

REKINDLING JUDICIAL EXCELLENCE: THE BAR, THE BENCH AND THE BURDEN OF RESTORATION- THE BAR IN FOCUS

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1.0 INTRODUCTION

Let me firstly thank My Lord, the Acting Chief Judge of Imo State, Hon Justice Ijeoma O. Agugua, and your Brother Judges for the honour of this opportunity to present this Lecture on the Occasion of the 2025/2026 Legal Year Workshop of the Imo State Judiciary holding this 29th day of October, 2025. I also thank the Chairman, Hon Justice P.U. Nnodum; and Secretary, Hon Justice E. N. Eke and other Members of the Legal Year Planning Committee for searching me out and approving that I should play this role of contributing to the body of knowledge on this very highly esteemed platform. I gladly welcome all participants even as I confess that indeed with GOD nothing is impossible. The successful holding of this 2025/2026 Legal Year in Imo State is a typical example of the timeless saying that WHAT GOD CANNOT DO DOES NOT EXIST. It also accords clearly with my mantra and philosophy that A NEW NORMAL IS POSSIBLE! I need not say more. TO GOD BE THE GLORY.

The omnibus topic of this workshop is “REKINDLING JUDICIAL EXCELLENCE: THE BAR, THE BENCH AND THE BURDEN OF RESTORATION”. However, I have been required to interrogate the topic as it concerns Legal Practitioners. In other words, this lecture is primed to examine “REKINDLING JUDICIAL EXCELLENCE: THE BAR, THE BENCH AND THE BURDEN OF RESTORATION” from the perspective of the Bar. It is indubitably an invitation to lead the discussion on what role lawyers should play in rekindling judicial excellence and or what burden is cast on them in the restoration of judicial excellence. While this paper is bound to stay on the assigned sphere, there is need to timeously enter the caveat that discussion of the Bar within the legal profession will be incomplete without a prominent mention of the Judiciary. It is not debatable that within legal profession, the Bar is the precursor or forerunner of the Judiciary, because it is a Constitutional requirement that Judicial Officers shall first qualify and have practice experience as members of the Bar or lawyers. Nevertheless, in reality, the Bar bows to the Bench not minding that you pass through the Bar to get to the Bench. The Bench and the Bar enjoy a symbiotic relationship that can be likened to conjoined twins or Siamese twins. Although the Bar

bows to the Bench, it is impossible to have a virile Bar without a virile Bench and vice versa. More often than not, lawyers or legal practitioners are seen and addressed as “officers of the Court” or “Ministers in the Temple of Justice”. Recently, in *Anolam v FUTO & Ors*,¹ the Supreme Court, per Uwa JSC, reiterated the judgment of His Lordship Kekere-Ekun, JCA (as he then was) now CJN, in *Ikoli Ventures Ltd & Ors v SPDC (Nig) Ltd*² who while determining the duty of Counsel as a Minister in the temple of justice and an officer of the Court held thus:

In pursuing a matter before the Court on behalf of a client, a legal practitioner must never lose sight of the fact that he is first and foremost an officer of the Court and his duty to the Court and his client is to exercise utmost diligence and professionalism in the conduct of his case. Above all, he must be guided by the overall interest of justice and should not pursue a matter through the Court just for the sake of it. The position was most succinctly put in the case of *Gomwalk v Military Administrator of Plateau State* (1998) 7 NWLR (558) 413 ratio 5 at 419 F-G and 420 D-E when the Court stated, 'Counsel are officers of the Court and the Court should at all times be able to count on their support in the quest to attain justice in litigation. He owes a duty not only to his client but also to the Court. If he files an action in a Court, as soon as he finds out that the action is baseless, the only honourable thing to do is to withdraw that action. If he has appealed and then, finds that there is no merit in the appeal and that it serves no useful purpose to pursue the appeal. It is not part of the duties of counsel to send the Court on a wild goose chase which is of no benefit to the litigants concerned and which does not serve any useful purpose.' While the point is conceded that an advocate should be sensitive and loyal to his client's case, such sensitivity and loyalty should not exceed required boundaries, particularly the duty the advocate owes the Court to present the law correctly, even if it is against his client. See *Okonkwo v Cooperative & Commerce Bank (Nig) Plc & Ors* (2003) LPELR-2484(SC).

