



NIGERIAN BAR ASSOCIATION

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ADDRESS OF PRESIDENT OF THE NIGERIAN BAR ASSOCIATION – MR YAKUBU CHONOKO MAIKYAU, SAN – DELIVERED AT THE VALEDICTORY COURT SESSION HELD IN HONOUR OF HONOURABLE JUSTICE TAIWO OBAYOMI TAIWO (JUDGE) ON 22 SEPTEMBER 2022 AT THE FEDERAL HIGH COURT, IKOYI, LAGOS

PROTOCOL

1. I thank my lord, the Honourable Chief Judge of the Federal High Court, Justice John Terhembba Tsoho for the opportunity to address this special court session being held in honour of a distinguished, fearless, and erudite jurist – the Honourable Justice Taiwo Obayomi Taiwo, a Judge of this respectable court, who served the cause of justice meritoriously, while at the Bar and more recently on the Bench.
2. My lord the Honourable Justice Taiwo O. Taiwo is a thoroughbred legal practitioner and an exemplary jurist. A hard-working, firm, knowledgeable judge who sits at 9:00am and not so soon thereafter. To appear before his lordship, counsel had to be abreast with both the law and their case, for his lordship often had them answer questions pertaining to both. His lordship was always in control of his court, not by intimidation or high-handedness, but by the combination of a good mastery of the law and temperance and was therefore able to discharge the duties of the office with firmness and fairness. This may not be unconnected to the fact that, prior to being appointed to Bench, his lordship had a long and vibrant career at the Bar for 27 years.
3. During my lord's career as a legal practitioner, a remarkable incident occurred which is worth narrating. A young lawyer had been sent to court to hold brief but had failed to study the file, and so was not abreast with the facts of the case nor the proceedings of the day. After counsel on the other side had made submissions before the presiding Judge, the young lawyer could not proceed as he was unprepared, but the judge who had become infuriated at that point, insisted on a reply. Mr. Taiwo O. Taiwo, Esq. (as he then was), who happened to be in court that day for a different matter, intervened by appealing to the Judge to stand down the case for a few minutes so that the young lawyer will be able to respond. The court thankfully obliged. Mr. Taiwo took the young lawyer out of the courtroom, tutored him with the appropriate legal argument, armed him with relevant statutory and

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judicial authorities with which to garnish his reply and generally boosted his confidence. A few minutes later, both lawyers reentered the courtroom, and the matter was called up again.

The “changed” young lawyer, to the amazement of the Bar and Bench, eloquently addressed the court on the matter before it, to the court’s unhidden admiration.

4. The Presiding Judge, Hon. Justice Abdullahi Mustapha, who later became the Chief Judge of the Federal High Court (FHC) spoke highly of Mr. Taiwo as an exemplary senior in the finest tradition of the Bar. This singular event set his lordship out as one who was invested in the mentorship of younger colleagues, a subject that resonates with me, because where I stand today in the profession is a function of the opportunities I was given as a young lawyer. So, I take it very seriously and that is why the matter of mentorship is also at the heart of my administration.
5. As part of my vision towards building a dynamic bar, it is my unwavering conviction that we need to invest more in our younger colleagues through mentorship, to ensure their professional development, as well as the preservation of the ethics and traditions of our noble profession. Quality grooming in the universities, sustained by well-articulated internship programme for young members in the profession will go a long way in ensuring that the highest ethical and professional standards are imbibed and maintained among us. To this end my administration has constituted the Law Firm/Institutional Mentorship Committee with the mandate to, amongst other things, design the program outline for mentoring young lawyers between 1 – 7 years, and set the criteria for the participation of law firms and, legal departments and interns.
6. Beyond this, we will continue to focus on the professional capacity development of our members through our Continuing Legal Education program towards guaranteeing quality service by our members, to justify the high confidence reposed in us as a profession and prepare our members to compete favourably in the global legal market.
7. My lord has had a long and interesting career starting with a first degree in History/Political Science from the prestigious University of Ife (now Obafemi Awolowo University, Ile-Ife) in 1980. His lordship’s commitment to the Bar began shortly thereafter when as an undergraduate student at the University of Ibadan he served as the President of the Law Students Society (LSS). As a member of the Bar, he served as Secretary, Vice-Chairman, and Chairman of Nigerian Bar Association, Lagos Branch. He went on to serve as the 2nd Vice President of the NBA from 2014 until 2015, when he was elevated to the Bench. All these are testaments to the fact

that my lord was an active Bar man, whose laudable contributions on the bench cannot be divorced from this antecedent.

