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Priesthood and the Legal Profession in Nigeria Today: Strange Bedfellows?

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Abstract

The integral development of any nation is a result of concerted efforts. Services that come from sundry professionals combine to realise the desired national goals. Among these services, those of the lawyer and the priest are quite cardinal. This paper has discussed the respective roles of these two noble professions. The paper has particularly investigated the possibility of one combining in oneself the two professions. Contrary to popular but erroneous perception in Nigeria, the paper has discovered that there is nothing in Nigerian law and contemporary theology that prohibits the dual embodiment. This study also found out that even as some duties of a priest can be enhanced and facilitated by the legal practice, the lawyer who plays his role well is also doing a Godly work. It was thus revealed from history, learning, law and sociology that the ideals of the priestly and legal professions are not incompatible. Comparative and critical analytical methodology was handy for the inquiry.

Key Words:
Legal Profession; Priesthood; Jurisprudence; Law ; Religion

1. Introduction

Ever and ever again, questions are agog about whether one can be a priest and at the same time a practising lawyer in Nigeria today. These questions issue from myriad standpoints which are premised on many assumptions. For instance, it is readily assumed in Nigeria today by not only the man on the street but also by some very informed people that once one is a lawyer, then he invariably is a liar and must belong to some secret cult. It is therefore not uncommon for one to hear or make such statements as 'lawyers are liars', 'lawyers are cultists', and so on. Some children and even grown-ups easily believe that dead lawyers are turned face downwards at their burials. This is often seen, though erroneously, as an indication that lawyers have by their profession bargained for and bought perdition during their earthly sojourn. They have already been adjudged well-fitting citizens of the halls of hell even before they go to meet their eternal judge. Negative myths and mythologies envelop the profession which at least for those in it is a hallowed, noble and enviable one, nevertheless. Yet, in spite of this negative perception especially from the uninformed and the *ignoramus*, legal profession in Nigeria is one of those that receive the greatest number of new entrants yearly. For the past one decade, not less than five thousand candidates are called to Nigerian Bar annually. Again, Faculties of Law in Nigerian universities are inundated every year by candidates/applicants seeking admission to read law.

However that may be, this paper is particularly concerned with the basis and effects of the negative attitude in question vis-à-vis yet another profession or, better put, vocation, namely, priesthood. Seen in quite an opposite light, priests are regarded, and rightly so, as the signs of the presence of God among men. If everyone may be permitted to tell a lie, such permission under every and any circumstance would certainly not extend to priests and other 'men of God'. Priests and pastors are viewed as perfect configuration and images of the divine as if any other person has the allowance or leverage to blur the image of God that he himself is. Hence, juxtaposing priesthood and the legal profession, one, though erroneously, beholds a contradiction. It is precisely the consideration of the propriety, or otherwise, of this so-called contradiction that is the main thrust of this paper. Can a priest combine the ministry of the pulpit and the altar with the professional demands of the wig and the gown? Will the 'holy mouth' of a priest not be corrupted and drowned in the often juicy though dicey and sometimes make-belief oratory of a lawyer? In fact, can one be a good priest and at the same time a good lawyer in Nigeria? How can the sanctuary and the sacristy go together with the bar and the bench? These are some of the questions that require urgent consideration in view of not only the missionary role of the priest in contemporary times but also of the socio-political and religio-cultural implications of Nigerian national development today. Before dealing with these issues, a brief discussion of the meanings and roles of a priest and of a lawyer would respectively be relevant.

2. Meaning and Duties of a Priest

There is no easy definition of a priest. Responses vary depending on one's perspective. Distinctions exist between the biblical Old Testament and the New Testament concepts of the priest, for instance. Even in the New Testament, differences in Christian denominational traditions pontificate variegated and often conflicting understandings of the idea of a priest. Besides, even as the priesthood of Christ is the *fons etorigo* of the New Testament priesthood, two levels, namely, ministerial and common priesthoods, are still discernible. Be that as it may, the writer's conception of the priest is limited to not only that of the Christian New Testament but further to Catholic ministerial notion, and to some limited extent, those of the mainline Christian churches, such as Anglican, Methodist, and Presbyterian. The writer is not in any way concerned with the priesthood in African Traditional Religion, and if any, in Pentecostalism and Islam.

