
THE IMPACT OF COVID-19 ON THE LEGAL PROFESSION IN NIGERIA*****
Abstract

The aim of this paper is to critically examine the impact of COVID - 19 on lawyers in Nigeria, positive or negative, identify the general implications and possibly proffer solutions. This paper exists to reveal the vulnerability of lawyers in Nigeria and the legal profession in the face of the COVID -19 Pandemic lockdown and unless something apt and drastic is done and seen to be done, the challenges will remain the same. The digitalization of lawyers and the legal profession is very much needed and should be greatly encouraged to enhance speedy improvement and progress in the legal system and justice delivery.

Key words: COVID-19, Pandemic, Lawyers, Lockdown, Legal Profession

1. Introduction

The impact of COVID -19 on lawyers in Nigeria was both positive and negative. However, its negative aspect has outweighed the positive. It suffices to say that the pandemic has exposed the shortcomings of the Nigerian legal system. Employment rates which were fairly good diminished, unemployment rate surged. Many lawyers lost their jobs, as businesses, companies and organizations shutdown, staffs were downsized including those in the legal department¹. The ones who weren't laid off suffered salary cut. The world is speedily transforming into a digitalized society, new trends unfolding daily, it is only logical to move along with modernization to meet up with the requirements of the current day trend or remain backwards to one's own disadvantage and retrogression. This does not expressly mean the legal profession should not preserve its originality or history (because it is undisputed that history is what makes up major part of the law "Lord Denning has rightly said", but to look for better ways to improve the profession and its representatives (lawyers) without totally destroying its ideology and ethics. It is with the precept of Nigeria's historical evolution that the Nigerian legal profession functions today and most of its rules, laws and professional ethics are back dated thus creating problems for the legal profession which the outbreak of Covid-19 has exposed, this leads us to the negative impact of Covid-19 on lawyers.

Due to the deadly virus, all sectors in Nigeria such as businesses, organizations, foreign trades and investments including the legal profession which is the focal point of this discuss, shut down, with exception to essential service workers. The nation was in physical, mental and economic wreckage, the legal profession suffered greatly, unemployment rates surged as many lawyers were laid off and others suffered salary cut from firms who struggled to pay the salaries of their staffs. Employment rate which was fairly good diminished, as most sectors were lockdown and workers were relieved of their jobs and as a result, many lawyers stop working. Lawyers were not left out from the hunger that hit nationally as some even used their cars as taxi, and rich clients became scarce or quarantined due to travel history. The crime rate increased drastically and a lot of individuals involved themselves in the use of self-help.

* **Chi. Johnny OKONGWU, PhD**, Assoc. Dean Faculty of Law, Head of Department Jurisprudence and International Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus. E-mail: lawlevi@gmail.com. Phone No: 08034850007.

** **Simon Ejokema IMOISI, PhD**, Senior Lecturer, Faculty of Law, Edo State University Uzairue. Email: imoisi.simon@edouniversity.edu.ng.

*** **Ezinwanne Anastasia NWAOBI**, Lecturer, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus. E-mail: ezinwannenwaobi@yahoo.com.

¹Legal scholars explore COVID-19 pandemic's impact in virtual symposium', last modified, March 10, 2021, <https://news.uchicago.edu/story/legal-scholars-explore-covid-19-pandemics-impact-virtual-symposium>.

Inmates who were detained shortly before the lock down where detained indefinitely, prisoners whose serving term finished during lockdown got involuntary extension. Senior Lawyers who were affected by the deadly virus died. Even after the lockdown things did not return to normal in the court room, there was an implementation of staff rotation in courts, clerk sittings and a limited number of people were allowed in court every day, with the strict observation of social distance and protective materials. Law students who had gone through law school, were delayed from been called to the Bar as a result of the current mode and methods of taking exams and being called to the Bar, others due to enter Law school were delayed.

The importance of lawyers to the Nigerian society is not only to enable citizens know their right but to also help protect those rights. The study and knowledge of law as a degree is essential because of its impact on our everyday conduct and way of living. It is to be noted that law is an instrument of the State or machinery which runs the State without which, can consequently lead to anarchy and eventually cease to exist. Legal representatives perform key roles across the country not only ensuring law and justice but ensuring that the laws made and not used as a weapon against a class of people or for personal benefit of certain individuals.

