

Chinuru Achinewhu

Law Practice and Education in Nigeria: The Importance of Technology

Abstract

Technological revolution has continued to permeate all aspects of society. Its roles and impacts cannot therefore be overemphasized. Nevertheless, the roles of technology in law practice and law education in Nigeria have not received considerate research attention. The aim of this paper is to fill this gap by examining law practice and education in the context of the roles technology plays. The doctrinal research method was adopted. The paper found that Section 1 of the Act established the Council of Legal Education and vests it with the responsibility for the legal education of persons seeking to become members of the legal profession. The role of technology in law practice includes documentation of client's instructions, case management, file management, personnel data management and the documentation of accounts of the law firm, research, filing of court processes and virtual court sittings. Similarly, technology plays important roles in law education including research and teaching aids. However, the integration of technology faces several challenges such as inadequate regulatory framework, inadequate infrastructure, lack of funds and technological illiteracy. The paper concluded that addressing the challenges will be critical to enhancing and expanding the roles of technology in law practice and education and that without a strategic long term approach, the roles of technology in law practice and education in Nigeria will remain very insignificant and slow to sustainable growth.

Keywords: technology, legal education, legal practice, law

Introduction

Human society has been dynamic as well as evolutionary. In its early stage often referred to as the state of nature, human society was theorised to be nasty, brutish and riotous. The State evolved as an institutional necessity to secure social, economic and political order by balancing the competing and often conflicting interests within the society (Freeman, 2008, p. 108). Here, the organised coercive power of the State which is exercised through the government is employed to regulate human actions either through prescription or prohibition of certain conducts.

Over time, three related instruments have remained consistently crucial in the effort of the State to uphold orderly human society. They are law, education and technology. The law provides the fundamental social framework without which there can be no order. Education on the other hand plays a pivotal role in the acquisition and transmission of knowledge including expected codes of human conduct (Ehiamezor, 2005, p. 260). Relatedly, technology is employed to address human needs and enhance the standard of living (Gabriel, Fagbenle & Jaja, 1998, p. 14). This paper examines law

practice and law education in Nigeria in the particular context of the roles and importance of technology, either in the promotion of law practice or law education.

Conceptual framework

Law

Law may be defined as the regime that regulates human activities and relations through systematic application of the organized force of the political society. It includes the aggregate of legislations, judicial precedents and legal principles which provide authoritative foundation for legislative, executive, judicial and administrative actions (Freeman, 2008, p. 962).

Law practice

Law practice incorporates the totality of the professional business of a legal practitioner in rendering legal services in return for profit. Within this field of law practice are specific areas such as legal drafting, advocacy in courts, corporate compliance, legal advice and dispute resolution. Law practice may be divided into two: public practice and private practice (Oluwatoyin, 1998, p. 7).

Education

Education is the formal process and institutional arrangements of acquisition and transmission of knowledge. It is a social good which promotes the overall development of a person. It is the corpus of instruction and social ethos, which hinge on the acquisition of abstract ideas, which makes for a refined mind and the acquisition of skills (Ehiametalor, 2005, p. 260).

Technology

Technology is the practical application of science to produce goods and services. That is, the practical transformation of scientific knowledge to use (Gabriel, Fagbenle & Jaja, 1998, p. 14).

Law practice in Nigeria

History of law practice in Nigeria

Law practice in Nigeria was a direct product of British colonial rule. Nevertheless, there is evidence that in pre-colonial traditional societies, there were persons who acted as advocates in traditional arbitral proceedings.

The first legal instrument which laid the framework for modern law practice in Nigeria was the Supreme Court Ordinance of 1876. Section 71 of the Ordinance empowered the Chief Justice of Nigeria to admit and enrol persons to practice as barristers and solicitors, persons who have been admitted to so practice in Great Britain, Ireland, Dublin and Edinburg. In addition, under section 72 of the Ordinance, a person who has served for a continuous period of five years in the office of a practicing barrister or solicitor may be admitted to practice provided the person passes the relevant examinations.

The Supreme Court Ordinance of 1943 was enacted and it repealed the earlier 1876 Ordinance. Pursuant to the 1943 Ordinance, the Supreme Court (Civil Procedure Rules 1945) was made which set new qualifications for entitlement to practice law. For instance, order 16, rule 1 of the Rules provides that a person aspiring to practice law in Nigeria must first qualify as a barrister or solicitor in England, Ireland or Scotland.

However, this system of qualification could not meet the peculiar needs of the Nigerian environment (Ojukwu, 1997, p. 91).

Consequently, in April 1959, the Committee on the Future of the Nigerian Legal Profession was set up. The recommendations of the Committee included setting up indigenous system of legal education (Okoye, 2015, p. 8).

Based on the above recommendations, the Council of Legal Education established the Nigerian Law School in 1962 although academic activities started in 1963. The Legal Practitioners Act and the Legal Education (Consolidation, Etc) Act provides the current framework for the regulation of law practice and law education in Nigeria.

