**TECHNOLOGY AND LAW PRACTICE IN NIGERIA: BEING A PAPER DELIVERED BY YUSUF ALI SAN[[1]](#footnote-1) AT THE NIGERIAN WEEKLY LAW REPORTS (NWLR) WEBINAR ON 9TH JULY, 2020**

**INTRODUCTION**

The practice of law started at a time when technology was non-existent. The legal industry is widely seen to be conservative and traditional. One would want to imagine that, at those times, everything was done by hand. By mid 19th century, when law came to Nigeria, technology had started to gain some roots. The legal profession however approached it with reluctance. Today however, legal technology has become the order of the day. Legal technology refers to the application of technology and software to help individual lawyers, law firms, medium and large scale businesses with practice management, document storage, billing, accounting and electronic discovery.[[2]](#footnote-2)

This article will consider the growth of technology, from the days of typewriter and manual research, to the modern age. Some of the available networking platforms are also considered, as well as the issue of whether the introduction of legal technology can have the effect of displacing the lawyers. Considering the rave of the moment, the COVID-19 epidemic, we also felt it necessary to take a look at the effect of the pandemic to law practice. We conclude with point that the way forward for any lawyer that wants to survive in the new climate for law practice, is to embrace technology.

**THE GROWTH OF TECHNOLOGY IN LAW PRACTICE**

Lawyers once did all of their legal research using books and typing and duplication of documents was done with the aid of a typewriter and carbon paper. The earliest advancement in the use of technology by lawyers came in the 1950s, in the form of the dictating machine, a time-saving device as well as a more reliable method of recording any information the lawyer needed transcribed. In 1973, Lexis invented the red “UBIQ” terminal to let lawyers search case law online rather than laboriously pore through books. This significantly reduced the amount of time lawyers needed to spend researching case law, and allowed them to spend more time on their clients. By the 1980s the dependence of lawyers on mail or courier services to deliver important documents to clients was reduced through the introduction of fax machines. With the aid of the fax machine, a document could be send from one end to the other provided the receiving party had access to a fax machine.[[3]](#footnote-3)

In 1995 Microsoft released Windows 95, and it seemed technology was entering a period of relative tranquillity. Few suspected that a revolution was coming from a completely different quarter in the form of a spftware. The introduction of a software called Mosaic, a “browser” that allowed searching of the “World Wide Web” eclipsed Windows 95 because it led to the Netscape browser, which in turn pressured Microsoft to develop Internet Explorer, and eventually led to an emphasis on Web interfaces. Few new technologies have been adopted so rapidly or had such a great impact as the Internet and browser. “Web surfing” rapidly moved from exotic to commonplace; companies rushed to connect to the Internet and install browsers. Once connected, the leap to Internet e-mail was easy and fast. Law firms, however, initially resisted the Internet. But a combination of client demands to deal with e-mail and rapidly growing awareness of the Web caused most law firms to connect. Law firm marketing was in its infancy at the time. As corporations rushed to create Web sites promoting their company and wares, firms learned soon enough that a Web site was as necessary as a sign on the door.[[4]](#footnote-4)

In recent times, however, the saturation of the market has led many lawyers to look for cutting-edge ways to compete. There are now increasing incentives for lawyers to become technologically competent. Aside from increasing demands from clients and the society in general, for technological advancement, some Bar Association specifically require that members be technology compliant. For example, in August 2012 that the American Bar Association (ABA) passed Rule 1.1 of its Model Rules of Professional Conduct, noting, “a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology.”[[5]](#footnote-5) Also, in late 2019, the Federation of Law Societies of Canada adopted a similar amendment to the Model Code of Professional Conduct.[[6]](#footnote-6)

Initially, when lawyers started their foray into the world of legal technology, there was only basic involvement in the use of technology like:

1. [Google Suite](https://lawyerist.com/technology/google-apps/) or [Microsoft Office](https://lawyerist.com/technology/microsoft-office/) for email, calendar, and documents
2. [Paperless office](https://lawyerist.com/management/paperless-office/) tools such as a remote backup and external hard drive
3. [Law practice management software](https://lawyerist.com/reviews/law-practice-management-software/) (this may also include [Timekeeping and billing services](https://lawyerist.com/reviews/time-billing-software/) for the office)
4. [Accounting software](https://lawyerist.com/reviews/accounting-software/) (if it is not part of your practice management software)
5. [Legal research tools](https://lawyerist.com/reviews/online-legal-research-tools/) (e.g. law pavilion, legalpeadia, compulaw, law digest etc)[[7]](#footnote-7)

