

The Future of Legal Profession in Nigeria: Quo Vadis?

1. Introduction:

The legal profession has since time immemorial been regarded as a profession of noble, respectable and highly qualified people that are integrity driven. Constantly therefore, the end users and the entire society seek to relate to the members of the profession on the basis that they are not only professionally sound but are also morally upright.

A high regard for ethical standards and rules of professional conduct is an absolute necessity for success in the legal profession. The founding fathers create a strategy of progressing professionally on the basis of their good names, accountability and transparency. Indeed, they represent the conscience of the society. The rules guiding advancement in the profession provides for character reference.

The legal profession places a high premium on integrity, honesty, decency, dedication and discipline all over the world. A successful lawyer must always represent the high moral values and discipline which distinguishes lawyers in the society. The ethical conduct of lawyers is thus one of the driving forces of the profession that cloaks it with its acclaimed nobility and this is encapsulated in the Rules of Professional Conduct.

The nobility of the legal profession lies in the selfless efforts of the legal community to uphold the ideals of the society and the relentless exertions to serve the society.¹

In looking at the future of the legal profession, it behoves on us to firstly appraise our history to properly understand what have been and successfully plot the chart to the future.

2. Conceptualising Quo Vadis?

Traditionally the word *quo vadis* is a Latin word which has been interpreted variously including what next? Where do we go? What do we expect? Where are you marching? Or poetically whither goest thou? All these questions are pointing at the future and that is the context in which this phrase is used in this paper. What exactly is the future of the legal profession in Nigeria? In which

¹ <https://www.legitquest.com/legal-guide/legal-profession-a-noble-profession> accessed on 16th November, 2021

direction are we expected to be moving? Is it a forward movement or a backward reverse? Since the legal profession cannot be an island on itself it is imperative to analyse the future of this noble and great profession by casting a glance as its past and use that to navigate the future. The question still remains to where? There lies the analogy *quo vadis*?

3. The past exploits of the Legal profession in Nigeria:

To be considered members of a noble profession, lawyers must themselves exude traits of nobility. Lawyers must be alive to their responsibilities in society. In the words of Christopher Sapara Williams of blessed memory,

“A Lawyer lives for the direction of his people and the advancement of the cause of his country.”

Such is the responsibility on lawyers. We are expected to be the lodestar of moral standards and due process. At critical junctures in our national life, lawyers ought to provide direction through dispassionate views, courageous positions and exemplary stands. When the fabric of the society comes under the crushing weight of impunity, lawyers are expected to act as sentinels. In the battle between the powerful, the weak and defenceless, lawyers are expected to provide strength for the weak. Lawyers ought to weigh in against the vices of corruption, oppression, abuse of office; abuse of the rule of law, abandonment of the due process in managing our affairs and like vices perpetrated by those in power and exalted positions with consistency. We are indeed, supposed to be a profession that advances and defends social ideals. Roscoe Pound has actually described lawyers as social engineers. We are unconsciously elevated to a leadership position by society and we ought to show leadership.²

Justice Orojo, a one-time Chief Judge of Oyo State and one of Nigeria's leading jurists, aptly captured the unique role of lawyers in developing societies:

“The Nigerian legal practitioner (as in other developing countries) bears a much heavier responsibility to this society than his counterparts in a highly developed country Nigerian legal practitioners must be able not only to perform their traditional functions of catering for the professional needs of the citizens, of administering justice and manning

² Bridget Edokwe, Are Nigerian Lawyers Still Members of A Noble Profession? Available on <https://barristerng.com/are-nigerian-lawyers-still-members-of-a-noble-profession/> accessed on 16th November, 2021

*the various legal institutions, but they must also be involved in social change; they must be committed to law reform to ensure harmonization of the law with the culture of the people and they must strive to ensure a strict adherence to the rule of law.*³ (Emphasis ours)

In Nigeria, lawyers in private practice have dominated the human rights community championing the position of the down trodden and the voiceless in the society. A significant proportion of the active lawyers is in private practice and earns their livelihood outside the state and its institutions. Members of the profession acting as individuals and the association as a body have been active in all facets of the democratisation process in Nigeria. For example, there were well over 20 military decrees and amendments touching on transition to civil rule. Some of the decrees were challenged by individuals, lawyers, human rights associations and by the Nigerian Bar Association (NBA). In response, the state repealed some of the severely criticised decrees and amended others or imprisoned vocal activists. In 1989, leading Nigerian legal practitioner, Chief Gani Fawehinmi SAN (of blessed memory) was detained for over 5 months because he attempted to organize a conference on finding alternatives to the structural adjustments programme.

