

ARTIFICIAL INTELLIGENCE AND THE NIGERIAN LEGAL PROFESSION

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ABSTRACT

Lawyers are often described as ‘learned persons’ because it is assumed they know all the laws, a bit about almost everything and highly intelligent individuals. This no doubt is made possible by the legal and analytical reasoning skills they learnt in the course of their training. Since only human beings were traditionally considered to be ‘intelligent,’ legal practitioners have no doubt carved a niche for themselves in that sphere for many years. With the advent of Information Technology (IT) however, things are changing and the conservative legal profession is not spared. Over the years IT has proven to be the perfect quintessential asset within the reach of legal practitioners irrespective of their area of expertise or practice. With the aid of technology, work load or work content is reduced, time frame in research is abridged, there is the likelihood of accuracy in processed data and errors are minimized. One aspect of technology which perhaps is the greatest tool of all times is artificial (machine) intelligence (AI). The paper examines the impact of artificial intelligence in the legal profession. The study reveals that through the years legal professionals have been used to the conservative ways of oratory, advocacy, teaching, legal research and other aspects of their legal work but there is a universal shift towards adapting AI into areas of legal practice. The new realities of an AI driven legal profession; its prospects and challenges are examined in the study. Will AI displace lawyers in their field? Will it cause unemployment? Will it bring about efficiency in legal practice? Are there legal issues surrounding the deployment of AI in the Nigerian legal terrain? These and other questions were resolved in the paper where it was also concluded that AI has the possibility of revolutionizing the legal profession where it is keyed into.

Keywords: Artificial Intelligence, Law, Lawyers, Technology

1. INTRODUCTION

In general parlance, intelligence has to do with the ability to comprehend or understand things from experience or information gathering. When an individual can solve problems with logical reasoning or by being analytical, he is believed to be intelligent. Intelligence has variously been defined as the skilled use of reason,² the ability to learn, understand and

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² Definition of Intelligence <https://www.merriam-webster.com/dictionary/intelligence> accessed 28 December, 2020.

make judgments or have opinions that are based on reason.³ The ability to acquire and apply skills or knowledge have traditionally been ascribed to human beings or animals but with the new wave of technology, machines or computer devices can be said to be intelligent.

Artificial Intelligence could be described as the processes involved when technology is used in carrying out tasks which ordinarily requires human efforts or natural intelligence. It is said to be an area of computer science that emphasizes the creation of intelligent machines such as robots that work and reacts like humans as well as performs chores done by humans.⁴ It should be noted that although the use of intelligent robots and the stimulation of machines to work like humans could be traced far back into history, modern understanding of AI can be said to begin in 1956.

Coinage of the term AI in modern times is attributed to John McCarthy who is widely recognized as the father of Artificial Intelligence. In 1956 during an academic conference on Artificial Intelligence in Dartmouth, McCarthy defined it as ‘the science and engineering of making intelligent machines.’ In depicting AI, Allan Turing proposed the ‘imitation game (Turing Test).⁵ Any computer that passes the Turing Test is therefore said to be intelligent.

Apalando⁶ classified AI into three broad categories: the ones that can carry out peripheral tasks exceptionally better than human beings (Artificial Narrow Intelligence or ANI), the AI that can perform intelligent activities just like human beings (Artificial General Intelligence or AGI) and the AI whose intelligence outsmarts that of human beings, this AI is said to be beyond human-level intelligence (Artificial Super Intelligence or ASI).⁷

³ Intelligence <http://dictionary.cambridge.org/dictionary/english/intelligence> (accessed 28 December, 2020).

⁴ Olorunfemi, I., and Uwadileke, I. ‘Artificial Intelligence Technology: Is Nigeria Ready’ *Vanguard Newspaper* (Lagos, 22 April, 2019) <https://www.vanguardngr.com/2019/04/artificial-intelligence-technology-is-nigeria-ready/> (accessed 26 December, 2020).

⁵ The test is a game comprising three participants (a human, a computer and a judge) The Turing test is passed if the human judge cannot effectively discriminate between the human and the computer. Schuett, J., ‘A Legal definition of AI’ *2019 SSRN Electronic Journal* https://www.researchgate.net/publication/336198524_A_Legal_Definition_of_AI (accessed 31 December, 2020.)

⁶ Apalando, I.O., *Legal Tech in Nigeria: Applications and Implications* https://www.academia.edu/40034923/Legal_Tech_in_Nigeria_Applications_and_Implications_An_Independent_Report_ (accessed 28 December, 2020.)

⁷ *Ibid.*, 6.

