared
- c. The loss and risk is shared together
- d. It is easier to attract clients

24.

- a. Loans from banks
- b. Money from relatives and friends
- c. Application to the Remuneration Committee
- d. Personal savings

25.

- a. Primary sources of law
- b. Secondary sources of law
- c. Tertiary sources of law
- d. Universal sources of law

26.

- a. Book
- b. Journal
- c. Electronic
- d. Compact disc
- 27. The major challenges and problems to the use of ICT in Law office management include the following except?
 - a. High cost of some IT machines
 - b. Conservative nature of the legal profession
 - c. High rate of internet fraud
 - d. Lack of constant electricity supply
- 28. Which of these is not a criteria for classification of law firms?
 - a. Location

- b. Capital base
- c. Facilities
- d. Number of Lawyers

Mr. Ajayi Benjamin is the Principal Counsel at Ajayi Legal Counsel in Ogbomoso, Oyo State. It is a very busy law office. Mr. Ajayi has employed 8 young and vibrant lawyers to work with him. During your just concluded externship programme, 5 students of the Nigerian Law School were posted there. The externs were able to observe and learn about the day to day running of the law firm.

Answer the following questions

- 29. In the type of law firm described above, which of the following items is very essential?
 - a. A personal diary
 - b. A personal calendar
 - c. An office diary
 - d. An office calendar
- 30. Which of the following is mandatory for the law firm under the Rules of Professional Conduct for Legal Practitioners?
 - a. Client's account
 - b. A four room office facility
 - c. Opening a current account for all the salaried lawyers in the firm
 - d. All of the above
- 31. The following are important office machines in Ajayi Legal Counsel except:
 - a. Photocopying machine
 - b. Generator
 - c. Vehicles

- d. None of the above
- 32. Which of the following is not a method through which Mr. Ajayi Benjamin can acquire law office machines?
 - a. Mortgage
 - b. Leasing
 - c. Purchasing
 - d. None of the above
- 33. The law office management structure where a select group are put in charge of the day to day running of the firm is termed
 - a. Management by a sole partner
 - b. Management by all partners
 - c. Management by a committee of partners
 - d. Management by experts
- 34. Which of these is not true of Associateship?
 - a. Associate takes the full credit
 - b. Associates have the same and not independent practice
 - c. Associate has difficulty attracting clients
 - d. Death of the Associate entails death of his practice
- 35. Which of these is not a law office supply?
 - a. File Jacket
 - b. Rubber stamp
 - c. Business cards
 - d. Letter head

LAW OFFICE MANAGEMENT

- 1. (D)
- 2. (D) Once a person's name is enrolled in the Supreme Court, he can set up his law firm immediately. There is no requirement of a waiting period.
- 3. (A) He is to do so within 30 days. 30 days from July 1 is July 31. Rule 13(1), RPC.
- 4. (B)
- 5. (C) Fee earners are the lawyers working under a person in a law firm or office. It generally excludes the proprietor of the office.
- 6. (C)
- 7. (A)
- 8. (C)
- 9. (D)
- 10. (B)
- 11. (C)
- 12. (A) Investigation of title is done at the land registry, not the search of an office space.
- 13. (D)
- 14. (B)
- 15. (A) The fee earners are **legal practitioners**, apart from the proprietor, who do the legal work and earn fees from the firm.
- 16. (C) Law office can be classified on the number of legal practitioners as follows:1. Small (1-4 lawyers);2. Medium (5-9 lawyers) and Large (10 and above).
- 17. (D)
- 18. (C)
- 19. (A) Generator is an office machine, not office equipment.