In the rights-based litigation that occurred during the military years and then in the post-1999 era, lawyers who were part of those struggles were also members of the NBA. Indeed, in the more famous cases (including the Saro-Wiwa litigation), the NBA had a central role in championing these rights-based claims.

But the NBA also used other tactics. Consider a famous 1984 episode when General Buhari was the Head of State. His regime instituted several draconian decrees, including establishing military tribunals where formal rules of evidence and procedure were not countenanced.⁴ Another decree went so far as to suspend the rights established by the 1979 Constitution.⁵ The latter measure abridged individual liberties and civil rights and curtailed the independence of the judiciary.

³ J. Ola Orojo, *A GUIDE TO THE CONDUCT AND ETIQUETTE OF LEGAL PRACTITIONERS IN NIGERIA*, 1969

⁴ FALOLA & HEATON, *A History of Nigeria*, 2008, at 212-216; See also OKECHUKWU OKO, *PROBLEMS AND CHALLENGES FOR LAWYERS IN AFRICA: LESSONS FROM NIGERIA* 220-221 (2007). at 230-239, 243-250

⁵ Ibid

The NBA decried these orders and staged boycotts and demonstrations.⁶ Its moves galvanized the public, and soon thereafter there were other mass protests. General Buhari's regime cracked down on these activists, but the protestors, including the NBA, were undeterred. By August of the following year, General Buhari was out. Although, there were additional reasons for why he was toppled, the NBA, which had been until that point seen as a stolidly conservative cohort, gained enormous political capital through its defiant confrontation. Even the subsequent General Abacha government could not ignore the NBA. In his early years, General Abacha appointed various lawyers to serve in his government. General Abacha eventually came to revile the NBA, but the fact that the government had to acknowledge the organization demonstrated the capital it possessed.⁷ The NBA under the leadership of late Alao Aka Bashorun was perhaps the most radical with the challenges it posed to the military dictatorship. These actions by individual lawyers and the NBA has succeeded in dictating the pace of democratic growth and development in Nigeria and by extension maintained the continued relevance of the legal profession to the society at large.

Today, the NBA remains an important force within civil society, but it has encountered recent challenges. These challenges are problematic to both the Bar and the Bench and practically stilted the growth of the legal profession in Nigeria. The question is how did we get here? Are there steps that the profession needs to take to restore the confidence of the public in general and the confidence of our clients in particular as the conscience of the society? Then what challenges are been faced by the profession in Nigeria?

4. Challenges of the Legal Profession in Nigeria today:

⁶ Ibid. See also, USMAN A. TAR, *THE POLITICS OF NEOLIBERAL DEMOCRACY: STATE AND CIVIL SOCIETY IN NIGERIA* 75 (2008);

⁷ See OKO, supra note 4, at 227-29 (arguing that there was "political manipulation" on the part of the government vis-A-vis the NBA). See also, Gbenro Adeoye, Nigerian Bar Association Lawyers Know All Corrupt Judges, Lawyers in Nigeria - Falana, SAHARA REPORTERS, (Oct. 22, 2016), <http://saharareporters.com/2016/10/22/nigerian-bar-association-leaders-know-all-corrupt-judges-lawyers-nigeria-%E2%80%93falana> (writing about lauded human rights lawyer, Femi Falana, who recently noted that during the military period when "judges were harassed or lawyers were detained, the NBA leaders would ... [routinely] find out the basis of any arrest. . . . In 1987, Aka-Bashorun [the former NBA president] mobilized 270 lawyers to defend the late [human rights advocate] Gani Fawehinmi. He was fighting a very corrupt military junta. When the same military dictators later charged some of us with treasonable felony, the NBA also defended us. The NBA also rallied round non lawyers like Comrade Balarabe Musa [a leftist opposition leader] and Dr. Beko Ransome-Kuti [a medical doctor and human rights activist] as they were in the forefront of the struggle for the restoration of democratic rule.") accessed on 16th November, 2021

The legal profession is bedeviled with a number of challenges and they have seriously hampered the growth and functionality of the practitioners and indeed the profession. They are myriad and some of them are hereunder highlighted below.

