NIGERIAN BAR ASSOCIATION
SECTION ON LEGAL PRACTICE

SLP Newsletter

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FAREWELL MESSAGE FROM OUTGOING CHAIRMAN

Dear Colleagues,

As I come to the end of my tenure as Chairman of our distinguished Section, I find myself reflecting on a journey that has been nothing short of extraordinary. It has been an immense honour to serve the NBA-Section on Legal Practice (NBA-SLP), and I am deeply grateful for the trust, collaboration, and shared purpose that have defined my time here.

These past two years have been marked by excellence, growth, and an unwavering commitment to the ideals of our noble profession. When I first assumed this role, I knew the road would be challenging - but I also knew it would be rewarding. Together, we have navigated change, embraced innovation, and built something truly remarkable. The milestones we have achieved are a testament to the strength, resilience, and brilliance of the people behind them.

Leadership and teamwork are a symphony of voices, ideas, and actions. I am proud to have played my part in this symphony, and I leave with full confidence in the future of NBA-SLP. The baton now passes to capable hands, and I trust that the next chapter will be even more inspiring.

We have made significant strides in promoting academic and professional standards for lawyers, aligning our programs with international best practice whilst respecting the conservative nature of our profession. We have honoured excellence, celebrated our members, and expanded our reach through the tireless work of our committees.

To my fellow members of the Executive Committee- Folashade Alli SAN, Otunba 'LaoluOsanyin, Omubo Victor Frank-Briggs, Orowhuo Okocha PhD., Stanislaus Nwadike, Chief Ferdinand Orbih KSG SAN FCArb, Prof. Augustine Agom, Sir Steve Adehi SAN and Paul Harris Ogbole SAN, I thank each and everyone of you for your wisdom and partnership. I also want to thank the Committee Chairmenand their teamswho have consistently held series of programs –

OBJECTIVES

The objectives of the Section as stated in Article 1 of the Section Bye laws are: -

- To promote the exchange of information and views among members of the Section and other likeminded bodies as to the laws, practices and other procedures; affecting the Section locally and internationally;
- To assist members develop and improve their legal services to the public;
- To undertake such related activities as may be approved by the Section's Council from time to time;
- To promote and provide Continuing Legal Education

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From the Chairman Continues...

- Isaiah Bozimo, SAN(ADR) developed a draft on "**Model Practice Directions on Court-Connected Mediation,** one major workshop and webinars.
- Oluseun Abimbola, SAN (Constitutional & Administrative Law), and Chairman of the Electoral Committee.
- Folashade Alli, SAN (Law Firm Management) held 3 major webinars.
- Nancy Obinwa (Family Law & Human Rights)held 3 major webinars.
- Tonye Krukrubo, SAN (Litigation) held one major workshop and webinars.
- Otunba 'LaoluOsanyin (Medicine & Law) launched the monthly Healthcareseries
- Fernandez Marcus-Obiene (Technology & Law) launched the SLP Tech Guidelines for the Use of AI in the Legal Profession in Nigeria, Guidance Note on the Implementation of Information Technology Solutions for Law Firms & Legal Departments, Privacy Guidance for Lawyers in Nigeria and weekly Tech Series.

To our dedicated staff - thank you for your tireless efforts and unwavering commitment. To our stakeholders and broader community—thank you for believing in our mission and walking this path with us. It has been a delightful and humbling season of service. I am grateful to each one of you - for your trust, your collaboration, and your encouragement.

As I hand over the reins to Mrs. Folashade Alli, SAN, our esteemed Vice-Chairman, I do so with confidence and optimism. This transition marks not just a change in leadership, but a reaffirmation of continuity and purpose. Mrs. Folashade Alli SAN brings with her a wealth of experience, a treasure trove of wisdom, and an unwavering strength of character. I am certain she will lead with distinction and vision. I offer her my full support and trust that under her stewardship.

With profound gratitude.

Boma Alabi, OON SAN
Chairman, NBA-SLP

LEGAL PERSPECTIVE TO PRIVACY INVASION ON SOCIAL MEDIA

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1.0 INTRODUCTION

Many would like to consider the invention of the internet as an amoral reality not inherently bad and not inherently good, but a product of what one chooses to make of it. Like every other amoral reality, we have seen both positive and negative uses of the internet in drawing us closer to one another and eroding boundaries, that until now, erected walls amongst individuals. When the idea of the internet turning the globe to a global village first emerged even experts did not envisage the erosion of door knobs and or invasion of privacy to the degree facilitated by social media today.

The United Nations Universal Declaration of Human Rights provides that *"No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attack."*

According to the Black's law dictionary, privacy right or right of privacy refers to: 'the right to be left alone, the right of a person to be free from unwarranted publicity[1]. Constitutionally, Section 37 of the CFRN 1999 (as amended) states categorically that: '*The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected'*. There are myriads of cases that have defined what privacy right connotes.