In spite of the difficulty of a generally accepted definition, the priest has been defined by his basic roles and duties. The priest is charged with three offices, namely, prophetic/teaching *(munuspropheticum/docendi),* sanctifying *(munussanctificandi),* and ruling *(munusregendi).*[1]Nzomiwu captures this description by noting that 'a ministerial priest is not only a guiding pastor and a prophet of God's word, he is also the sacramental representative of the sacrificing Christ during the Eucharistic celebration'.[1] The priest discharges his prophetic and teaching duty by proclaiming and teaching the word and the will of God to his people. Through this, the priest carries out Christ's injunction to his disciples to proclaim the good news and teach all nations (Matt 28: 19-20). Secondly, the sanctifying office is the medium through which the priest makes holy God's people. He does this by celebrating the sacraments with and for the people wherein he acts *in nominiet persona*

[1]W Stochums, *The Priesthood* (Rockford: TAN Books and Publishers, Inc., 1974) 25-39; A Okonkwo, *The Priests of God: Yesterday, Today and Tomorrow* (Rome: TipograficaLeberit, 1999) 106-111.

Christi capitis (in the name and person of Christ the head). The priest also ordinarily prays for and blesses God's people and their sacramentals. Again, given the fact that the Church is an assembly gathered by God, the priest becomes God's representative on earth who tends and directs the people unto good life and eternity. This is the priest's ruling office modeled, as it were, after Christ's mandate to Peter to 'feed my lamb and look after my sheep'.[2]

In one way or the other, whatever is the assignment of any Catholic priest can easily be resolved into any or all of the above three offices. This description also fits the Catholic priest assigned to work in the public service wherein he is expected by his word and deed to pulverize the secular order and infuse into it the divine ordinance and breath. The need for priest's intervention in the temporal order is ever relevant and desirable. It is even more apt now than ever before in spite of the attendant challenges. Although the temporal domain is the specific abode of laical apostolate[3], yet the urgency of disseminating the good news demands a corporate, consistent, and more resilient and diligent effort that can readily come from the clergy. Hence, it is not uncommon for priests, due to theexigencies of the contemporary times, to be assigned to work in the military, the Police, political arena (though to a limited extent), secular academic institutions, finance houses and banks, the medical and legal professions, the fields of the social, natural and environmental sciences, and the engineering profession, to mention but a few. But at any event, the priest is basically so positioned to carry out his priestly duties rather than join the bandwagon. The priest ministers and mediates the will of God to the people and acts as a mediator between them and God. It is this meditational together with the covenantal nature of the New Testament priesthood that, according to Vanhoye, marks a departure from the Old Testament notion.[4] Thus, the Letter to the Hebrews, chapter 5 verse 1 says it all: 'Every high priest is taken from among men and made their representative before God'. Instead of saying 'made for God as the Old Testament prescribes[5], the author of the Letter does not hesitate to say "made their representative' before expressing the other side of mediation of the 'relations with God'.[6] The effect is that as a representative, the priest is rightly an advocate of the people before God. He carries the people's burden and seeks a release of it from God. It is the above meditational cum covenantal essence of the New Testament priesthood that brings the difference between it and other forms of priesthood. Surely, priesthood is an ancient institution. The concern with relations with the divinity has been manifested since the beginning of human kind as fundamental characteristics of human being's spiritual life, and which concern was expressed very early in social life through the institution of priests. Yet the concept of mediation is quite lacking in all

[2]*Christian Community Bible* (Philippines: Claretian Publications, 2009), Jn. 21: 15, 16 & 17.

[3]JPC Nzomiwu, 'Relationship between Bishops and Priests' in ANO Ekwunife, VA Nwosu, and JPCNzomiwu (eds.), *Renewal of Priestly Life and Ministry: The Nigerian Experience* (Enugu: Snaap Press Ltd. 1995) 275. This definition is a reaction to Karl Rahner's which defines a priest only in terms of a preacher of the word of God (K.Rahner, 'What is the Theological Starting-point for a Definition of the Priestly Ministry?', (1969)3, 4 *Concillium*, 45.

[4]Vatican Council II, 'Decree on the Apostolate of the Lay People, ApostolicamActuositatem' in A Flannery (ed), Vatican Council II: Concilliar and Post Concilliar Documents (Collegeville: The Liturgical Press 1975) n 7.