However, new areas that have come up and in which law firms need to up their game (if they have not already done that) and they include but are not limited to:

* Cloud computing
* Cybersecurity – office, and home. Lawyers have an obligation to keep the information and property of their clients in safekeeping and now that includes keeping that information away from hackers.
* Video conferencing – cameras, screen resolution, the capacity of video cards
* Home computers
* (Virtual Private Networks) VPNs.[[8]](#footnote-8)

Putting it more broadly, below is a basic outline of the types of functions & tools that you need to keep your practice technology compliant.

1. **Storage:** Cloud storage lets you, your colleagues, and your clients all have controlled, secure access to relevant information and documents.
2. **Communication:** Lawyers use to need to be physically present in the office in order to conduct their business**.** Virtual offices are making it easier for attorneys to practice law while saving on large overhead costs.[[9]](#footnote-9)It is important to keep the communication line open when you are working from home, this would most often times mean less communication via the phone. Secure email, chat, and instant messaging tools keep things moving forward. In addition, special apps that enable teamwork & collaboration keep members who are missing in the loop and on point.
3. **Task Management:** With physical projectors, wallboard and check-in meetings not possible, digital task management makes sure nothing falls through the cracks.
4. **Video Conferencing:** Don’t underestimate the need to speak to clients & colleagues “face-to-face.” Reading facial expressions does a lot to maintain your personal connection and prevent the kinds of misunderstandings that can be common via email. Free video conferencing abound in loads all over the internet e.g. Skype, 8x8 Video Meetings, Cisco Webex Meetings, Google Hangouts, Free Conference, Zoom meetings etc.[[10]](#footnote-10)
5. **Password Manager:** As a “legal tech compliant lawyer”, you’ll have more passwords than ever. Cloud-based password managers keep everything secure and are always accessible to make sure you’re never locked out again.
6. **VOIP (Voice Over Internet Protocol):** Mobile phones are good, but the connections can be faulty, especially from your home office! VOIP, puts your phone calls through the cloud, with better clarity & reliability. Some even include the ability to review & discuss documents together on a call.
7. **Legal-specific Operations:** Excellent cloud solutions are available for all legal practice operations, including: accounting, billing, case management, and more.[[11]](#footnote-11)

More recent areas of growth in Legal Tech focus on providing tools or a marketplace to connect clients with lawyers, Client Relationship Management (CRM) tools, providing tools for consumers and businesses to complete legal matters by themselves, obviating the need for a lawyer, data and contract analytics, law practice optimization, usse of legally binding digital signature (which helps verify the digital identity of each signer, maintains the chain of custody for the documents and can provide audit trails), automation of legal writing or other substantive aspects of legal practice, platforms for succession planning i.e Will writing, via online applications etc.[[12]](#footnote-12)

However, one of the biggest steps that have enabled technology in law to involve is the digitalization and storage of caselaw, statutes, and regulations. There are also other innovations that can be exploited by non lawyers to enjoy legal services. With the rise of smart phone technology, people have access to large quantities of legal information at their fingertips. Now, there are various apps that you can download that will allow you to ask legal questions. Sometimes, those questions are not actually answered by an actual attorney but by computer. Consumers turned to these apps for mundane legal questions that they do not want to have to pay an attorney to answer.[[13]](#footnote-13) There is also an application called Docubot which allows users to generate legal documents.[[14]](#footnote-14)

**NETWORKING TECHNOLOGY FOR LAWYERS**

As a lawyer, networking and referral marketing are some of the best ways to get new clients. One of the most common types of networking involves going to events like conferences, workshops, round tables, fund raisers and meeting face-to-face with potential clients and colleagues. Not only do face-to-face events create meaningful business relationships, but they also increase your exposure. As a result, you further your firm’s reach. The face to face means of networking is however the traditional means and has a more limited reach.

