



---

## CONVERSATIONS IN THE LAW

---

A WEBINAR SERIES

OCTOBER 6, 2020

## CONTENTS

1. INTRODUCTION	2
2. THE FIRM	3
3. TOPIC	4
4. WEBINAR STRUCTURE	6
5. SPEAKERS	7
6. MODERATOR	10
7. CONTACT US	11

## INTRODUCTION

It is never a bad time to learn about the law, but in these unprecedented times, when new and unforeseen circumstances have taken centre stage, it is more important than ever to be in the know about the law and its implications in daily life.

Experience, they say, is the best teacher and, having founded our practice 35 years ago, the Managing Partner, Awa U. Kalu (SAN) FNIALS, saw fit to draw on his experience garnered over forty-two years at the Nigerian bar to host this Webinar series. Showcasing the brightest legal minds in dialogue, the maiden edition of **Conversations in the Law** celebrates two landmark events for the law firm of Awa U. Kalu (SAN) & Partners: first, we recognise the milestone of two decades at the inner bar attained by our Managing Partner; and second, we felicitate with our Head of Chambers, Egoro Awa-Kalu who marks her fortieth year as a Barrister and Solicitor of the Supreme Court of Nigeria.

Posing the question “Wills & intestacy: Any Wise Choice?”, this year’s webinar will be the first in an annual seminar series designed to reflect on contemporary and historic chapters in our jurisprudence.

## THE FIRM

**AWA U. KALU (SAN) & PARTNERS** has thirty-five years of experience of practice in the Nigerian legal market. Our strength lies in our respect for the finest traditions of the profession and our adherence to the rudiments of legal practice. Our clients at all levels benefit from our vast reserves of knowledge and experience

Our Firm is helmed by **Awa U. Kalu (SAN)**, a senior silk of 42 years cognate experience. Having practised in almost every imaginable capacity in the private and public sector and been instrumental in the drafting of vital legislation which continues to guide everyday conduct in the country, he is a distinguished lawyer for all seasons. He is one of a few senior Counsel who have had experience teaching at university level, been engaged in the public service at federal and state levels, and practised in the private sector. He is also well published in learned journals.

Our team has been or is actively engaged in rendering advice on, and acting in, matters relating to real estate development, employment law, public administrative law, project finance, tax, banking, corporate affairs, public private partnerships, commercial litigation and alternative dispute resolution, among other things. Our forte is advanced civil and criminal litigation in all ramifications.

## TOPIC

### ***Wills & Intestacy: Any Wise Choice?***

It is imperative in any legal discussion to begin with a basic overview of the subject matter. The principal legislation governing testate succession in Nigeria is the Wills Act of 1837. Although common law and equity play a significant role, it is perhaps worthy of note that various states in Nigeria have their respective laws which reflect the unique jurisprudence therein. Other important sources of the law of succession include Islamic law, native law and custom.

However, notwithstanding the existence of a legal framework for the administration of testate and intestate succession, in our society at large, the appropriate mechanism for the settlement of one's property after death, whether a will was made or not, can often occasion conflict. There have been instances, too many to mention, of arduous litigation regarding the inheritance of assets and properties post-mortem. A pungent example is the case of renowned lawyer, F.R.A. Williams (SAN) who died without leaving a will, which led to several law suits which raged on decades after his passing. This scenario and many others similar to it bring to the fore the consequences of intestacy. The example cited also goes to show that the issue of intestacy remains widespread even amongst lawyers. In the same vein, there are instances of improperly or inconclusively drafted wills which leave room for acrimonious contestation that leaves a sour taste in the mouths of all involved and call for timely intervention by legal practitioners.

To avoid full intestacy or partial intestacy, a testator must devise all his assets and properties in a valid will. For a will to be valid, the testator must possess testamentary capacity to dispose of his estate. Additionally, the will must be made voluntarily without any element of undue influence. It must also be in writing and duly executed in accordance with the relevant

legislation. In instances where there is no will, whether owing to the choice of the deceased to submit to Islamic law or the native customs and traditions by which he or she is bound, it is important to clarify the issues which impact on the proper resolution of rights and obligations arising from the disposition of the deceased's assets. In this light, what can be done to ensure that the menace of disputes arising from wills and intestate succession is avoided? Is there any wise choice?

## WEBINAR STRUCTURE

The Webinar will be conducted via the online application Zoom and feature a 3- person panel with a lead speaker and 2 supporting speakers, allotted 12 minutes and 10 minutes respectively, to outline their positions on the foregoing topic. Throughout their presentations, the watching audience will have the opportunity to submit questions from which the moderator will draw a selection for the speakers to answer over a further 30 minutes. The moderator will then call for concluding remarks after which the Host will declare the Webinar closed.

<b>Host:</b>	Awa U. Kalu (SAN) FNIALS
<b>Moderator:</b>	Jake Okechukwu Effoduh LLB LLM
<b>Lead Speaker:</b>	Etigwe Uwa (SAN) FCIArb
<b>Supporting Speakers:</b>	Miannaya Essien (SAN) FCIArb  Chief Victoria Awomolo (SAN) FCIArb
<b>Format:</b>	Opening Remarks (5 Minutes)  Lead Speaker (12 Minutes)  Supporting Speakers (10 Minutes each)  Q & A (30 Minutes)  Closing Remarks (1 Minute each)  Vote of Thanks (2 Minutes)

## SPEAKERS

### 1. LEAD SPEAKER



**Etigwe Uwa, SAN** began his education at the Premier Day School Surulere, Lagos and Olumo Memorial Primary School, Onike, Lagos. He obtained an LLB (Hons) Degree from the University of Lagos in 1989 and was called to the Bar in 1990. He worked as a State Counsel with the Ogun State Ministry of Justice in 1991 and joined the firm of Sofunde, Osakwe, Ogundipe & Belgore, in 1992 as counsel. He left in 1995 to join the firm of F.O. Akinrele & Co. as Head of the firm's Litigation Department and worked there till 1997, when he founded Streamsowers & Co. as the Principal Partner. In 2006 his firm, Streamsowers & Co. merged with Köhn Associates to become Streamsowers & Köhn, where he heads the Dispute Resolution Department. Mr. Uwa is a distinguished Fellow of the Chartered Institute of Arbitrators (United Kingdom) and was conferred in April 2010 with the prestigious rank of Senior Advocate of Nigeria (SAN).