Entitlement to practice law in Nigeria

Section 2(1) of the Legal Practitioners Act provides that a person shall be entitled to practise as a barrister and solicitor if, and only if, his name is on the roll. The roll is a register of all persons called to the Nigeria Bar. However, by section 2(2), the Chief Justice of Nigeria may allow a person to practice for the purpose of a proceeding.

Entitlement to practice law is limited by rules 7 and 8 of the Rules of Professional Conduct for Legal Practitioners 2007. Both rules when read in community generally prohibit a lawyer from doing the following:

- i. Practice any other profession at the same time with the practice of law;
- ii. Engage in the business of buying and selling commodities;
- iii. Engage in the business of commission agent;
- iv. Engage in business which is incompatible with law practice or undermines the high standing of the law profession;
- v. Practice of law while in salaried employment.

Governing bodies in the legal profession

The practice of law in Nigeria is governed by some bodies. Section 1 of the Legal Practitioners Act established the General Council of the Bar which is charged with the general management of the affairs of the Nigerian Bar Association. The Bar Council consists of the Attorney-General of the Federation, who is the President of the Council, the Attorneys-General of the States and twenty members of the Nigerian Bar Association. Another crucial body is the Body of Benchers. It is established under section 3 of the Legal Practitioners Act. Membership includes the CJN, and all the Justices of the Supreme Court, President of the Court of Appeal, Attorney-General of the Federation and Minister of Justice and the Attorneys-General of the States of the Federation among others.

There is also the Legal Practitioners Disciplinary Committee which was created by section 10 of the Legal Practitioners Act. It is a committee of the Body of Benchers charged with the responsibility of quasi-judicial determination of charges brought against legal practitioners in their professional capacity.

For instance, in *Okike v LPDC* (15 NWLR, 2005, Pt. 949, p. 471) a legal practitioner was debarred for misappropriating his client's money and this debarment was upheld by the Supreme Court. The Nigerian Bar Association is a mandatory association of all legal practitioners.

Law education in Nigeria

Law education is as important as the role which lawyers play in the society. This is because the quality of law education determines to a large extent, the quality of the

lawyers and that of the judges. Legal education therefore is at the nucleus of law practice in Nigeria. The Legal Education (Consolidation, Etc) Act regulates legal education. Section 1 of the Act established the Council of Legal Education and vests it with the responsibility for the legal education of persons seeking to become members of the legal profession.

The Nigerian Law School which is run by the Council provides the qualifying training which entitles a person to be admitted to the Nigerian Bar. However, a person must hold a university degree in law to be admitted into the Law School. Education at the Law School is divided into Bar part one which is a preparatory course for persons who obtained their law degrees outside Nigeria. The bar part two is for all aspirants to the Nigerian Bar (Chinwo, 2006, p. 206).

The roles of technology in law practice in Nigeria

Technology plays different and important roles in law practice. For instance, technology is used in documentation. This includes the instructions of clients, case management, file management, personnel data management and the documentation of accounts of the law firm (Oye, 2012, p. 1).

Technology particularly ICT also provides a platform that enhances law practice. For instance, direct interaction and direct client interview can be done remotely. In addition, virtual meetings, negotiations and disputes can be resolved remotely. Flowing from the above, most transactions are concluded and documented electronically. Accordingly, electronic generated evidence has been very popular in law practice (Lawan, 2011, p. 97). Section 84 of the Evidence Act 2011 provides for the admissibility of computer generated evidence.

Askew (2012, pp. 454-455) observes that technology has made law practice easier through the automation of different aspects of law practice which results in efficiency. For instance, in the Rivers State judiciary, filing of Court processes are done online through automated process. This includes automated assessment of filing fees, online payment, stamping and assignment of cases. Furthermore, except for originating processes, all other processes are served electronically.

Another important role of technology is in law reporting. Unlike hard copy books, electronic law reports such as Lawpavilion can be accessed from anywhere even from phones. This obliterates the need to carry a mountain of books around. Thus, technology enhances legal research. Technology also allows for remote virtual court sittings which was popular in Nigeria during the Covid-19 pandemic. Here, a lawyer could conduct court room litigations without having to be physically present in court. Examination and cross examination of a witness can also be done remotely. Courts also use stenography machines which make taking oral evidence of a witness easier and faster. Other roles and uses of technology in law practice include automated document review, risk assessment, prediction of case outcomes and due diligence reviews.

The importance of technology in law education in Nigeria

Education involves acquisition and transmission of knowledge. Within the process, the flow of information is therefore crucial. In this information flow, technology has been most useful. First, technology allows lecturers and students to access information with ease. Several formats of online based materials enable this free flow of

information. They include electronic books, e-journals, online academic forums, and electronic library (Madhumay & Ravi, 2013, pp. 9-21).

Technology enables the use of visual aids, audios and videos in the lecturing process thus enhancing understanding. The method adopted in Law School is to give out students handbooks in which the content of a subject are stated in outline. The Council of Legal Education places emphasis on the use of interactive teaching methods and clinical approaches such as simulations, role plays, video clips, and legal aid clinics. These are promoted using technologies such as projectors (Ojukwu, 2019, p. 18).

