It is indeed a privilege to be invited by the Nigerian Bar Association, Lagos Branch, to give the keynote speech at its 2015 Law Week. I must start by thanking the leadership of the premiere branch of our great association for the opportunity of being able to share with my Lords here present, my learned friend and professional colleagues, and the larger audience, my thoughts on a subject, whose importance to the development of the legal profession, has been brought to the fore as it ought to.

It is the subject of the future of the legal profession with emphasis on the need to protect emerging members of the profession from exploitation (within and outside of the profession). This is something which benefits not only our members but also the people who rely on our services – Clients! Respect for the dignity of colleagues enhances rather than diminishes the profession.

My preliminary point of reflection is taken from Frank Wu, Chancellor of UC Hastings College of Law, who said -

There is still a good living to be made as a lawyer. One's days range from advising clients to advocating for them. It draws upon multiple talents. But it isn't as glamorous as media portrayals would suggest. It is demanding, alternately boring and stressful, and oriented toward solving problems that other people have generated for themselves.¹

¹ Frank H. Wu - Chancellor & Dean of UC Hastings College of the Law in San Francisco, California, U.S.A

Dr Fabian Ajogwu, SAN has prepared this paper, ‘The Future of the Legal Profession: Protection of Emerging Lawyers from Exploitation’, at the Nigerian Bar Association Lagos Branch 2015 Law Week at City Hall, Lagos, June 24, 2015. Contact – fajogwu@kennapartners.com
1. INTRODUCTION

It is perhaps a good starting point in examining the future of the legal profession to ask the following pertinent questions:

- What is the future of the legal profession in Nigeria?
- Will it be as strong ten or twenty years from now as it could be?
- Will Lawyers enjoy more of the respect they deserve in the next generation than they have now?
- Will they be more financially stable in the next generation than they are now?

These and many more questions are relevant for determination if the future of the legal profession is to be assured.

2. THE NATURE OF PROFESSIONS

In the beginning there were the true professions, classified as belonging to the class who either had what it took or did not. There was no chance for the initial learning. They were the military, clergy or cleric, and the scholar. Then came what became known as the ‘true professions’. This latter group includes lawyers, doctors, blacksmiths, masons, carpenters, etc. This group has one common feature, a 3-step journey from the base to the top – Apprentice, Journeyman and the Craftsman. In the true professions, they almost always start out as apprentices, then progress to become journeymen, and then aspire someday (with the benefit of time, learning, hard work and good fortune) to become craftsmen.

Law practice may be viewed as the modern epithet of the benighted craftsman’s workshop, with its apprentices, journeymen and craftsmen. The early years of a lawyer’s journey, often referred to as the green wig, is really an apprenticeship, and the relation between junior lawyers and the principals or seniors is no different from that between the apprentice and the craftsman. The later rewards the hard work and assistance of the juniors by teaching them the craft. The apprentice goes into that structure knowing it was a step towards a greater future.

However, with the emergence of cooperative practice of law in firms, there came about some mix of three kinds of people, which have been termed - “finders, minders and grinders.” This refers to the three main activities that make up consulting work. According to Maisters,

Finders (usually the most senior level) are responsible for bringing in the business, scoping and designing the projects, and engaging in the high-level client relations necessary during the work. The main responsibility of minders is to manage the projects and the team of people working on it. Grinders (the lowest level) perform the analytical tasks.

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In practice, this structure would accommodate the variation driven by individualised firms, to structures where all may participate in analysis, and where junior lawyers may be delegated tasks associated with senior lawyers. The resulting structure of the organization (the mix of juniors, middle-level and seniors) is usually described as its leverage structure, and is primarily determined by ‘the (aggregate) skill requirements of its work: the mix of senior-level, middle-level and junior-level tasks involved in the projects that the firm undertakes’3. The success of a law firm depends to a large extent on its ability to get the right leverage structure that supports its type of services or specialisation or areas of work concentration. Maisters argues that –

If a firm brings in a mix of client work that requires more juniors, and fewer seniors, than the firm has in place, higher-priced people will end up performing lower-value tasks (probably at lower fees), and there will be an underutilisation of senior personnel. The firm will make less money than it should be making.

