LEGAL PRACTITIONER

LEGAL PRACTITIONER – EXTENT OF AUTHORITY – A Counsel who announces himself as appearing for a party is deemed to have the authority of the party to represent him- TUKUR V GOVT. OF GONGOLA (1988) 2 NWLR Pt.68, p.24.

Where the counsel consents on behalf of his client without his client’s authority, the court may invalidate his authority – VULCAN V GESELLSCHA.

LEGAL PRACTITIONER – Client’s specific instruction – Duty to strictly adhere to it – whether a servant of his client or an independent contractor – The relationship is one of an independent Contractor and not one of Principal and Agent – PERFORMING RIGHT SOCIETY LTD V MITCHELL & BOOKER 1924 1 K.B 702; AFEGBAI V A.G. EDO STATE 2001 90 LRCN 2929.


COUNSEL AS AMICUS CURIAE – A Counsel may either upon the invitation of the Court, or on his own volition, address the Court on vital issues of law which may be recondite – AWOJUGBAGBE LIGHT INDUSTRIES LTD. V CHINUKWE (1995) 4 NWLR Pt.390, p.379.

CONTEMPT- DISCOURTESY OF COUNSEL- It is not every act of discourtesy of Counsel that amounts to contempt; failure to attend court to listen to judgment is not contemptuous – ATAKE V A.G. OF FEDERATION & ANOR. (1982) S.C.153; UNION BANK NIG. LTD. V AJAGU (1990) 1NWLR Pt.126, p328.

MISTAKE OF COUNSEL-EFFECT ON CLIENT’S CASE- It is only where there are procedural irregularities that a mistake of Counsel cannot be visited on his client. Where the error relates to the conduct of the litigant or client, that

PROSECUTING COUNSEL ARE NOT PERSECUTORS – They should be courteous, must not secure conviction at all cost, nor ask for maximum sentence, but must assist the court as a Minister in the temple of justice – ODOFIN BELLO V THE STATE (1967) NMLR 1; ATANDA V A.G. WESTERN NIGERIA (1965) NMLR 225; ENAHORO V THE QUEEN (1965) NMLR 265.


SALARIED EMPLOYMENT – LEGAL PRACTITIONER APPEARING FOR COMPANY – A legal practitioner who is a gratuitous director of a Company can appear as counsel for the company and is entitled to legal fees – I.B.W.A. V IMANO (1988) 3 NWLR Pt.85, p.633.