



E-ISSN: 2789-8830  
P-ISSN: 2789-8822  
IJLLR 2022; 2(2): 55-62  
Received: 24-04-2022  
Accepted: 28-06-2022

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## A critical examination of lawyers' dressing and comportment in Nigeria

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### Abstract

Along with the received English laws came the need to train lawyers in Nigeria in the way of the English law practice. The legal profession has a long historical standing in English and Nigerian practices, it is distinct from other professions. A lawyer is expected to dress, talk and behave in a particular manner as to portray his learnedness and distinction per excellence. It has been a matter of great concern to Judges and law teachers to see lawyers and lawyers-in-training dressing or behaving in a manner that is unbecoming of a legal practitioner. The legal profession is a sober one, built on the foundation of longstanding traditions. The rules of professional conduct for legal practitioners provides for the quality and standard of mannerism that is expected of legal practitioners in dressing and conduct. This article aims at a critical examination the lawyers' style in fashion vis-à-vis the standard and requirements of the profession. The methodology relies solely on the doctrinal approach, citing mainly the Rules of Professional Conduct, the legal Practitioners Act and case laws. The secondary sources also made us of case digest, written text, articles and publishes journals on the internet. The article therefore argues that about the acceptable and prescribed manner to dress appropriately as a lawyer as well as the challenges lawyers face in compliance with the Rules and standard. It later recommends that lawyers should very positive in their attitude toward the attire and should not see it as compelled uniform to wear.

**Keywords:** Lawyer, dressing, comportment, Nigeria

### Introduction

Lawyers are to be attired in a dignified and proper manner and abstain from apparels or ornaments calculated to attract attention <sup>[1]</sup>. Appearance is an indispensable aspect of the legal profession. Studies have shown that a lawyer's appearance can even affect court's disposition to him and the judgement he gets at the end of the day, whether guilt or acquitted <sup>[2]</sup>.

When a lawyer appears or is introduced, his success is measured by the car he drives, the way he dresses, his overall charisma and by other physical attributes he may or may not possess. Law as it is, is a noble profession; it is important for legal practitioners to dress appropriately in the manner that promotes respect for the legal profession as well as enhance the dignity of the temple of justice.

Who is a lawyer? Black's Law Dictionary defines a lawyer as a person learned in law; as an attorney, counsel, or solicitor; a person licensed to practice law <sup>[3]</sup>. Any person who, for a fee or reward, prosecutes or defends causes in courts of record... or whose business it is to give legal advice in relation to any cause or matter whatever <sup>[4]</sup>. A more elaborate description of who a lawyer is found in the Encyclopedia Britannica as "one trained and licensed to prepare, manage, and either prosecute or defend a court action as an agent for another and who also gives advice on legal matters that may or may not require court action <sup>[5]</sup>."

<sup>1</sup> Reidinger Paul, "Dressing like a Lawyer" ABAJ 82 (1996): 78.

<sup>2</sup> Efran Michael G., "The Effect of Physical Appearance on the Judgment of Guilt, Interpersonal Attraction, and Severity of Recommended Punishment in a Simulated Jury Task." Journal of Research in Personality 8.1 (1974): 45-54.

<sup>3</sup> "What's-the-Difference-Between-a-Lawyer-and-An-Attorney", Arson and Solomon [https://aronssolomon.com/blog/whats-the-difference-between-a-lawyer-and-an-attorney/#:~:text=Black's%20Law%20Dictionary%20defines%20E2%80%9C%20lawyer,or%20who%20provides%20legal%20advice](https://aronssolomon.com/blog/whats-the-difference-between-a-lawyer-and-an-attorney/#:~:text=Black's%20Law%20Dictionary%20defines%20E2%80%9C%20lawyer,or%20who%20provides%20legal%20advice.). Accessed 28th September 2022.

<sup>4</sup> "Lawyer", available at <https://www.vocabulary.com/dictionary/lawyer> accessed 28th September 2022.

<sup>5</sup> "Lawyer", available at <https://www.britannica.com/topic/lawyer> accessed 28th September 2022.

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Lawyers apply the law to specific cases. They investigate the facts and the evidence by conferring with their clients and reviewing documents, and they prepare and file the pleadings in court. At the trial, they introduce evidence, interrogate witnesses, and argue questions of law and fact. If they do not win the case, they may seek a new trial or relief in an appellate court.

In many instances, lawyers can bring about the settlement of a case without trial through negotiation, reconciliation, and compromise. In addition, the law gives individuals the power to arrange and determine their legal rights in many matters and in various ways, as through wills, contracts, or corporate bylaws, and lawyers aid in many of these arrangements. Since the 20th century a rapidly developing field of work for lawyers has been the representation of clients before administrative committees and courts and before legislative committees.