[5]*Christian Community Bible* (Philippines: Claretian Publications, 2009), Ex 29:1

[6]HEAVankoye, 'The Innovation of Christ's Priesthood', (2010) 408*Omnis Terra*, 233.

those pre-New Testament and other forms of priesthood. This mediating role of the priest forms the gamut of the writer's understanding of who a priest is.

3. Meaning and Roles/Rights of a Nigerian Lawyer

A lawyer is defined in Black's Law Dictionary as 'one who is licensed to practice law'.[7] While this is a general definition applicable to lawyers in all jurisdictions, the question of who a lawyer is in Nigeria, unlike that of a priest, has a relatively definite answer. It is a matter of law. Whereas in some other jurisdictions like the United Kingdom, a lawyer cannot both be barrister and Solicitor, a lawyer practising in Nigeria functions as both a barrister and a solicitor. The Legal Practitioners Act[8](hereinafter referred to as the Act) provides that a person shall be entitled to practice as a barrister and solicitor if, and only if, his name is on the roll. The roll in question is that containing the names of lawyers called to or deemed to be called to Nigerian Bar and preserved in the registry of the Supreme Court of Nigeria since 1962. The law provides that a person is to have his name enrolled if, and only if, he has been called to the Bar by the Benchers, and he produces a certificate of his call to the Bar to the Registrar.[9] More, in very restricted circumstances, section 7(2) of the Act states that the Attorney-General may after consultation with the Bar Council, by regulation provide for the enrolment of the names of persons who are authorized by law to practise as members of the legal profession in any country where, in his opinion, persons whose names are on the roll are afforded special facilities for practising as members of that profession.[10] One is also a lawyer in Nigeria who is entitled to practise as a legal practitioner if 'an application is made to the Chief Justice (of Nigeria) by or on behalf of any person appearing to him to be entitled to practise as an advocate in any country where the legal system is similar to that of Nigeria; and the Chief Justice is of the opinion that it is expedient to permit that person to practise as a barrister for the purpose of proceedings described in the application'.[11] Furthermore, section 4(1) of the Act provides that one shall be entitled to be called to the Bar if he is a citizen of Nigeria, produces a qualifying certificate to the Benchers, and satisfies the Benchers that he is of good character.[12] However, section 4(2) states that notwithstanding the provision of subsection 1, a non-citizen of Nigeria can also be entitled to be called to the Bar provided he produces a qualifying certificate to the Benchers, and satisfies them that he is of good character.[13] It therefore follows that citizenship is not an absolute condition for call to the Bar in Nigeria. One needs only to meet other stated conditions.

Moreover, unlike in the English Legal Practitioners Act, there is nothing in Nigerian jurisprudence that prohibits clergymen from being called to the Bar. The unwarranted controversy which was however brought to the fore when Rev. Fr. (now Msgr.) Nathaniel Obiagba was about to be called to the Bar in 1973 in Lagos was amicably settled. Being the first clergyman to successfully undergo the Bar

[7]Ibid, 234.

[8]BA Garner (ed.), *Black's Law Dictionary*, (7th Ed., Minnesota: West Group, 1999) 895.

[9]Cap. L 11, Laws of the Federation of Nigeria, 2004, Section 2 (1).

[10]Ibid, section 7 (1) (a) & (b).

[11]Ibid, section 7 (2).

[12]Ibid, section 2 (2) (a) & (b).

[13]Ibid, section 4 (1) (a), (b) & (c).

programme in the Anglophone West Africa (if not beyond), a question arose as to whether clergymen could be called to the Nigeria Bar.[14] Amidst debates, he was nevertheless called to the Bar after it was cleared that there is nothing in the Nigerian Legal Practitioners Act that excludes clergymen from being called to the Bar.[15] This was a different position from England's where clergymen were disentitled from the Bar as a result of some peculiarly philosophical and historical reasons, and which practice was applicable throughout the British colonies. But with the independence, the English law became a foreign law in Nigeria especially insofar as there is a local statute regulating a particular subject matter. Thus with the enactment of the Legal Education (Consolidation, Etc) Act 1962[16] and Legal Practitioners Act 1962[17] which regulate legal training and legal practice respectively in Nigeria, all persons who meet the criteria are handed with the qualifying certificates and are called to the Bar, and which persons are allowed by law to enjoy all the rights and privileges appurtenant thereto.