It follows that where the reverse is the case, there would still be a problem. That is, if the law firm has work that has skill requirements of senior lawyers and smaller number of juniors, a shortage of qualified hands to carry out the assignment. This would pose a quality risk for the law firm and potential for losing the client completely. So, “matching the skills required by the work to the skills available in the firm (i.e., managing the leverage structure) is central to keeping the firm in balance”.4

3. THE STRUCTURE OF PROFESSIONAL PRACTICE

It is always useful to remember that ours is a profession for service, and service businesses depend on the human content for success. Whether the client is a corporation or an individual, a non-for-profit or for profit, the crucial point is that the interest of the recipient of the service must be put over and above that of the professional. There has emerged over the years basically three types of professional service firms into which Lawyers can be classified, namely –

- The Standardised Practice
- The Experience-based Practice
- The High-value Specialised Practice

There is however one type, which is of a rudimentary nature – where the practice is for bare survival (the ‘ambulance chaser or the frequent bail applicant). This type has very limited chances of progression without a deliberate effort to break out of the lure of ‘easy go – easy gain’.

3 David Maister, Anatomy of a Consulting Firm, 2014
4 David Maister, ibid
The Standardised Practice

In this type of practice, what the lawyer offers is so basic and almost known to the client that not much high level thinking or solution is required, and so the margins are quite. This type of practice enables a high leverage of junior associates and has a flat shaped triangular based structure, with few seniors at the top and several juniors almost to the ration 1:5 or 1:10. David Maister describes the standardised practice as being akin to the pharmacist –

A Pharmacy practice is one where the client is trying to buy a relatively familiar service and does not require very much counseling, consultation or contact. The client wants the service performed to strict technical standards at a minimal cost. Notice that this type of practice is defined as a standardized process conducted with little, if any, client contact.5

The Experienced-based Practice

In this type of practice, the lawyers more or less sell their experience coupled with the caring approach in helping the client get to a solution for its problems. It has been likened to a Nurse in a hospital, where care giving is equally as important as the medication. This type of practice builds on long standing relationships. The leverage of senior to junior people is less, relative to that of the standardised practice. It would be a ratio of 1:4 or 1:5. According to Maisters –

The Nursing practice also delivers relatively familiar (or “mature”) services that do not require high levels of innovation. However, it differs from the Pharmacist practice in that the emphasis is not only on the ability to dispense the pill (which still may be required), but also on the ability to counsel and guide the client through the process. This time, the client wants to be nurtured and nursed.6

The High-value Specialised Practice

In the high-value specialised practice, the lawyer or law firm is dominated by craftsmen, who solve high level problems and provide highly specialised solution. They then are able to command very high fees. The frequency of work may not be as much as those of the other categories, but the fee margins are high enough to keep it very profitable. Maisters likens this practice to one of a neurosurgeon, and states that:

The Brain Surgeon combines high levels of customisation, creativity and innovation with a low degree of client interaction. The client is searching for a practitioner who is at the leading edge of his or her discipline, and who can bring innovative thinking to bear on a unique assignment.

6 David Maister, ibid
Law firms and Chambers can be run on a professional and profitable basis if the owners/practitioners acknowledge the importance of the human resource and invest significantly in them beyond lip-service. They would need to be run in accordance with sound business principles, which among other things would entail paying their lawyers and other staff proper living wage, and those Chambers and law firms where the lawyer’s ‘take home’ income (whether salary or profit) does not take him home. The first set of lawyers will survive and thrive, the second will not.7

4. CHALLENGES, LIMITATIONS, AND EXPLOITATION

There is a significant difference between not being able to pay fair wages because a firm has no means at all to pay or that its ability to pay more is limited; on the one hand and not paying fair wages out of a desire to exploit the lawyers working therein. To fully appreciate this point, it is important to restate the contextual meaning of “exploitation”. Exploitation in this context simply means “to take advantage of”. The Black’s Law Dictionary8 defines exploitation as “the act of taking advantage of something; esp., the act of taking unjust advantage of another for one’s own benefit”. It is the ‘unjust’ ‘advantage for one’s benefit’ that seems to be the call for change in approach and mind-set. This is because it connotes that there is a value that is being expropriated in an unconscionable manner.