The above definition creates a humongous responsibility on legal practitioners to consciously conduct themselves, at all times, in a dignifying manner. Rule 1 of the Rules of Professional Conduct (RPC) 2007 for legal practitioners provides that "a lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and shall not engage in any conduct which is unbecoming of a legal practitioner".

Legal practitioners reverence themselves as *primus inter pares* to wit first amongst equals; this denotes that a high standard of professionalism and decency is required of them by members of the society at large. It is against this backdrop that we will be discussing lawyer dressing and the way they conduct themselves both in and out of the legal parlance and the relevance, which is without question, to the legal profession.

Undeniably, the close nexus between profession and dress<sup>[6]</sup> is visible all around the globe from time immemorial. Lawyers, Judges, Doctors, Army Personnel, Police Forces and Convict Prisoners follow fixed dress code as directed by respective states. Every profession has a certain dress code, and the people belong to a particular profession are recognised by their attire.

Dress Code is a 'Symbol of Confidence', a 'Symbol of Discipline' and a 'Symbol of the Profession', a 'Proud Part of an Individual's Personality' for a professional. The balance between maintaining Court's Decorum and permitting freedom in individual's lifestyle is most well defined in a Lawyer's Dress Code. The professional environment generally is marked by a code for dressing- in terms of colour, style. Dress Code is a part of dignity and professionalism with little exception. The outfit of Judges and Advocates with Judicial Robes seems a mark of dignity and loyalty towards the Court and the Justice. The colour Black is not touched by display of Colours<sup>[7]</sup>.

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<sup>6</sup> Emdadul Haque, 'The Dress Code for Lawyers: In Search of Change with Climatic Compatibility in Bangladesh' *Advocates' [2012] (12)(14) Global Journal of Human Social Science, Sociology, Economics & Political Science*; 54; Reidinger Paul, "Dressing like a Lawyer" *ABAJ* 82 (1996): 78.

<sup>7</sup> Dinesh Singh Chauhan, 'Historical background in wearing Black Robes'

< <https://www.legalserviceindia.com/legal/article-665-historical-background-in-wearing-black-robos-by-advocates.html>> accessed 13 December, 2021 at 12:21pm

Black and White is a symbol of the Legal Profession throughout the world barring few exceptions. Black colour generally has many different overtones. Like every colour, it has both positive and negative connotations. So, on one hand, it signifies death, evil and mystery while on the other hand, it signifies the strength and authority.

The Black colour was chosen because of two reasons. Firstly, colours and dyes were not readily available back then. Purple signified royalty and thus, the only abundant fabric colour left was black. However, the main reason behind wearing a 'Black Coat' is because black is the colour of authority and power. Black represents submission of oneself. Just like Priests wear Black to show their submission to God, Lawyers wear black to show their submission to Justice. The colour white signifies light, goodness.

The colour white signifies light, goodness, innocence, and purity. As a legal system is the only hope of justice for a common man, the colour white is chosen to represent him. Lawyers both the sides- petitioner and respondent wear a similar dress code. The significance of the colour also highlights that law is blind. To say that it is only based differentiates on the weight of evidence and not on any other factor<sup>[8]</sup>.

The 'Black Robe' lends seriousness to the identity of Advocate and provides unique visual character to their professional image. Wearing 'Black Robe' creates a sense of discipline among Lawyers and gives them a sense of Power and feeling of being upholders of Rights and Justice. Since Black colour is a symbol of dignity, honour, wisdom and Justice and these are the values which every Lawyer and Judge has to keep up with. The 'Black Robes' conveys the message of authority, knowledge, meticulousness and steadiness. A white neck-band symbolises innocence. The two pieces of white cloth joined together to form the Advocate's bands represent the 'Tablets of the Laws' or 'Tablets of Stone'. These are the tablets that, according to the Christian belief, were used by Moses for inscribing the Ten Commandments, which he received from a burning bush on Mt. Sinai. The Ten Commandments are believed to be the first example of a uniform coded law. The shape of the band is also similar to the rounded off rectangular tablets. Thus, the white advocate's bands represent the upholding of the laws of God and of men<sup>[9]</sup>.

Black means opaque and, therefore, the sides of the prosecution and defence are presumed to be unknown until they are substantiated by law, thereby, 'Black Gowns'.