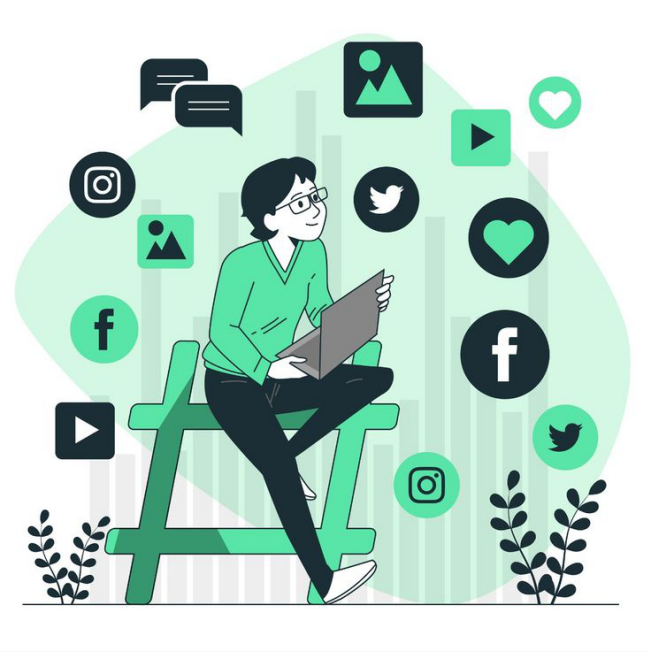
2.0 FORMS OF PRIVACY INVASION

Privacy invasions range from Intrusion of Solitude or Intrusion into Seclusion, Identity Appropriation, Creation of False Impression, Public disclosure of private information, Breach of Confidentiality of Source, and Conspiracy[2]. Identity Appropriation is rampant on Facebook and it implies the use of the name and/or image of another without authorization. Breach of confidentiality of source occurs when a journalist reveals or makes public, information that was given to him for private consumption.

One invasion which is gaining notoriety on social media is the public disclosure of private information or fact. So, the publication on social media of a private matter or fact which causes hurt or embarrassment to the victim is actionable and it doesn't matter if it is true. This brings to the fore, the viral case of the Equatorial Guinea Anti-Graft Chief scandal[3] whose premises was busted due to an investigation for fraud and the authorities in the cause of the search found private sex tapes and leaked it on social media. It is a good example of privacy invasion. The

public disclosure of private information can have damning consequences. There are other instances of cyber threats or blackmail that have led to deaths or bodily harms.

Some months back, social media went agog when the popular VDM (Very Dark Man) called out the Correctional Service, Bobrisky, etc. The said VDM played a voice call recording and while explaining the content, placed some persons in a false light. This brings us to the privacy invasion of Creation of False Impression. This consists of the publication of facts but in a false manner. It is the representation of facts and data in a manner that is misrepresenting and misleading the truth[4].



3.0 LEGAL REMEDIES

For a privacy suit to succeed, it is required that the plaintiff proves the following element:

I. Existence of a secret and private subject matter.
ii. A right possessed by the plaintiff to keep the matter private
iii. Information about the subject matter being obtained by some method objectionable to a reasonable man[5]

On the other hand, for a suit of public disclosure to be successful, the following elements must co-exist:

i. The disclosure must be sufficiently widespread to the extent that is made public.
ii. The disclosure must have resulted in an embarrassment that is sufficient to affect an ordinary reasonable person.
iii. The publication must relate to private facts that are not within the realms of the legitimate news[6].
iv. The publication must not be part of public records.

Regarding a Suit on creation of false impression, the following elements must be established, that:

I. There is a publication by the defendant about the plaintiff
ii. It was done with reckless disregard
iii. It placed the plaintiff in a false light
iv. It would be highly offensive and embarrassing to a reasonable person.

The defences that may avail a defendant in a privacy suit are the defence of newsworthiness, public interest, consent, permanent publication, etc[7].

4.0 CONCLUSION

The current social media interface is eroding old notions of privacy thus making it blurry to describe what is private and leaving a porous reality where privacy rights abuses are carried out unchecked. After World War II the right to privacy was elevated to the level of a human right at the international

level. Thus, the Universal Declaration on Human Rights (UDHR) 1948[8] captures this right. The European Convention on Human Rights[9] recognizes privacy rights, the General Data Protection Regulation, the Nigeria Data Protection Act 2023 all recognize and protect privacy rights.

Anybody whose privacy is invaded can bring a suit for invasion of privacy against the violator in a civil court and such a person is entitled to certain reliefs, including damages.

ENDNOTES

1. Henry Campbell, Black's Law Dictionary: Definition of the Terms and Phrases of American and English Jurisprudence Ancient and Modern (Revised 4th ed, West Publishing Co, 1968) 1358.

2. Fr. Damian Amana & Ogwu Chris Attah, Nigerian Media Laws (University of Nigeria Press Ltd: 2020).

3. See Baltasar case - the Equatorial Guinea Financial Crimes Chief who is alleged to have slept with about 400 women of prominent Equatorial Guinea Political Society.