The hereinabove referred rights and privileges include the totality of all the services a legal practitioner is entitled to offer in his capacity as such to his client. These services are of such professional and exclusive nature that only legal practitioners are trained and allowed in law to offer them. One of such services is the representation of litigants in any court proceedings and preparation of documents relating thereto in any court of law sitting in Nigeria.[18] Be that as it may, it seems that the legal restriction of the rights of audience vested in legal practitioners by virtue of section 8 (1) of the Act derogates from the constitutional right of litigants to fair hearing as it relates to representation by any legal practitioner of their choices.[19] The said section of the Act states thus:

> Subject to the provisions of any enactment in force in any part of Nigeria prohibiting or restricting the right of any person to be represented by a legal practitioner in proceedings before the Supreme Court or the Sharia Court of Appeal or any area or customary court, a legal

[14]NCObiagba, Oral Communication at the Conference of the Catholic Priests and Religious Lawyers Association of Nigeria held at the Pope John Paul II Center, Abuja, 13th June 2009.

[15]Ibid, section 4 (2) (a), (b) & (c).

[16]Now Cap. L10, Laws of the Federation of Nigeria, 2004.

[17]Now Cap. L 11, Laws of the Federation of Nigeria, 2004.

[18]Ibid, section 22 (1) (d).

[19]Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 36 (6) (c).

> practitioner shall have the right of audience in all courts of law sitting in Nigeria.

The implication of the provision is that enactment with regard to the stated courts can contain provisions that curtail the right of audience of legal practitioners. The writer sees this provision of the Act as unconstitutional, void and of no effect and should be reviewed unto amendment in line with the provisions of the constitution. Hence, even as a litigant can conduct his case in person pursuant to his constitutional right to do so[20], he must seek for the legal practitioner who alone is the competent and valid person in law to offer such service insofar as the litigant wants to be represented by another other than him. It is also the exclusive duty of a legal practitioner in Nigeria to affect the transfer of ownership of immovable property (conveyance) and prepare instruments in expectation of any fee, gain or reward.[21] Here, the instruments (which do not include will) refer to any document which confers any right, title or interest in land. It will therefore be illegal for one who is not a legal practitioner to draw or prepare such instruments expecting any form of reward as payment. Similarly, only legal practitioners have the right under the law to prepare documents for probate or letters of administration.[22] While the former refers to a document issued under the seal of the court as official evidence of the authority of an executor of a will, the latter is the document issued to an administrator granting him authority in the case of intestacy. Again, the legal practitioner has a distinctive role to play in the incorporation of companies under the Companies and Allied Matters Act.[23] Whether the processes of incorporation are being carried out by a legal practitioner or by a chartered accountant or a chartered secretary as provided by corporate practice and convention[24], there is still always a demand of the statutory declaration by and only by a legal practitioner that the requirements for a formation of a company have all been complied with, and which form containing such declaration must be provided before ever a company can be registered or incorporated.[25] Finally, the legal practitioner is also by his training endowed to offer advice as to an individual's legal rights in the society. Besides, certain offices exist that are exclusively reserved for legal practitioners who meet relevant conditions: Attorney-General, Minister of Justice, Commissioner for Justice, Registrar of Companies, Judicial officer in a superior court (except in Sharia Court of Appeal), Notary Public, and Senior Advocate of Nigeria.

Such as the above constitute the primary and exclusive functions of a lawyer in Nigeria today. For the avoidance of doubt, the stated duties belong to a legal practitioner called to the Nigerian Bar as distinct from law graduates. This is without prejudice to the possibility of a legal practitioner going into politics or securing employment with any establishment or company as would any graduate or anybody for that matter. In what immediately follows, the writer will investigate

[20]Ibid

[21]Legal Practitioners Act (n 18), Section 22 (1) (d).

[22]Ibid

[23]Cap. C20, Laws of the Federation of Nigeria, 2004.

[24]The Nigerian Law School, *Course Hand book on Company Law and Practice*, (Abuja: Nigeria Law School Productions, 2007) 3

[25]Companies and Allied Matters Act (Supra), Section 35 (3).

the compatibility, or otherwise, of the two professions under review.