## 2. History

The English judicial costumes worn by the judges are the most distinctive working wardrobe in existence for more than six centuries<sup>[10]</sup>. The costumes for judges were more or less established by the time of British King Edward III (1327-1377) for attending the Royal court. The material for ceremonial dress or robes was originally given to judges as a grant from the Crown. The division of legal profession in

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<sup>8</sup> Dinesh Singh Chauhan, (fn 7).

<sup>9</sup> *ibid*

<sup>10</sup> J.H. Baker, 'A History of English Judges' *Robes Costumes'*

< <https://www.eupublishing.com/doi/abs/10.1179/cos.1978.12.1.27>> accessed 13 December, 2021 at 1:00pm

England dates back to 1340, paving the way for the evolution of professional advocacy<sup>[11]</sup>. In 1340, in a public reaction general people opposed the length of the judicial attire but the lawyers obstinately decided to adhere to the long robes. The judges during medieval era wore violet robes in the winter and green robes in the summer. The green summer robes fell into disguise by 1534 and after 1534 only the black and violet robes were usually worn.

However, robes can be interpreted to mean wig and gown<sup>[12]</sup>. Apart from clergy and the military, legal professionals used to wear gown. In Europe as far as forensic dress is concerned, a scholastic and ecclesiastical tradition goes back to the days when long mantles were worn by the avocaticonsistorial of papal courts and the lawyers of the Roman Sapienza. Reverend advocates in ecclesiastical and secular courts used to wear toga which subsequently came to be the pleader's uniform. Long robes were imported into the courts first by the priest original judges and later by those who patronized the courts since 13th century<sup>[13]</sup>. In ancient Rome a judge used to wear a purple-trimmed toga when performing his duties as a judge to derive their authority from monarchies or feudal lords. In England, codification of rules for English judicial uniform occurred with the Judges' Rules, 1635. The Rules introduced no change rather set out what and when the existing costumes to be worn. After 1635 a black robe with a light colour fur or coat in winter and violet or scarlet robes with short-pink taffeta in summer were introduced. A black girdle or cincture was worn with all robes. By the end of 1680s two rectangles of linen tied at the throat<sup>[14]</sup>.

So, in England judges, barristers and solicitors in the 17th century were using black coats, gowns, bands and traditional wigs. Three stories are found in England regarding using of robes. Firstly, robes adopted in 1685 as the symbol of mourning for King Charles II. Secondly, in 1694 it is found that all of the nation's judges attended the funeral of Queen Mary II dressed in black robes as a sign of mourning. Since the mourning period lasted a few more years after Mary's burial, the custom of wearing black robes became entrenched in the English judiciary. Thirdly, in memory of Queen Anne in 1714, the same mourning was followed. Italian judges resembling English judges in the 18th century wore black robes, white bands and white wigs. Thus from the tradition of three monarchs the black robes tradition spread around the Britain and then surrounded in the world and still persists today as part of the Britain's colonial adventures<sup>[15]</sup>.

After the of the Roman Empire, the use of wigs went into oblivion in the West for a thousand year until they were revived again in the 16th century as a means of compensating for hair loss or improving one's personal appearance or complexion. Royal patronage was crucial to the revival of the wig as Queen famously wore a red wig in a Roman style while French Kings pioneered wig-wearing. In 1624 Louis XIII went prematurely bald and the fashion

conscious king in absence of his natural curly hair used to wear a wig to disguise his baldheadedness in a planned way. His successive king Louis XIV also went prematurely bald and opted for wig as a style leader. Since then wigs were used as fashion which became almost universal for European upper & middle class men by the beginning of the 18th Century. Other rationales included ease of hairdressing, ease of cleaning of hair, comfort while sleeping, ability to change styles and colours and class considerations as wigs were expensive. Wigs were also used after shaving of natural hair to get relieve from head lice. Around 1715, lighter wigs were used as fashion too. It dribbled its custom out of fashion until the 1720's when it was only worn by professionals namely lawyers and doctors<sup>[16]</sup>.

After 1740, it was only worn by judges and had gone completely out of fashion and reversed for ceremonial dress. The judicial dress code of the 21st century has undergone major transformation not only in style but there have also been changes in the authority regulating the dress code. In Britain Judges, barristers and clerks attending the Courts are required to wear black silk gown over their suits, a tie wig and a band around their necks. Solicitors and lower court officials are not required to wear a wig. The High Court, District Courts and Circuit courts are now the authority regulating the judicial dress code unlike the Monarchs in the seventeenth Century<sup>[17]</sup>.

Different coloured mantles are worn by Judges which changes according to the type of cases and seasons. Till the seventeenth century different colours were used for judicial dress, however later the colour black became the traditional colour for the judicial dress. In France, black is the judicial colour of dress of Judges and it is said that Britain adopted the colour black for its barristers and judges<sup>[18]</sup>.