Today’s practice requires a much wider stage for networking like the one the online platforms provide. Some of the online networking platforms include:

* 1. **Facebook**: With more than two billion active users around the world, Facebook is a must have for any business. This is where you’ll find your largest audience and a lot of community talk. Consumer-focused lawyers will benefit most from Facebook because it’s a great way to stay engaged and spot the issues that are highly-relevant in your area. Many have apersonal Facebook account and a separate page for their firm. The first task for any lawyer using Facebook is mastering the site’s ever­changing privacy and personalization settings. You need to understand and carefully control what the world can see.[[15]](#footnote-15)
  2. [**Instagram**](https://www.nivancontent.com/instagram-for-lawyers/): Much like Facebook (because it’s owned by it), Instagram has a large audience that does is used mostly by the younger generation. Depending on the type of law you practice, this could be helpful. As with most other social networks, you can use Instagram to build brand awareness for your law firm within your local community. Through the use of Instagram posts, Stories, and IGTV, you could put your law firm's name in the mind of potential clients.[[16]](#footnote-16)
  3. [**LinkedIn**](https://www.nivancontent.com/linkedin-for-lawyers/)**:** If you primarily get referrals through other lawyers, LinkedIn is a great place to make more meaningful and valuable connections. It can be much quieter than other social media platforms, but LinkedIn is a great tool for connecting with other firms and industry-adjacent professionals, like financial advisors or realtors. Every visitor to your profile offers serious potential to new client opportunities. Join LinkedIn groups that are relevant to your area of practice and look out for what people are talking about in your industry. Take any opportunity to chime in and offer your expert opinion on issues in your area. You never know who may need to call on your services. Most importantly, the audience on LinkedIn is simply more in tune with what you’re up against in terms of spare time as an attorney. Unlike other platforms, such as Twitter, it takes less time to stay engaged on LinkedIn. Think quality over quantity. If you only have time to log on to LinkedIn once a week, that’s okay. It’s enough to reap the benefits.[[17]](#footnote-17)
  4. **Twitter: Twitter is a social networking and micro-blogging tool, that features 140-character posts, known as ‘tweets’. It has been described by some as a cocktail party, full of trivial conversations, celebrities and self-serving narcists. For that very reason many lawyers seem to approach this platform with reluctance. But while Twitter’s ambience is much lighter and less formal then LinkedIn, it is a powerful information sharing, networking and listening tool and should not be ignored.**[[18]](#footnote-18)Twitter revolves around words, but quick messages make for a lot of noise. If you can stay focused and sort through it all, Twitter can help you engage with your target audience. Hashtags and trends are a great way to see and be seen on Twitter. Use them to research your focus and learn more about the issues in your community. If you see somewhere to jump in and join the conversation in an organic and professional way, you can increase your online visibility and connect with your local thought leaders.

**In all, it is important to keep in mind that a lawyer must always keep in mind the rules of professional ethics and ensure that all networking moves do not run afoul of the law.**[[19]](#footnote-19)

**THE COVID-19 IMPACT ON THE TRADITIONAL PRACTICE OF LAW**

The discussion of a topic like this at such a time will be incomplete without a discussion of how the COVID-19 epidemic has impacted on the practice of law, as most of us are used to. As the countries the world over, take steps to run for cover from the pandemic’s indiscriminate ravaging of the land, every other concerns ground to a halt. Contact of any form is strongly advised against, shops, offices, institutions, pubs and gatherings of any form, are shut down. Thus it came to be that life as it was in a period as recent as February, 2020, became ‘the good old days’. The world ‘normal’ as it relates to our daily lifestyle, takes on a whole new meaning. the COVID-19 pandemic ultimately changed our social, political, cultural and economic foundations in society as a whole.

No business concern, law offices inclusive, is insulated from the effects of the pandemic. Global economic structure, global mobility, role of government, health care delivery, business digitization and tech, virtual workforces, digital purchasing preferences, social boundaries and educational system are all reflective of changes occasioned by the effect of the pandemic.[[20]](#footnote-20)

For the immediate response to the lockdown law firms took the following steps

* restricting international and domestic travel by our employees;
* requiring self-isolation by employees who have recently travelled overseas;
* keeping our employees constantly informed of the ongoing situation; and
* taking steps to ensure that our premises are properly sanitized and secured.

