

Opening Remarks by Chief Justice Sam Rugege at the Legal Ethics Training

Kigali 15 - 18 July 2019

Distinguished guests,

Learned facilitators

Members of the Bar Associations, Students

1. Good morning. I am pleased to be here to witness this training of lawyers and law students on managing ethical issues that they face or may face in their professional activities of advising, representing and assisting their clients as attorneys or as in-house lawyers. I thank the organizers, the Ghana Institute of Management and Public Administration Law School, Fordham Law School, White & Case LLP and INES Ruhengeri, for organizing this important training in Rwanda.
2. I welcome our guest facilitators who travelled from afar to offer their valuable time and expertise assisting our lawyers and students from many parts of Africa to upgrade their skills and professionalism and boost their understanding of professional ethics and responsibilities. The training will also show the power possessed by lawyers, how it can be deployed for the benefit of others, especially the vulnerable but also how it can be misused.
3. I wish to welcome the participants and to encourage them to pay attention, to share their experiences and challenges so that solutions can also be shared. We need more sharing of ideas and skills in Africa, especially now that the African Continental Free Trade Area (AfCTA) has come into effect, so that we can provide better legal services to our economies.
4. I am not an expert on professional ethics for lawyers and would not competently give any new insights on the subject. I observe however, that the invited facilitators are indeed experts on the subject and will discharge their assigned tasks to the great benefit of the trainees. What is clear is that most professional ethics are nothing unusual or too complicated. They incorporate common values of honesty, integrity and decency that all good human being should possess. There may be complex issues relating to conflict of interest in some situations relating for instance to conflict of

interest, the duty of confidentiality, disclosure but on the whole professional ethics and duties are fairly straightforward.

5. Nevertheless, if I may be permitted, I wish to just emphasize the importance of talking about legal ethics. It is important to the client in order to protect his/her interests, to the legal profession in protecting its image and boosting public confidence in the profession, in the legal system and the rule of law. It is also of importance to the economy and the well-being of the nation and its people.
6. The lawyer must command the trust and confidence of his clients and to do that he/she must be honest, be a person of high integrity, competent and dependable. If lawyers do not command the confidence of the public or they are perceived as sophisticated thieves and conmen/women because of a few lawyers who disregard professional ethics and standards, then people may have no hope of getting justice through law and will be tempted to resort to self-help and hence undermine the Rule of Law.
7. When lawyers are dishonest and have no integrity, they give wrong advice; they collude with their clients to cheat or evade tax, make unjustified claims, defraud banks etc., which undermines the economy and hence the wellbeing of citizens as they will not get the necessary services. A true professional lawyer should disclose such conduct.
8. An ethical lawyer will put the interests of his/her client above his own. He/she will prepare the case adequately, present it with relevant knowledge and skill and without undue delay. Unfortunately, we see lawyers who come to court unprepared or fail to show up without informing the client. This is either because of neglect and not paying sufficient attention or because he/she (mostly **he**) has taken on too much work and cannot cope; hopping from one court to another, from criminal cases to divorce, to commercial litigation etc. There is here an element of dishonesty, lack of care and self-interest. This is also what leads in to unjustified requests for adjournment of cases and delays in cases which is not in the interest of clients and of course is costly to both parties.
9. Talking of unethical lawyers, consider a lawyer who has a secret meeting with a colleague on the other side to persuade him/her to weaken his/her client's case so the latter can lose in return for a gift from the other party. Several principles are being violated here. It involves questions of integrity, honesty, confidentiality, independence and care of a client's interests.

10. A lawyer should not be involved in **corruption** or even condone it. Being involved in corruption undermines the administration of justice; it robs someone of his rights and gives a bad image of the administration of justice. Not only should a lawyer not be involved in corruption but he/she should positively fight against it; by rejecting attempts to corrupt him/her and by exposing those involved in it, including clients, colleagues or judges. This of course is not easy; it takes a lot of courage and commitment.
11. Training of this kind is not useful unless there is also a reliable system of complaint and discipline of lawyers who digress from their professional ethics and duties. I am sure you will be talking about this and that our Bar Association will continuously assess the adequacy and seriousness of their disciplinary mechanisms. I have little doubt that members of the Bar, judges, prosecutors are well acquainted with the basic principles of professional conduct. Those who do not abide by them, it is usually because they do not care about the consequences or they hope to escape detection and sanction. We must therefore all be vigilant and not let the few to tarnish our collective image and undermine confidence in the Rule of Law.
12. Lastly, I am happy to say that after the difficult period of rebuilding a justice sector that was in shambles after the Genocide Against the Tutsi, justice institutions, including the Judiciary, Prosecution and the bar Association, have recovered and are on a good footing in terms of efficiency and importantly in terms of ethics and professional standards. We still have issues now and then but on the whole a lot of progress has been done and we continue to struggle for excellence in delivering justice to those who seek it and preserving the Rule of Law.
13. Let me not detain you longer but wish you productive training and discussions. Thank you.