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¹ (2025) LPELR-80027(SC) (Pp. 27-30 paras. E-E).

² (2008) LPELR-4300(CA) (Pp 23- 24 Paras C - B).

It is unfortunate that learned counsel to the Appellant either wittingly or unwittingly seeks to challenge the jurisdiction of the trial Court he approached simply because he lost. The Appellant approached the trial Court to seek redress after his employment was terminated and now, he has somersaulted to argue that the same Court does not have jurisdiction to adjudicate on the matter. I would understand if this issue of jurisdiction of the trial Court was raised by the Respondents. But for the Appellant to raise jurisdictional issues on the case he filed in Court leaves much to be desired. What is more, a counsel must always remember that as a minister in the temple of justice, he owes a duty not only to his client, but he owes a duty to the Court, the legal profession, and most importantly a duty to the greater cause of justice.

It is the thesis in this paper that identifying how excellence can be achieved and sustained in the legal profession will inexorably or inescapably help in the rekindling and restoration of judicial excellence. Thus, there can be no excellent, virile and courageous Bench with a tepid, disoriented, ethical and integrity challenged Bar.

2.0 Definition of key terms

The topic of this paper seeks intentional and sincere contributions on how both the Ministers in the Temple of Justice and the “desecrated temple of Justice” itself shall be made anew, rekindled and restored. Hence, the following terms or phrases fall to be delimited or defined for ease of understanding of the trajectory of the topic “REKINDLING JUDICIAL EXCELLENCE: THE BAR, THE BENCH AND THE BURDEN OF RESTORATION” namely: “**REKINDLING**”, “**EXCELLENCE**”, “**BURDEN**”, and “**RESTORATION**”. There will also be need to refresh the memories of the members of this distinguished audience about the meaning of the “**BENCH AND BAR**” collectively referred to as the “Legal Profession” not because they do not know but because this paper is in search of excellence in the Legal Profession as a pathway to excellence in the Judiciary.

Simply stated, “**Rekindling**” means “reviving”, “restoring”, “reawakening”, “regenerating”, “refreshing”, “renewing”, “rebirth”, “rejuvenation”. The antonym of “Rekindle” is “**kill**”, “**slaughter**”, “**execute**”, or “**slay**”. On the other hand, “**Excellence**” connotes “distinction”,

“brilliance”, “topmost quality” and “fineness”. The opposite meaning or antonym of “excellence” is “mediocrity”, “averageness”, “ordinariness”. I beg to add “KAKISTOCRACY” meaning leadership or government by the least suitable or competent citizens of a state. The word or term “Burden” means “load,” “onus”, “trouble”, “inconvenience”, “obligation”, “responsibility” while its antonym may include “ease”, “relief”, “advantage” or “help”. On its part, the term “Restoration” may mean “repair”, “renewal”, “restitution”, “amend”. Its opposite word is “abolition”, “eradication”, “elimination”, “closure”, “obliteration”.

Regarding the meaning of “legal profession”, in Nigeria, the term “Legal Profession” is encompassing and usually refers to the body of lawyers or legal practitioners called or admitted to the Nigerian Bar by the Body of Benchers. In *Dankwambo v Abubakar & Ors*,³ the Supreme Court, per Okoro JSC, restated the condition for a person to be qualified to practice as a legal practitioner in Nigeria thus

In the Legal Profession, apart from a University Law Degree, a person seeking to practice law as a legal practitioner in Nigeria must proceed to the Law School, pass the qualifying examinations and be called to the Bar. Both the Bar Examinations, and Call to Bar are issued Certificates. Apart from that, by Section 2(1) of the Legal Practitioners Act alluded to above such a person must be enrolled in the Register of Legal Practitioners at the Supreme Court. All these steps are taken to avoid identity theft, ward off quacks and make sure that the profession is not hijacked by "fake" lawyers. There is therefore, the need for legal Practitioners to be careful when signing official documents to adhere to the names they are officially known. Legal Practitioners, like every other professionals are true to use names which they consider proper in social circles but when it comes to officialdom, in order to eliminate all doubts, they should try to use names they willingly submitted for enrolment.