- 20. (D)
- 21. (B) Note that a partnership can be created orally, and partners do not necessarily have to be friends.
- 22. (D)
- 23. (A)
- 24. (C)
- 25. (A)
- 26. (C)
- 27. (B) It has nothing to do with the supposed conservative nature of the legal profession.
- 28. (B) Law firms are classified based on the following: location, client base, facilities, status of lawyers and number of lawyers.
- 29. (C)
- 30. (A) Rule 23 of the RPC and the Legal Practitioners Account Rules.
- 31. (A) Photocopying machine is an office equipment, not office machine.
- 32. (A)
- 33. (C)
- 34. (B)
- 35. (B)

LEGAL PRACTITIONERS REMUNERATION

Work Force Group, a company that specialises in outsourcing services employed Chuks Emele Esq., the Principal Partner of Chuks Emele & Co. to represent the company in all matters it has in court and to serve as the regulatory compliance officer of the Company.

- 1. From the above, the relationship between Chuks Emele and Work Force Group is
 - a. Special Retainership
 - b. Ordinary Retainership
 - c. General Retainership
 - d. Specific Retainership
- 2. Obianuju Umezi, one of the clients of the company, alleges a breach of contract and has met Chuks Emele Esq to represent her in Court against Work Force Group. Which of the following is true?
 - a. Chuks Emele cannot represent Obianuju Umezi
 - b. Chuks Emele cannot represent Obianuju Umezi but another lawyer in his firm can
 - c. Chuks Emele can represent Obianuju Umezi
 - d. Chuks Emele can only represent Obianuju Umezi after disclosing this to Work Force and the latter does not object
- 3. Contingent fee is contained in Rule ____ of the Rules of Professional Conduct
 - a. Rule 51
 - b. Rule 50

- c. Rule 52
- d. Rule 53

Use this to answer questions 4 - 7

Ovia Chibindu is a very resourceful legal Taking several factors into practitioner. consideration, Ovia applies different methods for charging his clients. He may charge ____4__ which is based on the number of time he appears or continues to appear in proceedings on behalf of his client. These sorts of matters are contentious. For non contentious matters however, he charges using__ ____6__are some examples of noncontentious matters.

4.

- a. Contingency fee
- b. Fixed fee
- c. Retainer fee
- d. Appearance fee

5

- a. Scale I
- b. Scale II
- c. Scale III
- d. Any of the above

6.

- a. Litigation and land searches
- b. Arbitration and registration of companies
- c. Litigation and arbitration
- d. None of the above
- 7. The following except one are the types of fee a lawyer may charge in a criminal case:
 - a. Contingent fee
 - b. Appearance fee

- c. All of the above
- d. None of the above
- 8. Legal services such as searches at the Land Registry and the Corporate Affairs Commission can be charged under what scale of the Bill of Charges?
 - a. Scale IV
 - b. Scale III
 - c. Scale II
 - d. Scale I

Omega Omotunde, a property transaction lawyer, was retained by First Bank of Nigeria PLC to act for the bank in all mortgage transactions. One of his friends, Obi Chukwudi approached him to represent him in negotiation and perfection of a mortgage transaction with First Bank of Nigeria, which the later did not object to. The value of the loan advanced to Obi Chukwudi is ₹10,000,000 (Ten Million Naira Only).

Answer the following questions

- 9. Omega Omotunde in this case shall be entitled to charge:
 - a. The mortgagor's full legal practitioner's fees and one half of the mortgagee's legal practitioner's fees
 - b. The mortgagee's full legal practitioner's fees and one half of the mortgagor's legal practitioner's fee
 - c. One and half of the legal practitioner's fees
 - d. The mortgagee's full legal practitioner's fees and the

mortgagor's full legal practitioner's fees

- 10. It has been more than two months since the completion of the transaction and Obi Chukwudi has refused to pay Omega Omotunde's professional fees. The first step Omega Omotunde should take under the LPA in recovering his professional fees is:
 - a. Resort to arbitration
 - b. Apply to the High Court under the under ended list procedure
 - c. Beg Obi Chukwudi to pay him
 - d. Draft and send a bill of charges to Obi Chukwudi
- 11. Which court has original jurisdiction to entertain the matter if Omega Omotunde decides to institute an action against Obi Chukwudi?
 - a. District Court
 - b. Debt Recovery Tribunal
 - c. High Court of Justice
 - d. Multi-Door Court House
- 12. The appropriate mode of commencement of action for the recovery of professional fee in the court you have identified above is?
 - a. Originating Summons
 - b. Writ of summons
 - c. Claims
 - d. Originating application
- 13. If Omega Omotunde were to send a bill charges to Obi Chukwudi, what is the stipulated period that he would give him before he can institute an action?
 - a. 21 days

