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Ethics Violations in the Legal Profession and Their Implications for the Justice System in Nigeria

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Abstract
The legal profession occupies a central position in the administration of justice and the preservation of the rule of law in every democratic society. In Nigeria, however, increasing cases of professional misconduct among legal practitioners have raised serious concerns about the integrity and credibility of the justice system. Offences such as abuse of client confidentiality, conflict of interest, bribery, misrepresentation, dishonesty, and inappropriate conduct in court have continued to undermine public trust in the legal profession. This paper examines the historical development, legal framework, and theoretical foundations of legal ethics in Nigeria. Using statutory provisions, disciplinary case reviews, and existing scholarly literature, the study explores the various forms of unethical practices and their implications for the Nigerian justice system. Findings reveal that weak enforcement mechanisms, institutional deficiencies, corruption, and socio-cultural pressures contribute significantly to the persistence of unethical behaviour among legal practitioners. The study further demonstrates that these ethical violations negatively affect access to justice, judicial credibility, and public confidence in legal institutions. The paper concludes by recommending stricter disciplinary measures, reforms in legal education, continuous professional ethics training, and stronger public accountability mechanisms to restore professionalism and integrity within the Nigerian legal profession.

Keywords: Legal ethics, professional misconduct, Nigerian Bar Association, Legal Practitioners Disciplinary Committee, access to justice

Introduction

The legal profession is generally considered as a noble profession having the sacred responsibility of serving the community by ensuring justice, observing rights and maintaining the peace in the society (Asein, 2005). It is important to note that in Nigeria, lawyers are referred to as "ministers in the temple of justice", and in doing so, they are held to high ethical standards (Nwosu, 2004). In the last few decades, however, there has been an alarming trend of unethical practices reported in the Nigerian legal profession that has undermined the very fabric of the justice system (Aladekomo, 2020a; Ehirim et al., 2024). These include misappropriation of client funds, lack of regard for judicial officers, and manipulation of court processes, all of which have undermined public confidence and question the profession's adherence to its ethical ideals (Effiong et al., 2018).

These breaches are not just a problem for the individual offenders, but have consequences for others as well. Their impact on the administration of justice, judicial processes and access to justice for ordinary citizens (Omengala & Ikimi, 2022). This paper aims to give a detailed description of the ethical lapses in Nigeria's legal profession, their effects, causes, regulatory measures and implication of the legal system. The study relies on the statutory instruments, judicial decisions, and scholarly works, with the intention of adding to the deliberations on the issues of legal ethics reform in Nigeria.

Conceptual Framework

Definition of Ethics in the Legal Profession

Ethics in Legal Professions are the moral values and principles of conduct that regulate the conduct of a lawyer in his professional role (Beredugo, 2009). These standards govern the conduct of legal practitioners towards clients, other practitioners, the courts and society at large. The Rules of Professional Conduct for Legal Practitioners (RPC) 2023 stipulate that a lawyer shall uphold and observe the rule of law, advance the cause of justice and maintain a high standard of professional conduct. Ethical duties for lawyers are not just aspirational, but enforceable by means of disciplining mechanisms provided by the Legal Practitioners Act, 2004 (LPA).

Legal ethics include obligations of candor, honesty, loyalty, confidentiality and diligence to the court (Dennison & Kalyegira, 2014). These responsibilities are designed to benefit their clients and to also promote the public interest in the administration of justice (Xu et al., 2024). This conceptual model of legal ethics is thus grounded in the conflict between advocacy for clients and the lawyer as an officer of the court (Nicolson 2004).

Historical Evolution of Legal Ethics in Nigeria

It can be said that the evolution of legal ethics in Nigeria is so much bound up with the transplantation of the English tradition of legal ethics into the colonial administration (Asein, 2005). In Nigeria, before colonialism, conflict was settled under the customary law system and traditional leaders/elders were responsible for resolving conflicts. The arrival of the English legal system also secured professionalization of legal practice and formal legal ethics (Beredugo, 2009).