4. Fr. Damian Amana & Ogwu Chris Attah, Nigerian Media Laws, 141.

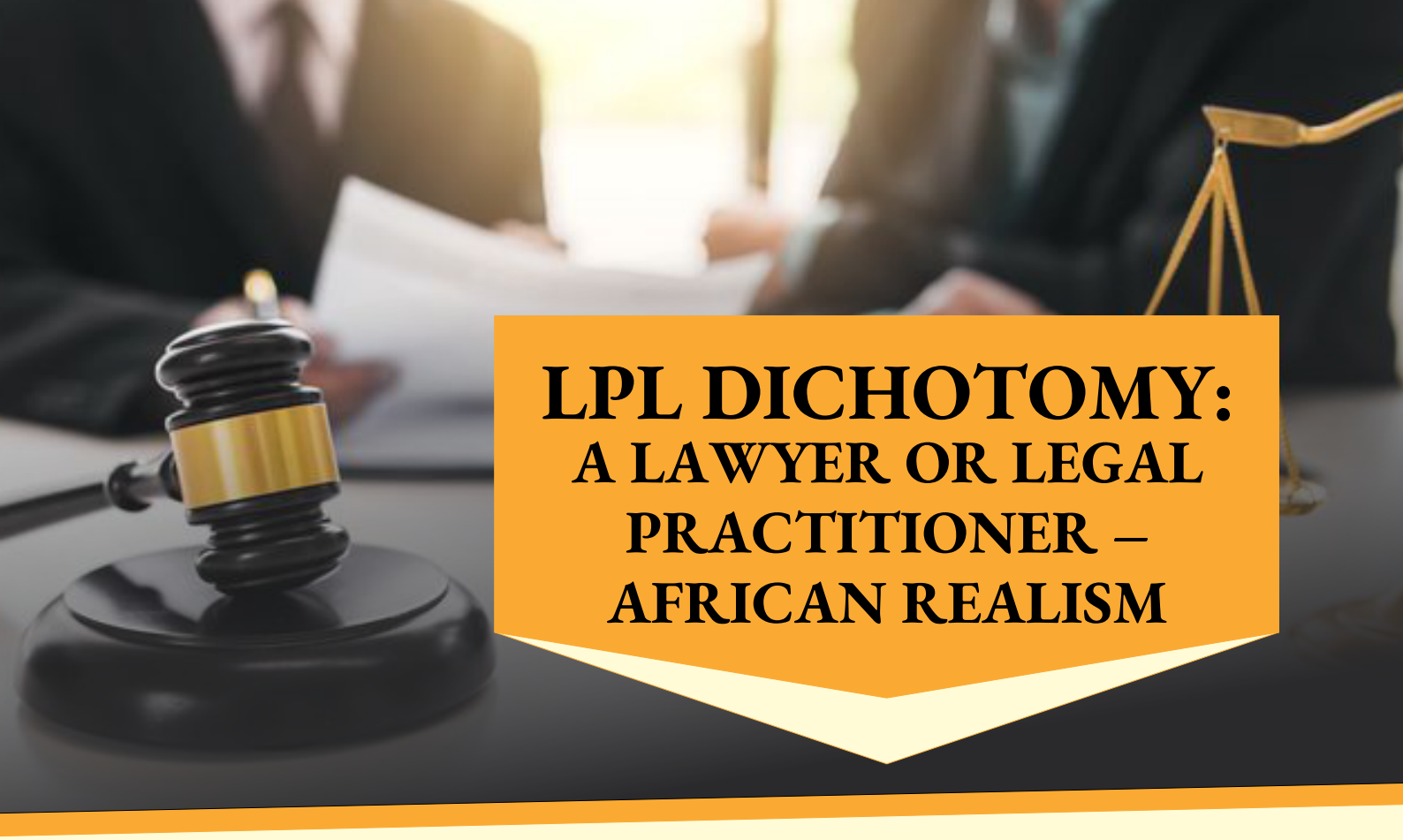
5. Esimokha, G. A. Nigerian Media Law & Ethics (Lagos: Great Achievers, 2014), 8.

6. Fr. Damian Amana & Ogwu Chris Attah, Nigerian Media Laws, 141

7. Ibid., 141-142, 143

8. GA Resolution 217 (111) Adopted December 10 1948.

9. 1950 213 U.N.T.S. 221 ETS No. 005.



LPL DICHOTOMY: A LAWYER OR LEGAL PRACTITIONER – AFRICAN REALISM

In recent times, the echo from the society resonates that, a Lawyer is a legal Practitioner — and to many, vice versa. This article introduces the concept that though the terms are interchangeable, they are as much in many respects distinct as the respective Nigerian and Ugandan Acts[1], as well as Dictionaries (will) disclose, succinctly. The primary aim of the essay is to enlighten the public regarding a variation between Lawyers and Legal Practitioners, with a view to creating an intellectual wealth of comprehension, considering also reformatory as well as, international best practice. The methodology is strictly, explicitly, and methodically doctrinal, with an emphasis on horizontal legal comparison amongst sister African jurisdiction[2].

There is an important distinction between the term 'Lawyer' and 'Legal Practitioner' without reservation to their interchangeable use. According to the *Black's Law Dictionary*, a 'Lawyer' is someone who, having been licensed to practice law, is qualified to advise people about legal matters, prepare contracts and other legal instruments, and represent people in court[3]. Compatibly, this is a person learned in the law, as an attorney, Counsel, or solicitor. Said individual represents another in legal matters, providing advice, drafting documents, and appearing in Court[4] to advocate on behalf of clients. He is also a person who has attained a Bachelor of Laws from a University, fondly called an 'academic lawyer'. Jurisprudential students (in a common law legal system) will often refer to a law student as a lawyer in the enterprise of the equitable principle '*equity deems that which ought to be done as done*'. In the other respect, a 'Legal Practitioner' has been trained in the vocational skill of representing another in a Court (of competent jurisdiction) and franking documents on behalf of the said person or others.

This person is a qualified member of one of the recognized branches of practice.

The Nigerian legal system through her *Legal Practitioners Act, 1975*(*LPA, 1975*) gives credence to the afore through the definitive term of a Legal Practitioner recognizable in *Section 2,LPA, 1975*:a Legal Practitioner is any person licensed to engage in the practice of law as a Barrister and/or Solicitor by license,

or enrollment. See furthermore *Section 24, LPA, LFN 2004*.Henceforth, one may be a lawyer without being recognized as a Legal Practitioner. In contrast, no one can be a Legal Practitioner without being recognized (earlier) as a lawyer; for the practice of law requires one necessarily acquire the theoretical proficiency of [practitioning] jurisprudence.

Consider also that the fee according to *Section 2* of the aforementioned Act is considerably obsolete with contemporary medium of exchange realities and international valuations.