- a) **Corruption:** The word corruption hardly needs any introduction to the average Nigerian audience. Corruption is typified by dishonesty, exploitation or the misuse and abuse of public office, either directly or indirectly, for personal gains or unjust enrichment in negation of due process or established protocol. It is an act that has permeated the entire strata of the society and the legal profession is not an exception. Today, we live in the unimaginable situation of the National Judicial Council (NJC) applying the big stick of dismissing some of our Judges, suspending some, and admonishing others for proven cases of corruption. Moreso, we see cases where lawyers are being accused of being complicit in money laundering cases.⁸ The general perception in Nigeria, most unfortunately, is that the judiciary and in extension the entirety of the legal profession is corrupt. Corruption in the legal profession especially in the bar is a growing cancer and lawyers are supposed to be the main gate keepers against corruption. It is my humble position that this generalization is what I described elsewhere as the black dot on white sheet theory.⁹ Majority of lawyers and the judiciary remain incorruptible and are people of proven integrity but the few bad eggs have actually dented the collective image of the legal profession. The challenge is what is the profession doing to it? I have the privilege of serving as the Chairman of the NBA, Ilorin Disciplinary Committee and what we see on daily basis call for a more serious surgical approach to remove the cancer and cankerworm from the profession. In some other climes, what we condone and overlook as immaterial or not related to legal practice is frowned at. For instance a lawyer was derobed for lying during a job interview.¹⁰
- b) **Favouritism:** Basically favoritism is just what it sounds like; it's favoring a person not because he or she is doing the best job but rather because of some extraneous feature-membership in a

⁸ EFCC Tackles NBA President; Says Nigerian Bar Populated by 'Rogues and Vultures', PREMIUM TIMES (Aug. 27, 2016) <http://www.premiumtimesng.com/news/headlines/209409-efcc> accessed 17th November, 2021, tackles-nba-president-says-nigerian-bar-populated-rogues-vultures.html. For an excellent analysis of the role senior lawyers in the NBA have played in combatting the government's attempts to stamp-out corruption, see Aminu Gamawa, The Fight Against Anti-Corruption Agencies by NBA, FACEBOOK (Sept. 16, 2016), <https://www.facebook.com/aminugamawa/posts/112314568852875:0>.

⁹ Wahab Egbewole, Q. Egbewole and O. Adelokun

¹⁰ See <https://www.courtroommail.com/lawyer-struck-off-for-lying-during-job-interview> accessed 23rd November, 2021

avored group, personal likes and dislikes, etc. Favoritism can be demonstrated in hiring, honoring, or awarding contracts. While entry into the legal practice is still based on some established process and procedure but advancement in the profession is laden with favouritism and it has seriously hampered the progress of the profession as who you know eventually determines what you are in the legal profession.¹¹

- c) **Lack of capacity-** One of the major challenges facing the legal profession is lack of capacity on the part of the practitioners. In my view, this is a function of a number of factors including the dwindling educational standard in Nigeria, the lack of infrastructural facilities, craze for nobility without the prerequisites, the lack of focus of the students studying law and the emergence of social media which appears to have re-directed the concentration of learners to less productive issues.
- d) **Curriculum-** one major challenge that the profession need to critically look into is that of the curriculum that we presently run in the Faculties of Law in Nigeria. It is important to stress that it is the minimum benchmark as put in place by the National Universities Commission (NUC) that faculties administer to the students. Apart from the fact that this curriculum is due for a review, it is also clear that there is need for a more holistic appraisal of the curriculum to bring it in line with 21st century legal training. It is also imperative that the curriculum must be re-designed to equip the students with skills that can stand them a chance in practice. The present regime is grossly inadequate to take the profession to the next level. We must find a way of designing a more sustainable, enduring and home grown curriculum for the training of new entrants into the profession. I adopt the view of Professor Saibu with adaptation to the legal profession that it is a question of choice between “labroghini and *ajagbeejo*.”¹² What we presently have is a labroghini which is one size fits all whereas, we need *ajagbe-ejo* that can be properly adapted to our peculiar circumstances and made functional with a view to making it develop into a more pragmatic and effective learning tool.