The Legal Practitioners Act, 1975 (now Cap L11, Laws of the Federation of Nigeria, 2004), sets out the basic regulatory framework for legal practice, which led to the formation of the Body of Benchers, the Nigerian Bar Association (NBA) and the Legal Practitioners Disciplinary Committee (LPDC) (Nwosu, 2004). The Rules of Professional Conduct have been amended over the years to reflect emerging issues of professional ethics, with the last comprehensive revision being the RPC, 2023. These are some of the changes in recognition

of the need for ethical regulation to be flexible with the ever-changing social, economic, and technological landscapes (Omengala & Ikimi, 2022).

Relevant Theories of Ethics

Legal ethics is studied in the light of several theoretical models. The deontological theory, which was proposed by Immanuel Kant, is based on the principle of duty, it means that law is the profession that has the absolute moral obligation to be faithful to its clients and to the court, regardless of the consequences (Dinovitzer et al., 2015). The utilitarian theory, developed by Jeremy Bentham and John Stuart Mill, emphasizes the "greatest good for the greatest number" principle, and must be included in lawyers' thinking about the impact of their actions on society (Nicolson, 2004). The virtue ethics approach based on Aristotelian philosophy focuses on the character and moral virtues of the practitioner, which include integrity, honesty and fairness as the core qualities of a good lawyer (Dennison &Kalyegira, 2014).

Theories are complemented in the Nigerian context by the social contract theory which suggests that lawyers as products of the monopoly of the profession by the state are responsible to society in the promotion of justice and the rule of law (Xu et al., 2024). The theoretical shift in professional legal ethics compelled Nicolson (2004) to consider critically the role of the lawyer in advancing justice, which goes beyond serving client interests.

Types of Ethical Violations in the Legal Profession

Ethical violations in the legal profession undermine the core principles of justice, fairness, and integrity. These breaches can have far-reaching consequences, not only for the individuals involved but also for the credibility of the justice system. Below are some common types of ethical violations in the legal profession:

Regulatory Framework Governing Ethics in Nigerian Law

1. The Role of the Nigerian Bar Association (NBA)

The NBA is the umbrella body of all legal practitioners in Nigeria (Nwosu, 2004). While membership is not compulsory, every enrolled practitioner must pay a practicing fee to maintain a right of audience in court. The NBA sets ethical guidelines, provides professional advice and works with other regulatory authorities to ensure the integrity of the profession (Effiong et al., 2018). The NBA has put in place Mandatory Continuing Professional Development (MCPD) rules to sustain competence and promote ethical awareness via its Institute of Continuing Legal Education (NBA-ICLE) (Omengala & Ikimi, 2022).

2. Judicial Oversight Bodies

The primary disciplinary body is the Legal Practitioners Disciplinary Committee (LPDC), established under Section 6 of the LPA, 2004 (Nwabueze, 2009). The LPDC is a quasi-judicial body that conducts an investigation into allegations of professional misconduct and has the power to impose sanctions, including reprimand, suspension and disbarment (Effiong et al., 2018). It has the final say and can be appealed to the Supreme Court only. The Body of Benchers also serves a disciplinary function, notably with respect to the admissions to practice and severe sanctions (Nwosu, 2004).

3. International Guidelines on Legal Ethics

Nigeria's legal ethics framework is influenced by international standards, including the International Bar Association's Code of Ethics, the Commonwealth Lawyers Association guidelines, and the United Nations Basic Principles on the Role of Lawyers (Dennison & Kalyegira, 2014). The international instruments highlight the independence of lawyers and

the legal profession, the right to counsel, and the role of lawyers in respecting human rights and the rule of law (Xu et al., 2024).