The Ugandan legal system, which embraces a Common Law approach, recognizes a person empowered to practice as a Barrister and Solicitor (i.e. Advocate)[5], as one listed on the Roll and on the Law Council[6], and includes the Secretary to the Law Council according to *Section 1, Advocates Act, 2002 (AA, 2002)*[7].

The distinction between a 'Legal Practitioner' and a 'Lawyer' is further elucidated by the Ugandan election petition case of *Apama Amato Boroa v Obiga (2021).*[8]

In the case, the petitioner's affidavit, authenticated by an 'advocate' was challenged by the respondents on procedural grounds. Specifically, the respondents raised a preliminary objection, arguing that the advocate had failed to renew her annual practicing certificate in time. The Court ruled that the affidavit was invalid by reason of the fact that the affidavit was authenticated by an advocate who did not have a valid practicing certificate. It went on to state that the advocate had thus ceased to practice as an advocate having failed to meet the requirement of possessing a valid practicing certificate asset out in *Section 11, Advocates Act* 2002 (AA, 2002), constituting an offence and punishable under *Section 15 and Section 20, AA 2002*. A similar inference is drawn in the case of *Professor Syed Hug v The Islamic University of Uganda.*[9]

Thus, it is evident that in the Ugandan legal framework, one cannot assume the title of advocate (or comparatively, legal practitioner) without fulfilling the pre-conditions of law. One must not only have their name listed on the Roll and on the Law Council membership but, must have also applied for and be in possession of a valid practicing certificate, without which one is 'precluded' from enjoying the attendant rights of practice.

A prominent case buttressing the stipulations for practicing law in Nigeria is that of *Okafor v Nweke (2007).*[10]

The Supreme Court of Nigeria unequivocally held that a law firm was not a natural person and therefore, its name was not to be used to sign originating processes.[11] Drawing a unison amongst jurisdictions as the qualification to practice requires license and recognition according to Legislation for client representation. The Supreme Court affirms that only a natural person, who had been called to the Bar in Nigeria and whose name was on the roll could sign court processes.

The implication of the Court's judgment is that failure to sign with the name registered on the roll amounts to a fundamental breach or anomaly which must be recognized. An important consideration to mention is that there are other means by which one can legally engage in the practice of the law in Nigeria.[12]

Nonetheless, the position in *Okafor* has been upheld in later cases such as *SLB Consortium Limited v Nigerian National Petroleum Corporation (2011).*[13]

What can be deduced from the above is that the major criterion distinguishing a lawyer from a legal practitioner is the right to practice which is contingent upon satisfying specific legal preconditions. Whereas a 'lawyer' is one who possesses the academic qualifications showcasing their knowledge of the law, a 'legal practitioner', on the other hand, is a person who has taken extra time to qualify for the practice, and to enjoy certain rights accruing thereto – the right of audience, the right to authenticate documents and the right to represent clients, amongst other rights exclusive to the Profession. Generally, this involves being admitted into a legally-recognized body and acquiring a practicing certificate to that effect. This is evident in both the Ugandan and the Nigerian Legal Systems.

However, the connotation does not mean that there is no convergence between the definitions of both terms. To be regarded as a Legal Practitioner, an individual must actively engage in or be duly authorized to practice law. Therefore, the term 'legal practitioner' denotes a lawyer who has met the additional statutory requirements to function within the profession–for practice's sake.

From the afore exposition then, the hope is that the general public is aware of the contrast in these terms and better enlightened to use the same appropriately. Moreso, considering what the *LPA, 1975*(of Nigeria)comprises, there is a need to revise the cost (currency fees) for issuance of warrants and related dues by the appropriate body with the duty to reform legislation and bring the same in consonance with extant (best) realities.

End notes

1. Legal Practitioners Act, Laws of the Federation of Nigeria 2004; Advocates Act of Uganda 2002.
2. Horizontal legal comparison is a comparison between legal systems of equal basis; Comparing a National system with another National system – as in the instance, according to P. Ishwara Bhat.
3. See immediately following: the term, academic lawyer. Per Black's Law Dictionary, 12th Edition, 2024
4. A Court is a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice. It also refers to the judge or judges who sit on such a governmental body, and the building where the judge or judges convene to adjudicate disputes and administer justice.
5. Comparative term for Legal Practitioner in the sister jurisdiction (i.e. Nigeria)
6. See *section 2, Advocates Act of Uganda, 2002 (AA, 2002).*
7. Law Council terminology under *section 2*, Advocates (Amendment) Act, 2002. See also: Ugo Mattei, Comparative Law and Economics, (1st Ed., The University of Michigan Press, 1998)
8. *Apama Amato Boroa v Obiga Kania & The Electoral Commission 2021 (Election Petition No. 2 of 2021) [2021] UGHC 52 (1 September 2021)*
9. *Professor Syed Hug v The Islamic University of Uganda S.C.C.A No. 47 of 1995.*
10. *Okafor v Nweke 2007, 10 NWLR (Pt. 1043) 521*
11. An originating process commences a right to action before a legal institution.
12. As *Section 2 LPA, 1975* alludes to include: Application by a foreign advocate in a Common law system to the Chief Justice of Nigeria to practice as a Barrister, the person in the offices of the Attorney General of the Federation or state's in Nigeria, Solicitor General of the Federation or states in Nigeria, the office of the Director of Public Prosecution of the Federation or states in Nigeria, or any office within the Federal Civil Service or state civil service in (Nigeria) which the Attorney General through an Order gives *fiat* to practice as a Barrister 'and' Solicitor
13. *SLB Consortium Limited v Nigerian National Petroleum Corporation (2011),* 9 NWLR (Pt. 1252) 317.