The common denomination for these categories is the seamless ease at which tasks are performed. Researchers recently predicted that in the next ten years AI will outperform human beings in a lot of task like language translation, working as a surgeon among other activities. It is also believed that there is a 50% probability of AI outsmarting human beings in all tasks in 45 years and automating all human jobs in 120 years.⁸

With the predictions and growing technological wave, the possibility of AI being applied to the field of Law has been explored by technology giants around the world with the deployment of AI-driven applications and software which perform tasks otherwise thought to be peculiar to or within the exclusive preserve of ‘human’ lawyers. Even though there is the assurance of legal practitioners working smartly, accurately and with ease, the fear of this new development ‘replacing’ legal practitioners and making them jobless still persist in several quarters.⁹

2. ARTIFICIAL INTELLIGENCE AND THE LAW

Gottfried Wilhelm Von Leibniz, a German lawyer, philosopher and polymath first predicted the use of machines (AI) in law. According to him, ‘It is unworthy of excellent men to lose hours like slaves in the labour of calculation which could safely be relegated to anyone else if machines were used.’¹⁰ He was curious as to the possibility of machines completing all steps of an event chain which occurs in a lawyer’s mind while they are deciding or machines calculating who is right when disputes arises between people.¹¹ He therefore proposed that ‘the only way to correct our reasoning is to make them tangible as mathematician’ in such a way that errors or mistakes can be found at a glance, and whenever there are disagreements between people, by being calculative or mechanical, same is resolved.¹²

⁸Peart A., ‘Homage to John McCarthy, the Father of Artificial Intelligence (AI)’ <https://www.artificial-solutions.com/blog/homage-to-john-mccarthy-the-father-of-artificial-intelligence> (accessed 26 December, 2020).

⁹ Daniel, G., *What if the Computer Replaces the Lawyer?* (Rodi Printing and Publishing Company, Port Harcourt. 2017) 65.

¹⁰ Siboe, N.N., ‘Herald! The Era of legal Artificial Intelligence in Legal Practice’ (Law Society of Kenya Advocates Magazine, 2019) https://www.researchgate.net/publication/335231064_Herald_The_Era_of_legal_Artificial_Intelligence_in_Legal_Practice (accessed 30 December, 2020).

¹¹ Barker, M.R., and Bambara, J. ‘Artificial Intelligence will Advance the Practice of Law, but Introduces the Potential for Discrimination and Liability’ <https://www.withersworldwide.com/en-gb/insight/artificial-intelligence-will-advance-the-practice-of-law-but-it-introduces-the-potential-for-discrimination-and-liability> (accessed 30 December, 2020).

¹² Siboe, *op cit*.

As earlier indicated, one of the rationale behind AI is making computers, machines or mechanical devices act like or stimulate the functioning of the human brain.¹³ These smart (intelligent) software have evolved from mimicking basic human reasoning to providing a lot of specific benefits. As a matter of fact, the technology has taken center stage in sectors and careers like medicine, engineering, banking, security, and so many others in several jurisdictions.

Amidst uncertainties and reservations, the conservative legal sector has also caught the fever of AI. It has been predicted that by 2025, more than 100,000 jobs will be automated in the legal sector in the United Kingdom alone.¹⁴ In October 2017, top London solicitors were pitched against Case Cruncher Alpha in an historical AI versus Lawyers challenge. Both parties were given the basic facts of a case and asked to predict the outcome. The Robot scored an accuracy rating of 86.6% while the human lawyers got only 66.3%.¹⁵ Similarly, DoNotPay the world's first robot lawyer¹⁶ makes use of automation to provide legal help with consumer service disputes like challenging traffic tickets, refugee applications, copyright protection, clinical trials, college fee waivers, compensation for crime victims among other legal consultation and services they render for users. The accuracy and precision with which these robot lawyers work or process information is simply amazing. For example in 2018, the AI developed by LawGeex reviewed five Non-Disclosure Agreements in 26 seconds beating about 20 top US lawyers with 94% accuracy while the shortest time the lawyers carried out the task was 51 minutes.¹⁷

The issues most practitioners have with the introduction of AI technology to law are multifaceted. Apart from the fear of machines or robots taking over the practice of law, several other questions have been asked: Can AI be considered as a legal person and directly liable for damages?¹⁸ Can

¹³ Daniel, *op cit.*, 67.

¹⁴ Adeyoju, A., 'Artificial Intelligence and the Future of Law Practice in Africa' (15 December, 2018) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3301937 (accessed 3 January, 2021).

¹⁵ <https://www.case-crunch.com/> (accessed 30 December, 2020).

¹⁶ <https://donotpay.com/> (accessed 21 January, 2021).