Other European countries follow similar dress code where the judges wear distinctive scarlet or royal blue judicial robes, although this is governed by tradition rather than written statute. Lawyers and advocates presenting at the European Courts of Justice wear their national legal costume, whether it be plain dress or robe. In the United States of America, levels of the judiciary wear long, black, cloth or silk gowns with bell-sleeves and yoked necklines. They wear no wig, special headdress or collar, although male judges are expected to wear a shirt and tie underneath their robes. There is no specific dress code for court clerks appearing in courts, although professional dress is assumed or required<sup>[19]</sup>.

The "wig and gown" which is the lawyers robe generally regarded as a symbol of legal practice in Nigeria was received from England as part of our colonial inheritance. Both the wig and the black gown have a mildly separate history and origin into the English system. The 'wig' as it is known today is a shortened word from 'periwig' which originates from the French word for a wigs which is "perruque"<sup>[20]</sup>.

<sup>11</sup> R. J. Waker, *The English Legal System* (5<sup>th</sup> edn, Butterworth 1980) p. 234

<sup>12</sup> N.M. Abdurraheem, 'The Hijab, Barristers' Dress Code and Religious Freedom in the Legal Profession in Nigeria' [2006] (14) (2) *IJUM Law Journal*.

<sup>13</sup> Emdadul Haque (n.1) p.55.

<sup>14</sup> *ibid*

<sup>15</sup> F. Phillips, *The Evolving Legal Profession in the Commonwealth* (Oceana Publication 1978) p.115

<sup>16</sup> Shaheen Parween, 'Lawyer's Dress Code: Evolution & Practice' <<https://www.indialegallive.com/lawyers-dress-code-evolution-practice/>> accessed 13 December, 2021 at 1:58PM.

<sup>17</sup> *ibid*

<sup>18</sup> *ibid*

<sup>19</sup> *ibid*

<sup>20</sup> Oliver Omoredia, 'Stripping The Legal Profession Of Its Nobility: A Call Against The Abuse Of Lawyer's Robe' <<https://thenigerialawyer.com/stripping-the-legal-profession-of-its->

In order for the barristers to appear in court and exercise their rights of audience before the court when representing litigants, they had to be properly robed in their wig and gown, this practice has been in the legal profession in Nigeria since the inception.

In 1963, a committee was set up to consider the need for a change in the mode of dressing of lawyers in court; the committee recommended that the present tradition be retained in the interest of the dignity of the profession with one dissenting voice. This recommendation was approved by the Nigerian Bar Association Conference. Again in 1978, the decision was reaffirmed, in the same year, the judges at the all Nigerian Judges Conference held in Lagos resolved to retain the existing robes for judges. The rationale behind their decision and affirmation was objective about preserving the dignity of the profession.

### 3. Lawyers Robes and Law in Nigeria

The use of lawyer's robes in Nigeria today is regulated by the Rules of Professional Conduct for Legal Practitioners (RPC) 2007, and the general customs of the bar.

There are defined instances when the attire cannot be worn by a legal practitioner and these are contained in the RPC which regulates the conduct of lawyers in Nigeria.

#### 3.1 Court room decorum

It is the duty of a lawyer to court to dress well. The rules of professional conduct for legal practitioners provides 'when in court room, a lawyer shall be attired in a proper and dignified manner and shall not wear any apparel or ornament calculated to attract attention to himself'<sup>[21]</sup>. Lord Denning in his book 'Discipline of law', in addressing the general behavior and comportment of a counsel in court, he said, *inter alia*,

Whatever the tribunal, you must give good impression. Your appearance means a lot. Dress neatly, not slovenly. Be well groomed. Your voice must be pleasing, not harsh or discordant. Pitch it so that all can hear without strain. Pronounce your consonants. Do not slur your words. Speak not too fast, nor yet too slow. All these things are commonplace, but they are so often forgotten that I warn you against the mistakes I see made daily. No hands in pockets, it shows slovenliness. No fidgeting with pencil or with gown, it shows nervousness. No whispering with neighbours, it shows lack of respect. No 'ers' or 'ums', it shows your slow thinking, not knowing what to say next. Avoid mannerism like plague, it distracts attention. Don't be dull. Don't be long-winded. All these lose your hearers; and once you have lost them, you are done for; you can never get them back, not as to get them to listen attentively<sup>[22]</sup>.

Justice Oputa, popular for his insistence on maintaining a high standard of behavior for an advocate including his impeccable dress; on the dress and comportment of an advocate in court, he said, *inter alia*.