Should Legal Technologies Be Regulated in Nigeria?

Ishaq Obashola Apalando, Esq

Legal Technology (LegalTech) refers to computer applications specifically designed to aid legal practice, provide legal services and support the judiciary.[1] From Compulaw's 1997 Digest Law Reports on CD-ROM to the ubiquity of the Law Pavilion Electronic Law Report (LPELR) citations in judgements of all courts, Legal Tech has gained wide acceptability in Nigeria.[2] But Legal Tech has serious legal and socio-economic implications for the legal profession and society at large, and this piece briefly examines three of such as a ground for regulating it in Nigeria.

Components of Legal Tech

Legal Tech has four basic components: traditional programming, artificial intelligence, cloud computing and big data.[3] While traditionally programmed applications follow only predefined rules, artificial intelligence (AI) is goal-oriented programming where an AI application employs evolving models and complex computing techniques such as machine learning etc. for solving a problem.

An AI solution is trained on big data – a vast amount of rapidly increasing and diverse data which traditional applications cannot process for human-level insights. AI powers computer vision (seeing as humans), natural language processing (understanding, writing and speaking human languages) etc. For cost-saving purposes, LegalTech solutions are hosted in the cloud using remote servers provided for a fee by other businesses.

These components are variously combined to create diverse LegalTech solutions for legal research, process automation, dispute resolution, practice management, case management etc., which can be deployed on web, desktop and mobile platforms. LawPavilion Plus (earlier version of LPELR) is a traditional application; and Law Pavilion's Primsol GPT is an AI-powered solution trained on judgements, statutes, court processes, contract precedents etc. as legal big data.

Implications of LegalTech

Three serious implications of LegalTech are unauthorised practice of law; algorithmic bias; and unemployment.[4] These respectively affect the practice of law, the administration of justice and the welfare of legal practitioners.

Unauthorised practice of law (UPL) features in automation/commoditisation of legal services. Automation of legal services occurs when, without recourse to a lawyer, computer applications provide legal services which only a lawyer can by law and training provide. Such applications can prepare legal documents and opinions for paying customers. For example, PrimsolGPT, developed by an incorporated company, gives any paying customer access to "AI-assisted" drafting and evaluation of pleadings and generation of legal opinions.

The providers of such applications are not subject to the obligations (competence, conflict, confidentiality, liability, fees etc.)[5] placed on a lawyer providing similar services. Since legal practice can only be carried on by a lawyer and organised as a business name (sole proprietorship or general partnership) or a limited partnership[6], the providers of such applications might be engaging in UPL.[7]

Algorithmic or machine bias features in automation of legal processes (evaluation of evidence, dispute resolution etc.) with AI. Algorithmic bias occurs because the data used for training the AI solution contains bias, leading the algorithm to develop unfair rules reinforced by repeated usage. Therefore, the best solution to algorithmic bias is ensuring the objectivity of the training data.

For example, a bail decision support system for judges might conclude that an accused person is likely to jump bail simply because of their ethnicity. PrimsolGPT for Judges[8] is a good example here. It features "AI-Assisted Harmonization & Evaluation of Counsel's Pleadings" which might be subject to algorithmic bias on grounds of ethnicity, sex, religion etc. of the parties.

Unemployment occurs when cognitive tasks such as discovery in litigation and document review for corporate restructuring, hitherto reserved for human lawyers, are outsourced to machines which perform those tasks better and faster. If doing business is for profit, then no enterprise, including law firms, can be blamed for laying off professional employees whose roles have become redundant thanks to LegalTech. Further, that clients can now access cheaper and faster commoditised (do-it-yourself) legal services makes self-employment a challenge.

Reasons for Regulation

As demonstrated above, LegalTech can negatively impact the practice of law and the administration of justice. Yet, prohibition is not an option as it will only drive the LegalTech providers offshore beyond the regulatory tentacles of stakeholders. Thus, LegalTech should be subject to metered and cautious regulation

to strike a balance between public interests and entrepreneurial pursuits. Meaningful regulation will focus on the development and deployment of

LegalTech solutions

If AI needs to train on quality data for good performance, then regulation can facilitate access to the requisite legal big data for the training, especially in light of attorney-client confidentiality and data privacy, to ensure automated legal services or processes (expert and decision support systems) meet reasonable standards. This will protect persons interacting with the process or receiving such services.

Regulation will also ensure the providers of automated legal services are subject to similar standards as the human legal practitioner in terms of qualifications, obligations and even fees. This will resolve questions of legality (UPL) and ensure fair competition. The US case of LegalZoom, a provider of commoditised legal services, and the North Carolina Bar is an example here.[9]

Conclusion

The legal profession cannot escape the effects of digital transformation. The average lawyer need not be a computer programmer, but they should be proficient in using LegalTech. Pending changes in principal legislation, stakeholders like the General Council of the Bar and the Nigerian Bar Association can implement policies and regulations for monitoring the development and deployment of LegalTech solutions in Nigeria and for training lawyers in their use.

