

THE MODERN LAWYER: THE INDISPENSABILITY OF LAWYERS IN MODERN DAY NIGERIA

BY:

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"Without justice being freely, fully, and impartially administered, neither our persons, nor our rights, nor our property, can be protected. And if these, or either of them, are regulated by no certain laws, and are subject to no certain principles, and are held by no certain tenure, and are redressed, when violated, by no certain remedies, society fails of all its value; and men may as well return to a state of savage and barbarous independence."

~ Joseph Story, Supreme Court Justice.

A nation without lawyers is akin to a society of anarchy as lawlessness, deprivation of rights, subjection and humiliation would prevail. In modern times, virtually all aspects of life are regulated and protected by law, certain rights are entitled under some of these laws, legal representation becomes imperative in eventful breach or infringement of the rights provided and protected. The discipline and profession of law is versatile; it embraces a variety of subjects, fields or skills covering almost every aspect of human life, especially in modern times where legal practitioners have found themselves in many aspects of life as specialists in specific areas of law or general practice. This piece aims at bringing to light the essence of the Modern lawyer in Nigeria. The clock of destiny is ticking out, and the modern lawyer must act on his duties and responsibilities now before it's too late, such duties and responsibilities

will be canvassed subsequently.

The rationale why the Modern Lawyer is indispensable in the Modern Nigeria includes but not limited to the following aspects; the Versatility of the legal profession, the role lawyers play in the society, the vitality of the profession, the contributions of lawyers to national development and national duties as nation builders, effective administration of justice, espouse of the law, defense of essential liberties of the citizens, ensuring justice in the society, protection and enforcement of fundamental rights, dispute resolution, drafting of legal contracts, conveyance deeds and mortgages, promotion of the rule of law, legal advice and consultancy, and the demand for lawyers in the contemporary society.

The nature of the legal profession is such that it cannot be set aside or neglected, it is absolutely necessary and integral to a modern state like Nigeria. Nowadays, a lawyer may work as a judge in a Court of law, lecturer of law in a university, company secretary or director of a company, civil servant, office holder in any other capacity, solicitor and above all an advocate which for all intents is the main role a lawyer plays. According to **Wikipedia**, a lawyer is a person who practices law, as an advocate, attorney, attorney at law, barrister, barrister-at-law, bar-at-law, counsel, counselor, counselor at law, or solicitor, but not as a paralegal or charter executive secretary.

The vitality of the legal profession in Nigeria cannot be overemphasized though some have argued that over the years, lawyers have contributed in corrupt practices, immoral, indiscipline and negligent conducts towards their clients and fostering of injustice in law generally,

but this is not tenable in the contemporary society on the grounds that as the law is dynamic so also the society, such has changed in the sense that the Legal Practitioner Act provides situations where a lawyer would be punished for breach of professional conducts and also there exist controlling bodies of the legal profession like the Body of Benchers established by **Section 3(1) of the Legal Practitioners (Amendment) Act** which has the function to discipline members of the legal profession. The origin and growth of the legal profession in Nigeria over the years from the era of the colonization left written in the sands of time great achievements and reformation in the judicial and political system in Nigeria, they have also played a crucial role in reshaping, reforming and restructuring of the nation's laws in line with the principles of natural justice. Their contributions and roles in the country in recent times have been rising with the advent of information technologies and growth in commercial and industrial activities along with rapid development and stunning innovations.

An absence of skepticism in the fact that the ordinary business of lawyers, in most modern societies, is that of practitioners of the law, this is indisputably a stance incumbent for economic survival, in a highly competitive world. Problems and issues lawyers of the contemporary society attempt to solve and address, are parlous to the social counterpoise of the Nigerian picture. The task of the Nigerian lawyer in recent years becomes more significant, demanding more eloquence, initiative and tenacity. Dispute resolution is at the apex of the roles of a legal practitioner, he is trained in that regard. In times of conflicts, lawyers play their utmost role. Today, litigation still stands as the most common method of dispute resolution, despite the facts that the courts advise parties in a

dispute to handle their dispute through Alternative Dispute Resolution, yet it still remains the fact that parties approach the courts to clarify issues arising from ADR centers and Multi-door Court houses.

A Call to Bar in Nigeria as a new wig, spells the munificent fidelity to national duties, envisage in the liberal convention of those nation builders, with the blistery accretion of the commercial and industrial affairs of the people. In almost every society there is some ambivalence in the popular attitude towards lawyers, they are generally valued as practical men of affairs whose talent and special training are almost indispensable in any human organization. People in the society, call upon them for numerous domestic and public questions. As mentioned before now, the rate of technological development is on the rise, investments and business corporations are proliferating. Inventors and publishers of intellectual works require the qualified service of a legal practitioner in helping them get their works protected under intellectual property law. Forms of intellectual property such as patents, trademarks, copyrights to mention but a few must be formally registered with a government agency in order to receive maximum protection under the law.