5. The Future of the Legal Profession in Nigeria:

The frontiers of legal practice have expanded and will continue to expand as we progress further into the 21st century and the world of today is designed for the 21st century lawyer. In my view,

¹¹ Egbewole, W. “Judex: Hope for the Hopeful and the Hopeless” *139th Inaugural Lecture* of the University of Ilorin delivered on 28th November, 2013

¹² Saibu, Inaugural lecture delivered at the University of Lagos on 18th November, 2021 titled....

21st century lawyer is used generically here to define that lawyer who is willing to adapt and adopt the strategies for survival in this century. It has nothing to do with age and “old” and “new” are deployed to define acquisition of skills for the present time. New areas of practice have and are opening up. New sets of opportunities are emerging, and the style of practice is also changing. Younger elements are introducing fresh ideas. Law is now run more like a business, and the face of legal practice is truly changing. As against the traditionally regular general practice, the following are areas waiting for the 21st century lawyer to explore: commercial litigation and practice; banking and finance; telecommunications; admiralty; aviation; insurance; capital market; oil and gas; property; international economic transactions; constitutional and administrative law; arbitration and ADR; government and its agencies; the bench both at the lower and higher levels; politics; taxation; insolvency; intellectual property; law publication; data privacy laws; data protection laws; cybercrime laws.

a) Embracing **TECHNOLOGY**

21st century more than ever, witnesses that in almost every area of life, technology has permeated and penetrated and playing a vital role towards the improvement of living conditions. It has changed the face of business and relationship and has fundamentally changed the way law ought to be practiced as law is not an exception to this trend. Unfortunately in Nigeria, the practice of law is still devoid of technological advancement. The hard truth is that technology in legal practice has come to stay. It makes legal practice so much more convenient. It is noteworthy that knowledge and proficiency in ICT is a mandatory requirement in the 21st century legal marketplace. These days, clients often communicate through ICT systems and Lawyers must be in a position to access and have proficiency in utilization of ICT facilities. These include video conferencing; advanced document formats for sensitive documents etc. A Nigerian lawyer and indeed any lawyer anywhere in the world must therefore be abreast of latest developments in ICT as it is a requirement for effective use of ICT systems and devices. On the other hand, leadership of the superior and inferior courts of record in Nigeria should start making use of technological means in their various courts. Judges should use tape recorders and stenographers to record proceedings. In Court rooms let there be a database to store the soft copies of law reports and statutes. The typical modern law Firm has done away with typewriters and has state of the art computers, it has stand-by generators and inverters, it is

connected to the internet 24 hours a day and can access information at the touch of a button and through technology, our legal profession will develop with the speed of light. The legal profession must take deliberate, coordinated and conscious steps to get this on board. The present approach in the area of digital practice as foisted on us by COVID-19 though right step but still largely inadequate and may not take us to the level we needed to be.

- b) Refined legal education: In our 21st century, the world has undergone revolution in all spheres, including the legal profession and the role of lawyers in society. Therefore, 21st-century lawyers in Nigeria must positively adapt themselves to the reality imposed by their environment and modernity. It must be understood also that legal practice is now globalised and the market expanded, and as such, a lawyer must be well trained for competition and relevance in the global market place. Equally, in the area of Law that you desire to specialise, you should consider having a specialist training in addition to your basic Law degree. For example, if you want to go into Admiralty or Shipping Law practice, you might consider having a post-graduate diploma or degree in Maritime Law. If you are going to have an edge in Commercial Practice, you might consider having additional training in commercial law, Banking and Finance etc. If you are going to go into Insolvency practice which is one of the new areas that are becoming increasingly relevant, it will do you a lot of good to go for some training such as a post-graduate diploma in receiverships and liquidation. If you want to be a capital market Solicitor, you will have an edge if you go for specialised training in capital market operations, stock-broking etc.
- c) Specialization: New career paths always crop up daily, and funny enough, all these career paths crop up in favour of the young, 21st-century lawyer, particularly one who is tech-savvy. This creates a considerable room for development of core competencies in certain specialized areas: Internet of Things (IoT); Smart Contracts; Data Privacy, Data protection & Cyberbreaches, App developments, Privacy issues, Intellectual property and the current intricate web of areas that interconnect into it); Blockchain technology; Artificial Intelligence (AI) — the list is endless. And there won't be a shortage of same. With increased knowledge and specialisation in the areas above, companies and firms would automatically seek out the savvy 21st-century lawyer who is well versed in these esoteric, specialised worlds to deliver solutions-focused legal advisory services that can protect their businesses from potential liability. It is noteworthy that even though the room for entry into