Exploitation in this regard is defined further as – to take advantage of, abuse of, to do injustice to, to ill-treat, to manipulate, to misemploy, to misuse, to oppress, to overtask, to overuse, to use improperly, to use selfishly, to victimize, etc. Exploitation here, means to look after one’s own interests; to accumulate, creature comforts, money, or material possessions either through one’s own efforts or at the expense of others; to be completely selfish, totally unconcerned with the well-being of others. To drive the point further home, it means to make the most of an opportunity, to take full advantage of an occasion for profit, to be opportunistic in an unconscionable manner.

To exploit others is to take unfair advantage of them. Although ‘exploitation’ has figured prominently in Marxist theories, it is frequently invoked in ordinary moral and political discourse. When speaking about exploitation there is a direct affiliation with consumption, in social theory, the concept is used to characterise social relations where an ‘actor or character of actors uses others for their own end because of a fundamentally asymmetric power relationship between them’.9 Traditionally, this describes ‘exploitation’ as unfairly taking advantage of another person because of his or her inferior position, giving the exploiter the power

Exploitation also involves taking advantage of adversity, stress, or unrest for personal gain; to make the best of a bad situation, again in an unconscionable manner. Exploitation often results from the inordinate pursuit of profit without due consideration of ethics and morality.

7 Funke Adekoya SAN, ‘The legal profession and the Nigerian Bar Association – Avoiding the extinction of one or both’, paper presented at the Nigerian Bar Association, Ijebu-Ode Branch, 2012 Annual lecture
8 7th Edition
It is important to observe that lawyers and law practices can also be exploited by clients through several schemes, ranging from inappropriate fees, assignment of relatively lower roles and responsibility by clients especially in capital market and related financial services transactions, unconscionable bargains and crippling delays in honouring fee obligations by clients. These actions not only threaten the future of the profession, but also demean its current standing and respect. Respect and standing are drivers of value recognition and earning capabilities.

5. EXPLOITATION WITHIN THE PROFESSION

Exploitation in Outsourcing Situations

Exploitation among colleagues arise where work is purportedly gotten by one and farmed out to the other at unconscionable terms relative to the real terms for which the work was given. There are instances where A, by virtue of his position and access obtains a work request, which he is not suited to performing, and then farms or outsources it to another colleague, while paying the latter a relatively insignificant part of the whole fees paid by the main client. It is important to keep in mind the charge under the Rules of Professional Conduct among Lawyers, that ‘Lawyers are to treat one another with respect, fairness and consideration.’

There is now an emerging group of legal contractors, who though are members of the profession by virtue of having been called to the Nigerian Bar, use access to politicians, governments, multinationals, banks etc. to remotely practice law through colleagues, who they underprice and pay very little to. This practice if allowed to fester would certainly undermine legitimate work, entrench mediocrity and ultimately frustrate the best parts of the profession. This must be checked and acted upon by the Nigerian Bar Association.

Exploitation of Junior Lawyers by Lawyers & Law Firms

There is unarguably a demand-supply argument in the consideration of the sub-issue of exploitation of junior lawyers by seniors and law firms. There is relatively fewer employers than employees in the legal labour market and this means that many juniors find it hard to get placements in law firms after their law school training. This situation leaves the opening for and actual exploitation of junior lawyers. It is the antithesis of the nobility of the profession. It collectively undermines the entire profession, when lawyers turn out looking or living less than noble. It is now a common knowledge that enforced overtime and weekend work (including Sunday), lack of overtime pay in many cases for work clearly outside the professional exemption, unhealthy working conditions, and the totally one-sided power of the law firms have crushing effects on the lives and careers of many junior lawyers, as well as older lawyers trying to make ends meet.