'I will add that to the advocate, dress definitely does make a difference. Atkins to and complementary with good court manners in the appearance of the advocate. The lawyer appears always neat and presentable. Every great advocate is an actor before a very learned and critical audience. On stage, each actor looks his best. His dress is clean and his appearance well groomed and gratifying. Why should the lawyer-actor be different? Dress in an index of personality. Clean dress habit is just an outward expression of a deep inner trait, a trait which itself underlines clean work, clear pleadings and clean legal battles. It is not therefore asking too much of, or from, our advocates to demand that they pay sufficient attention to their appearance. Clean shirts, white shirts, clean white collars, polished black shoes, and a dark suit that is still serviceable – these are all that is required of an advocate.'

#### Regretting the existing position, he lamented,

'yet still, how often, in our courts, does one witness the ugly spectacles of lawyers appearing shabby and dirty with white shirts, colored brown or off white, with dirty white collars and equally dirty and rumpled bibs, unpolished shoes and a dark suit that is anything but well kept'.

#### He then ended on this advisory climax

'This is not good enough; in any event, it is not a good advertisement for the advocate. Ugly sights repel and the advocate would not wish to repel by his appearance the very court whose attention he seeks to win. Most great advocates paid considerable attention to their court manners, to their comportment in and out of court and to their appearance in court. It pays to do all those<sup>[23]</sup>'.

The proper attire for male lawyers is a combination of: dark suits (preferably black), white shirt (wing collar or white detachable collars), white bib, black socks, black shoes and, striped black trousers may be worn. While for female lawyers they are supposed to appear in: white blouse, dark jacket (preferably black), black skirts (below the knee), black shoes, white collaret, white bib, ordinary gowns, concealed hair and hands.

In both cases, counsel shall wear also a wig and Barristers' gown and refrain from any other apparel or clothing not mentioned above or provided by any regulation made by the bar council or the body of benchers. There should be no embroidery and trimmings of any type and the use of jewelry should be moderate as not to be calculated to attract attention. Failure to comply may deprive a lawyer of the right of audience in the court<sup>[24]</sup>.

Dignity in common lingua may be defined as formality in bearing and appearance, this is required of a legal practitioner in all conducts including dressing.

It is discourteous for a lawyer to remove his robes during a proceeding without the permission of the court. The court

nobility-a-call-against-the-abuse-of-lawyers-robe-by-oliver-omordia/> accessed 13 December, 2021 at 2:40pm

<sup>21</sup> Rule 36 RPC

<sup>22</sup> Lord Denning, *Law of Discipline* (Oxford University Press, 2013) p.8

<sup>23</sup> Orojo JO, *Professional Conduct of Legal Practitioners in Nigeria* (Mafix books 2008)

<sup>24</sup> Dress Code for Lawyers appearing before Courts in the FCT' <<http://www.fcthighcourt.gov.ng/dress-code-for-lawyers-appearing-before-courts-in-the-fct/>> accessed 13 December, 2021 at 4:23pm



may permit a lawyer to remove his robe during proceeding in certain occasions such as excessive hot weather condition where there are no provisions for fans or air conditioners.

Following the September 2020 call to bar celebration, a petition by one B. Inem Esq. titled 'urgent call to redress dress code misconduct and unethical conduct and disrepute to the legal *profession*' was addressed to the chairman, Legal Practitioners Disciplinary Committee, reiterating the respect and sanctity to be accorded to our garb, while emphasizing on rule 45(2) (a) of the rules of professional conduct for legal practitioners. According to Inem-

'The legal practitioners robe/garb which include our wig and gown has been extremely abused and reduced to a non-standard by our colleagues who deem it fit in gross violation of the rules of professional conduct for legal practitioners to wear same along with varying outrageous colors and styles of clothing and further post pictures of this abuse for public consumption... The mischief, the rule above was made to cure was an abuse of the lawyer robe. Such abuse is wanton and uncontrolled. It has been said that the dress a lawyer wears whether in or out the court must be tidy, respectable, and sober; not flamboyant, sadly, this is not the case today.'

Justice W.S. Onnoghen in *Okafor & Ors v. Nweke & Ors* <sup>[25]</sup> said "legal practice is a very serious business that is to be undertaken by serious minded practitioners particularly as both the legally trained minds and those not so trained always learn from examples. We therefore owe the legal profession the duty to maintain the very high standards required in the practice of the profession in this country." This means in the dressing prescribed by the profession; a lawyer can be identified uniquely in a uniform manner with other lawyers when they appear in court <sup>[26]</sup>. The customary and area courts can be referred to as grass root courts. Although, some of these Judges are not legally trained lawyers, lawyers still appear before them. The lawyers do not go to these courts robed but they should be dressed in black suits and black shoes with tie. The Judge may wear traditional apparel.

