**BEING PAPER PRESENTED BY CHIEF MAGISTRATE HALIMA ALIYU NASIR AT A WORKSHOP ORGANIZED BY FIDA IN SEPTEMBER, 2022 AT N B A CONFERENCE HALL AT**

**FARM CENTRE, KANO**

**BREACH OF TRUST: LAWYER CLIENT RELATIONSHIP**

The Rules of professional conduct of a Lawyer, 2007 have designed some duties which if breached the Lawyer will face disciplinary measures through the Legal practitioners Disciplinary Committee of body of Benchers.

In this regard, a Lawyer should know his duties and limitation with regards to professional practice.

**RELATIONSHIP OF LAWYER WITH HIS CLIENT**

1. Duty to take instruction in the chambers not in the Office or house of a Client except on issue of public security.

2. **Duty to Accept Brief:** a lawyer should not deny anybody legal representation no matter what he is being charged.

3. **Control in Incidence of Litigation:** A Client should not dictate to him what to do and how he should conduct a case. He should apply his skill and knowledge.

4. A Lawyer represents his clients within the boundary of law. He should put interest of Law over the interest of his client.

5. **Privilege and Confidence of his Client:** He is expected to keep the information concerning a case, confidential and prepare against surprises from his opponent.

6. **Conflict of Interest:** He should not allow his personal proprietary or business interest to conflict with the interest of his Client. He should not acquire proprietary interest in the subject matter he is handling. And should not act for opposing party unless he discloses same and have their consent.

7. **A Lawyer and Clients Property:** He should not misappropriate, or convert the property of his Client to his own use. He should not even mix the two together.

8. **Fiduciary relationship:** This means where a person place some types of trust, confidence, reliance on another person and that person delegated the trust have Fiduciary duty to act for the benefit and interest of the party.

Where a Lawyer acts in his professional capacity in breach of his duty to his client he is liable to disciplinary action of the legal practitioners Disciplinary committee of Body of Benchers or punishment by the court.

See ***FRN vs Yakubu Mohd Lawal Na Allah* (2013);** case of Kano Federal High Court. Where a Lawyer was changed by EFCC to Federal High Court Kano, he was sentenced to 2 yrs imprisonment and for forfeiture of property worth **N50,000,000.00 (Fifty Million Naira Only).** See Also ***NBA vs Okoku*** **(2006) 11 NWLR Pg. 431.**

Infamous conduct varies from different facts and circumstances in ***Allison vs General Council of Medicals Education*** **(1894)**; 1 QB Lord Esher M R in condemning the act of the plaintiff held;

***“It seems to me that it may be fairly said that the plaintiff has Endeavored to defame his brother practitioners and by that defamation to induce suffering people to avoid going to them for advice and to come to himself in order that he may obtain remuneration or fees which other wise he would not obtain”.***

**FACTS:** The Plaintiff, a Medical Practitioner published some advertisement in several newspapers which contained the reflection upon his medical colleagues generally and their method of treating patients. He advised the public to have nothing to do with their drugs and come to him. He was found guilty of infamous conduct by medical council.

***Some Infamous Conducts are:***

1. Refusing to pay clients money

2. Misappropriate of Clients Money or Property

3. Neglecting Patients for a longtime.

4. Obtaining enrolment by fraud.

**Conducts not amounting to infamous conduct but not compatible with status of a Lawyer are;**

1. Conviction by a court which is not set aside
2. Misbehavior of fighting in the public act

A Lawyer should always maintain good and standard of behavior and gain public confidence.

**LAWYERS RELATIONSHIP WITH THE COURT**

A Lawyer is regarded as Personnel of Court involved in the Administration of Justice. He is expected to show utmost respect to the court in his conduct, his speech and dressing.

1. He should not delay, obstruct, administration of justice.

2. He should treat the court with dignity and honour

3. He should disclose to the court any relevant authority for determination of a case even if it is against his own interest.

4. **A Lawyer as Witness to Client:** He can testify for his Client when he appear as representative not as a counsel.

5. **Withdrawal from a Case:** He can withdraw his services for non payment of legal fee.

In conclusion, A Lawyer should remember his position in the society; not do anything that would tarnish his image, and loose his integrity.

**Presented By:**

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