10 ‘ibid, Rule 26 (1).
In some cases, young lawyers are turned into “Document reviewers” that leave them with little or no experience whatsoever. According to a report, “Document review” gives new lawyers no experience that will be useful in real practice with the local firms who will in all likelihood (someday, maybe) offer them a job. It does not teach them how to try a case, make a motion or do arbitration.\(^{11}\) According to Mark Herron, citing a survey of more than 2000 solicitors in New South Wales and Victoria focusing on job satisfaction and best practices in law firm management which found that, according to solicitors:\(^{12}\)

There is a fixation with qualitative measurement along a single financial dimension of business revenue. These findings suggest that in many instances, the profitability of legal services business is understood and pursued primarily in terms of getting more money... The prevailing business model of law firms, as constructed by these findings incorporate its human resources as more or less expendable components of revenue production machine. Workers are assumed to have uni-dimensional lives, putting life and career first, far and everywhere in between is their satisfaction. The character of the process is recruit, exploit and discard

Legal profession in Nigeria is in no way immune from the scourge of exploitation. We keep producing lawyers without adequate employment opportunities to absorb them. The minimum wage for workers in Nigeria is the sum of NGN18, 000\(^{13}\). However, there are several indications that “new wigs” (younger lawyers) in the average law firm earn amounts within the range of NGN10, 000 to NGN20, 000. It would seem that Lawyers who have put in thousands of hours of education, who often times put in the most hours of work, are the most underpaid in relative terms. This has generally led to a major decline in the drive to remain in the legal profession as it is assumed that the profession has very little to offer young lawyers especially when compared to counterparts in other fields, like the banking and financial services, telecommunications, and energy sectors of the economy. It is not uncommon to find junior lawyers moving from one law firm to the other in pursuit of better remuneration. Bruce Kuhlik, Executive Vice President and General Counsel of Merck: & Co. Inc\(^{14}\) captured the above scenario when he said –

I used to say I hire lawyers, not law firms. That was because I didn’t sense a stronger culture at the firms. When lawyers are moving from firm to firm, chasing dollars, I have to chase dollars. This is just a plea for a strengthening of firm cultures that could lead to fewer lateral moves and stronger closer ties with your Clients.

\(^{13}\) It should be kept in mind that with the over 40% diminution in the value of the Naira between the years 2014 and 2015, this effectively means NGN10,800 in real terms.
\(^{14}\) Merck & Co. Inc is an American pharmaceutical company and one of the largest pharmaceutical companies in the world
According to a survey carried out by Ade Adesomoju, many Nigerian young lawyers are earning peanuts as salaries. In describing the experience, a junior lawyer described his four years’ experience at his former firms as “very exploitative years.” He was barely able to buy a low grade second hand car after 8 years of practice working from Monday through Saturday, and closing very late at night. In his words,

I got tired and decided to leave after the initial four months. My then principal grudgingly increased my pay to N50, 000. No transport allowances as usual and not a single incentive – nothing whatsoever. It meant virtually every lawyer in the firm, except the principal, spent their exploitative incomes on transportation to the office and absolutely nothing was left to cater for even basic life outside the office.

These experiences in the legal profession have driven some of the best brains out of the profession to seek “greener pastures” elsewhere. With young lawyers being driven to practice on their own without pupillage and thus lacking in the requisite experience needed in the practice of law, the decline in the standards of the profession is inevitable and the profession as a whole is worse off. Furthermore, we now have lawyers being used as cashiers or marketers in the banks. It is also not surprising to see lawyers engage in buying and selling (especially amongst our female colleagues) across the globe from Dubai to London and then to Paris, Germany and Lagos. There are those who are in entertainment and show business and who have no intention of coming back to law practice. These category of practitioners are relatively better off than those who resort to the frequent bail applicant. This practice cannot be allowed to continue. A complete paradigm shift and near-regulation are needed to reverse this trend.