In fact, technology runs through the entire fabric of Law School experience. First is application for law which is currently done online. The registration process is also fully automated. Examination questions are also transmitted electronically to the various campuses of the Law School. Technology also aids data management by the Council of Legal Education. Law students also widely employ technology in research. This includes sourcing for materials for assignments, case reporting, and submission of assignments and for other related purposes. The employment of technology therefore makes the learning process easier and cheaper.

Challenges of the use of technology in law practice and education in Nigeria

The employment of technology in law practice and education faces several challenges. There is no adequate regulatory intervention or incentive to promote widespread integration of technology into law practice and law education. Accordingly, in Nigeria, penetration of technology in the above regards has been very slow. The Nigerian environment is generally risk adverse particularly the legal profession which has a culture of upholding traditions of the bar. Acceptability of technology is therefore low and without effective regulatory intervention or incentive, the pace of technologically integration will remain slow.

There is also the problem of inadequate infrastructure to sustain integration of technology in the law practice and law education. Internet connectivity still fluctuates frequently. Electricity supply remains irregular in Nigeria. These are fundamental infrastructure necessary to sustain technology in law practice in education. However, the inadequacy of this infrastructure is a serious challenge to technology in law practice and education. For instance, the Rivcomis online platform for filing court processes in the Rivers State judiciary has been known to breakdown in many occasions thus making it impossible for lawyers to access their accounts to file processes. Another instance is the challenges faced by virtual court sittings during the Covid-19 pandemic. Network fluctuations and power outages frustrated the potential gains which virtual court sittings would have brought in the Nigerian legal practice.

Relatedly to the problem of inadequate infrastructure is the lack of effective funding mechanism to promote technology in law practice and education. The Nigerian Bar Association does not have any funding arrangement for technological development for the benefit of lawyers. Similarly, the Council of Legal Education lacks an effective revenue framework to develop technologies for the benefit of law students. This financial gap results in a consequently technological gap in law practice and education.

Another major challenge to the use of technology is the low level of technological/digital literacy among lawyers and law students. Senior members of the Nigerian legal profession are the most affected. This cuts across both the bar, bench and law lecturers. As a result of this low literacy level, they are not able to appreciate and utilise technology

effectively. This also contributes to the general reluctance of the legal profession in Nigeria to accept technology. It is therefore not surprising that even the introduction of electronic voting by the Nigerian Bar Association has resulted in poor voter turnout compared to manual voting methods (Matthew, Joro & Manasseh, 2015, p. 17).

Conclusion

The pace of technological advancement is unpredictable, so are the effects which technology will have on law practice and law education in Nigeria. Nevertheless, the roles of technology both in law practice and education in Nigeria cannot be denied. However, the legal profession in Nigeria is still unable to take full advantage of the technology to enhance law practice and law education. This inability is due to the several challenges which militate against widespread integration of technology into law practice and education.

Addressing the challenges will be critical to enhancing and expanding the roles of technology in the above two regards. In addition, there is need for legal education to properly align with technological advances. This can be achieved through the widespread employment of technology in the teaching process. This will enhance learning while equipping the law graduate to function effectively in a technologically driven law industry. Without such strategic long term approach, the roles of technology in law practice and education in Nigeria will remain very insignificant and slow to sustainable growth.

Recommendations

In order to address the challenges to integration of technology in law practice and education in Nigeria and to enhance the roles of technology accordingly, this paper recommends as follows:

1. The National Assembly should amend the Legal Education Act to introduce mandatory introductory courses to technology at the Nigerian Law School. This can be integrated into the Law in Practice and Professional Skills course offered at the Nigerian Law School. In addition, certificate of proficiency in computer operations including micro-soft office, excel, publisher and internet should form part of admission requirements to the law school.
2. The Nigerian government should fund and promote infrastructural development in the technology sector and particularly information and communication technology. This should include enhancing the reliability and affordability of internet connectivity, electricity security and ability of students to access technological gadgets such as computers. These will provide the needed infrastructural foundation for advancement technology in law practice and law education in Nigeria.
3. The Nigerian government through the Council of Legal Education, in partnership with the Nigerian Bar Association should develop and implement a funding mechanism for technological development and deployment in law practice and education in Nigeria. This can be done through a percentage of all fees paid by aspirants to the Nigerian Bar and a percentage of all practicing fees and bar dues paid by legal practitioners in Nigeria. This fund can then be

directed towards the acquisition and diffusion of modern technologies in the law industry.

4. The Council of Legal Education in conjunction with the Nigerian Bar Association and the Judicial Service Commission (both at Federal and State levels) should undertake ICT and relevant technological trainings for law students, lawyers and judges respectively. This will bridge the literacy gap in the use of technology and thereby promote its employment in the legal profession in Nigeria.

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Chinuru Achinewhu, Lecturer, Rivers State University, Nigeria