ENDNOTES

1. I. O. Apalando, *LegalTech in Nigeria: Applications and Implications* (2019) p. 2https://360solicitors.wordpress.com/wp-content/uploads/2021/02/legal_tech_in_nigeria_applications_and_i.pdf

2. Ibid, pp. 2, 33-44

3. I. O. Apalando, *The Practical Application of Technology to Modern Law Practice in Nigeria viz-a-vis The Nigerian Legal System: A LegalTech Analysis* (Apalando 2) https://www.linkedin.com/pulse/winning-essay-practical-application-technology-modern-ishaq-apalando/ accessed 2024.10.22

4. Apalando, pp. 24-28

5. §9 Legal Practitioners Act Cap. L11 LFN 2004 (LPA); Part II of Rules of Professional Conduct for Legal Practitioners (RPC)

6. Rule 5(5) RPC; corporation refers to any incorporated entity

7. §22(1)(a) LPA; Apalando, supra pp. 25-26

8. *Primsol Personal* https://lpstore.lawpavilion.com/products/6 accessed 2024.10.22

9. Daniel Fisher, *LegalZoom Settles Fight With North Carolina Bar Over Online Law* (2015) https://www.forbes.com/sites/danielfisher/2015/10/22/legalzoom-settles-fight-with-north-carolina-bar-over-online-law/ accessed 2024.10.22

Incorporation of Digi-tech and AI into Law Practice in Nigeria: Pros and Cons of An Extremely Digitalized Court Room

FELIXTERUNGWA AYEM ESQ

1.0 Introduction; A Page from America

Courtroom technology has been installed in many courtrooms in the United States with positive operational results in accordance with the goals of the Judicial Conference Committee on automation and technology in the United States of America (USA) as far back as 1999.[1] To achieve this, automation committees were set up and there was a manual that formed the Blueprint in making sure technology was incorporated into court rooms in the United States of America. Perhaps in mirroring the gains made in America, Nigerian Court rooms should just adopt hook, line, and sinker the modes and procedures used by more developed climes to digitalize their courtrooms. Incorporating technology is on the one hand; on the other hand, A.I. incorporation is a whole unique ball game. Components like sound system, video conferencing, network access, etc must be put into the list of areas to be innovated, introduced or imposed.[2] As a first-hand test subject as one who interfaces with Nigerian court systems almost daily, it is easy to point out the lacuna inherent in the system. However, the trillion-dollar question is the 'how' question.

2.0 The Current Lacuna Observed

The challenge to wholly automate our court systems including the Apex court (the Supreme Court of Nigeria) has been very enormous. The Supreme Court of Nigeria as the apex court, is supposed to be the most technologically advanced and most sophisticated court in the country, more than any other in Nigeria, yet it is not. The failed efforts at digitalizing the entire justice sub – sector seems related to challenges associated with information technology (IT) infrastructure and technical knowledge issues.[3] A very modern accessible error-free efficient court system requires the use of technology.[4] Consequently, some areas that need improvement includes; Judges and Magistrates taking Notes in Short Hand, Power Electricity Infrastructure, Non Contemplation of Sophisticated Usage of Technology in Rules of Court or the Evidence Act, Poorly Equipped Courtroom Personnel.

3.0 Journey to an Ideal Digital Transformation Strategy for Courts

A jump from zero digitalized courtrooms to an A.I. saturated or A.I. assisted court room may be a quantum leap too much for the current system to bear or afford. It is therefore important to grow incrementally like a baby would; from sitting to

crawling, to slow walks to possibly running. The current Nigerian court system needs a deliberately couched digital transformation strategy with clearly defined timelines and specific goals. An ideal strategy must reflect multiple perspectives of justice system users in Nigeria. Consequently, whatever national committee is set up to design such a strategy would need to consult with all levels of the judiciary consisting of government agencies, private and public legal practitioners, litigants, and even technology partners.[5] The widespread consultation would ensure that everyone is carried along and would further affirm government commitment to transparency and seamless access to justice.[6] At this point it is important to clear any popular misconception that technology especially A.I. would knock off some humans from their jobs in

the courtroom. A digitalized courtroom is not absolutely phase out all human touch rather, it is more about automating the right places. The said automation would be channelled to enrich the experience of litigants, lawyers and visitors in the Nigerian justice system. Automating where appropriate[7] is what it's all about.

4.0 Pros and Cons of a Highly Digitalized Nigerian Courtroom

A highly digitalized Nigerian courtroom would be a breath of fresh air for us regular patrons of Nigerian courts who have seen the lowest level of manual drudgery. The first most important merit of a highly digitalized courtroom would be the perfect maximization of time and the increase of all round speed. A digitalized court system would have technological improvements in information sharing on a more secure basis, facilitation of public access to courts, easy access to legal research and courtroom activities, and electronic system of case recordings and facilitation of remote appearances.[8]

On the other hand, the introduction of technology all around would pose a threat to personal data privacy basically. There will then arise the need to comply with provisions of the Nigerian Data Protection Act 2023 to ensure personal data is not breached. In other words, information security scare would become a real issue. It would also be interesting to see how authorities prepare the technological systems to recover from power outage or unforeseen disruptions either caused by natural events or cyber-attacks.[9] Ideally, emergency test drills should be conducted to test preparedness. There will be need for beefing up physical security also. Consequently, detection technologies such as CCTV surveillance, visitor screening, and baggage screening and metal detectors will also need to be put in place.[10] All these would cost a lot of money. Perhaps this could be viewed as one of the cons or downsides of technological introductions into the courtrooms. Other tools that provide the ability to collect and transmit information like duress alarms for judges

and body worn video cameras on security staff around the court rooms.[11] The wage bill may also have to increase because tech staff would also need to be employed to manage any technology introduced and to ensure regular maintenance.

An ideal digitalized courtroom would have the files not only in hardcopies but also in digital soft copies. Digital court files must create room for guided form submissions. In other words, lawyers must have the ability to submit documents and evidence digitally as well as physically. I note that there are some judges who ask for soft copies through flash drives to help them further understand the case although this is not yet official. A fully digital court file would allow access by all court users to file content, records and transcripts, disclosure and discovery information, and case procedural details and status.[12] This must however be structured in such a way that highly confidential cases will be given the necessary protection from public and unauthorised access.