the specialised zones is open to all lawyers, an older lawyer would think he has a difficult task ahead of him if he/she were to start trying to learn all about new tech and the diverse, complex mechanisms of its workings. A 21st-century lawyer, on the other hand, would find it to be a walk in the park and less challenging than it would be for his older counterpart. As lawyers, we are expected to be ready to adapt and face challenges. Age either biological or professional ought not to act as a barrier to moving to the next level. It may be a lot easier for the younger generation but it is not impossible at any age so long the heart is willing and one is prepared to give what it takes. This will potentially open up a lot of doors if he is willing and able to leverage the knowledge into landing great advisory roles and seats on boards to tackle difficult legal issues.

- d) Intellectual Property: This is tied to the creation of room for more specialisation above. The 21st-century young lawyer can become adept in IP Law and its attendant services, more so than an older counterpart. The reason is simple: with the shift from the conventional system to a flexible, cloud-based system for countless businesses across the globe (with several companies and firms all over Nigeria keying into the trend), Intellectual Property issues have become one of the hottest trending topics of the day. Trademark battles are fought, copyright issues cropping up with dizzying speeds, patents applications coming before the relevant regulatory authorities. . . The list is endless. And not only are these happening; businesses and firms are also aggressively seeking out the services of IP-competent lawyers who can develop legal and protective frameworks for their companies to protect their Intellectual Property against shady employees and competitors.

Amazingly, the 21st-century lawyer who leverages Intellectual Property knowledge would be more adept at handling Intellectual Property matters than an older counterpart. The reason isn't far-fetched. Intellectual Property ties to Technology; IP issues crop up mostly and almost exclusively about tech. Thus, they require lawyers who are Tech Natives to handle them, to wit: a 21st-century lawyer who has gained a working mastery of tech systems and the inter-connectivity between IP and tech.

- e) No Location Barriers: The world of today power via the Internet and people are brought closer and closer together as physical barriers become broken with faster Internet speeds, newer gadgets and better services. So, even though the 21st-century lawyer may lack long experience and physical office space, he is hugely more advantaged than his older

counterpart, which relies only on the persons within his physical location to transact. Young lawyers of today are transactional lawyers, handling complex commercial and contractual transactions for firms and businesses across jurisdictions without ever leaving their physical homes. They manage Online Dispute Resolutions (ODR) as online mediators; they interact and collaborate with Lawyers across other jurisdictions to pen down business-focused white papers, articles, newsletters and the like while throwing their names out to the broader world and being regarded as authorities in their fields. In other words, they have the world as their playground. All they have to do is to leverage the power of the keyboard and other communications media to break barriers.

- f) Online Marketing and Platforms: As recently observed, the highest-earning lawyers are not necessarily those that know the Law, but those that can market themselves to attract the type of clients they want for their law practice. Many new-generation lawyers are certified digital marketers, and one would (scathingly) wonder why a lawyer would descend into the digital marketing arena. They do it so they can gain deft knowledge of the digital sphere, understand online marketing fundamentals, and gain exposure to the best digital platforms that can further drive their names and push their brands to the outside world that may be potentially in need of their subject matter expertise in different areas of the Law. And, because the 21st-century lawyer is a Tech Native, the transition into digital marketing and available platforms become seamless, and all for minimal cost too, in return for potentially huge returns over the passing years. Can we still afford to practice our profession the way the Legal Practitioners Act has defined it for us? I am not oblivious of the current engagements by the National Assembly to amend laws regulating the profession, the question I ask most humbly is are these proposed amendments ambitious enough for the future we envisage for our profession? Your answer is as good as mine. Let me leave us to continue to contemplate that future. That indeed is the *quo vadis*.
- g) Data Protection Law: Unfortunately, unlike other countries that seek the protection of their citizens' data, Nigeria completely lacks a comprehensive data protection law. So many people in the business/corporate world have noted this down. Many lawyers who are the ones that pen down legislations are entirely oblivious of the full meaning and implications of data protection, particularly as it pertains to the collection and use (both by the initial data collecting firms/web sites and third-party affiliates) of individuals' personally