8. His Lordship embodies service to the cause of justice which is our primary call as lawyers. It is a call to duty, the discharge of which will birth the socio-economic and political change we desire in Nigeria. It will engender the **recovery, reformation, and repositioning** that we need as a nation; improve the productivity, prosperity and empowerment within the polity and guarantee the wellbeing of the entire citizenry, lawyers inclusive. Service to the cause and person of justice must be our primary motivation in the discharge of our responsibilities as members of the legal profession wherever we may find ourselves, whether at the Bar or on the Bench.
9. My Lord, the retiring Justice Taiwo, is one judge who was motivated by the desire to serve the cause of justice wherever it was needed. His sojourn on the bench, though relatively brief, was a manifest demonstration that the depth of judgments springing from a judge does not depend on length of time spent on the bench. It is proof that landmark judgements are not necessarily a product of long bench experience, rather they are fruits of the coalescence of the bar and bench in the life of a judge. Both are intrinsic to each other as both the bar and the bench remain autochthonous parts of the same person called Justice with the quality of each one extensively affecting the other.
10. As a jurist, Honourable Justice Taiwo O. Taiwo is renowned for his belief that a judge should preoccupy himself with doing justice in a matter rather than wondering what the appellate court judges or the people would say about his judgment. I make bold to say that his lordship's sense of duty continues to resonate through the judgments delivered in the period spent on the bench, where his lordship carved a niche that will continue to speak in history.
11. The Federal High Court, established as the Federal Revenue Court by the Federal Revenue Act 1973 (1973 No.13), and later renamed the "Federal High Court" by Section 228 (1) and 230 (2) of the Constitution of the Federal Republic of Nigeria, 1979 is a specialised court with a broad-spectrum exclusive original civil jurisdiction, as defined by section 251(1) of the 1999 Constitution of the Federal Republic of Nigeria. From its historical development, the Court has played and continues to play a pivotal role in the economic development of Nigeria, a role which his Lordship understood too well and which understanding was manifest in his decisions on matters relating to the economy of the Country.

12. In *FHC/ABJ/CS/113/2021 – E-Naira Payment Solutions Limited v. Central Bank of Nigeria*, where the plaintiff had urged the court to stop the proposed launch of the digital currency over an alleged trademark infringement. The court, per Honourable Justice Taiwo O. Taiwo, held the view that the launch of the digital currency was in the interest of national economic advancement, and since the plaintiff could be adequately compensated by damages, His lordship ordered that the launch should proceed.
13. Similarly, the Ruling by the Honourable Justice Taiwo in *Suit No. FHC/ABJ/CS/1370/2021 – Federal Republic of Nigeria v. Yan Bindiga Group & Yan Ta Adda Group*, also speaks to the partnership between the judiciary and the executive in dealing with matters of insecurity. It took the pronouncement of the court in that case to declare the group, and similar groups, involved in banditry, kidnappings for ransom, kidnappings for marriage, mass abductions of children, cattle rustling, etc., as terrorist group. The court made an order proscribing them as such. In making that order, the court, per Honourable Justice Taiwo, took judicial notice of the prevalence of those criminal activities in our society, which has made the security of the nation difficult to manage, unless some actions are taken.
14. The cases above, beyond exemplifying his lordship's attitude to matters affecting national interest, also demonstrate the role the judiciary plays in the economic development and security of the nation, and highlight the need for constant synergy between the executive, legislature, and the judiciary. There must be constant camaraderie and support between these arms of government to deal with the issues that confront us as a nation. The executive and the judiciary cannot be at cross-purposes but must work together to turn around the fortunes of this country – in all its ramifications. To put it differently, this nation cannot be fixed without the judiciary. If we understand that, the executive will continue to support and take care of members of the judiciary and not allow them to wallow in near neglect as has been the case for a long time.
15. Throughout his lordship's career on the Bench, my lord fearlessly espoused and expanded the frontiers of law; contributed to the growth of the legal profession and shaped the economic and socio-legal landscape in Nigeria. He handed down decisions on a wide range of subjects; judgements ranging from vital constitutional questions to contemporary issues like cryptocurrency regulation and security.
16. In the case of **Miss Grace Anita Paul v. The Chief of Army Staff, the Army, Inspector General of Police & the Nigerian Police Force**; a fundamental rights application, Justice Taiwo held that the Nigerian Army lacks the power to arrest,