4. Priesthood and the Legal Profession: Can one embrace both?

Divinity and Law together with Medicine are the three historically acclaimed learned disciplines. They made up the three main faculties at the start of university education[26]. The three sciences are group into a hierarchy according to their perceived importance to integral human well-being. Divinity (theology) occupies the prime position as it affords man the knowledge of God and his will, and thus leads him unto the eternal salvation of his soul. Medicine follows suit as, by it, man's bodily and mental well-being is taken care of. The last in the hierarchy is Law by which human society is organized, harmonized and ordered to the realization of its temporal goals. Professionals in these fields of knowledge, namely, priests, doctors, and lawyers have invariably from time immemorial been classified as learned men to the exclusion of experts in other disciplines, and which notion have not failed to raise discontent in some quarters. It has frequently been regarded as an act of pride especially on the part of lawyers who are always mouthy about it and who sometimes do not advert their minds to the other two learned professions higher in the hierarchy. What makes these professionals learned is that they are always in the habit of getting themselves abreast with the new developments in their fields. A priest who ceases to read would soon dry up of materials for sermon and would run the risk of repeating himself so often. A medical doctor that stops researching would soon become a killer as he would not know that the causative agents of the usual diseases have grown resistant to the usual drugs. In the same vein, a lazy lawyer who absconds from studying and reading law reports would soon be losing his cases, with the ugly consequences that follow, as he would not know that the particular law he is relying on was overruled the previous week by a higher court. The lingua franca for studies in these three learned areas was Latin. This explains why most dense theological principles, legal maxims, names of diseases and their drugs are in Latin language even up till today. However that may be, it is the common and general practice that a person cannot belong to two or more of the professions at the same time. This perception may not be unrelated to the effects of the philosophical dualism inaugurated by Platonism according to which the spiritual realities (divinity) are in perpetual warfare with the body-matter (medicine) and the world (law). This mindset was carried through history in such a way that one person would not be both a priest and medical doctor, or both a priest and lawyer, for instance.

No doubt, the above dualistic worldview, *inter alia*, influenced the Church's canonical attitude towards belongingness to learned professions. The Code of Canon Law 1917[27] enumerated some practices that, though not considered unbefitting the clerical state, were nonetheless regarded as hardly congruous with the spiritual mission of the priest. These included medical and legal practice. Hence, without an apostolic indult, clerics were not to practice medicine and surgery, or to become magistrates or judges, or to function in the office of public notary except in ecclesiastical courts. Clerics were also forbidden to undertake the administration of property that belongs to lay

[26]E Gilson, *History of Christian Philosophy in the Middle Ages*(London: Sheed and Ward, 1955) 246-250.

[27]Canon 139. See also JA Coriden, TJ Green, and DE Heintschel (eds), *The Code of Canon Law: A Text and Commentary* (Bangalore: Theological Publications in India, 2001) 223.

persons (that is, as executor of a will), to act as attorney in a civil court except in one's own case or on behalf of one's own church, or to take part even as a witness, without necessity, in a felony criminal trial. Priests are also not to serve in an office that requires the rendering of an account or become trustees of funds, or generally assume financial responsibility for the affairs of others. Under the 1917 code, clerics are equally forbidden from running as candidates for or serving in legislative offices.[28] Surely, most of these forbidden practices are coterminous with some duties of the legal practitioner. Although these practices are not absolutely outlawed, yet the fact of securing the apostolic indult, namely, the permission of the Holy See which is the highest ecclesiastical authority before indulging in any of them makes it extremely cumbersome. However, the reasons therefor are always ready to hand: to safeguard clerical decorum and avoid distractions to and detractions from ministerial performance.[29]