5.0 Roadmap to Success in incorporating A.I. into Nigerian Courts - Conclusion

Let us take India for example. One such complex system was recently launched in India called 'SUPACE' (Supreme Court Portal for Assistance in Court Efficiency) by the Supreme Court of India.[13] Designed to understand the judicial system and then it can assist the court in improving efficiency and reducing pendency by encapsulating the judicial processes that have capability of being automated through AI.[14] We can simply mirror this system by either adapting the same technology or outsourcing it to tech gurus in Nigeria who can do that also.

Furthermore, in India we have the SUVAS (Supreme Court Vidhik Anuvaad) which is an AI system that can assist in translating the judgements into regional languages.[15] Imagine in the Nigerian court system where we have machines that can automatically and in quick time translate the local language of a witness so we can dispense with the use of a flawed human interpreter.

ENDNOTES

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SUSTAINABILITY IN THE LEGAL SECTOR:

WHY NIGERIAN LAWYERS MUST ADAPT TO THE CHANGING BUSINESS LANDSCAPE"

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The need for legal professionals to engage with sustainability is evident in various sectors, from energy and natural resources to manufacturing, communication, finance, etc. Nigerian businesses are facing pressure to adopt sustainable practices, not just to comply with regulations but also to meet the expectations of international investors and markets. Environmental, Social, and Governance (ESG) criteria are now integral to maintaining corporate reputations and ensuring long-term profitability. For Nigerian law firms, this presents both a challenge and an opportunity; to guide businesses through the complexities of ESG compliance while also positioning themselves as leaders in sustainability within the legal sector. This section will examine key Nigerian laws, international standards and agreements that shape domestic policy, and the crucial role lawyers play in ensuring businesses meet these evolving standards.

Nigerian Sustainability and Environmental Regulations

Nigeria's regulatory framework has several laws and policies aimed at environmental protection, corporate responsibility, and sustainable development. A cornerstone of Nigeria's environmental regulation is the Environmental Impact Assessment (EIA) Act, 1992. which requires companies to assess and mitigate environmental risks before embarking on projects that could affect the ecosystem.

Other relevant policies include the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, 2007. With Nigeria experiencing rapid industrialization, NESREA's enforcement of environmental standards requires businesses to adopt sustainable practices, prompting a need for legal professionals to keep clients informed on compliance and regulatory updates.

Impact of International Agreements and Standards on Nigerian Environmental Law

Global sustainability frameworks, particularly the United Nations Framework Convention on Climate Change (UNFCC)2015 popularly known as the Paris Agreement on Climate Change, significantly influenced Nigeria's environmental laws and policies. As a signatory, Nigeria committed to reducing greenhouse gas emissions and advancing sustainable practices. This commitment is reflected in the country's Nationally Determined Contributions (NDCs), through which Nigeria has set goals to expand renewable energy capacity, improve energy

efficiency, and reduce its reliance on fossil fuels. It also led to the enactment of the Climate Change Act (2021), which primarily aims at developing and implementing mechanisms that will foster low carbon emission and sustainable environment in the country.

The International Sustainability Standards Board (ISSB), introduced two sustainability disclosure standards in June 2023: (IFRS S1 and IFRS S2). These standards provide a globally consistent framework for reporting on sustainability and climate-related risks and opportunities, allowing companies to offer transparent, comparable information that investors and stakeholders can use to assess long-term performance and resilience.

These international obligations translate into new compliance requirements for Nigerian industries, especially those in oil, gas, and energy sectors, which traditionally have high environmental impacts.

Opportunities for Nigerian Lawyers to Provide Proactive Compliance, Litigatory and Advisory Services

The increasing complexity of sustainability laws and policies underscores the need for Nigerian lawyers to adopt proactive approaches in their advisory services. Lawyers must stay ahead of regulatory changes, helping clients preempt compliance risks and adapt to new environmental standards.

Lawyers can assist companies in incorporating Environmental, Social, and Governance (ESG) factors into their corporate governance structures, which not only fosters compliance but also enhances corporate reputation and investor appeal. In the face of regulatory shifts, law firms with expertise in ESG advisory can help businesses align their strategies with sustainability goals, including monitoring compliance metrics, implementing sustainable procurement practices, and engaging in transparent reporting.

Finally, Nigerian lawyers, particularly those with expertise in sustainability law, can help businesses strategically defend against or anticipate potential litigation. Given that sustainability issues are still evolving, this area of law is prone to new legal interpretations and disputes. For instance, as environmental disputes increase, Nigerian lawyers are likely to see a rise in cases related to corporate accountability, resource management, and pollution. By advocating for sustainability, Nigerian lawyers not only help businesses meet regulatory requirements but also contribute to national and global environmental goals.

Conclusion

By adopting sustainability-driven practices, Nigerian lawyers can ensure they remain relevant, responsive, and responsible, contributing to a more sustainable legal and business ecosystem. Embracing this shift will allow law firms to play a key role in driving Nigeria's transition towards sustainable development, positioning themselves as leaders in both legal and environmental advocacy. The future of law practice in Nigeria depends on how well legal professionals adapt to these transformative changes and champion sustainability in every facet of their work.

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The Reemergence of Native Dispute Resolution in Nigeria - A Critical Analysis

BEN ADIGWE

Abstract

This study examines the resurgence of traditional dispute resolution methods through shrines and temples in Nigeria, analyzing its causes and implications for the justice system. The research highlights how institutional failures in the formal justice system have led to this regression to traditional methods, despite their controversial nature and potential constitutional violations. The study suggests that while these methods demonstrate effectiveness in resolving disputes, they raise serious legal and human rights concerns that require immediate attention through a multi-faceted reform approach.