¹⁷ LawGeex Blog. '20 Top Lawyers Beaten by Legal AI' *LawGeex Blog* (23 October, 2018). <https://blog.lawgeex.com/20-top-lawyers-were-beaten-by-legal-ai-here-are-their-surprising-responses> (accessed 21 January, 2021).

¹⁸ Casano, F., and Cavinato, F., 'AI-'Agents': To Be or Not to Be in Legal Domain?' Being paper presented at the 2018 Kent Critical Law Society Conference at School of Law, University of Kent. 5.

tasks performed entirely by AI be said to fall under the ‘practice of law’? Can AI be said to be a licensed legal practitioner within the ambit of available laws regulating legal practice? Since there is no direct legal framework regulating AI either in Nigeria or at international scene, allusions are made to case laws and interpretations gleaned from general legal principles in answering the questions.

While it has been argued that as AI evolves, becomes more sophisticated, and takes up qualities similar to human beings, they should be entitled to a status comparable to natural persons, many others believe ascribing legal personality to AIs would be ‘inappropriate from an ethical and legal perspective.’¹⁹ Nonetheless, the debate as to whether AI should take on some form of legal personality is still ongoing.²⁰ However, the owner, manufacturer or user²¹ of the AI application will likely be liable for the (in)actions of the AI (whether it deviates from intended instructions or causes damage) since the AI does not have an ‘independent volition of its own.’²²

In the case of *David Lola v. Skadden, Arps, Slate, Meagher & Florm LLP*,²³ the United States Court of Appeals for the Second Circuit held that a California lawyer who is unlicensed in North Carolina could not be said to be engaged in the practice of law in sorting electronic documents. The reasoning of the court was that no legal judgment was exercised in the task and that such services could be conveniently and entirely carried out by a machine. Therefore according to the decision in *Lola’s case*, ‘if a lawyer

[https://www.researchgate.net/publication/335840684_AI -](https://www.researchgate.net/publication/335840684_AI_AGENTS_TO_BE_OR_NOT_TO_E_IN_LEGAL_DOMAIN)

AGENTS_TO_BE_OR_NOT_TO_E_IN_LEGAL_DOMAIN (accessed 22 January, 2021).

¹⁹ Chesterman, S., ‘Artificial Intelligence and the Limits of Legal Personality’ (2020) 69 (4) *International and Comparative Law Quarterly*, 831.

²⁰ Barwell, E., ‘Legal Liability Options for Artificial Intelligence’ (BPE Solicitors, United Kingdom. 16 October, 2018)

<https://www.lexology.com/library/detail.aspx?g=6c014d78-7f4c-4595-a977-ddecaa3a12e4> (accessed 25 January, 2020).

²¹ For example, in 2018 when a self-driving AI Car killed a pedestrian in Arizona, the operator was charged with negligent homicide and not the AI. See BBC News., ‘Uber’s Self driving Operator Charged over Fatal Crash’ (16 September, 2020) <https://www.bbc.com/news/technology-54175359> (accessed 25 January, 2020).

²² Cerka, P., Grigiene, J., and Sirbikyte, G., ‘Liability for Damages caused by Artificial Intelligence’ (2015) 31(3) *Computer Law and Security Review*.

²³ 620 F. App x 37 (2d Cir. 2015).

is performing a particular task that can be done by a machine, then that work is not practicing law.’²⁴

The question: ‘Can AI be said to be a licensed legal practitioner within the ambit of available laws regulating legal practice?’ cannot be affirmatively answered in Nigeria. To qualify as a legal practitioner in Nigeria, the individual must have a law degree, attended the Nigerian law school and obtained a qualifying Bar Certificate or a Certificate of Exemption.²⁵ The Legal Practitioners Act²⁶ specifically mentions that persons whose name appears on the Roll of Legal Practitioners kept by the Registrar of the Supreme Court shall be entitled to practice. Since a lawyer is a person licensed to practice law,²⁷ it presupposes therefore that a ‘legal practitioner’ must be a natural person. If it is established that only natural persons come within the scope of legal practitioner, one can therefore posit that a ‘robotic lawyer’ is unknown to Nigerian law as a person who could practice law.

In addition, enrolment at the Supreme Court, payment of practicing fee and generally being ‘fit and proper’²⁸ further entitles an individual to practice and ultimately ascribes right of audience in the court.²⁹ Eventhough AI applications can be used in case management, contract review, determining outcome of cases using specially built legal algorithms or other automated tasks, it is unlikely that a robot, chat bot or AI application can fit into the description of a legal practitioner under the relevant Nigerian laws or be said to so licensed to practice law in the Nigeria context.