In this paper, “legal profession” is used to refer collectively to members of the Bench and Bar-meaning Judges and Lawyers. Members of the Bench are appointed from the Bar while lawyers

³ (2015) LPELR-25716(SC) (Pp. 75-76 paras. E).

remain Ministers in the Temple of Justice and Officers of the Court. As stated elsewhere,⁴ and still very relevant on this occasion, the public image and perception of the legal profession in Nigeria is very low and battered. An unexamined life is not worth living. The legal profession which prides itself as promoters of rule of law and last hope of the common man has, by the transgressions of a few, transmogrified to enablers of injustice, oppressors of the common man and the weakest link in the chain of democracy. This is sad but on an optimistic note, there are still many fearless, courageous, hardworking and impartial Judges but the few indolent, corrupt and corruptible few amongst them have bespattered the face of the judiciary with contempt, opprobrium and derision. Likewise, there are still very many hardworking, ethically aligned and professionally competent lawyers but the pettifoggers and crooked few within the profession have dented the image of the once noble profession.

3.0 Pathways to excellence in the legal profession

In Nigeria, the legal profession is a regulated profession. Every member of the legal profession, meaning lawyer called to the Bar, is irrevocably bound by the Rules of Professional Conduct. The extant Rules of Professional Conduct, 2023 emphasise core values of integrity and ethical lawyering. They are mandatory as erring lawyers are liable to be shown the way out of the profession by the Legal Practitioners' Disciplinary Committee of the Body of Benchers for the name of the affected person to also be struck off the roll. In the ageless case of *LPC v Abuah*,⁵ the Supreme Court, per Ademola JSC, instructively explained the rationale for disciplinary action against lawyers when he stated as inter alia:

Legal Practitioners are officers of the Court. It is our bounden duty to see that officers of the Court are men of integrity who should be trusted not only by the Court but also by the public for whom they act. We are in this respect carrying out a sacred duty by acting as judges of their conduct. By enrolling them we present them to the public as men the public can with confidence employ to carry out the duties and responsibilities appertaining to their all-important office.

⁴ NO Obiaraeri, "Adieu Hon. Justice Emmanuel Obioma Ogwuegbu – Are There Still Courageous and Upright Judges and Lawyers?", available at <https://bibncollar.com/adieu-hon-justice-emmanuel-obioma-ogwuegbu-are-there-stillcourageous-and-upright-judges-and-lawyers-by-prof-obiaraeri-n-o/>. Accessed 25/10/25.

⁵ (1962) LPELR-25045(SC) (Pp. 8-9 paras. C)

We therefore owe it to the public to see that members of the public are not exposed to risks in their dealings with these men. No one is more aware of the fact than this Court that not all cases of misconduct do find their ways to the Legal Practitioners Committee to be dealt with for misconduct, but wherever they are brought to the notice of this Court, we must do our duty. And this is not only in respect of cases like the present where the misconduct had been connected with the profession of the legal practitioner but also in cases where the conduct, though not so connected, is such as to make it obvious to us that the legal practitioner is no longer a fit and proper person and not of sufficient respectability to be entrusted with the duties which the honourable profession demands from its members and with which it enjoins them.

Generally, every lawyer must demonstrate high professional and personal integrity, be of good character and reputation and be bound always by the Rules of Professional Conduct and Etiquette at the Bar. That is the most assured route to excellence and remaining distinctive in the legal profession. Depending on hard work, interest and providence, a lawyer may excel in the profession by being appointed a Judicial Officer. He may also excel in Court room advocacy by being conferred with the rank of Senior Advocate of Nigeria (often abbreviated as “SAN”) or in academics by being promoted to the rank of Professor. Lawyers also excel in other aspects of life, the economy and politics.

It needs to be accentuated that although the Nigerian Bar is one, in practice, there are two Bars in Nigeria- INNER BAR AND OUTER BAR. In the legal profession, two things are important- Age at the Bar and Rank. Age at the Bar, (whether in the inner Bar or outer Bar) is used to determine Seniority. Rank in the profession may outweigh Seniority at the Bar except amongst those with the same rank. A Senior Advocate of Nigeria [member of the inner bar] takes precedence over his Seniors in the outer Bar. A SAN is under much more stringent obligation as a leader of the noble profession.