However, the formulation of the 1983 code[30] mitigated the stringency of the relevant provisions of the 1917 code. Thus, even as the practices are not expressly liberalized as permission of the competent authority is still required, yet the procedure for obtaining such permission is made less unwieldy. Instead of applying for an apostolic indult which processes take much time and consideration to mature, the diocesan bishop is now competent to dispense clerics from the law prohibiting them from engaging in certain professions or generally from assuming 'public offices which entail a participation in the exercise of civil power'.[31] According to the principle laid down in paragraph 1 of canon 87, the diocesan Bishop may dispense from universal disciplinary laws as often as he judges it is for the spiritual good of the faithful and the matter has still not been reserved for the Holy See.[32] Besides, the diocesan Bishop can now *suomotu* assign priests to pursue and train for any of the professions if he considers it beneficial for the good of the flock entrusted to his pastoral care or of humanity in general. No wonder a good number of priests have recently been trained by their bishops as legal practitioners. Some of these are in full blown legal practice not only in matters in which the Church is connected but even beyond. Others are full time lecturers-at-law in universities and other tertiary institutions. Some even work in the judiciary, and government ministries of justice as public prosecutors. Again, apart from being legal advisers to the Church and their respective bishops, some priest-lawyers have been assigned or allowed to be heads or members of various panels, commissions and committee that require the advice or services of a lawyer. Not very long ago in Nigeria, Msgr. Barr. Dr. N.C. Obiagba was elected into the Constituent Assembly that drafted the 1979 presidential constitution. Not long after, he was appointed the Ombudsman at the Public Complaints Commission in the old AnambraState, and which public duties he discharged with credit.

Certainly, a number of theological and sociological factors collate themselves to effect a relative shift in ecclesiastical attitude to world affairs in general and legal practices in particular. Foremost among these is the happening of the Vatican Council II (1962-

[28]Ibid.

[29]Augustine II, 86. Cited in ibid,225; John Paul II, 'Address to the Priests of Zaire', (22nd May, 1980) 19*Origins,* 11.

[30]Promulgated by Pope John Paul II in an Apostolic Constitution, *Sacra DisciplinaeLeges*, January 25, 1983.

[31]JA Coriden, TJ Green, & DE Heintschel (eds) (n 28) 225.

[32]Ibid.

1965) which general atmosphere was that of aggiornamento. The window is now left open for fresh air to come in. The 1983 Code of Canon Law is only a statutory and legal precipitation of the conciliar decisions that attenuated the harshness and strictness of Tridentine and Vatican I ecclesiology. Secondly, there is a deeper appreciation of the world and its content as creatures of God. Thirdly, the Church is now better cherished as 'the family of God on mission' and which concept has been presented as the model of the Church's evangelizing mission especially in Africa.[33]Familyhood is known for its inclusiveness, dialogue, communal living, participation, and so on. Priest's participation in and dialogue with the public sphere would always add a fillip to the much desired enleavening of the temporal order from within. Earlier, Pope John Paul II has recommended the use of modern *Areopagus*es as veritable strategy for the spread of the gospel in contemporary times.[34] Surely, clerical embrace of specified secular professions will be germane.

Besides, history is replete with records that show that priesthood and the legal profession are not after all strange bedfellows. The Court of Chancery which saw the development of equity in England was led by the Lord Chancellors who at the time were top clergymen. These, because of their training in theology and moral sciences, were guided by the principles of justice, fairness and equity in their adjudicatory duties.[35] The Kings of England saw in them veritable associates and lieutenants in remedying the excesses and rashness of common law justice. After a while, the Court of Chancery which was King's own court was completely jettisoned to the clergymen's competence even without reference to the King any longer. The role of the Court of Chancery was so superb and desirable that the Parliament, *vide* the Judicature Acts 1973 -1875, resolved that the principles of equity enunciated in the Chancery Court would always prevail whenever there is a conflict between them and the principles of common law as interpreted in the common law courts [Court of the Common Pleas, Court of Exchequer, and Court of King's (or Queen's) Bench]. Further, the common law tradition which is followed in Nigeria and the Commonwealth is a progeny of the Roman law which closest neighbour is the canon law. This is a clear indication that civil law framework is not alien to clerical performance. One would even argue that our courts today which are fraught with the excesses of judicial injustice, corruption and inequity be manned by officers who are not only trained in law but also schooled in moral sciences and ethics. Priest-lawyers can aptly fit into the pigeon-hole.

