Nigerian Law School

2017/2018 ACADEMIC SESSION EXTERNSHIP PROGRAMME

Portfolio Assessment

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INTRODUCTION

This is a presentation on the 2017/2018 Academic Session Externship Programme of the Nigerian Law School, which commenced on the 16th of April, 2018 and ended on the 4th of July, 2018.

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COURT PLACEMENT

Name of Court: Kwara State High Court of Justice, Ilorin Division

Address: Lajorin Street, Ilorin, Kwara State

Court No.: Court 10

Judge: Hon. Justice S. M. Akanbi

Field Supervisor: A. R. Olaitan Esq, Research Assistant to the Judge

Period: April 16, 2018 to May 25, 2018

Absence: NIL (Save on Public Holidays)

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LAW FIRM PLACEMENT

Name of Firm: Olasupo Ashaolu, SAN & Co.

Address: 5a, Lajorin Street, Ilorin, Kwara State

Principal: Chief T. O. Ashaolu, SAN

Field Supervisor: Mr. Segun Ogundola Esq.

Period: May 28, 2018 to July 4, 2018

Absence: NIL (Save on Public Holidays)

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The presentation features the following:

- Highlight of the goals of the programme, along with the knowledge, skills and values learnt;
- Highlight of the survey on the Court and Law Firm where I was placed for the programme;
- Highlight on the activities I participated in during the programme;
- Highlight of the reflective essays I prepared on ethical dilemma and law office management; and
- Challenges faced during the programme and possible solutions thereto.

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The goals of the externship programme are:

- Develop the extern's lawyering skills;
- Make the extern understand various aspects of the legal system as well as the legal profession;
- Inculcate in the extern a sense of professional responsibility and value; and
- Develop the extern's ability to reflect on and learn from their experience.

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Knowledge Learnt:

As one of the goals of vocational legal training is Knowledge of the legal system, especially of the legal system and the legal profession, the following are examples of the new knowledge learnt during the programme:

- There can be more than one Chief Magistrate in the Magistrate's Court. I had before thought there was only one Chief Magistrate, just as there was only one Chief Judge.

- That documents can be tendered under cross-examination. I never averted my mind to this possibility.

- The Court of Appeal can only sit when the maze bearing the logo of the judiciary is present in Court. I witnessed the procession of the justices

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Skills Learnt:

Skills are one the tripartite goals of vocational legal training and the following are examples of such acquired during the externship programme:

- When drafting motions and the grounds for such involves implicating the Registry or the Judge, care must be taken not be too blunt as the Court hearing the motion is likely to be offended by such affront.

- It is important to choose words very carefully when drafting Court processes, especially pleadings and affidavits.

- A lawyer thinks on his feet, and should explore the best possible ways to get out of ugly situations. This relates to a witness admitting on cross-

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Values Learnt:

Values being the third of the three goals of vocational legal training, I learned the following during the programme:

- Legal practitioners are really brothers who in most cases are detached from the conflicting interests of their clients once they are out of Court.

- Seniors respect juniors for in most cases, the juniors do most of the muscle lifting on the work which the Senior receives glory for.

- The judicial system in practice is sometimes starkly different from what obtains in the books, and it may thereby facilitate breach of

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Survey of the Court where I was placed

I was placed in Kwara State High Court of Justice, Court 10, with Hon. Justice S. M. Akanbi. The placement commenced on the 16th of April, 2018 and ended on the 25th of May, 2018.

- The Court has a good location as it enjoys the absence of artificial, uncontrollable noise like those made by moving cars. It has enough space but it is not furnished to capacity.

- The layout is good, but not adequate when compared with other Courtrooms in the same Court. Like all other Courts, the public address system has long broken down and use of IT equipment is non-existent in the Courtroom.

- The Judge has a reputation for impartiality and this lands many transferred cases before him. To save time, sometimes, he would admit evidence after the counsel objected and would ask them to adequately address the objection in their final addresses.