With the help of a solid WiFi connection, colleagues who were once down the hall are now reachable only via videoconferencing. The teleconferencing service Zoom has emerged as an essential link for work life. For traditional litigation lawyers, the inter-jurisdictions travel required to attend to cases outside jurisdiction or attend meetings was rendered virtually impossible. In a practice that prizes in-person meetings (helpful to determine a witness’ credibility in an interview or take a interpreted a client’s demeanor) virtual communication became commonplace.[[21]](#footnote-21)

By the time this phase is over, the legal industry would have undergone a transformation turbocharged by the pandemic. The traditional model of law practice would have become a thing of the past and law would have fully been propelled into the digital age and its landscape reshaped.[[22]](#footnote-22) With all the government restrictions put in place to control the spread of the Covid-19 disease, the impact felt by the legal profession can be loosely categorized as financial, operational, technological and human resources.

The harsh effect of the pandemic notwithstanding, law firms who are on the feet and who hit the ground running after things return to normalcy, find that briefs will still be plenty of work for the industry overall. For instance, clients would need assistance in seeking to address supply chain disruptions or out-of-court debt restructuring amid financial challenges. Further, long after this health crisis is over, courts will be grappling with untold numbers of litigation disputes concerning whether parties are excused from performance of their contractual obligations during this health crisis

The cancellation and postponement of major conferences, trade shows and other large events will also generate legal work extending beyond the corona virus pandemic. Human right lawyers should also be gearing up for a steady stream of human right violation-related litigation. Insurance-related disputes are likely to spike in the near term. Additionally, a nosedive by the economy likely would generate much more activity in the bankruptcy/insolvency space. A downturn in the economy historically speaking means an uptick in disputes, both in litigation and in arbitration, with that increase will inevitably come more and more opportunities for the litigation industry.[[23]](#footnote-23) Arbitrators are more likely to get more to do that before the pandemic, as the whole nature of the arbitral process would lend a smooth transition to conduct of proceedings remotely.

Most importantly however, the take away from the whole COVID-19 experience is that, any lawyer who wants to stay relevant in the league must become technologically suave.

**CAN TECHNOLOGY ERADICATE THE NEED FOR LAWYERS?**

There has been fears in some quarters thattTechnology may eradicate the need for a lawyer for most legal services. Technology startups now exist that disrupt the practice of law by giving people access to online software that reduces or in some cases eliminates the need to consult a lawyer, or by connecting people with lawyers more efficiently through online marketplaces and lawyer-matching websites.[[24]](#footnote-24)

The emergence of new legal technologies does not mean that lawyers will become irrelevant. Instead, the roles of legal professionals will shift, rather than disappear, and become more interactive with technological applications in their given field. Thus is because, even in those areas where digital machines have far outstripped humans, people still have vital roles to play.[[25]](#footnote-25) The relationship between human and machine is best described as complementary. For example, in e-discovery,[[26]](#footnote-26) though lawyers are saved the trouble of sifting through the documents themselves, they remain indispensable to the e-discovery process. The human insight and intelligence is still required to strategically guide the process. The potential of e-discovery cannot be realized fully without the worldly knowledge and creativity that only humans can bring to bear in solving complex problems.[[27]](#footnote-27)

In the kind of context described above, lawyers’ roles shift to become more rooted in collaboration rather than independent problem solving. However, the fact still remains that this collaboration requires that lawyers have a more sophisticated and nuanced skills.[[28]](#footnote-28)

**CONCLUSION**

In this article, we have pointed out the inevitability of the law profession embracing technology. This was done by tracing the gradual introduction of technology into law practice. We have also suggested tools of technology and networking platforms that will aid the lawyer in the new climate of practice. We also explained that eventhough technology has made massive inroads into the practice of law, it has not come to displace humans, as the human mind is still required for the complex and intricate part of the job.

While we maintain our place in the league of conservative profession, we need to forge ahead with the demands of the moment. This cannot but be the case because even the clients which we serve have moved along. These days, clients are doing more with technology even in matters as basic as search for legal representation. They use Google to find lawyers, they use web forms to set up consultation, texting attorneys, checking portals for updates, etc. Technology is, in many ways, at the heart of the attorney/client relationship in the 21st century.

Let me end this by stressing that we must flow with the tide, else we will be crushed by it. As was stated by the writer, Stewart Brand “once a new technology rolls over you, if you're not part of the steamroller, you're part of the road.”

Thank you.

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