6. EXTERNAL EXPLOITATION

Exploitation by Clients

Although this sounds like an anomaly when checked against the principle of willing Client and willing Attorney, but the reality is that some lawyers are faced with legal issues presented by family and friends or clients with established personal relationships with lawyers. In situations as this, there is the assumption of certain guaranteed entitlements such as free or underpaid legal services by virtue of the established relationships. This is even more strengthened by the provisions of the Rules of Professional Conduct in this regard. Rule 52 (1) provides that –

The professional fee charged by a lawyer for his services shall be reasonable and commensurate with the services rendered. Accordingly, the lawyer shall not charge fees which are excessive or so low as to amount to under-charging: provided that a reduced fee or no fee at all may be charged on the ground of the special relationship....
It would seem that some lawyers have ridden this horse too far to the point of permissible exploitation by clients. This is illustrated by how some clients now constantly fail to appreciate or deliberately ignore the value of a lawyer’s services resulting in the underpayment of lawyers for services rendered. It is usual to see instances where some clients take undue advantage of personal or special relationships to exploit the lawyer, whilst still expecting the incidents of the client-attorney relationship in many ways:

- Taking advantage of familiarity with the lawyer to underpay him for services rendered;
- Using documents prepared by a lawyer in a particular transaction for entirely different transaction without consulting with the lawyer or paying any form of fee; and
- Engaging several lawyers to render same service without intention of paying any.

The reality of the situation is that in many of these cases, due to a need to preserve certain relations, lawyers provide these legal services without any formal briefing or engagement, but on the trust that they will be indemnified of whatever cost expended. It is common experience that these category of clients do not pay for legal services received, nor give value for same. In some cases, they exploit more than one lawyer at a time in a bid to obtaining diverse legal opinion at no cost. It is often a long route to recover the fees due by means of a lawsuit, particularly when suing not for liquated (pre-agreed) fees, but on a quantum merit basis.

Exploitation by non-members of the Legal Profession This form of exploitation arises where non-lawyers take advantage of the lacuna in the legal system and engage in providing legal services which ordinarily should be within the exclusive purview of lawyers. In a legal system with no comprehensive and easily accessible data base, imposters take over the space. It is no surprise we have a wide array of non-lawyers engaging in legal practice. This practice has in turn led to the depreciation in value of the legal profession.

This practice has also led to other professionals like real estate agents, taking on duties of a lawyer in land transactions; for example, drafting and reviewing conveyancing agreements which are the exclusive preserve of lawyers. This form of exploitation extends to the profession as a body. The profession as a unit is repeatedly, on a daily basis exploited and manipulated to the disadvantage of the Legal Profession.

7. THE FAIR PAY DEBATE

Several well-meaning members of the profession have identified with the agonising plight of young lawyers over what they consider a raw deal in their working conditions with law firms. The bottom line of their arguments is that remuneration of some of the junior lawyers who work in law firms or law chambers should be reasonably commensurate with the level of their professional contributions. The further question would then be what if the employer does not have the means to pay the “living” wage.
A legal practitioner should build his law practice up to the standard that he can hire the services of a junior. Alternatively, a fledgling law firm could hire juniors on part-time basis so that the junior lawyer could have some time to engage in other areas of practice of his interest. Alternatively, other forms of non-cash compensation could be brought in to motivate the junior lawyer. According to Agbakoba (SAN):

It is an old and sad issue that I gave priority when I was President of NBA. I suggested the duty solicitor programme to ensure legal representation of persons in police custody at major police stations. Solicitors will be young lawyers. Ten thousand young lawyers can be taken to man key police stations in Nigeria. This needs urgent implementation…Also; junior lawyers should have exclusive right to prosecute minor and non capital offences. With this 30,000 juniors can be employed in one go under the NBA/AGF scheme for about N500 million, annually but they will not be civil servants but akin to NYSC.\(^{17}\)

In support, former chairman, NBA Ikeja Branch, Mr. Monday Ubani, said:

The issue of poor remuneration for young lawyers has become alarming. The economic situation and lack of opportunities in the country are the chief culprits. We are not expanding the economic structure of Nigeria and so it affects all strata including the legal profession. We need to develop the infrastructure and create conducive economic atmosphere for investment outlets that create business opportunities for lawyers in the profession.\(^{18}\)