3. THE PROSPECTS AND CHALLENGES OF ARTIFICIAL INTELLIGENCE

There are several AI driven legal applications with built-in intelligence which many developed countries have long keyed into. Softwares like

²⁴ Simon, M., Lindsay, A.F., Sosa, L., and Comparato, P., ‘Lola v. Skadden and the Automation of the Legal Profession’ (2018) 20 (1)*Yale Journal of Law and Technology*, 248.

²⁵ Okoye, A.O., *Law in Practice in Nigeria: (Professional Responsibilities and Lawyering Skills)* (SNAAP Press Nig. Ltd. 2011) 10.

²⁶ See Section 2(1) Legal Practitioners Act, Cap L11 LFN, 2004.

²⁷ Blacks Law Dictionary

²⁸ The prescription of good conduct or character is one of the hallmark of admittance to the Nigerian Bar. See *Okonjo v. Council of Legal Education* FCA/L16/78, 1979 Digest of Appeal Cases (DAC, 28)

²⁹ See Sections 2, 4 and 5 (2) &(3) Legal Practitioners Act, Cap L 11 LFN, 2004.

ROSS Intelligence,³⁰ Kira Software,³¹ Luminance Technologies,³² Legal Sifter,³³ Leverton,³⁴ LawGeex,³⁵ and many others which accurately, efficiently and with unmatched speed summarizes cases in the context of queries, extract data, automate and analyze document are heavily relied upon by legal practitioners in their practice in these jurisdictions. There are several other AI packages or applications which simplify legal research, scan bulky legal documents and outline needed information, handle clients' complaints, review claims, predict legal decisions with so much accuracy and precision in such a way to outsmart human performance. However, legal practice in Nigeria is still largely paper based.³⁶ The development and/or deployment of AI in Nigeria is at its nascent stage because of several challenges the country still struggle with like irregular power supply, lack of internet or technology culture, poor internet connectivity or speed, corruption among others. Despite these drawbacks however, the transformative power and prospects of adopting AI cannot be overemphasized as some firms, legal technology companies and courts have keyed into AI brought on by the technology wave sweeping the country.

At the forefront of the technological drive in Nigeria is Law Pavilion Business Solutions.³⁷ With their packages like Law Pavilion Prime, Law Pavilion 360°, Law Pavilion Case Manager and Law Pavilion AI Suite response time to client is optimized, legal analysis or research is done seamlessly and cases managed with increased efficiency.³⁸ Apart from these packages automating legal services, in 2018, the company went steps ahead in integrating AI into their legal software solutions with launch of Law Pavilion TIMI, an intelligent Legal Assistant Chat Bot which is the

³⁰ <https://rossintelligence.com/features> (accessed 31 December, 2020).

³¹ <https://kirasystems.com/how-kira-works/> (accessed 31 December, 2020).

³² <https://www.luminance.com/> (accessed 31 December, 2020).

³³ <https://www.legalsifter.com/> (accessed 31 December, 2020).

³⁴ <https://leverton.ai/product/#technology> (accessed 31 December, 2020).

³⁵ <https://www.lawgeex.com/> (accessed 31 December, 2020).

³⁶ Olagbegi-Oloba, B., and Mohammed, M., 'Information Technology, Law and the Future of Legal Education in Nigeria: Is AI the Way to go?' Being paper presented at the 52nd NALT Conference (1st -5th July, 2019) in Ibadan, Nigeria. 13.

³⁷ This is a legal analytic software application which gives a detailed analysis of legal authorities by providing additional insights. It not only brings a plethora of search results, but the results are intelligent information on the authorities and always correct. See *LawPavilion Blog* (30 August, 2016) <https://lawpavilion.com/blog/lawpavilion-launches-the-first-legal-analytics-software-in-africa-at-the-56th-annual-general-conference-of-the-nba-in-port-harcourt/> (accessed 10 January, 2021).

³⁸ Peters, O.A., 'How Technology can Transform Legal Practice in Nigeria: LawPavilion as Case Study' <https://lawpavilion.com/blog/lawpavilion-flash-essay-competition-second-prize-winner/> (accessed 31 December, 2020).

first of its kind in Nigeria.³⁹ There is also in existence an AI-Powered-Speech-to-Text-Transcription System which transcribes words spoken into written format thereby reducing the stress of judges writing in longhand and gradually replacing the stenographic recording we are used to.⁴⁰

In Nigeria, LawPadi⁴¹ provides online legal advice system, legal resources as well as virtual assistance on legal issues through a chatbot. In addition, they provide access to quality legal support at affordable fees with their digital tools. With legalpedia's comprehensive set of technology solutions, legal practitioners are empowered to successfully adjust their practice to use artificial intelligence-type tools and to activate other technological possibilities.⁴² Similarly, organizing and sharing legal resources whether online or offline is simplified with CompuLaw's⁴³ workflow tools. Technologically driven services like speedy legal research, library management, document automation, verbatim reporting, among others are available freely, on subscription or outright sale depending on the package(s) deployed.