The indispensability of the modern lawyer in Nigeria is such that for an effective and efficient administration of justice in law, to uphold the law in all its severity and vigor, a virile, dynamic and courageous bar is inevitable, these attributed to them, is not just their obligations as citizens but also a special duty as lawyers to uphold the fundamental principles of justice, which the law cannot depart from. The exigency of lawyers who are bold and fearless and have adequate courage, boldness and the desire to

defend the essential liberties of the citizens in his pursuit of life, liberty and happiness and to expose injustice from any quarter whatsoever remain requisite for harmony and tranquility in Nigeria. The advocate as a social defender is there to safeguard the citizens from abuse of their rights which in doing so ought not to be compromising in that regard. He acts as a watch dog for his community, as an advocate should always be ready to fight and defend the people's freedom without fear or favor. Human rights violations and fundamental rights encroachment and abuse still remain subsistent, manners of securing and protecting such entitlements are best carried by legal practitioners who are qualified as they are skilled and learned in handling such distinctive tasks. **Mr. Justice Jackson** once commented that *"in every vindication of the rights of individuals and in every advancement of human liberty in our history, the key feature were lawyers who were willing to risk their professional reputations and their features in pursuit of an ideal."*

Alisan Hannah at the Nigerian Bar Association annual conference on 11th of September 2015 reported that the prisons in Nigeria are overcrowded, operating at 113% of their official estimates, what greatly contributes to these prisons is the high rate of pre-trial detention as 69.3% of all prisoners in Nigeria are awaiting trial. It thus remains the duty of a legal practitioner to represent such victims in the interest of justice, and redeem those who are innocent and have been detained wrongfully or maliciously prosecuted. In addition, the Attorney-General the chief law officer of the Federation or State has the responsibility of punishing offenders to ensure peace and social equilibrium. This is one of the important functions lawyers perform in the society, tackling issues of

criminal breach and criminal defense. **Abraham Lincoln** in a lecture presented on 1st of July, 1850 "*The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for tomorrow which can be done today. Never let your correspondence fall behind.*" Diligence mentioned also be accounted by lawyers to the profession, and regards must be had to **Sections 2(1) and 24 of the Legal Practitioners Act** which provides for diligence of lawyers in serving and filing court processes, as affirmed in the Nigerian case of ***Shell Petroleum Development Company Of Nigeria Limited V. Sam Royal Hotel Nigeria Limited (2011) LPELR-SC.150/2010***

One of the primary functions of lawyers is preserving, promoting, and protecting the rule of law in society. Another is legal representation whether it is for an individual or entity in court, this duty is exclusive to only members of the legal profession. The articulation of argument in court on behalf of a client is another pertinent duty. Legal advice is absolutely imperative in the contemporary Nigerian society where lawyers specialized in property license usually provide legal advice to clients for good consideration, even if no law suit is contemplated or is in progress. Furthermore, drafting of contracts which is mostly performed in the field of transactional law, business law, commercial law, and company law to mention but a few, requires the services of a legal professional. A look at conveyance practice in Nigeria is an area of human endeavor that only lawyers can conduct. This however, includes drafting of necessary documents for transfer of real property, like deeds and mortgages, and services.

A lawyer has an assortment of obligations which are essential as a member of the profession they include; his duty to the court and the course of justice, as a key player in the administration of justice an instance is his duty as an officer in court to maintain and accord the highest respect and decorum to the court. In addition, he is expected to be punctual to court, properly dressed, address the court properly, being candid and fair among others. In criminal matters he is obliged to present his case with extreme impartiality and fairness.

There is a recent innovation which Artificial Intelligence are programmed in doing legal work, but the research carried out by the Engineers automating Artificial Intelligence in most firms in the United States has shown that the adoption of Artificial Intelligence in firms will be a slow task-to-task process. **Frank Levy**, a labor economist at the Massachusetts Institute of Technology said that though automation will perform a task or tasks but cannot perform all, it's not true or happens rarely. Nonetheless, it still remains an indisputable fact that actions of lawyers like advising clients, writing legal briefs, negotiating and appearing in court, seem beyond the reach of computerization.

Without lawyers in Nigeria, who will be there to represent an accused person standing trial in court? Who will be there to defend the underprivileged when they have no one to speak for them? Who will protect the poor from the rich? Who will defend the weak from the mighty? And who will defend the citizens from the strangulations and encroachments of a vast bureaucratic power? These and many other thoughts among other which I hold in my mind is sufficient to establish the indispensability of the

modern lawyer in Nigeria.

In conclusion, the modern lawyer in Nigeria is indispensable they have played roles in bringing about much needed change in society. And in the modern society their demand is on the rise so as to maintain the status quo and social equilibrium among the citizens especially those involved in business and commercial transactions. The Nigerian Modern lawyer has always and will always continue to strengthen the law and uphold it in the society, his duties and obligation remain crucial for order and justice to prevail, he has a lot to contribute which has been appreciated greatly over the years as significant achievements are to their credit. Thus, in the Modern society they are indispensable and their subsistence remains of great value to the Nigerian society.

REFERENCES

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