### 3.2 Exception to the Prescribed Mode of Dressing

The RCP 2007 provides that a lawyer shall not wear the barristers or senior advocates robe when giving evidence in court or when he is conducting his own case as party to a legal proceeding in court <sup>[27]</sup>. In the case of *Fawehinmi v NBA* <sup>[28]</sup> one of the issues for determination was 'whether a party to an action who is a legal practitioner can appear for himself and conduct the case from the bar in a lawyer's robes'. The court held *inter alia*, "that a litigant who is a legal practitioner conducts his case as a litigant, not as a legal practitioner representing himself, the litigant." Thus, a person cannot appear both as party and as counsel for himself. He must elect whether to argue in person or not. There cannot be a mixture of the two characters. When he is

appearing as litigant, his right to appear as counsel is in abeyance.

### 3.3 Outside Court Decorum

#### Formal Setting

Legal practice is not limited to the four walls of a court room, there are other professional settings that requires quite as much sacredness in the manner of dressing and conduct as would be accorded the court. They include the law offices, Arbitrations, meetings, Conferences, Lectures and so on. The preferred dress code for this category would be to wear a suit; in the alternative for women, a gown and a blazer would suffice.

On no account, except with the express permission of the bar council shall a lawyer wear the barristers or senior advocates robe on any occasion other than in court <sup>[29]</sup>. A breach of this rule will amount to misconduct.

#### Informal setting

The old saying 'all work and no play make Jack a dull boy' does not exempt legal practitioners from its principles. It would be sadistic to suggest lawyers dress full corporate when appearing in public at all times. A lawyer must be classy and sassy and must always bear in mind that looking good is good business. Fashion sense is an imperative strategy to propagate your personal brand.

According to business insider, research shows that your appearance strongly influences other people's perception of your financial success, authority, trustworthiness, intelligence and suitability for hire or promotion. The way you present yourself will have a strong impact on a client's willingness to share information with you, pay you a certain fee or hire you altogether.

Therefore, it is imperative for legal practitioners where ever they find themselves, to dress appropriately in a manner that promotes respect for the legal profession as well as enhance the dignity of Nigerian courts.

### 3.4 Taboos

As a lawyer, there are plagues that must be avoided in order not to bring the profession to disrepute, for law is a noble profession <sup>[30]</sup>. Lawyers must avoid the following in their dressing:

- 1. Flamboyant hair-do:** It is undignified of a lawyer to wear very bright colored hair (pink, yellow, purple, red, green, etc.) or hair styles that could pass off for a reggae musician or as ruffraff.
- 2. Excessive jewelry:** legal practitioners are not to over decorate themselves with big ear rings, plenty bangles or wrist band, leg chain, piercings (nose, tongue etc.)
- 3. Bright colors:** The Legal profession is a sober one, hence dull colors are the fabrics of its beauty.
- 4. Sloppy dressing:** Lawyers are expected to look smart in their dressing, rumpled apparels, dirty cloths, missing essential items (belt, cufflinks, button, socks and tie) amounts to sloppy dressing.
- 5. Engaging in public arguments:** It is undignified for a lawyer to engage in needless argument in public, this is

<sup>25</sup> (2007) LPER -241 (SC)

<sup>26</sup> Gupta Pallavi and Shivam Goel. Professional Ethics for Lawyers: 'The Dress Code'. Social Science Research Network (2020).

<sup>27</sup> Rule 45(2)(b) RPC 2007.

<sup>28</sup> (1989) 2 NWLR (Pt 105) 494.

<sup>29</sup> Rule 45(2)(a) RPC 2007.

<sup>30</sup>See "Lawyers' Wigs and Gowns" 7 Northern Ireland Legal Quarterly 225 (1946-1948) available at <https://heinonline.org/HOL/LandingPage?handle=hein.journals/nilq7&div=46&id=&page=> accessed 29th September, 2022.

an act of disrepute and tends to demean the legal profession. Even the most eloquent lawyers must know when to be quite.

6. **Never wear clothing with pictures or writing:** all too often we see civil or criminal clients wearing T-Shirts with sayings on them. Avoid clothing with band logos as well. Even if the pictures or sayings are not offensive or inappropriate, they are still distracting and should be avoided.
7. **Excessive makeup:** if you wear makeup, keep it natural. Skip the bright colors apply it lightly. If you normally use eye makeup, consider water proof brand; emotions can run high during court cases. Keep your finger nails trimmed and bare or painted a light color neutral color.
8. **Piercing:** lawyer should avoid piercings other than a singular pair in the ear lobe.
9. **Tattoos:** lawyers who already have tattoos should make efforts to conceal them. Lawyers should be exonerating themselves from the culture of drawing tattoos.