As earlier stated, AI powered software can be adapted in automating legal documents and legal advice. This can be done with the aid of virtual assistants and chatbots which virtually assists users with needed information through voice notes or interactive chats. Virtual assistants and automated advisers like LEXI,⁴⁴ TIMI,⁴⁵ ADA, ELMA and co⁴⁶ are available to practitioners. These virtual assistants offer step-by-step guide on how legal processes are drafted or procedures to be adopted when embarking on any legal task, they are programmed to answer questions put forward by users and advise on general principles of law.

³⁹ Onozure, D., 'LawPavilion Set to Release Nigeria's First Artificial Intelligence Legal Assistant' *Vanguard Newspaper* (Lagos, 23 August, 2018) <https://www.vanguardngr.com/2018/08/lawpavilion-set-to-release-nigerias-first-artificial-intelligence-legal-assistant/> (accessed 31 December, 2020).

⁴⁰ 'Artificial Intelligence will Play a bigger Role in our Court Systems-Osinbajo' *Naijmobile News* (Lagos, 13 August, 2020) https://naijmobile.com/artificial-intelligence-will-play-bigger-role-court-systems-__osinbajo/ (accessed 10 January, 2021).

⁴¹ <https://lawpadi.com/> (accessed 6 January, 2021).

⁴² <https://legalpediaonline.com/about-us/> (accessed 10 January, 2021).

⁴³ <https://www.compulaw.net/> (accessed 20 January, 2021).

⁴⁴ <https://aigeneration.net/lexi/> (accessed 16 January, 2021).

⁴⁵ Legal Naija Blog, 'TIMI, the AI Companion for every Young Lawyer' <https://www.legalnaija.com/2018/11/timi-ai-companion-for-every-young-lawyer.html> (accessed 16 January, 2021).

⁴⁶ <https://lawpadi.com/chatbots/> (accessed 16 January, 2021).

As these digital tools or automated systems have enhanced lawyers' performance and work output, they have also thrown up a lot of challenges. The fear of Artificial Intelligence, Robotics and Automated Systems disrupting legal practice and taking over the conventional job of lawyers is rife. The challenge of an 'unlicensed' 'electronic' person practicing law is real. A combined reading of sections 2 and 22 of the Legal Practitioners Act would reveal that entitlement to practice law for now in Nigeria is limited to natural persons within the meaning of section 24. A robotic lawyer would therefore be unlicensed but making use of smart digital tools to perform assigned task would not amount to practicing law.

Since AI is not a legal person capable of rights and duties in law, it is unlikely that it will be legally liable for acts done by it. However, manufacturers' liability⁴⁷ under the tort of negligence can be resorted to in determining liability in cases of third party mishap occasioned by usage of Artificial Intelligence, Robotics and Automated Systems. This liability may shift and be placed on owners or operators of AI where the manufacturer is able to prove to the satisfaction of the court that reasonable steps were taken to mitigate risk from their end.⁴⁸ According to Paragraph AD, European Parliament Resolution of 16 February, 2017 with recommendations to the Commission on Civil Law Rules on Robotics (2015/2103(INL)):⁴⁹

'whereas under the current legal framework robots cannot be held liable per se for acts or omissions that cause damage to third parties; whereas the existing rules on liability cover cases where the cause of the robot's act or omission can be traced back to a specific human agent such as the manufacturer, the operator, the owner or the user and where that agent could have foreseen and avoided the robot's harmful behaviour; whereas, in addition, manufacturers, operators, owners or users

⁴⁷ Manufacturers' liability is a concept where manufacturers are held responsible for harm caused by their defective products. The principle was established in the case of *Donoghue v. Stevenson* (1932) AC 562.

⁴⁸ Agunbiade, A.I., *Artificial Intelligence and Law: A Nigerian Perspective* (LAP Lambert Academic Publishing, 2019) 68.

⁴⁹ European Parliament, *Civil Law Rules on Robotics* https://www.europarl.europa.eu/doceo/document/TA-8-2017-0051_EN.html (accessed 3 June, 2021).

could be held strictly liable for acts or omissions of a robot.’