Moreover, the ground of the formidable ethics of the legal profession constitutes a point of practical convergence between good legal practice and priestly morality and preaching in words and in deed. The three principal relations of the lawyer in connection with court practice, namely, relation with the court, relation with clients, and relation with other lawyers are hedged round with strong rules of professional conducts. The extant code of legal ethics in force in Nigeria is encapsulated in the 'Rules of Professional Conduct for Legal Practitioners 2007'. Thus, as an officer of the court, a legal

[33]Pope John Paul II, *Post- Synodal Apostolic Exhortation, Ecclesia in Africa,*(Vaticana: Liberia Editrice, 1995) n 63

[34]Pope John Paul II, *RedemptorisMissio*(Vaticana: Liberia Editrice,1990) n 48.

[35]JO Asein, *Introduction to Nigeria Legal System* (2nd Ed., Lagos: Abata Press Ltd., 2005) 104-107. See also AO Sanni, 'Aspects of Law' in AO Sanni (ed), *Introduction to Nigerian Legal Method*(Ile-Ife: Kuntel Publishing House, 1999) 26-28.

practitioner "shall not act or conduct himself in a manner that may obstruct, delay or adversely affect the administration of justice".[36] He "shall always treat the court with respect, dignity and honour"[37]and help it to arrive at truth and justice. Again, the lawyer in appearing in his professional capacity before a court or tribunal shall not deal with the court otherwise than candidly and fairly.[38] More, in relation with his client, the legal practitioner shall devote his attention, energy and expertise to the service and interest of his client subject however to and consistent with any rule of law.[39] He should be open and sincere to the client.[40] The lawyer is always enjoined to avoid every form of conflict of his own interest with that of his client[41] and must eschew negligence in his duty to his clients.[42] The lawyer should also advise his clients properly and truthfully within the bounds of the law. It is also expected of a legal practitioner to keep the confidence of his clients[43], and to be properly accountable to them in relation to money and property.[44] More so, as colleagues, "lawyers shall treat one another with respect, fairness, consideration and dignity, and not allow any ill-feeling between opposing clients to influence their conduct and demeanor towards one another or towards the opposing clients.[45] Generally, legal practitioners are to 'observe good faith and fairness in dealing with other lawyers'.[46] Added to the above principles of good relations, the lawyer has a special obligation to decency in dressing and decorum.[47] Humility is enjoined in connection with advertising and solicity. He should be moderate and fair in all circumstances.[48] The relevance of the foregoing outline of some of rules of professional conduct is to demonstrate the fact that there is nothing in legal training and practice that enjoins practitioners to engage in sharp practices, telling lies, arrogance, pride, intimidation, and other vices. In fact, cases of violation of the rules of professional conducts are always referred to the Legal Practitioners Disciplinary Committee established under the Legal Practitioners Act.[49] The Committee is charged with 'the duty of considering and determining any case where it is alleged that a person whose name is on the roll has misbehaved in his capacity as a legal practitioner'.[50] Penalties may range from admonition and suspension, to striking off the name of the offender from the roll.[51] Plethora

[36]B Ojo, 'Rules of Professional Conduct for Legal Practitioners 2007' in Olakanmi& Co. (Compil.), *Legal Ethics* (Abuja: LawLords Publications, October 2007) 1-28, Rule 30.

[37]Ibid, Rules 31(1)& 35.

[38]Ibid, Rule 32 (1).

[39]Ibid, Rule 14 (1).

[40]Ibid, Rule 14 (2) (a)-(e).

[41]Ibid, Rule 17 (1).

[42]Ibid,Rule 16 (1).

[43]Ibid, Rule 19 (1). See also Evidence Act 2011, sections 192 and 193.

[44]Ibid, Rule 23 (2).

[45]Ibid, Rule 26 (1).

[46]Ibid, Rule 27 (1).

[47]Ibid, Rules 36 (a) – (f).

[48]Ibid, Rule 39-47.

[49]Legal Practitioners Act (n 18). Section 10 (1). The members of the Committee are the Attorney-General of the Federation who shall be the chairman, the Attorneys-General of the States in the Federation, and twelve legal practitioners of not less than ten-year standing appointed by the Benchers on the nomination of the Nigerian Bar Association [See section 10 (2)].