Chief Adeniyi Akintola (SAN) takes the view that you cannot regulate what an employer would pay an employee. According to him,

The Bar is not a trade union. I belong to the school of thought that says you cannot pay a junior in your chambers adequately. Where I was trained, thank God my principal is still alive, I didn’t earn salary for three years, but I was not starving at the same time. This is because the mechanism for the welfare of juniors that was put in place worked. Then, we used to have what we called transport allowance. For every time you went out to handle a case you were paid N20. You know it was a lot of money then. But if you followed your principal to court in the morning, you would not be entitled to anything because you would be riding in his car.\(^{19}\)

We must acknowledge that it is easier to deal with determinants than to propose a salary scale. The key determinant factors should be the jurisdiction, nature and quality of practice, the balance sheet of the firm and the outlook and expectations of the managing owners of the firm.


\(^{18}\) ibid.

\(^{19}\) See Dayo Benson, “Young lawyers’ unemployment is bar’s greatest challenge – Akintola - at: http://www.vanguardngr.com/2013/06/young-lawyers-unemployment-is-bars-greatest-challengeakintola/#sthash.3H684RDF.dpuf
8. SOLUTION

How then do we begin to solve this problem of exploitation which has eaten deep into the fabric of the system? The solution to this problem cannot come from outside the profession.

8.1 Solution to Exploitation in Outsourcing Situations – Widen the Pool of Work

A serious area of exploitation that needs to be checked is the outsourcing of legal work by foreign law firms to indigenous law firms especially in the oil and gas industry. Importantly the Nigeria Oil and Gas Industry Content Development Act 2010 (Local Content Act) provides that all operators, contractors and other entities engaged in any operation, business or transaction in the Nigerian oil and gas industry requiring legal services shall retain only the services of a Nigerian legal practitioner or a firm of Nigerian legal practitioners whose office is located in any part of Nigeria. All operators shall submit to the Board, every six months, its Legal Services Plan (LSP) which shall include:

a. Comprehensive report on –
   i. Legal services utilized in the past six months by expenditure,
   ii. A forecast of legal services required during the next six months, and
   iii. The projected expenditure for the services;

b. A list of –
   i. External solicitors utilized for legal services in the past six months
   ii. The nature of work done, and
   iii. The expenditure made by the operator; and

The annual legal services budget for the past one year in Naira and foreign and currencies.

It is stating the obvious that there is no dearth of legal expertise for oil and gas law within the Nigerian legal profession and it is in the interest of local content development these legal professionals are utilized. Plausible as the provision of the Local Content Act may sound in the use of Nigerian legal services, there is no effective monitoring and implementation of the relevant provisions of the Local Content. Many of the multinational oil companies (MNOCs) still engage the services of foreign law firms that in turn outsource them to local firm. The foreign law firms are engaged, paid the big fees and they bring in the local law firms just to use their name for the fulfilment of all righteousness i.e. the provisions of the Local Content Act.

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20 Section 51(1) of the Local Content Act.
21 Section 51(2) & (3) of the Local Content Act.
It is therefore suggested that the law firms should first and foremost refuse to be exploited and should champion the implementation of extant laws in the country. The indigenous law firms should insist on the proper implementation of the Local Content Act and not helping the foreign firms and the oil companies to circumvent the law which will ultimately lead to the exploitation of the local firms.

The Nigerian Bar Association should effectively liaise with the Nigerian Content Development and Monitoring Board to ensure compliance with relevant provisions of the Local Content Act especially in the use of Nigerian Legal Services to avoid foreign exploitation. The NBA as a well recognised body should be able to form strategic alliance with the Nigerian Content Development and Monitoring Board in this regard.

Many of the members of the Nigerian Bar Association that work as in-House Counsel in many organisations like the Banks, telecommunication, oil and gas industry should also help to curb instance of exploitation by foreign law firms. There are instances where legal work including legal training of the legal department of different organisations is given to foreign firms who in turn give it back indigenous firms to do the work with very little being paid to the Nigeria firms by the foreign firms. This foreign exploitation can only be curbed by the collective effort of the members of the Nigerian Bar be they in private or public private or working as in-House solicitors.