Where liability shift from manufacturers to operators, the operators may need to prove that they did not make modifications or give instructions to the AI capable of putting himself or a third party at risk. The Covid-19 pandemic has made a lot of sectors look inward by adopting the innovations put forward by technology and AI. Non pre-existing technological and electronic framework nearly halted continuity of judicial activities during this period⁵⁰ but that sector is gradually keying into the AI-drive. It is worthy of note that Borno State while maximizing digital tools set up virtual courtroom for hearing of cases during the period of lockdown necessitated by the corona virus. The State earned for itself the tag of being the first state in Nigeria to hold virtual court sitting.⁵¹ The Chief Judge of the State however reiterated the fact that the development will not be a flash in the pan as ‘the State would continue to take advantage of available technologies even after the pandemic.’⁵²

Similarly, Ondo State launched its e-registry on July 29th 2020 which allowed for an end-to-end e-filing system and remote hearing of cases.⁵³ Lagos State also embraced the ‘new normal’ with a new practice direction for courts during the pandemic.⁵⁴ With it, counsel, litigants and judicial staff can take advantage of technological innovations in ensuring justice is done albeit remotely. Remote court sittings and hearing of cases through

⁵⁰ Oluwajobi, V.A., and Omoyajowo, K., ‘Covid-19: A Case for Online Courtrooms in Nigeria and the Admissibility of Electronic Evidence in Nigeria’s Online Courtrooms,’ 2.

https://www.researchgate.net/publication/343344219_COVID-19_A_CASE_FOR_ONLINE_COURTROOMS_IN_NIGERIA_AND_THE_ADMISSIBILITY_OF_ELECTRONIC_EVIDENCE_IN_NIGERIA'S_ONLINE_COURTROOMS (accessed 30 December, 2020).

⁵¹ Coronavirus Update ‘Borno Set up Virtual Court room as Lagos begins Skype Hearings May 4’ *Vanguard Newspaper* (Lagos, 28 April, 2020) <https://www.vanguardngr.com/2020/04/borne-sets-up-virtual-courtroom-as-lagos-begins-skype-courtroom-may-4/> (accessed 6 January, 2021).

⁵² Olabimtan, B., ‘Borno Sets up Virtual Courtroom-first in Nigeria’ *The Cable* (Lagos, 28 April, 2020) <https://www.thecable.ng/borne-sets-up-virtual-courtroom-first-in-nigeria> (accessed 6 January, 2021).

⁵³ Ondo State Judiciary <https://ondostatejudiciary.com/registry.html> (accessed 6 January, 2021).

⁵⁴ Lagos State Judiciary Remote Hearing of Cases (COVID-19 Pandemic Period) Practice Direction 1 of 4 May, 2020 and Lagos State Judiciary Remote Hearing of Cases (COVID-19 Pandemic Period) Practice Direction 2 of 15 May, 2020. See <https://lagosjudiciary.gov.ng/index.html> and <https://www.aelx.com/wp-content/uploads/2020/05/LAGOS-STATE-JUDICIARY-COVID-19-PRACTICE-DIRECTION.pdf> (accessed 6 January, 2021).

platforms like Skype, Zoom, Microsoft Teams were adopted. The platforms offer greater access to a lot of people than a physical court can accommodate at a time.⁵⁵ Most of the courts in these States adopted electronic service of hearing notice or other court processes via text messages, whatsapp, email or other suitable technology as directed by the court.⁵⁶ With the lockdown and social distancing protocols which has restricted most of the 'normal' courts activities, it may be impossible to effect personal service but with the help of technology, the hurdle is removed and justice delivery is not stalled. This position was also judicially endorsed in the case of *Compact Manifold and Energy Services Limited v. Pazan Services Nigeria Limited*⁵⁷ where the court held that the service of hearing notice by text messages constituted sufficient and valid service.

The introduction of technology into the courtroom and by extension into legal practice raised some dust in the rather highly conservative profession. The constitutionality of virtual court proceeding was challenged in *AG Ekiti State v. AG Federation*⁵⁸ and *AG Lagos State v. AG Federation*⁵⁹ where the Supreme Court was asked to determine if such proceedings are lawful and not in variance with provisions of the constitution. The Supreme Court opined that virtual court proceedings enjoy the presumption of regularity and is encouraged as long as it is 'convenient' for the judges.⁶⁰ It is the position of the court that the suits were premature, speculative and with no valid cause of action. The suits were withdrawn by the plaintiffs and consequently struck out by the court.⁶¹

⁵⁵ Akhihero, P.A., 'Virtual Conferencing-Effect on the Judicial System in Nigeria' *Being a Paper Presented at the 2020 Law Week of Benin Branch of the Nigerian Bar Association held on 6th June, 2020*. 26 <http://edojudiciary.gov.ng/wp-content/uploads/2020/06/VIRTUAL-CONFERENCING-EFFECT-ON-THE-JUDICIAL-SYSTEM-IN-NIGERIA-1.pdf> (accessed 6 January, 2021).