## 2. SUPPORTING SPEAKERS



**Miannaya Aja Essien SAN**, Chartered Arbitrator, FCI Arb., Notary Public is an alumnus of the University of Nigeria, Nsukka and University of Lagos. She obtained her LLB (Hons.) and LL.M. respectively in 1984 and 1991 and was called to the Nigerian Bar in August 1985. She was made a Senior Advocate of Nigeria in 2007, a Fellow of the Chartered Institute of Arbitrators (UK) in 2007 and became a Chartered Arbitrator in 2015.

She is the Managing Partner of Principles Law Partnership ([www.principleslaw.com](http://www.principleslaw.com)) a firm of legal practitioners, notaries public and arbitrators with offices in Port Harcourt and Lagos. She is the immediate past Chairperson of the Section on Legal Practice of the Nigerian Bar Association. She is a member of the adjunct faculty of the Nigerian Law School, Abuja and an approved Tutor of the faculty of the Chartered Institute of Arbitrators (United Kingdom) teaching all aspects of domestic and international commercial arbitration. She is a past chairperson of the Port Harcourt Chapter of the Nigeria Branch of the Chartered Institute of Arbitrators.

She is experienced and actively involved (both as counsel and arbitrator) in the resolution of complex commercial disputes across the oil and gas, construction, commercial, financial and insurance sectors. She acts regularly as party appointed arbitrator or chairperson of various arbitral tribunals. She is on the Board of the Commonwealth Lawyers Association and the Lagos Court of Arbitration.

She is a member of several associations including the Nigerian Bar Association, the International Law Association (Nigerian Branch), the Maritime Arbitrators Association of Nigeria, LCIA (African Users' Council), ICCA and the Lagos Court of Arbitration. She is an Independent Non-Executive Director of Stanbic IBTC

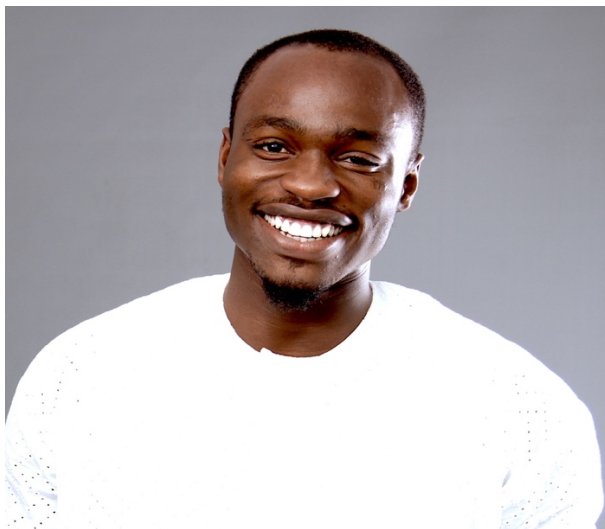
Bank Plc. She has contributed numerous scholarly articles to legal publications, journals and books and is a regular resource person at seminars, workshops and conferences.



**Chief (Mrs) Victoria Olufunmilayo Awomolo SAN**, is a legal practitioner par excellence, a Senior Advocate of Nigeria who has a background in sciences. The motivation for this is her insatiable quest for knowledge which drove her to pursue a degree course in Pure Chemistry at the University of Benin whereafter she taught Chemistry for 10 years at Queen Elizabeth School, Ilorin. she went back to take a second degree in Law at the University of Ibadan where she graduated in 1996. In 1997, Chief (Mrs.) Awomolo (SAN) graduated from the Nigerian Law School Lagos with a Second-Class Upper Division (2:1) and was called to the Nigerian Bar in 1998.

She started her legal practice in the Chambers of her husband and mentor Asiwaju Adegboyega Solomon Awomolo, SAN in 1998 and in 2008, she was promoted to the rank of Managing Partner/Managing Counsel until her elevation as Senior Advocate of Nigeria on 23<sup>rd</sup> September, 2013. It is worthy of note that she is the 14<sup>th</sup> female SAN. She is a Fellow, Nigeria Chartered Institute of Arbitrators and the International Federation of Women Lawyers (FIDA) Regional Vice President (RVP) for West & North Africa.

## MODERATOR



### **Jake Okechukwu Effoduh LL.B LL.M**

Jake Okechukwu Effoduh is a skilled legal practitioner with expertise in dispute resolution, focusing on human rights and regional community law. He has experience in the public sector with the government, in private practice and in the media industry.

He served as the Assistant Director of the Council on African Security and Development (CASADE) for 4 years, where he convened the first ever Summit on National Security in Nigeria. As legal officer of the Presidential Advisory Committee Against Corruption (PACAC), he provided counsel to a think tank under the auspices of the President of the Federal Republic of Nigeria. He is now pursuing his interests in academia.



## CONTACT US

For enquiries, contact

**Erenma Chime**  
**Practice Administrator**  
**e.chime@auklegal.com.ng**  
**08160371636**

Do not hesitate to contact us if you have any further questions.

© AWA U. KALU (SAN) & PARTNERS 2020