- b. 31 days
- c. 30 days
- d. One month
- 14. Assuming Obi Chukwudi feels that the bill of charges is too high and wishes to do something about it, he could opt for one of the following options:
 - a. Request for taxation of the Bill
 - b. Bills of cost review
 - File an action in court to mandate Mr. Omega Omotunde to prove the Bill
 - d. None of the above
- 15. What's the time limit for exercising the option after receipt of the Bill of charges by Mr. Chukwudi?
 - a. Within 10 days
 - b. Within 20 days
 - c. Within 1 month
 - d. Within 2 months

LEGAL PRACTITIONERS' REMUNERATION

- 1. **(C)**
- (A) This is a direct case of conflict of interest and Chuks Emele is enjoined to decline the brief by Obianujo. Rule 20, RPC.
- 3. (B)
- 4. (D)
- 5. (D)
- 6. (D) Examples of non-contentious matters include representing a client in a sale of land transaction or

- mortgage transaction, drafting and perfecting a deed of assignment.
- 7. (A) Contingent fees are prohibited in criminal cases. Rule 50(2), RPC.
- 8. (B) There are limited circumstances where a lawyer may charge under scale I (sales, purchases and mortgages) and scale II (Leases). However, the circumstances are not stipulated under scale III, provided the transaction is non-contentious.
- 9. (B) Where a solicitor acts for both parties in a mortgage transaction and he charges his professional fee using the scale, he will be entitled to the full fees of the mortgagee's legal practitioner and half of the fees the mortgagor's legal practitioner would be entitled to under the scale.
- 10. (D) Sec. 16 of the LPA.
- 11. (C) It is the High Court that has the jurisdiction to entertain matters relating to recovery of legal practitioners' professional fee, the amount notwithstanding.
- 12. (B) The mode of commencement of an action for recovery of professional fee is by writ of summons.
- 13. (D) Sec. 16(2)(b) LPA.
- 14. (A) Sec. 17 LPA.
- 15. (C) Sec. 17(1) LPA.

LEGAL PRACTITIONERS ACCOUNT RULES

- 1. Which of these laws enjoin a legal practitioner to keep separate books of accounts of his personal money, client money and trust money?
 - a. Legal Practitioners' Account Rules, 1992
 - b. Legal Practitioners' Rules, 1975
 - c. Legal Practitioners' Account Rules, 1964
 - d. Legal Practitioners Act, 1975
- 2. All but one of the following are reasons for maintaining separate accounts by legal practitioners
 - a. The need to comply with the law
 - b. Enables the legal practitioner to assess the value of his practice
 - c. It automatically exempts the legal practitioner from any disciplinary actions
 - d. Enables legal practitioners to know debtors and creditors at a glance
- 3. Generally, a client's money must be paid into client's account. But there are circumstances where non client's money can be paid into client's account, which do not include:
 - a. The amount of personal income tax payable by the legal practitioner
 - A nominal sum belonging to the legal practitioner for the opening of the account
 - c. Trust money when lumped with client money

- d. Money accidentally paid into client's account
- 4. Which of these is not incorrect?
 - a. A solicitor may withdraw money paid into client's account by mistake without client's authority
 - A solicitor can draw a cheque in favour of his own creditor from a client's account
 - c. A solicitor can withdraw money from client's account to pay a debt owed to him that has been acknowledged by the client in writing
 - d. A and C
- 5. The Body responsible of regulating compliance with the Legal Practitioners Account Rules is
 - a. The Nigerian Bar Association
 - b. The General Council of the Bar
 - c. The Council of Legal Education
 - d. The Legal Practitioners Disciplinary Committee
- 6. Fees on account is classified as:
 - a. Client's money
 - b. Solicitor's money
 - c. Trust money
 - d. None of the above
- 7. The Books of Accounts required to be kept by legal practitioners do not include:
 - a. Bills of charges
 - b. Journals
 - c. Cash Book
 - d. Ledger