⁵⁶ Lagos CJ approves hearing of Cases via Zoom, Skype. *The Sun Newspaper* (Lagos, 29 April, 2020) <https://www.sunnewsonline.com/lagos-cj-approves-hearing-of-cases-via-zoom-skype/> (accessed 3 January, 2021).

⁵⁷ (2020) 1 NWLR (pt. 1704) 70.

⁵⁸ Unreported Suit No SC/CV/261/2020.

⁵⁹ Unreported Suit No SC/CV/260/2020.

⁶⁰ In his ruling Justice Olabode Rhodes-Vivour said: 'As of now, virtual sitting is not unconstitutional...go and tell your Chief Judge to ask the Judges to continue to sit virtually if it's convenient for them.' See Adesomoju, A., 'Virtual Court Sitting not Unconstitutional-Supreme Court' *Punch Newspaper* (Abuja, 15 July, 2020) <https://punchng.com/virtual-court-sitting-not-unconstitutional-supreme-court/> (accessed 9 January, 2021).

⁶¹ *ibid.*

Apart from the application of AI in justice administration or court system, it is important to state that technology can be deployed in carrying out legal researches. Keys to research and knowledge are no longer held by traditional libraries or limited to a physical building but are now in the custody of digital libraries which stores and manipulate large collections of material in electronic forms.⁶² The retrieval and usage of legal resources from these digital platforms or databases is made easy with the use of technology.⁶³ Apart from having legal materials in electronic formats and narrowing down search results with the aid of keyword, AI can be used to analyze or sift through such materials and make connections that would otherwise be invisible in no time. The rate or speed at which machines sort through or analyse documents and produce statistically validated results cannot be compared to that of human beings.⁶⁴

With the right technology, legal practice can be managed just from anywhere in the world with or without the physical presence of the business owners. In recent times, it appears proficiency in technology is gradually becoming a requirement to ethically practice law.⁶⁵ With AI, cases, documents, human and material resources of firms can be managed and tracked- time keeping, scheduling, billing, invoicing, client relationship management and a lot of the administrative aspect of law firms can be efficiently handled. Practice management software offered by companies like NextCounsel,⁶⁶ Legalpedia,⁶⁷ among others are in high demand because of the ease with which tasks are handled when they are used.

In addition to legal practice, the worth of technology advancement in legal education cannot be over emphasized. Some law faculties and schools now infuse technology into their legal curriculum in such a way that their students are exposed to the rudiments of technology and its influence in

⁶² Fakolujo, O.A., 'Data Retrieval and use of ICT in Research' in Olayinka, A.I, Taiwo, V.O., Raji-Oyelade, A., and Farai, I.P. (eds), *Methodology of Basic and Applied Research* (2nd ed, The Post Graduate School, University of Ibadan 2006), 203.

⁶³ Kolade-Faseyi, I., 'Research and the Legal Profession: An Appraisal' (2018) (5) (1) *Unimaid Journal of Public Law*, 187.

⁶⁴ Barker, M.R., and Bambara, J., 'Artificial Intelligence will advance the Practice of Law, but it Introduces the Potential for Discrimination and Liability' <https://www.withersworldwide.com/en-gb/insight/artificial-intelligence-will-advance-the-practice-of-law-but-it-introduces-the-potential-for-discrimination-and-liability> (accessed 16 January, 2021).

⁶⁵ Broussard, C., Brown, K., Cordova, D., and Maudlin, S., 'Teaching Legal Technology' (2017) 21 (4) *AALL Spectrum*, 23.

⁶⁶ <https://nextcounsel.com/index.html> (accessed 6 January, 2021).

⁶⁷ <https://legalpediaonline.com/smart-office/> (accessed 6 January, 2021).

legal practice. Since learning never ends, to continue to be relevant in the legal profession, it is important practitioners regularly update their knowledge of law and keep in touch with present day realities. AI technologies can be used to access the worth of legal scholarship or to detect research similarities particularly with devices that check for plagiarism and access level of originality of theses, assignments or seminar papers submitted by law students or other legal scholars. Academic or intellectual property theft is to a large extent checkmated with antiplagiarism checkers like turnitin, iThenticate, Grammarly among so many others.⁶⁸

Technological innovations particularly those deployed by AI have been hailed in several quarters because of its prospects and endless possibilities. Recently at a legal-tech virtual conference, Vice-President Yemi Osinbajo was reported to have said: ‘Artificial Intelligence will play a bigger role in our court systems in the coming years, and so the lawyer of this age must become multi-disciplinary and multi-tasking.’⁶⁹ When practitioners see the bigger picture and willingly adapt to the technological innovations sweeping across the sector, the future is definitely bright.