- More civil suits were witnessed than criminal ones. The bulk of the former are land matters and matrimonial causes. Most of the criminal cases border on armed robbery. No company proceedings were witnessed owing to jurisdictional issues.
- During meetings with him every Wednesday, he would, after discussing issues arising from proceedings in the days before, admonish us and share his experience with us. The Field

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Survey on the Law Firm where I was placed

I was placed in Olasupo Ashaolu, SAN & Co. and I resumed on the 28th of May, 2018 and finished on the 4th of July, 2018.

- The firm occupies the whole of the upper floor of a storey building. In its Ilorin office, it has five lawyers including the Principal and Senior Advocate, Chief T. O. Ashaolu, SAN, the former Attorney-General of Kwara State.

- In its Abuja office, it has eight lawyers excluding the learned Senior Advocate. There are four offices, excluding the library, the conference room, the store and the reception. There is adequate furniture and use of IT equipment is limited to the basic typing and printing jobs.

- The HOC is my Field Supervisor and he along with another lawyer with the Senior Advocate make up the permanent staff. There are two legal practitioners and corps members, both new wigs. There are three non-lawyers and administrative members of staff.

- Learning at the office was always on the go, at any time and anywhere the issue arose. I had assignments which were reviewed periodically. And I had a number of court visits with all of the lawyers together and separately. I was only in court once with the learned Senior Advocate.

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Activities Participated in Directly

- **Mooting:** during the Court placement, we had a little mooting presided over by the judge . He had asked us to use copies of motions filed in court to practise moving motions and incidents thereto. He made corrections there and then.

- **Short seminars:** we were also taken to the litigation registry as well as the probate registry, where we had short seminars on how the registries work. Apart from these, our interactive sessions with the judge was the only other thing we had.

- **Court visits:** during the law firm Placement, I was alone. I had a number of court visits with the lawyers. I had contact with clients but never during first interviewing.

- **Case file reviews:** I also made a habit of going through case files and occasionally, I would watch my field supervisor type and correct court processes.

- **Discussions:** there were weekly meetings but I was never privy to them. I contributed in discussions involving what steps to take but never drafted a process for a real trial.

- **Drafting:** I had a number of drafting assignments

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List of Written Materials in the Portfolio

1. Letter for Compilation of Records of Appeal
2. Letter for Adjournment before the Court of Appeal
3. Notice of Motion for the trinity prayers and the supporting affidavit
4. Notice of Discontinuance
5. Notice of owner's intention to apply to court to recover possession of premises
6. Power of Attorney
7. Motion Ex Parte for Garnishee proceedings and affidavit
8. Advice on Procedure for member's voluntary winding up of a company
9. Resolution to wind up and appoint a receiver
10. Declaration of Solvency
11. 3 Letters of Regret
12. 2-page reflective essay on law office management
13. 2-page reflective essay on ethical dilemma
14. Court survey form
15. Law firm survey form
16. Cover letter from Hon. Justice S. M. Akanbi
17. Attendance Sheet for Court Placement
18. Sealed Envelope containing: Cover Letter from the principal, evaluation report, law firm placement attendance sheet and

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Highlight of the Reflective Essay on Ethical Dilemma

- The essay focuses on the equation of the expression "Ensuring Service" with the practice of "Mobilising". It explores the tough choices a lawyer has to make between, on the one hand, gratifying court bailiffs to perform the duty they ordinarily are paid to do and thereby facilitating corruption and breach of the ethics of the profession, and on the hand, refusing to "mobilise" and thereby facing criticism from the Court for not "ensuring service" and possibly losing the case, the client and prospective clients.

- It presents the dilemma as between on the one hand, commission of acts unbecoming of a lawyer (Rule 1, RPC) and representing the client outside the bounds of law (Rule 15), and on the other hand, not being dedicated enough to the case of the client and impinging his competence as far as service of court processes should go.

