

MENTORSHIP SESSION
PRESENTATION
BY
HON. JUSTICE P.A.AKHIHIERO
TO THE NYSC LAWYERS
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**EXCELLING AS A LEGAL PRACTITIONER & MODERN PRACTICE
OF LAW WITH INFORMATION COMMUNICATION TECHNOLOGY**

We will have the discussion in two parts. The first part will be on how to excel as a Legal Practitioner. The second part is on the application of ICT in the practice of Law.

HOW TO EXCEL IN LEGAL PRACTICE

The Legal Profession is a very conservative profession. As a Young Lawyer, you will be saddled with a lot of ad hoc responsibilities. You may be sent to carry out some legal assignments at the Police Station, The Correctional Centers, Government Departments, the Courts etc., on Legal Matters. You must *always appear well dressed*, keep to the colour code of the Profession which is *black and white*. You may wear jewelry but only sparingly. *Be polite, and be friendly and diplomatic.*

The Legal Profession requires a lot of *hard work*, you must *develop yourself by constant study and research*. You must be *humble and ready to learn*. It is a *continuous learning process*, do not form the habit of taking permission from your seniors to call your case in other to leave the Court early. Remain in the Court for as long as possible and *learn from seniors* as they do their cases. Assemble some good precedent materials from competent lawyers to assist you when you are preparing your legal documents. Start by *building a*

Library comprising of physical books and electronic documents. You must know how to use digital tools.

You must be ***skillful in Legal Drafting***. Winning a case starts with how you draft your Court Processes. Master the art of ***Brief Writing*** and the art of preparing ***Written Addresses***. Before you go to Court, ***painstakingly study the case file and master the facts. Study the documents you intend to tender carefully to be sure that they are admissible. Master the Court Rules and the Evidence Act*** and arm yourself with them when you are in Court. ***Read the Law Reports regularly to update yourself with the knowledge of the law.***

When your case is ripe for hearing, ***prepare your witnesses properly and take them through their Written Deposition or through their brief.*** Make sure you ***arrive at the Court early and be seated before the Judge.*** Ensure that your ***case is listed*** on the cause list and that all your ***processes have been served*** on the opposing party.

Before the Court, you must ***maintain decorum, be polite to all and sundry, and never lose your temper.*** Put up your ***best performance in every case irrespective of the amount of fees you are paid.***

You must avoid the temptation to be a tout, don't chase after clients, you will cheapen yourself and they will pay you meagre fees. Don't ever go into charge and bail, such lawyers are always very poor because nobody will bring any serious case to them. As you progress, you ***must be courageous to charge good fees, particularly for drafting commercial agreements where the transaction is of high value.*** Remember many of your clients will be people who know you so be careful not to become a Father Christmas. However, in ***appropriate cases, you can offer pro bono services.***

APPLICATION OF ICT IN LEGAL PRACTICE:

Information Communication Technology (ICT) is an umbrella term that includes all technologies for the manipulation and communication of information. The advent of ICT has revolutionized human existence, the Legal Profession is not exempted. The ***world has become a global village where transactions can be conducted with the speed of lightening.***

ICT covers every aspect relating to ***storage, retrieval, transmission or reception of information in electronic or digital form.*** This includes the ***internet, intranet, email, wireless networks, cell phones, and other communication mediums.***

In Nigeria, ICT has affected several aspects of Legal Practice. I will highlight some areas.

(1) **LAWYER-CLIENT RELATIONSHIP:** In the present dispensation prospective clients can search online for reputable law firms and particularly those specializing in the legal services they require. Many Law Firms now have their *websites* with detailed information about their services. Some of these websites are fully interactive. Some other lawyers have *online via social media outlets such as Twitter, Facebook, Whatsapp* amongst others.

(2) **LAW OFFICE MANAGEMENT:** ICT can enhance Law Office Management and the practice of law by facilitating daily office practices in a law firm. Starting from the reception area, *visitors and clients alike can fill in electronic logs to register their presence in the office*. They can even *book their appointments beforehand* via E-mailing and Instant Messaging. Furthermore, routine processes such as legal drafting, filing of court processes, making of deeds, issuing of receipts to clients can also be done with the aid of computers. Clients can even *pay for legal services via electronic banking system (e-payments)*.

Many Law Offices are now fully computerized. They have configured their office systems to accommodate digital filing of documents, word processing, electronic communications via e-mails, conference calls, video conferencing applications, legal research, e-libraries etc.

A radical approach in the field of ICT is the deployment of **ARTIFICIAL INTELLIGENCE (AI)**. AI has been defined as *“the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. The term is frequently applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as the ability to reason, discover meaning, generalize, or learn from past experience.”*

In the field of *Legal Research* and *Legal Drafting* Artificial Intelligence has made breath taking inroads in the field of Legal Practice.