### 3.5 Rules for lawyer dressing

1. **Dress for the occasion:** A good lawyer dresses for the occasion. This portrays a level of emotional intelligence and sensitivity. It would be out of context for a lawyer to dress corporately for a sporting event.
2. **Have a signature style:** A lawyer's wardrobe reflects his personality. No two lawyers are the same; hence, the need to be distinct in style.
3. **Cut your coat according to your cloth:** this saying prescribes that lawyers should not go out of their budget in shopping for clothing items. Moderation and decency are a part of the professional conduct of a legal practitioner.
4. **Consider one luxury item:** This may include a classy wrist watch or a bag to add spice to taste.
5. **Shoes:** shoes can tell a lot about a person, and as the saying goes 'the shoes make the man'. Lawyer should pay attention to the type of shoes they wear to conform to a certain standard of dignity. Closed toe shoes are the appropriate type of shoes recommended for lawyers. Suede shoes and loafers do not qualify as appropriate shoes for lawyers especially when robbed.
6. **Dress neatly and make sure your clothes fit:** It is important to consider clothing that looks clean, neat and that fits you well. You do not have to buy a new outfit, just be sure that you are meeting these two criteria with what you choose.

### 4. Prospects and Challenges

There is a lot of relevance of the wig and gown, which is commonly referred to the lawyers' robe. In the first instance, it speaks a lot about the lawyer's passion and identity. The court dress provokes intense interest and passions<sup>[31]</sup> The then Lord Chancellor, Lord Irvine, began a consultation by asking what lawyers felt about a dress code that was first introduced in 1714 when the country was in

<sup>31</sup> As was demonstrated in England when Brian Gill, 'sitting of the inner house' (practice note No. 1 of 2014, court session 2014). British broadcasting corporation, 'Judges ditch wigs and gowns for Scottish civil appeals' (BBC News, 17 April 2014). <http://www.bbc.co.uk/news/uk-scotland-27066955> accessed 20 May 2014.

mourning for Queen Anne. That consultation produced what was then the biggest-ever response to consultation issued by his department, but was never ultimately acted on.

When the idea of abolishing wig and gown in Scotland arose in 2002, a faculty of advocates survey of it 440 practicing members found 80% of respondents wished to keep their distinctive court room dress'. The reason being that members felt the strict dress code provided advocates with a sense of identity. This sense of identity is part of the argument for the relevancy and retention of court dress. Court dress provides an *esprit de corps* for the legal profession. Wigs and gowns are similar to the golden threads and battle honours of regiments, connections that link them with the accomplishments of their predecessors. Court dress is the legal equivalent of golden threads and battles honours as 'it represents a positive link with the best tradition in the practice of the law by the independent bar in Scotland'. Roy martin a former vice dean of the faculty of advocates, observed that 'court dress provides advocates, observed that 'court dress provides advocates with an obvious symbol of their professional identity in the mind of the public<sup>[32]</sup>'. In the same manner, the dress code of lawyer has influence in the legal profession<sup>[33]</sup>. For instance, a lawyer will not be heard if he fails to appear on appropriate dress code before a High Court Judge and where his dressing is rough and shabby, he may not be able to secure goodwill from the Court. As it is often said, "you will be addressed the same way you are dressed."

The author will also submit that court dress also instills respect for the law and the courts dress also upholds 'the majesty of the law by setting it apart from everyday business practical benefit one of the most common, yet still important, reasons for court dress is that it is able to 'assist court users including witnesses, to quickly identify staff in a busy environment where other individuals and organizations are also present'. Being able to identify who is who enables the lay participants of the court to better understand what is happening.

In the second place, the dress code for lawyer is symbol of tradition<sup>[34]</sup>. The court dress is a desirable part of the legal process as it provides a sense of identity to its wearers. It also serves to reinforce the dignity of the law. To dispense with something which is instantly recognizable would be of no benefit to the legal profession or the nation as a whole.

Whether the wig and gown are still relevant in the Nigerian Legal system has sparked different reactions. To some, the wig and gown is an inspiration to lawyers, as adorning the wig and gown gives one a sense of satisfaction. Also, it gives respect to legal practitioners, and makes the clients respect the profession when in court because of the regal nature of the attire, to others, the wig and gown

<sup>32</sup> Ibid.

