

AN OVERVIEW OF PROSPECTS FOR E-LEGAL PRACTICE IN NIGERIA

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- E-legal practice;
- IT in legal practice

?

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- `Information' + `technology'
- Two words treated as one
- Information -
 - Data – Text - Image – Voice
- Technology used to process information



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- A simple definition of I.T.
- "the use of technology to aid the capture storage, retrieval, analysis, and communication of information, whether in the form of data text, image or voice."



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- Cynicism – What has IT got to do with law?
 - E-Practice? IT practice?
 - Cyber practice?
 - Web practice?
- Age of Methuselah and the wisdom of Solomon?



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- ❑ Law is conservative IT is dynamic
- ❑ Study and practice of law is library based and paper dependent
- ❑ IT de-emphasizes the printed word
- ❑ Practice of law is an appeal to authorities to be cited
- ❑ IT makes citations abstract



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- Data to lawyers
 - Statutes; cases; other authorities.
- IT focuses on data + image + voice + graphics
- WYSIWYG



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- ❑ Bridging the gap is imperative
- ❑ the world and professions that law and lawyers interact with have moved the way of technology.
- ❑ many themes between the law as it is and the novelties of IT need clarification by legal parameters.



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- It is the duty of law to regulate human affairs and interaction whether physically, manually or by technology

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- Evidence is that IT has improved the law as ff
- **Jurimetrics** -scientific methods of legal inquiry and logical reasoning.
- **Forensic** - Analyses of evidence and criminal investigation



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- **Prediction of judgment** – electronic comparison of briefs and arguments
- **Legal Drafting** – templates & resolution of textual ambiguities
- **Law Reform** – Revision, consolidation and amendment



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- **CLE** – electronic CLE and distance learning programmes for NBA and the judiciary



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- Arguments against -
 - IT will dehumanize practice and robotize lawyers
 - Redundancy syndrome
 - Lack of/unreliable infrastructure
 - High cost of IT based administration of justice



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□ Response

- IT provokes ideas rather than dependency
- Poor understanding of a problem cannot provoke solutions



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- ❑ IT lessens the burden of overwork in the administration of justice
- ❑ Competition is bringing down cost of IT acquisition
- ❑ Users of IT will gain new skills.



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- ❑ Key Interfaces for IT and E-Practice
- ❑ Electronic verbatim recorders
- ❑ Operative Judiciary LAN/WAN
- ❑ Electronic filing of processes, taking of pleas & evidence, addresses & judgment.



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- Video conferencing and guided telephone conferencing especially for expert evidence and witnesses
- litigation support technology for document indexing, text retrieval, document image processing and discovery in preparation for trial



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- ❑ Electronic publication and dissemination of statutes, legal source materials and information on the judicial system through a website
- ❑ case load management in the allocation of resources, scheduling of judges workload, listing of cases, electronic diarising of cases.



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- ❑ The Lagos State Model (CAIS)
- ❑ Court Assisted Information System
- ❑ Project of the Judiciary/Office of AG with support of DFID
- ❑ Key planks of the Lagos Model
- ❑ Electronic verbatim recorders
- ❑ IT literate and skilled support staff



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- Operative LAN/WAN between Ikeja and other divisions
 - Intranet; Extranet; WWW
- Electronic filing of processes
- litigation support document indexing
- Computerization of Probate Registry



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- case load management
- Will E-Practice ever happen?
- For E-Practice to happen we must have
 - Sponsor
 - Champion
 - Integrator
 - Manager



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- **the sponsor (the CJN/HAGF):** the policy level person(s) placed to shape the politics to ensure that the required money, staff, and other resources are available for the project.



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- **the champion (SLP committee on E-Practice):** markets the message of the project by persistently highlighting the benefits to various constituencies through seminars, workshops, lectures and interactive sessions



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- **the integrator (NBA)** : resolves conflicting priorities and builds consensus through communication between the Bar, Judiciary, HAGF and the public



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- **the manager (the Consultant):** orchestrates the administration of the project according to the project plan

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- ❑ **Bio Data – Bolaji Owasanoye**
- ❑ LL.M. Research Professor, Nigerian Institute of Advanced Legal Studies
- ❑ Specialization: Legal Aspects of External Debt Management and Commercial Law; Children and Women Rights ;Legislative Drafting
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- ❑ Senior Special Fellow, United Nations Institute for Training and Research (affiliate of UN University) 1999 - date
- ❑ Consultancies: UNICEF, UNITAR, ILO, World Bank, British Council 1995-Date

- ❑ Member, Int. Learning Group of the Int. Youth Foundation, USA 1999-2000
- ❑ Member, FGN Committee on Revision of the Laws of the Federation 2001 to 2003
- ❑ Member, Legal/Regulatory Sub-Comm. BPE 2001
- ❑ Member, Selection Panel, Ashoka Innovators for Social Entrepreneurs 2001
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