LEGAL RESEARCH: Legal practitioners can conduct legal research both online and off-line with Legal Software such as *Legalpaedia, Law Pavilion, Findlaw, Nigerian Law Guru*, etc with regards to an aspect of the law via the internet.

LEGAL DOCUMENTATION: Law Firms can streamline their Legal Drafting procedures by automating the drafting of legal documents. Powerful, accurate,

and instant AI-driven Legal Drafting software can be deployed to generate simple agreements and documents.

(3) **COURT PROCEEDINGS:** ICT can effectively be deployed in our daily Court Proceedings.

(i) **Electronic filing (E-Filing):** E-Filing is one of the key ways in which ICT can improve legal practice in Nigeria. *Court processes can be filed via e-mail* or at the *E-Filing Portal of the Court's website*. Through this dynamic approach, suits can be filed online 24/7 from anywhere. Payment will be made online and electronic receipts will be issued instantaneously.

(ii) **Electronic Recording of Proceedings:** Some advanced jurisdictions have replaced the manual system of recording of court proceedings electronic record of proceedings in audio or video format, making automated transcription possible. Such audio or video recordings can then be converted to real-time transcripts. Such recordings can be synchronized with annotations made by judges during hearings, so the judge can simultaneously play back the hearing and see the corresponding notes. Any party requesting for record of proceedings can pay online and download the record of proceedings. This will facilitate easy access to court proceedings by parties and their counsel.

(iii) **Virtual Hearings:**

Remote Hearing or *Virtual Hearings entail the conduct of Court proceedings either wholly or in part by the use of live video whereby parties and their Counsel take part using video conferencing applications such as Zoom, Skype, WebEx etc. without the necessity of physical attendance in the courtroom.* Furthermore, recorded electronic testimonies can be admitted in court in place of the traditional live testimony.

Virtual Hearings are quite appropriate to receive the evidence of vulnerable witnesses or witnesses in faraway locations who may find it practically impossible to access the Court room. It may also be useful to receive the evidence of expert witnesses.

(iv) **Online Courts:**

An *online courtroom provides 'online judging'* - the determination of cases by human judges but not in physical courtrooms. Instead, evidence and arguments are submitted through online platforms through which judges also deliver their decisions. Online courts allow for the use of technology to deliver judicial decisions. Online courts do not serve as an alternative to the public court

system but as part of it. *Proceedings in an online courtroom can be conducted in two ways which are:*

- i. Audio hearing- the use of audio conferencing technologies to facilitate court proceedings; and*
- ii. Video/Virtual hearing- the use of videoconferencing technologies such as Zoom, Skype, Teams and WebEx to conduct proceedings.*

(v) **Online Dispute Resolution (ODR):** Generally speaking, ODR is regarded as a form of Alternative Dispute Resolution (ADR). The distinguishing factor of **ODR however is that the dispute resolution is conducted online**. The real driver for ODR is Electronic Commerce (E-commerce). E-commerce makes it possible for transactions to take place across various countries. The trans-border nature of E-commerce therefore brings complications into the adjudication of these transactions. Unlike other dispute resolution processes, ODR is a fast, efficient, flexible, and inexpensive mechanism for handling e-commerce disputes, both at the domestic level and across borders. The Neutral in Online Dispute Resolution allow parties present their positions, help parties to find a common ground and narrow the scope of the dispute assess the relative strengths and weaknesses of each parties' position and help the parties explore the possibility of a settlement.

(vi) **Electronic Delivery of Judgments/Rulings (E-Judgments/Rulings) and Electronic Execution of Judgments/Rulings (E-Execution)**

In this digital dispensation, it is usual to find courts across the globe, delivering judgments and rulings without requiring the physical presence of either the parties or their counsel. Sometimes, the judgments and rulings are delivered via video conferencing applications or by e-mail sent to the parties or their counsel. The Court can even upload the judgment/ruling to the Court's website and the parties or their counsel will be informed to download same.

In the recent workshop for judiciary workers in the Information and Communication Technology, ICT, department ,the Chief Justice of Nigeria, Justice Ibrahim Muhammad said the Judiciary would embark on a full-scale digital revolution that would guarantee electronic filing of court processes and virtual delivery of judgments. In his words he stated thus:

“We look forward to new frontiers of this digital revolution, in our courts where the entire Court system will be fully automated. As this process will be full-scale e-filing of Court processes, electronic recording of proceedings and e-judgments; e-rulings and execution of judgments and rulings”.

With this formal declaration by the head of the nation's judiciary it is evident that the digital revolution has come to stay.