investigate and hold in custody, anyone who is not subject to the Armed Forces Act or any other military law. He also took the time to make this remark ***“for Democracy to thrive, all agencies of government should act within the law.”***

17. In the case of ***FHC/ABJ/CS/822/2021 – CBN Governor v. Rise Vest Technologies Ltd & 5 Others***, an application was brought before his lordship, challenging an ex-parte order obtained by the CBN that froze the account of the defendant because of a CBN circular barring banks from processing cryptocurrency-related transactions. In doing what his lordship knows how to do best, my lord “put the Central bank of Nigeria in its place” by invoking Section 36(12) of the Constitution of the Federal Republic of Nigeria, 1999 which provides that:

“Subject as otherwise provided by this Constitution a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed by a written law; and in this subsection, a written law refers to an Act of the National Assembly or a Law of a State, and subsidiary legislation or instrument under the provisions of the law.”

18. My lord is one of the faces of modern judiciary. His lordship’s career on the Bench, is demonstrative of the fact that it is not how long, but the impact of the time used – the quality of the judgements delivered by his lordship and their impacts testify to this fact.
19. My lord has had a good run, alas, everything with a beginning, also has an end, and so this brief but quite eventful sojourn on the Bench has come to an end. However, every end is also a new beginning – my lord’s season of rest now begins. I deem it necessary to remind my lord that after work, comes rest; I urge my lord to take the time and enjoy the earned rest, in the company of family and loved ones, from whom the call of duty might have unavoidably kept your lordship away.
20. I am mindful of the fact that an impactful person, may not have the good fortune of an uninterrupted rest. So, let me also pre-inform my lord of the high possibility of being called upon to render services at different levels on different fora. In fact, the NBA hereby serves your lordship Notice to serve on the faculty of the Institute of Continuing Legal Education. When such call does come, his lordship must view them as a call from God Almighty Himself, requiring My lord’s continuous stewardship of the talents and gifts so generously bestowed by the Creator, for the benefit of the Nation and humanity.

21. We thank His lordship, the Honourable Justice Oluwatoyin Taiwo of the High Court of Lagos State, the amiable wife of my lord Justice Taiwo Taiwo, for the support given to his lordship throughout his lordship's career. We equally appreciate the children of the marriage for their support and understanding, as we joyful but nostalgically release his lordship to their warm embrace with a request to favourably consider us whenever we come "visiting."
22. Finally, on behalf of the NBA, I wish my lord a belated Happy 65th Birthday and a long and healthy life in retirement, to enjoy the fruits of your labour on the Bench. May your lordship grow from strength to strength to the glory of God Almighty and see children's children even unto the fourth generation. Amen.
23. Once again, I thank my lord the Honourable Chief Judge of the Federal High Court, Honourable Justice John Terhemba Tsoho, FICM, FIIP again for this opportunity to address the Honourable Court, and I thank everyone present for listening.

Yakubu Chonoko Maikyau, SAN
PRESIDENT