The prospects of AI in Nigeria is encouraging and heartwarming. It appears the country is opening up her laws to fit into the technological realities of recent times. For example section 84 of Evidence Act 2011 allows for the admissibility of electronic generated evidence. In addition, the Companies and Allied Matters Act 2020 now recognizes virtual Annual General Meeting, electronic filing, electronic share transfers, e-meetings for private companies amongst other technological innovations which were absent in preceding laws.⁷⁰ With case management software being designed for courts and the use of legal email⁷¹ being encouraged among lawyers, it is hoped that in no time, the conservative profession will open up to more technological advancement especially those that are AI-based.⁷²

⁶⁸ Kolade-Faseyi, I., *op cit.* 193.

⁶⁹ ‘AI will Play a Bigger role in our Justice Delivery System-Osinbajo’ *NairaMetrics Partners* (Lagos, 17 August, 2020) <https://nairametrics.com/2020/08/17/ai-will-play-a-bigger-role-in-our-justice-delivery-system-osinbajo/> (accessed 9 January, 2021).

⁷⁰ See Section 176 (1) and 861 CAMA, 2020. See also Ezeani, C., ‘The Role of Artificial Intelligence (AI) in Creating a Sustainable Law Practice in Nigeria’ *The Nigeria Lawyers* (13 August, 2020) <https://thenigerialawyer.com/the-role-of-artificial-intelligence-ai-in-creating-a-sustainable-law-practice-in-nigeria-3/> (accessed 12 January, 2021).

⁷¹ Nigerian Bar Association, *Legal Mail*. <https://nigerianbar.org.ng/legal-mail> (accessed 21 January, 2021).

⁷² Ezeani, C., *op cit.*

With all the great prospects of AI, there are underlying fears in several quarters that the incursion of AI will spell doom for a lot of legal practitioners, cause massive employment and at the end replace many of them. There is no gainsaying the fact that AI might lead to job loss for the lazy, technological illiterate and unprepared lawyer.⁷³ Where they do not even lose their jobs, such laidback individuals may be made redundant. However, for technological savvy legal practitioners all fears are kept at bay as the deployment of AI eases their work load in such a way that they can achieve or take up more tasks, become more efficient and productive.

The impossibility of AI replacing lawyers has also been argued by some practitioners who believe that machine intelligence cannot fit into or perform tasks requiring human interaction, negotiations and trust.⁷⁴ Certain aspects of the profession still require the application of high level 'native knowledge,' 'street sense,' human intuition and emotion, human interface, practical strategy or other extra-legal factors in decision making and not just logical reasoning. For now, it is unlikely that an AI propelled device can serve as an advocate, argue matters or adjudicate suits in Nigerian courts. In these instances deployment of AI may not work as they are not programmed that way.

In addition, the growth of AI in Nigeria may not be as rapid as what we are witnessing in other technologically advanced countries because of limiting factors like traditional bias, public perception and trust in the orthodox legal system and judicial processes among legal practitioners, their clients and the general public.⁷⁵ It is important to also note that for now in Nigeria, there appears to be no specific legal framework on which AI can be anchored or anything like AI certification to regulate or manage risks associated with AI deployment. The absence of laws or government issued guidelines can create situations where innovators, manufacturers or users of AI applications act without restriction; this may spell doom for the profession and the country at large.

⁷³ *ibid.*

⁷⁴ Bam and Gad Solicitors., 'Artificial Intelligence and Lawyers in Nigeria' (25 May, 2019)

<https://www.bamandgadsolicitors.com.ng/artificial-intelligence-and-lawyers-in-nigeria/> (accessed 22 January, 2021).

⁷⁵ *Ibid.*

4. RECOMMENDATION AND CONCLUDING REMARKS

Technology is evolving at a very fast pace and if not handled well, it will boomerang and get out of hand. Therefore there is an urgent need to provide a workable legal framework for AI in Nigeria. The reality is that with the exponential advancement witnessed in the technology sector, the available civil rules in negligence and tort is inadequate. Specific legislations to statutorily control or monitor the making of intelligent machines and certify them safe for human usage is therefore important.

In addition, instead of getting worried about AI, practitioners should stay focused and maximize benefits of the technological innovation to their advantage and that of their profession. This they can do by taking conscious steps to evolve with the changing times, be technologically inclined and open to learning and/or working with technology tools.

Technology has definitely changed our way of life therefore investment(s) in AI will definitely not be a waste because their prospects and advantages are numerous. Imagine applications that are never tired, never need caffeine to stay awake, never ask for work leaves or vacations and still work smartly with high precision!⁷⁶ Anyone or profession who fails to move with the technological wave of AI will definitely be left behind. The future holds great promise for the tech-savvy legal practitioners only if they decide to embrace it.

⁷⁶ *Ibid.*