identifiable information (which includes names, addresses, IP addresses, browsing preferences & online behaviour patterns), geo-location tagging, and a whole host of other potentially commercially viable information being utilised as Big Data or Small Data by the firms that operate the Sites where all this information is collected. These challenges are further compounded by the fact that all agencies are requesting for data without any form of data protection strategy in place. It is important to stress that this should become an area that legal practice must focus to re-direct our country from reaching the brink. Our data are vulnerable, the Nigerian state has nothing in place to secure them but *onilu ni kii fe ko tu* (the owner of a town must protect it).

A 21st-century lawyer who is well-grounded in technology will understand all the factors above and can come up with comprehensive data protection guidelines for Nigerian government parastatals, e.g., the Nigerian Communications Commission. They can also draft laws in this direction, something their older counterparts will most probably be unable to do because of lack of skill and technical knowledge in that respect. Furthermore, there is a new guideline that has been the major talk in legal circles around the world known as the General Data Protection Regulation (GDPR), which was set in place by the European Union. It is the most significant change in data protection in the EU within the last 20 years, set to impact countless countries around the world when it came into force in May 2018. Unfortunately, only a few lawyers understand the GDPR and its full potential sphere of influence, and it is the few that understand it that can leverage it as a fantastic opportunity for their career to provide stellar advisory services for corporate clients whose businesses cut into the EU.

h) Biotech and Food Technology

Numerous inventions are up in the areas of biotechnology and food technology both within and outside Nigeria. These inventions come in the innovative processes, and with the increasing development of food technology as a high-end export industry, firm reliance on intellectual property attorneys become essential. Protecting all these innovations is the first step to take. The skilled 21st century lawyer can take advantage of this area (provided such lawyer trained in intellectual property protection), providing patents/trademark applications as needed, facilitating the licensing of already secured trademark, watching

already deployed services and managing intellectual property portfolios for clients in the agri-business, all to the exclusion of his older counterpart.

6. Relevant Skills for the Future of the Legal Profession:

- i. In remaining relevant to the society, legal practitioners must actively amass 21st century skills that will help them remain relevant to the emerging society. One of the best ways a 21st-century lawyer can succeed in the legal profession in Nigeria is specialised practice. Indeed, there is increased demand for specialisation in the area of training in the global legal services sector that requires multidisciplinary skills, for instance, a decent knowledge of accounting and finance, taxation, cyberlaw, telecom in order to have a basic understanding of corporate government and money market is important.
- ii. Also important is the need to collaborate or embrace partnerships. The era of a sole proprietorship practice is rapidly fading away and lawyers much as a matter of survival and continued relevance embrace partnerships in the legal profession.
- iii. It is further recommended that to overcome the challenges of the 21st-century lawyers in Nigeria, the academic and professional curricula have to be redesigned. At the academic level, the law libraries should be equipped with legal resources and all the ICT equipment in the law office including scanning machines, computers and intercoms. Thus, training on how to use these ICT tools is vital.
- iv. Also, new less developed areas of Law such as ICT, Telecom, Cyberlaw, ADR, intellectual property, piracy law and Data protection laws and clinical legal education courses should be expanded and made compulsory for all law students. In addition, law clinic should establish linkages with some reputable law firms so as to enable the student to have early exposure to practice while in school. These will conversely develop the Nigerian jurisprudence on these emerging areas of law and position the society to be proactive and not reactive in dealing with these new areas of law.

Conclusion

The way to the future of the legal profession is to bring legal practice to follow the trends in the society. Since law cannot be an island, the laws guiding the society must factor the goings-on in such society. The future of law practice in Nigeria is bright, hopeful and radiant but this is for the positive and the one that has properly positioned himself or herself for this bright future. It may be bleak and spell doom if enough preparations are not made. It is a battle for the swift and intelligent. To survive, we must be prepared to work smart and not necessarily work hard. In Nigeria, we are wired to be adaptable to changes and it is clear that the lawyer is also trained to always be able to think on our feet. Time will tell.