Methodology

The methodology adopted in this research is doctrinal legal research, which consists of qualitative analysis of primary legal sources such as laws, judgments and regulations codes as well as secondary legal sources namely journal articles, textbooks, and newspaper articles (Asein, 2005; Beredugo, 2009). The research relies on the decisions of LPDC and the Supreme Court of Nigeria along with the policy documents of NBA (Aladekomo, 2020a; Ehirim et al., 2024). The analytical approach is descriptive and critical and seeks to uncover the patterns in ethical transgressions and the effectiveness of the regulatory processes (Nicolson, 2004).

Case Studies of Ethics Violations in Nigeria

1. Notable Instances of Ethical Breaches

There have been some landmark ethics cases that have been witnessed in the Nigerian legal profession. The tension between the area of practice and new ethics of the profession was highlighted in the *NBA v. Ibebunjo* case (Aladekomo, 2020a). *Gbenoba v. LPDC* was a case of conversion of client's funds which led to the disbarment of the lawyer but the appeal was granted on procedural grounds due to the need for fairness and the observance of the rules of evidence (Effiong et al., 2018).

Among others, the current challenges are the use of "media trials" by lawyers to make sensational comments about pending cases and breaches of sub judice rules and judicial integrity (Ehirim et al., 2024). Another challenge that has become a major ethical issue is the phenomenon of ‘touting' and unsolicited approaches to clients, especially on social media platforms (Omengala & Ikimi, 2022).

2. Analysis of Disciplinary Actions Taken

The superfluous nature of the disciplinary action, delayed action and lack of transparency in the action by the LPDC have been criticised for its inconsistency (Nwabueze, 2009). Disbarment has been a consequence of extreme misappropriation and fraud, but lesser sanctions like reprimands and suspensions are more common (Effiong et al., 2018). Disciplinary outcomes are not published regularly, thus the impact of sanctions is limited. The use of preliminary investigations by the NBA also poses a conflict of interest and a lag time for complaints to be processed by the LPDC (Aladekomo, 2020b).

3. Impact of Violations on Public Perception

The legitimacy of the legal profession in Nigeria has suffered immensely due to this unethical practices (Ehirim et al., 2024). Lawyers have been cited repeatedly in surveys and through the media as among those least trusted of professions, along with politicians and police officers. The people's view of lawyers as being more interested in money than in justice, of lawyers who manipulate court processes and who collude with corrupt judicial officers have rendered the formal legal processes unappealing and made people hesitate to seek formal justice (Omengala & Ikimi, 2022).

Implications for the Nigerian Justice System

1. Erosion of Public Trust

The currency of the justice system is trust (Dennison & Kalyegira, 2014). Lawyers' unethical practices hurt legal institutions' legitimacy and deter citizens to seek legal remedies (Xu et al., 2024). In rural areas, loss of trust is especially high, as people may want to rely on

their traditional systems of alternative dispute with regard to the perception of corruption and inefficiency in the formal courts (Asein, 2005).

2. Delays and Corruption in Legal Processes

The endemic delay in courts of law in Nigeria is partly due to forum shopping, frivolous interlocutory applications and collusion with the court officials (Ehirim et al., 2024). In *Mailantarki v. Tongo (2017)*, the Supreme Court declared forum shopping to be an abuse of judicial process. Such practices not only delay the process of litigation but also increase the expenses associated with justice, resulting in the inaccessibility of the poor to justice (Omengala & Ikimi, 2022).

3. Impact on Access to Justice

The right to access to justice is a right guaranteed by the 1999 Constitution under Section 46. But, high legal costs, undue exploitation of clients and the clustering of good quality legal services in urban locations are major challenges for poor litigants (Aladekomo, 2020b). This unprofessional behaviour of lawyers thus aggravates the inequalities already present and denies vulnerable populations the day in court (Dennison & Kalyegira, 2014).