[50]Ibid

[51]Ibid, Section (1).

of decided cases[52] abounds as evidence to the fact that vices are not tolerated and, not to talk of, encouraged in legal practices. Seen in this light, the legal profession would not be a *no-go* area for the priest who is an expert in the promotion and preaching of morality and good social standard. He should rather be made to feel free and happy to join a younger sister noble profession for a concerted effort in enhancement of social justice. It would therefore be a disaster for a priest-lawyer to roll into the bandwagon.

The compatibility of the priestly and legal profession can be explored further. A good chunk of a lawyer's duty is quite amenable to Christ's missionary manifesto encapsulated in the biblical Luke 4 verses 18 to 20 and which the priest is fundamentally called to perpetrate. Christ says: 'the Spirit of the Lord is upon me, he has anointed me to bring good news to the poor, to proclaim liberty to captives and new sight to the blind; to free the oppressed and to announce the year of God's mercy'. There is no doubt that the priest who is a legal practitioner is better placed to carry on this mission of Christ. Plea of *allocutus*, human rights enforcement, application for bail, plea for release from detention, defence of the marital bond, application for executive pardon, promotion of the right and good custody of the child, and the fight for the welfare of the weak members of the society are some of the avenues through which the priest can use legal knowledge and expertise to re-enact the liberating mission of Christ, especially, when he offers those services *pro bono* and in aid to those who are poor and indigent. Besides, the duty of a good lawyer is conterminous with the role of the Holy Spirit who is the Advocate *per excellence*. As the Latin rendition of the Greek *'Parakletos'*, *'ad-vocatus'* literally means 'he who is called to one's side', a counselor. These expressions have been used in the bible to refer to Christ and the Holy Spirit.[53] These are also the kinds of help the saints in heaven offer to people on earth who pray to God through them. Surely, lawyers who are Senior Advocates of Nigeria are supposed to be those who have excelled in helping Christ carry out his mission. Other lawyers are those who are still struggling to receive the crown of glory for carrying out just the same mission. If that is the case, why should priests not find in the legal profession a most fitting window to exercise their prophetic and liberating ministries. After all, it is not for nothing that the court room architecture resembles that of the church. Precisely as the temple of justice, the court is called to re-present and take after the temple of God which the church is. While the judge is the high priest of the curial temple offering judicial sacrifices from the bench, the lawyers are the ministers helping the court from the bar to dispense justice. This is similar to what the priest and the servers (stewards) from the sanctuary do with the congregation in the pews.

5. Conclusion

Efforts have been made in the course of this essay to demonstrate the compatibility of the priesthood with the legal profession in Nigeria. History, ethics, church law, architecture, theology, and learning contain points useful for

[52] *Okunofua v The State* (1981) 12 NSCC, 233; *FRN vAbiola* (1997) 2 N.L.L.R (pt. 488) 444 at 467; *Fawehinmi v The State* (1990) 5 NWLR (pt. 148), 4; *NwaforOrizu vAnyaegbunam* (1993) 11 NSCC 280; *Onigbomgbo Community v Minister of Legal Affairs & 31 others*; In *Re Chief FRA Williams* (1972) 2 U.I.L.R. 235 SC; *Williams v Franklin* (1961) All NLR 218; *Aduke vOyenibi* (1968) NMLE 477; *Labode vOtubu* (2001) 7 NWLR at 282; *Ikabala&ors vOjosipe* (1972) 4 sc 82; *Bello Raji v X, A Legal Practitioner* (1946) 18 NLR 74; *R v Eguabor* (1962) 1 All NLR 287; etc.

[53] *Christian Community Bible* (Philippines: Claretian Publications, 2009), Jn. 14: 16, 26; 15:26; 16:7; 1 Jn. 2:1.

the demonstration. But more importantly, it is the experience, demands and challenges of contemporary times that constitute a veritable need for priests' intervention in public domain and legal practice. In a country where the justice system is bastardized with corruption, bribery, forgery, sharp practices, unnecessary delay and the like, the active presence of priests right inside the scene may occasion a unique antidote to the anomaly. In addition to the sermon on the pulpit, active observation and participation in public life may be quite *apropos* in order to provide the needed leaven from within. Legal practice is not unknown to the Church. It has been under her bosom. The Church and her people should encourage it. It is the recipe for order, justice, freedom, and harmony. The NigerianChurch should see more priests' participation in legal practice and public life as not only a means of exercising her missionary role but also as an avenue of discharging her corporate social responsibility.