Rank is important even for the members of the Bench either as a Justice, Judge or Magistrate. Seniority on the Bench is also important as the Acting Head of any of the superior Courts is constitutionally required to be vested on the most Senior Judicial Officer in that Branch of Court. It is public knowledge that Professorial rank is the epitome of academic excellence and it gets

better with a SAN rank. The SAN rank awarded by Legal Practitioners' Privileges Committee is a highly coveted privilege. The LPPC makes the Rules and no more.

This narrative must not be misunderstood to mean that only lawyers appointed into Judicial Offices or conferred with SAN rank or earning Academic titles have excelled in the legal profession. Far from it. What makes a lawyer excellent for all purposes is his ability to maintain tenacious fidelity with the Rules of Professional Conduct or in the case of Judicial Officers, remaining slavishly obedient to the Judicial Oath and Code of Conduct for Judicial Officers of the Federal Republic of Nigeria. Much as the hood seldom makes a monk, but a monk without the hood is a hoodlum. Thus, any lawyer with rank or title or indeed any member of the legal profession that is integrity challenged or ethically bankrupt is unworthy of the office he occupies.

What the narrative on pathway to excellence teaches instead is that by dint of hard work, perseverance and diligence, a new wig is liable to become old and take rank in the legal profession. No one is a junior or young lawyer forever. Age and seniority at the Bar start counting from the day and year of Call to the Bar. The Senior lawyer today was a young lawyer some years back. Under the extant national Constitution, a minimum of 10 years post call is required before appointment as Attorney-General or Judge of Federal High Court/State High Court/Customary Court of Appeal/Sharia Court of Appeal/National Industrial Court. The same is true of appointment as SAN.

The point being made is that responsible and ethically aligned lawyers breed clean judiciary and facilitate the robust fight against corruption within the Bench, Bar and polity. To excel in the legal profession, a lawyer must remain "Worthy in Character and Learning" plus "Fit and Proper Person". A lawyer, properly so called, has the above four attributes. To graduate from the University, he is certified worthy in character and learning alongside others that pass through the University system. After a stint at the Nigerian Law School, the lawyer is called to the Bar by the Body of Benchers as "a fit and proper person". A community reading of these attributes mean that at all material times, the lawyer's integrity, character and learning are and remain in issue. Sadly, because of societal pressure, not a few lawyers are able to stay learned as some have either wittingly or unwittingly "unlearned their learnedness". This shrink into condemnable odium or

drift into contempt has no doubt contributed to the compelling need to examine the role of the legal practitioner in restoring the lost glory of the legal profession.

4.0 Endogenous and exogenous millstones against excellence at the Bar

There are countless internal and external factors that militate against excellence in the legal profession. Sir Alfred Denning (as he then was) once said concerning the role of legal practitioners in society that

One of the most important safeguards of liberty in any country is the presence of a strong and independent body of advocates who will speak fearlessly on behalf of their clients regardless of the consequences to themselves. If a man who is charged with an offence is to have a fair trial, it is essential that he should be able to feel that his case will be put before an impartial judge by an advocate who will say all that is to be said on his behalf.⁶

Contributing in the same vein, Aniagolu, JSC, once said that

The quality of the men who adorn our Bar and Bench in this country will determine the honesty and courage or otherwise, with which the administration of justice is carried out in the country. These men of quality are recruited from the Bar. Once we have clean and honest Bar, the good quality of the men on the Bench is assured.⁷

Udemezue⁸ has ably chronicled what he termed “A CHECKLIST OF 70 CORE CHALLENGES FACING THE LEGAL PROFESSION IN NIGERIA PLUS TASKS BEFORE STAKEHOLDERS”. These include but are not limited to the following endogenous and exogenous factors which have been listed not necessarily in order of importance namely-

⁶ The Road to Justice: Sir Alfred Denning (1965), 244.

⁷ Extract from paper presented at Anambra State Nigerian Bar Association dinner (NBA) 1976.

⁸ S Udemezue, “A CHECKLIST OF 70 CORE CHALLENGES FACING THE LEGAL PROFESSION IN NIGERIA PLUS TASKS BEFORE STAKEHOLDERS”, <http://www.courtroommail.com/a-checklist-of-70-core-challenges-facing-the-legal-profession-in-nigeria/>. accessed 25/10/25.