- It concludes that the Court is complacent about how the bailiffs have made a business of "mobilisation" right under its nose, thereby forcing lawyers to breach ethics of the profession through compulsory gratification of bailiffs, and making justice expensive, if not illusory for the common man. It recognises issues of funding as being the root of the evil and thus proposes

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Highlight of the Reflective Essay on the Management of the Law Firm Where I was Placed

- The essay starts with a general description of the law firm. The firm occupies the upper floor of a storey-building at No. 5a, Lajorin Street, Ilorin, Kwara State. There are four offices in the firm. While the Learned Senior Advocate occupies the largest, the two permanent members of staff occupy one each. I shared one with two new wigs posted to the firm for the youth service programme. Together with 3 non-lawyers, the office has an eight-member staff in Ilorin, and eight lawyers in Abuja.

- The Senior Advocate hardly appears in cases in Ilorin. Throughout my stay at the firm, I was only in Court once with him. The Head of Chambers and my Field Supervisor is responsible for the running of the weekly affairs of the office and he reports to the principal. The support staff, especially the Secretary and litigation clerk, handle some basic drafting with instructions from the lawyers. The new wigs were never allowed to be in Court alone, save in the Magistrate's Courts or for a motion ex parte before the High Court.

- I observed that most of the activities that are still manually done can benefit from simple computerisation. Standard templates can be created to aid the typing of court processes by the secretary or litigation clerk; the attendance register can be computerised to prevent entry of false information; and in finalising drafting, a constantly updated checklist can be created to prevent simple

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Challenges

- A general challenge observed during the Court externship was that there was no effective policing in the legal profession. There are rules of professional conduct and ideally, the Court as well as lawyers should police lawyers for compliance. If part of policing is preventing breach of the law, then there is no excuse for the non-use of ICT to ensure effective compliance and prevent the possibilities of breach.

- Equally observed is the apparently misinformed practice at the Court of Appeal, where RRR code is generated online but payment is required to be manually made in banks. If the possibility of forging electronic (Remita) receipts as compared with bank tellers is the fear, then only misinformation can cause such as electronic tellers are more easily verifiable even in Court than bank tellers.

- Another challenge noticed during the externship programme is the ubiquity of lawyers. There are too

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Conclusion

The refusal of the Bar and the Bench to go fully IT is the cause of most of problems still faced in the legal profession. The Nigerian judiciary has no excuse whatsoever as technology has advanced to the state where what is desired in this regard can be easily done. In this regards, these solutions stare us in the face:

- An effectively designed central database for both the Bar and the Bench at all levels, federal and state, can solve most of the problems of the breach of the ethics of the profession. Noting that non-compliance affects clients in most cases, such as where a fake lawyer mishandles the case of a client, then this option should be a non-negotiable one. The practice of 'mobilisation' can also be rid of using ICT.

- Lawyers as well as Judges and their staff should be forced to receive IT training. Electronic procedures are annoyingly simple. The only reason people find them difficult is because of the mind-set that old people (at the Bar and on the Bench, for example) cannot master new things.

- Staff of the judiciary should equally be forced to learn and possibly master basic IT. They will be in charge of the system more. Competence in IT should be sine qua non to taking up a

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- Serious practical IT training should equally be included as a compulsory course in the legal education at every level at the University, and should be sine qua non for admission into the Nigerian Law School.

- Use of IT in the legal profession in Nigeria at the present moment is unarguably a mockery of IT. While the Court of Appeal payment procedure is a good example, the Nigerian Law School is the perfect example in this regard. Compared with some universities' online portals, such as the University of Ilorin's, the Nigerian Law School's use of IT no doubt is still sadly crude.

- An effective electronic system can have needed data easily migrated from Universities' portals and such can facilitate the spread of information to target audience. For example, mentorship programmes, externship programmes, and portfolio assessment can greatly benefit from this, Plagiarism can be easily rooted out in reflective essays and even log books. Audio-visual

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