8.1 Solution to Exploitation in Situations of Infiltration by Non-lawyers

It is notable that the Nigerian Bar Association has recently moved to curb the practice of nonlawyers infiltrating the profession, by requiring that every qualified legal practitioner has a seal, which can only be used by him/her, and also the move to have a more comprehensive database. It must however be noted that this is only a stepping stone to dealing with the issue of exploitation. The NBA needs to do more in carrying out its responsibilities of curbing this nefarious act. It needs to implement this measure so as to ensure strict compliance

8.2 Solution Exploitation by Senior Members of the Profession or Employers:

The NBA should prescribe benchmark remuneration for lawyers within the first three years of practice, and insist that the dignity of the profession is maintained by all lawyers in this regard, particularly the senior ones. The Association should aim to create a criteria for measuring and assessing:

- Performance of policies and action plan with respect to lawyers remuneration and employment conditions especially in law firms;
- Level of compliance by employer firms; and
- Job satisfaction of lawyers.
8.4 Exploitation by Persons with Special Relationships

These incidents can be brought to the barest minimum by reducing the time allocated to such assignments. It is advisable to apply the time-tested style of insisting on a deposit at least towards costs and tokens for time.

8.5 Lawyers should properly equip themselves for Law Practice in the 21st Century

Lastly, Lawyers also have the responsibility of adequately equipping themselves with the requisite skills and refraining from acts capable of cheapening their services. A career in the legal profession can be intellectually challenging, personally fulfilling and financially rewarding if approached with much diligence and dedication.22 The distinguished Learned Senior Advocate of Nigeria, Chief ‘Folake Solanke CON in a lecture delivered at the Jamaican Law School, Kingston, Jamaica on the 4th of April 2006 stated that:

The challenges of the legal profession have always been staggering. In one sense, they have always remained the same, e.g. to uphold the rule of law and protect the rights of the poor and powerless so that ‘right’ is not subverted by ‘might’. In another sense, the challenges now encompass a number of modern day critical issues such as globalisation and the run-away information technology (IT) phenomenon with the internet, the e-mail, the e-payment and the e-everything else.

Advances in technology are occurring exponentially. These advances increase the pace of practice and client expectations, forcing lawyers to adapt or face extinction. Understanding and implementing new technologies are difficult and time-consuming for lawyers. Clients are often ahead of lawyers in implementing new technologies, and they have increased access to legal information, much of it readily available on the Internet.23 Lawyers need to understand their place in this new market and that they can avoid exploitation both internally and externally and dominate legal services delivery on the merits of their skill, professionalism, efficiency and client service, not on the fading influence of historical de facto monopoly.24

Therefore to remain competitive and avoid exploitation in a fast changing world, globalised economy and world taken over by information and communication technology (ICT), lawyers must imbibe the principles of hardwork, continuing legal education and mastering of the law with a knack for details and also train and retrain themselves to align with the changes in the legal profession and the larger society. This will in turn, restore the dignity and profitability of the profession, and limit exploitation both internally and externally.

In conclusion, the future of the legal profession belongs to all of us, and we must salvage it together. It is my view that –

22 Dr Fabian Ajogwu, SAN, “Legal Education & the Legal Profession: A Reality Check” being a Lecture delivered at the 50th Anniversary of the Nigerian Law School.
23 Board of Governors Challenges to the Profession Committee, “The New Normal: Challenges Facing the Legal Profession”
- the nobility of the profession does not lie in the presence of the noble ones, but in the absence of those we cannot refer as not being noble

- the wealth of the profession does not lie in the presence of wealthy lawyers, but really in the absence of poor lawyers

It is perhaps apt that I end with a quote from a quote by Father James Keller, a Roman Catholic Priest\textsuperscript{25} - “A candle loses nothing by lighting another candle!”

Thank you all.

Dr Fabian Ajogwu, SAN, FCIarb

Lagos, June 24, 2015

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