- (a) PROFESSIONAL MISCONDUCT AND UNPROFESSIONALISM WITHIN THE PROFESSION.
- (b) HIGH RATE OF UNEMPLOYMENT AND DISILLUSIONMENT AMONG LAWYERS IN NIGERIA.
- (c) HARASSMENT AND BRUTALIZATION OF LAWYERS IN COURSE OF LAW PRACTICE.
- (d) RISING RATE OF EXTERNAL INTRUSION BY NON-LAWYERS INTO LAWYERS' TRADITIONAL LAW-PRACTICE SPACE.
- (e) DELAYED JUSTICE DELIVERY.
- (f) DIMINISHING PUBLIC CONFIDENCE IN JUSTICE DELIVERY.
- (g) POOR WORK-CONDITION OF LAWYERS IN THE NYSC PROGRAM
- (h) POOR WELFARE OF JUDICIAL OFFICERS IN NIGERIA.
- (i) CORRUPTION IN ADMINISTRATION OF JUSTICE.
- (j) FREQUENT SHUT-DOWN OF COURTS AS A RESULT OF INDUSTRIAL ACTIONS.
- (k) CORRUPTION AND EXTORTION OF LAWYERS/LITIGANTS BY COURT SUPPORT-STAFFERS REGISTRY OFFICIALS.
- (l) INEFFECTIVENESS AND CORRUPTION IN JUDICIAL APPOINTMENTS.
- (m) DECLINING QUALITY OF LEGAL EDUCATION
- (n) DISSILLUSIONMENT AND DISENCHANTMENT AMONG YOUNG LAWYERS.
- (o) DECLINING MENTORSHIP AND CAPACITY BUILDING.
- (p) THREATS TO INDEPENDENCE OF THE JUDICIARY AND POLITICISATION OF JUSTICE DELIVERY.
- (q) LAPSES IN THE PROCESS OF CONFERRMENT OF SAN.
- (r) LACK OF TRANSPARENCY IN THE NBA NATIONAL ELECTORAL SYSTEM.
- (s) REGULATION OF LEGAL PRACTITIONERS' REMUNERATION.
- (t) UNDER-UTILIZATION OF ICT FOR LAW PRACTICE AND JUSTICE DELIVERY.
- (u) HARASSMENT, VICTIMIZATION AND ABUSE OF JUNIORS IN LAW OFFICES.
- (v) WORSENING INSECURITY IN NIGERIA.
- (w) RISING CASES OF DISOBEDIENCE OF COURT ORDERS.
- (x) MENACE OF CONFLICTING COURT ORDERS.

- (y) FRICTIONS BETWEEN LAWYERS AND JUDGES.
- (z) POOR STRUCTURE FOR INSTILLING DISCIPLINE (BAR AND BENCH).
- (aa) WORSENING/POOR GOVERNANCE IN NIGERIA.
- (bb) INFLUENCE/ROLE OF THE SOCIAL MEDIA ON LAWYERS, LAW PRACTICE.
- (cc) MENACE OF CHARGE AND BAIL LAWYERS
- (dd) WORSENING REMUNERATION AND WELFARE OF LAWYERS IN PUBLIC SERVICE.
- (ee) POOR PERFORMANNCE, RISING UNPROFESSIONALISM AMONG PUBLIC PROSECUTORS AND SECURITY AGENCIES IN NIGERIA.
- (ff) WORSENING CONDITIONS AND POOR INFRASTRUCTURE IN COURTS IN NIGERIA.
- (gg) IMPROVING LAWYERS' HEALTH, PHYSICAL AND MENTAL WELLBEING.
- (hh) LOCAL GOVERNMENT AUTONOMY & IMPROVED DEMOCRACY AND CONSTITUTIONALISM AT THE LOCAL GOVERNMENT LEVEL IN NIGERIA.
- (ii) HUMAN RIGHTS OBSERVANCE BY SECURITY AGENCIES IN NIGERIA

The above list is certainly endless. However, it goes without saying that the greatest hinderance to excellence at the Bar is PROFESSIONAL MISCONDUCT AND UNPROFESSIONALISM WITHIN THE PROFESSION. This is an endogenous factor and cancer that has eaten deep into the fabric of the legal profession. The Bench is also contributory to the flight of excellence from the Bar. Undue delays in hearing and concluding applications and pending matters or cases directly affect the earning power of the Court room advocate. In *Unongo v Aper Aku*,⁹ Bello, JSC, (as he then was) stated that delayed justice is justice denied so also hurried and harried justice is justice denied." Apart from stifling income, to become a Judge or SAN, a Court room advocate needs to show evidence of concluded matters. Furthermore, some of the judgments that emanate from the Courts contain unteachable jurisprudence as they confuse the established principle that law is both science and art.