4. Judicial Integrity and Independence

Ethical standards of the Bar is closely tied to the integrity of the judiciary (Nwosu, 2004). Corrupt practices, bribes to judicial officers or attempts to subvert court processes will undermine the rule of law and judicial independence (Webley, 2016). Politicisation of appointments to the bench and sensationalism of court proceedings by lawyers further degrades the dignity of the bench (Nicolson, 2004).

Challenges in Enforcing Legal Ethics in Nigeria

1. Weaknesses in Disciplinary Mechanisms

The LPDC, although mandated by law, has its own operational problems such as lack of funding, case backlog and inefficiency in procedures (Nwabueze, 2009). The narrow access to the Supreme Court for appeals from the LPDC poses a bottleneck effect which deters petitioners and slows the pace of justice (Effiong et al., 2018). Also, the makeup of the LPDC, appointed by the CJ, is of concern because of the issue of independence and impartiality (Aladekomo, 2020a).

2. Cultural and Societal Pressures

In Nigeria, the importance of wealth and status gives lawyers power to resort to unfair means to ensure they are successful financially (Ehirim et al., 2024). Ethical issues are often compromised because of the “client is king” mentality while the stigma of whistleblowing dissuades colleagues from reporting the ethical violation (Omengala & Ikimi, 2022). Ethical decisions also get complicated by cultural norms that emphasize loyalty to family and community over work responsibilities (Dinovitzer et al., 2015).

3. Lack of Accountability

Professional solidarity and professional silence are problems in terms of accountability (Nwabueze, 2009). Most of the time, it is observed that the NBA's branch level disciplinary committees have insufficient resources and determination to thoroughly investigate complaints (Aladekomo, 2020b). It is not always the case that the clients, especially those from marginal groups, know about their rights or are not afraid to complain against their lawyers (Dennison & Kalyegira, 2014).

Summary and Conclusion

In this paper, the issues of Ethics offences in the Nigerian legal profession and their far-reaching effects on the justice system have been explored. The analysis shows that Nigeria has a strong regulatory regime comprising of the Legal Practitioners Act, 2004, the Rules of Professional Conduct, 2023, and the safeguarding by the NBA and LPDC; however, issues of enforcement of the laws, culture and attitude of the lawyers, and weaknesses in the institutions provide a conducive environment for unethical practices to thrive (Asein, 2005; Beredugo, 2009). Client confidentiality violations, conflicts of interest, unprofessional or unethical practice, presence in the courtroom and excessive fees violate client confidentiality, delay justice, and deplete the integrity of the judiciary process, not only for individual clients but for the public at large (Ehirim et al., 2024; Omengala & Ikimi, 2022).

The case studies analyzed show that discipline, although sometimes harsh, is often inconsistent and is not necessarily executed properly (Effiong et al., 2018). However, the intervention of the Supreme Court in cases like *Gbenoba v. LPDC (2021)* suggests the importance of due process, even in disciplinary proceedings, and also emphasizes the need to reform the disciplinary mechanisms to ensure timely and effective accountability (Nwabueze, 2009).

Recommendations

The study recommends the following:

1. The LPDC needs to be well resourced and well-resourced to ensure that disciplinary cases are dealt with promptly. The processes should be simplified and decisions should be made public on a regular basis to increase transparency and fear.
2. The Nigeria University Commission (NUC) should integrate legal ethics as a core and examinable subject with a program of practical training in ethical decision-making and professional responsibility into the curriculum of law schools and the Nigerian Law School.
3. The NBA should embark on a public education campaign to educate citizens about their rights, the standards of conduct expected of lawyers and the process for filing complaints.
4. The process of e-filing and online tracking of attorney conduct and on-line case management can limit forum shopping, delay tactics and improper solicitation.
5. Peer review systems should be created to encourage a culture of accountability and ethics among senior practitioners and they should mentor young practitioners.
6. Nigeria's legal ethics should be harmonized with international standards such as the UN Basic Principles on the Role of Lawyers, and be a proactive player in international conversation on legal professionalism.

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