

THE FUTURE OF PRACTICE IN NIGERIA

“The essence of our lawyer’s craft lies in skills....in practical, effective, persuasive, inventive skills for getting things done”

... Karl Llewellyn

From the foregoing it is imperative that what lawyers provide is a service- **Legal service**. For service to be effective it has to be efficient, competitive and less counter-productive; in other words, professionalism has to be brought into the profession.

Call List

Firstly the Supreme Court in conjunction with Nigerian Law School and the Nigeria Bar Association should compile a comprehensive list of **all** members of the Nigerian Bar (both living and dead). This list would be on-line (on a Nigerian Lawyers’ website) with each lawyer assigned a call number by virtue of his position in the Supreme Court Register.

The list is to be regularly updated, clients and the public would be encouraged to look up their legal practitioner’s names thereon, the benefits of this are multi-faceted; the NBA will be able to keep track of those who are in default of its dues, levy appropriate sanctions and eliminate the occurrence of quacks.

This list will contain the present status and place of employment of each lawyer and a distinction shall be drawn between lawyers engaged in the practice of law, who would be issued seals (and for purposes of this essay shall be called **Legal Practitioners**) and those employed in other occupations, so that only legal practitioners would practice law and thereby avoid a situation where lawyers employed in other occupations provide legal services to the detriment of legal practitioners.

Further to this, all legal documents will contain the call number and seal of the legal practitioner. Any legal document failing to comply with this requirement shall not be accorded validity unless a compliance fine is paid (this fine will be equal to the fees chargeable on the document or such other sum as may be appropriate in the circumstance).

Advertisement

An essential aspect of any service that is to be provided to the public is that the public should be aware of the service and have a number of options to choose from.

Short of erecting a billboard-sized signboard on a major thoroughfare, the only form of publicity that a self respecting legal practitioner can get is when high profile cases in which he is involved get reported by the Press; but such cases do not come up every day and there is only so much the Press can report, it is therefore vital that legal practitioners’ services are advertised.

However to avoid a situation where the profession is denigrated by tasteless advertisements, a basic format would be approved by the Body of Benchers with the requirement that the advertisements must be sober and contain only the name of the firm, area(s) of competence/specialization, phone number(s), office address and e-mail/web-site addresses.

Lawyers should be allowed to advertise only in the print media, and adverts in dailies should coincide with the “law-day” editions. Adverts should not contain photographs of the legal practitioner(s) or details of previously handled cases.

While exaggeration of ability is typical of advertisements, it would be noted that a good product will sell itself once brought to the notice of the public and no amount of hard sell can make up for lack of competence.

Efficiency

Efficient service is essential to professionalism and if clients are reluctant to pursue legal remedies because of the uncertainty or delay involved then the legal profession is the greater loser for it if a large proportion of the incidents that could otherwise result in medical malpractice, personal injury, product liability and small claims are not brought before the courts. And while alternative dispute resolution (arbitration, formal mediation and negotiation) should be encouraged, our legal system no doubt loses from the non-trial of these cases.

To aid the quick dispensation of justice and booster public confidence in the judicial system there should be greater efficiency in the legal process, to this end all superior courts of record should be equipped with digital recording devices which automatically record and transcribe proceedings, by so doing the rigors and delays associated with the judge taking down proceedings in longhand would be eliminated.

The civil and criminal procedure laws should be revised to ensure prompt dispensation of justice. Cases should be given timetables that would be followed as strictly as possible and while there is the risk of justice being sacrificed on the altar of speed there is the even greater danger of justice delayed being justice denied. Discretion should be accordingly applied in all instances but cases should as much as possible be concluded within 12 months at the courts of first instance.

To this end, oral submissions should be limited to the simplest of applications and written addresses/arguments should replace endless hours of postulations and verbal posturing, because in the final analysis the oratorical theatrics would still have to be reduced to writing, and if it does not make sense on paper it would not make sense in law no matter how good it sounds to the ears.

Also judgments of all superior courts of record should be reported as this would lead to greater scrutiny and no doubt affect the quality of judgments delivered.

In taking advantage of the digital age all court processes should contain the e-mail addresses and telephone numbers of the counsels and the court so that information can be promptly passed across thereby saving useful man-hours that would otherwise have been wasted if for any reason a matter cannot go on.

Reputable law firms should be allowed to serve processes themselves thus eliminating the bottlenecks associated with the bailiffs’ failure/refusal to serve processes.

Remuneration

These days it is not unusual to find shabbily dressed legal practitioners trudging the streets, although it is arguable that the cloak does not make the monk, it is doubtless that a shabbily clad monk no matter how pious would evoke derision rather than awe.

To this end a national minimum wage should be fixed for legal practitioners, any principal who is unable to pay such should either employ a junior on part-time basis or cut down on the amount of unprofitable work he collects because surveys of law practices have shown that 80% of the fees is generated from 20% of the clients.

The Legal Practitioners Remuneration Act should be revised to accord with present day realities like appearance fees (a reasonable proportion of which should go to the legal practitioner who appears in court), fees par task, *ad valorem* fees for preparation/review of legal documents etc.

It is of utmost importance that legal practitioners are adequately remunerated because we have lost and are still losing some of our finest talents to other occupations/professions.

Tertiary level

At the tertiary level, the classification of degrees into 1st, 2nd, and 3rd and pass categories should be abolished. Rather the pass mark for law courses would be 50% and grading will be computed into distinction, pass and fail categories. The Gross Percentage Average (GPA) would be an average of the actual scores and excellence will not be compromised as outstanding students shall be accorded due recognition.

Also considering the fact that words are the currency of the legal profession a subject such as Legal Drafting would be taught in the final year of the university program, this would no doubt improve the quality of documents emanating from legal practitioners.

Public Service

According to Roscoe Pound we pursue a learned art as a common calling in the spirit of public service – no less a public service because it may incidentally be a means of livelihood.

Our prisons and police cells are overflowing with awaiting trial detainees and suspects of different shades.

To this extent, the responsibility lies on us to provide pro bono services in deserving situations especially to those who are at the short end of the stick of our civil and criminal justice system, in pursuance of this, the NBA should ensure that legal practitioners undertake these cases on a regular basis.

Conclusion

Lawyers are the “priests” of this age, the select few who interact with and decipher the unseen, incomprehensible “god” that is the body of laws, rules and regulations that govern the normative aspects of human and business relationships. It is therefore essential that the “priests” maintain their piety (in this case, professionalism) if not they and their “god” lie in danger of being consigned to the backwaters of reverence.

Godwin Tom-Lawyer©

Godwin Tom-Lawyer is a partner in Lex Primus, a Firm of Barristers and Solicitors with offices in Lagos and Abuja.
Email: godwintom-lawyer@lexprimus.com