⁹ (1983)2 S.C.N.L.R. 332.

In addition, partisan interests have also destroyed the unity, cohesion and solidarity that characterise the legal profession. The motto of the Nigerian Bar Association is “PROMOTING THE RULE OF LAW”. During challenging times, whether in the profession and polity, Senior Lawyers who should speak up and provide both professional and moral compass on burning issues that affect both the Bench and Bar have adopted “SIDDON LOOK” attitude. This deadly “SEE EVIL, SAY NOTHING AND DO NOTHING” mode, is not unrelated to vested interests. Constant abuse, arrests, molestation, intimidation and humiliation of outspoken lawyers go unprotected even before the judiciary

5.0 Trajectory for rekindling or restoration of excellence in the legal profession- A NEW NORMAL IS POSSIBLE!

To rekindle judicial excellence through promoting and sustaining excellence at the Bar, the following are suggested namely:

- (a) There should be constant training and retraining of lawyers at both at NBA Branch meetings and Annual General Conferences on the provisions of the Rules of Professional Conduct, 2023.
- (b) A Special Code for Regulation of Conduct of lawyers in Public Office/Service whether in the executive or legislative arms or Ministries, Departments and Agencies of Government should be formulated and passed. The web should include but not limited to the President/Vice-President, Governor/Deputy-Governor Ministers/Commissioners/Advisers/Executive, Senior or Personal Assistants, Presiding Officers and member of the National Assembly, State House of Assembly, Councillors, Local Government Chairmen/Vice Chairmen and their aides. This Special Code of Conduct should also extend to lawyers in the educational sector (university, polytechnic and monotechnic, colleges of education), INEC, EFCC, ICPC, NSCDC, Police, Army, Navy, Airforce, Immigration, NDLEA and other Military or Para-Military organisations.
- (b) To reduce the unemployment rate amongst young lawyers, there should be employment for lawyers at the Local Government levels in the country. The provision of *section 66(3)* of the Nigeria Police Act, 2020 is that “There shall be assigned to every Police Division at least one police officer: (a) who is qualified to practice as legal practitioner in accordance with the Legal Practitioners Act; and (b) whose responsibility is to promote human rights compliance by officers of the Division.” This obeyed in breach than observance.

(c) Lawyers must embrace participation in politics and governance as a matter of duty. The ageless rule is that if you do not step out and participate, your inferiors will rule you.

(d) To enhance their earning power, all lawyers must obey the mandatory provisions of the Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order, 2023.

(e) To ensure continued professional, knowledge and skill upgrade, the present policy of requiring Lawyers in Nigeria to earn a minimum of five CPD points per year to maintain their practice licence and seal must be sustained. Defaulters should be sanctioned for professional misconduct in terms provided under the Rules of Professional Conduct, 2023.

(f) The Judiciary should be insulated from politics and politicization as whatever happens to the judiciary directly affects lawyers and vice-versa.

6.0 Conclusion

Excellence is a continuum. It is not a 100-meter dash. It is a marathon race. "Excellence is not a skill, it's an attitude. The passport to excellence in the legal profession remains decorum, ethics and professionalism. All successful past and present big lawyers, whether on the bench or Bar, started as young lawyers. No doubt they made it to the top courtesy of hard work and discipline. Irrespective of the troubled times in the country, there are brighter opportunities now to excel in the legal profession than there were in the past. Nigeria needs a new and robust legal profession fully conscious of its pride of place and historic obligations. The lawyer holds that great promise. This can only be achieved by a breed of distinguished lawyers who have unwavering commitment to ethics and distinction. For Aristotle, "Excellence is never an accident. It is always the result of high intention, sincere effort, and intelligent execution; it represents the wise choice of many alternatives - choice, not chance, determines your destiny."

A new normal is possible!