- 8. The order of arrangements of the columns in a cash book is:
 - a. Date Particulars Credit Debit
 - b. Date Credit Debit Particulars
 - c. Date Credit Particulars Debit
 - d. Date -Particulars Debit Credit

Tunde Ojo was called to the Nigerian Bar on 2nd November 2014. After his Call to Bar, he approached his father for assistance to start his practice. On November 6, 2014, his father gave him $\aleph 1,000,000$ and on the same day, his mother gave him ₹500,000. On Nov 8, he paid ₹300,000 for office accommodation and bought a second-hand car for ₹400,000. On November 9, he bought a desktop computer for ₹70,000 and a set of office furniture for ₹200,000. He bought law books for №50,000 and a complete set of Laws of the Federation 2004 for №200,000. On November 11, he opened an account with Zenith Bank Plc and deposited №100,000 for the running of the office. On November 15, he bought stationery \aleph 50,000 for the office.

You have been asked to prepare Tunde Ojo's cash book.

- 9. The №100,000 Tunde Ojo deposited in his Zenith Bank account will be recorded on the:
 - a. Debit side
 - b. Credit side
 - c. Balance carried down
 - d. Balance brought down
- 10. The №1,000,000 gift by his father will be recorded on the:

- a. Debit side
- b. Credit side
- c. Balance carried down
- d. Balance brought down
- 11. A legal practitioner may instead of being ordered to produce his books of account, be ordered to obtain a certificate by an accountant appointed by him in the following cases except
 - a. On the motion of the Bar Council
 - b. On the written complaint of a third party
 - c. On the written request of any branch of NBA
 - d. All of the above
- 12. A legal practitioner requested to submit his books of account for inspection shall submit same to:
 - a. An accountant nominated by him
 - b. An accountant appointed by him
 - c. An accountant appointed by the Bar Council
 - d. B or C
- 13. Where the Secretary of the Bar Council writes to a legal practitioner requesting him to submit his books of account and other documents for inspection and the Secretary posts the letter to registered address of the legal practitioner, the latter shall be deemed to receive it after how many days of posting?
 - a. 10 days
 - b. 7 days
 - c. 3 days
 - d. 5 days

- 14. In the ledger, receipts are recorded on the:
 - a. Debit side
 - b. Credit side
 - c. Balance carried down
 - d. Balance brought down
- 15. The books and records of accounts are to be kept for the least period of how many years from the date of last entry?
 - a. 2 years
 - b. 5 years
 - c. 6 years
 - d. None of the above

LEGAL PRACTITIONERS ACCOUNT RULES

- 1. **(C)**
- 2. (C) The fact that a legal practitioner maintains separate accounts as required by the Law does not automatically mean he can't be guilty of fraudulent actions, and liable to be prosecuted accordingly.
- 3. (A)
- 4. (D) Rule 7, LPAR.
- (B) The General Council of the Bar or the Bar Council is responsible for administering the provisions of the LPAR.
- 6. (A) Fees on account is money paid in advance by a client for a legal work to be done by the counsel. Until the work has been done, the money must remain in client account.

- 7. (A)
- 8. (D) Date, Particular, Debit Credit (DPDC)
- 9. (B) The reason is because the amount deposited is seen as expenditure, and in a cash book, expenditures are recorded under credit.
- 10. (A) Income or money received are 'debited' in the cash book.
- 11. (B) Rule 22(1), LPAR.
- 12. (D) Rule 21 and 22 of the LPAR.
- 13. (A) Rule 22(2) of the Legal Practitioners Account Rules.
- 14. (B) In ledger, incoming funds or receipts are to be credited.
- 15. (C)