1. Introduction

The Nigerian justice system faces significant challenges in delivering timely and effective dispute resolution. The severity of judicial delays globally is perhaps best illustrated by a case in Poona, India, which took 761 years to resolve, as documented in the 1979 Guinness Book of World Records. While this may be an extreme example, it underscores the universal challenge of judicial delays, particularly acute in developing nations like Nigeria. While courts and Alternative Dispute Resolution (ADR) mechanisms exist, a concerning trend has emerged: the reversion to traditional dispute resolution through shrines and temples, reflecting deeper systemic issues within the formal justice system and raising important questions about justice accessibility and constitutional rights in modern Nigeria.

2. Literature Review and Background

2.1 Historical Evolution

Traditional dispute resolution mechanisms have been deeply embedded in Nigerian society since pre-colonial times. The practice, though evolved, has maintained its influence through various historical periods:

- **Pre-colonial Era:** Dispute resolution was primarily handled through traditional institutions, with spiritual authorities playing central roles in maintaining social order
- **Colonial Period:** The introduction of formal legal systems created a dual legal structure, where traditional methods operated alongside British-style courts
- **Post-Independence:** Despite modernization efforts, traditional dispute resolution persisted, as evidenced in the 1939 case of *R. vs Nwoke*[1], where spiritual intervention was documented in a debt recovery dispute

2.2 Contemporary Context

Recent scholarship, particularly Idumwonyi and Ikhidero's (2013) study, demonstrates the resurgence of traditional justice systems in postcolonial Nigeria. Their research documents how these systems have adapted to modern challenges while maintaining their cultural essence.

2.3 Legal Framework

The practice operates within a complex legal environment:

- Constitutional Provisions: Section 38(1) of the 1999 Constitution guarantees freedom of conscience and religion
- Criminal Code Sections 207, 208, 211, and 212 address trial by ordeal
- Historical Legislation: The Owegbe Juju and Society (Prohibition Law of 1996) attempted to regulate similar practices
- Modern Judicial Recognition: Courts increasingly acknowledge the role of traditional dispute resolution while maintaining constitutional boundaries

3. Methodology

3.1 Research Design

This study employs a mixed-methods approach combining:

- Legal Analysis: Examination of constitutional provisions, statutes, and case law
- Case Study Analysis: Documentation of specific instances of traditional dispute resolution
- Historical Research: Review of traditional practices' evolution

3.2 Data Sources

Primary Sources:

- Constitutional provisions
- Criminal Code sections
- Court judgments
- Documented case studies
- Historical legal documents

Secondary Sources:

- Academic literature
- Legal commentaries
- Historical records
- Contemporary scholarly works

4. Results and Analysis

4.1 Factors Driving the Reemergence

Institutional Failures:

- Insufficient number of judges
- Poorly equipped courtrooms
- Complex procedural rules
- Delays from interlocutory appeals
- High litigation costs
- Poor counsel remuneration

4.2 Characteristics of Shrine-Based Resolution

Operational Methods:

- Use of concoctions for confession induction
- Implementation of subjective ordeals
- Threats of metaphysical harm
- Mandatory participation regardless of religious beliefs

Perceived Effectiveness:

- Swift resolution of complex disputes
- High compliance rates due to fear
- Ability to extract truthful testimonies
- Influence over prominent individuals

4.3 Documented Cases of Effectiveness

A notable example occurred in 2005 at the Oba Market in Benin City. Following a fire outbreak that led to widespread looting, a prominent citizen, OsamedeAdun, sought intervention from Aiyelala's (a dreaded goddess) chief priest. The priest placed a

curse on the thieves, and remarkably, the stolen goods were returned to the market the following morning (Idumwonyi&Ikhidero, 2013). This case demonstrates the immediate impact that traditional spiritual authorities can have on dispute resolution and crime prevention.

4.4 Legal and Medical Concerns

Constitutional Violations:

- Infringement of religious freedom
- Violation of fundamental human rights
- Conflict with state police powers

Health Risks:

- Use of dangerous substances (e.g., Esere beans)
- Potential for deliberate poisoning
- Risk of delirium and false confessions

5. Discussion

The reemergence of shrine-based dispute resolution represents a critical indicator of systemic failures in Nigeria's formal justice system. While these traditional methods demonstrate effectiveness in resolving disputes and ensuring compliance, they pose serious legal, ethical, and health risks. The practice's popularity, despite its dangers, underscores the urgent need for reform in the conventional justice system.

6. Recommendations

6.1 Legal System Reform:

- Address high costs of justice
- Reduce procedural delays
- Increase court facilities
- Combat corruption
- Improve efficiency

6.2 Regulatory Framework:

- Enforce existing legal provisions
- Develop new legislation addressing modern manifestations
- Implement oversight mechanisms

6.3 Multi-faceted Approach:

- Modernize court systems
- Strengthen legitimate ADR mechanisms
- Public education on legal rights
- Improve access to justice

7. Conclusion

The resurgence of shrine-based dispute resolution in Nigeria represents a concerning regression in the country's justice system. While its effectiveness highlights the failures of formal institutions, the practice's dangers necessitate urgent reform. Success in addressing this issue requires a comprehensive approach that both strengthens the formal justice system and provides accessible, legitimate alternatives to litigation.

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ENDNOTE

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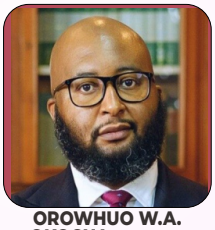

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