<sup>33</sup> Furnham Adrian, Pui Shuen Chan, and Emma Wilson. "What to wear? The Influence of Attire on the Perceived Professionalism of Dentists and Lawyers." *Journal of Applied Social Psychology*, 43.9 (2013): 1838-1850.

<sup>34</sup> Hanley Rebekah and Malcolm MacWilliamson, "Model Dress Code: Promoting Genderless Attire Rules to Foster an Inclusive Legal Profession." *JCR & Econ. Dev.* 34 (2021): 125; Nosike Co., "The Constitutionality of Lawyers' Dress Code in Nigeria" *Arabian Journal of Business and Management Review (OMAN Chapter)* Vol 2.4 (2012); Cavicchia Marilyn, "This Way In: Bar Leaders Advise on How to Welcome Young Lawyers." *B. Leader* 34 (2009): 12.

distinguishes the legal profession from other professions and from other members of the society. Some are of the opinion that the wig and gown epitomizes authority, formality, dignity and solemnization of the law. It emphasizes on the objectivity of the law and deflects personal attention from the judge. It was also introduced for hygienic reasons.

However, a more authoritative and regulatory provision can be found under rule 36 of the Rules of Professional Conduct 2007 which is very instructive on this. It states that:

36. When in the court room, a lawyer shall
- a. Be attired in a proper and dignified manner and shall not wear any apparel or ornament calculated to attract attention to himself <sup>[35]</sup>.
  - b. Conduct himself with decency and decorum, and observe the customs, conduct and code of behavior of the Court and custom of practice at the bar with respect to appearance, dress, manners and courtesy <sup>[36]</sup>.
  - c. Rise when addressing or being addressed by the judge.
  - d. address his objections, requests, arguments, and observations to the judge and shall not engage in the exchange of banter, personality display, arguments or controversy with the opposing lawyer;
  - e. not engage in undignified or discourteous conduct which is degrading to a Court or tribunal; and
  - f. Not remain within the bar or wear the lawyer's robes when conducting a case in which he is a party or giving evidence <sup>[37]</sup>.

The emphasis placed on the above paragraphs of the RPC 2007 <sup>[38]</sup> shows that issue of dressing in the prescribed manner can be so serious to court and a breach of it is punishable like other professional offences with sanction(s). Notwithstanding the above, there exist certain challenges one which is expensive apparel. It is trite that the legal profession is for the poor. The legal profession today has become a means to an end. Young lawyers especially, may find it challenging to afford a good number suits and good shoes. Often time's young lawyers go for cheap, low-quality dress that may not last long or be as attractive as they should be.

Another is the weather condition especially in Africa. Africa is a hot region, coupled with the problem of interrupted power supply. It would be unreasonable to not consider the fact that lawyers may suffer heat during the summer while dressed completely in lawyer's apparel.

Moreover, the poor power and electricity condition in Nigerian and some other African countries without a consistently functional air condition calls for worry <sup>[39]</sup>. This is inclusive of typical Nigerian courts except in few states and the condition is worse even in inferior courts such as customary courts, magistrate courts, area courts and native courts. Besides, power is needed for laundry activities such as operating a washing machine and ironing. This may serve as a challenge where there is no power to carry of these

activities and a lawyer is left with no choice but to wear his clothing unwashed and/or un-pressed.

## 5. Conclusion

A lawyer is regarded as a noble member of the society, it is only reasonable for lawyers to live up to this reputation by maintaining a high standard of decorum and comportment both in and out of court. The way a person dresses is how he is addressed, how much more, a lawyer.

Justice may be blind but Judges Notice proper attire for court. It is recommended that courtrooms should provide life size mirrors close to the court room where lawyers can observe themselves and adjust accordingly.

While not a fundamental part of the Nigerian legal system, is, nonetheless, an important and desirable feature. Wigs and gowns provide a sense of corporate identity' to the wearer, which, in turn, strengthens the legal profession, as it is able to move forward in confidence and continue to fight for truth and justice for all in society. Hence, lawyers should first see the attire as a means of identity and also with dignity as he is more respected in the attire in court compared to when he is not so addressed <sup>[40]</sup>.

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<sup>35</sup> Emphasis Mine

<sup>36</sup> Supra

<sup>37</sup> Supra

<sup>38</sup> Rules of Professional Conduct 2007, r.36(a), (b) and (f).

<sup>39</sup> See Musa Aliyu Abdur-Rahman and Abubakar Abdullahi, 'Office Buildings in Tropical Composite Climatic Belt of Abuja, Nigeria' Dutse Journal of Pure and Applied Sciences (DUJOPAS), Vol. 4 No. 2 December 2018.

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