2. The Positive Impact of Covid-19 on the Legal Profession in Nigeria

As result of the COVID-19 pandemic the legal profession experienced some tremendous positive changes which have inevitably contributed to the growth and technological development of the profession in areas like the Legal profession, Nigerian law school, Practicing lawyers and Lawyers in academia, which will be discussed in subsequent subheadings. This study also shows how positively the courts systems in Nigeria have been impacted in response to the pandemic having shifted from physical interface to virtual proceedings.

2.1 The Nigerian Bar Association

The Nigerian Bar Association is Africa's most influential network of legal practitioners with thousands of lawyers on its roll and a large number of active branches across the thirty-six (36) States and Federal Capital Territory of Nigeria. It is saddled with the responsibility of promoting the welfare, security economic and professional advancement of legal practitioners in Nigeria. The positive impact the COVID-19 pandemic had on the NBA includes:

- **It improved physical hygiene and consciousness:** washing of hands with soap and running water, constantly and repeatedly, use of hand sanitizers, wearing of nose mask and social distancing of one (1) meter in-between persons was encouraged greatly by the Nigerian Bar Association.
- **Renovation of courts :**another positive impact the Covid-19 had on the Nigerian Bar Association is that they did not only recognize poor state of most courts across Nigeria but made productive efforts by renovating some courts after the pandemic had eased.
- **Online payment of Bar Practicing fees:** before COVID-19 payments of Bar Practicing Fees were done physically at the bank, however in the advent of the COVID-19 pandemics directives were given by the Nigerian Bar Association for payments to be made online.
- **Operation of Welfare Committee:** section 12 of the Nigerian Bar Association Constitution 2015 (as amended) provides for the establishment of the NBA Welfare Committee, and its functions set out in section 2(h)² which includes responsibility for; the administration of any welfare scheme established by the Association,, welfare matters and any other function assigned to it by the President or National Executive Committee.

² Nigerian Bar Association Constitution 2015 (as amended).

However, as a result of the effect, the COVID-19 pandemic had on lawyers across all States in Nigeria, the Welfare Committee became functional in the aspect of administering welfare schemes which involved fund raising and provision of COVID-19 relief materials that were distributed to genuine needy lawyers.

- **Provision of COVID-19 palliatives to lawyers:** Apart from the personal efforts of a few high ranking lawyers, the NBA released 10% of its Bar Practice Fees to various Branches in agreement with the Branch Chairmen, that these remittances would be substantially utilized by the Branches in ameliorating the economic pains and hardships of its vulnerable members ³(lawyers) by providing COVID-19 palliatives or reliefs. In form of cash or kind (illustratively, food items and the like), or a combination of the two or in any other form⁴ as many as could be reached.
- **Approval of the Use of Technology in Justice Administration:** another very prominent impact is the review of our justice administration processes and methods, and the institutionalization of the use of technology in justice administration. The NBA approved virtual hearing, communication of counsel with registry via SMS and emails and filing of court processes in some courts. For example, the Supreme Court and the National Industrial Court. It should be noted that the approval of the above was made in reference to the United States' justice system during the outbreak.

2.2 The Nigerian Law School

The only positive impact, the pandemic had on the Nigerian law school was that it ushered room for digital learning, through the use of zoom, which was not very effective due to certain factors.

2.3 The Court System

The court system also known as the judiciary is an important institution of Nigeria saddled with the responsibility of maintenance of law and order, dispensing justice according to law and ensuring peace and good governance in Nigeria by every means possible. Some of ways the COVID-19 pandemic improved the efficiency of the court system was through:

- **Immediate dispensation of justice :**one of the positive impacts the COVID-19 pandemic had on the court system in Nigeria is the quick dispensation of justice in criminal matters, bail applications and overnight cases which were essential or time bound were heard immediately especially in certain courts like the Supreme Court , Court of Appeal, Tribunals and the National Industrial Court. Irrespective of the total shut down of the courts for some weeks, matters with respect to Fourth Alteration, No. 21 Act, 2017⁵ which deals with the determination of pre-election matters were heard in person and ruled. The outbreak of the pandemic did not stop the dispensation of justice as most matters were heard via virtual proceedings.
- **Renovation of courts:** Some courts where renovated in some states, after the pandemic eased as awareness for the need to renovate most courts that where due for upgrade to fit into our present society.
- **The Use of Technology in Justice Administration:** In response to COVID-19 is that hearings became virtual, and physical sittings were halted and in very urgent cases, conducted sparingly. Video conferencing facilities were employed for processes like interlocutory or final hearings. Certain courts in the commercial cities of Nigeria rapidly

³ NBA COVID-19 Pandemic Release III last modified 15th April, 2020, <https://nigerianbar.org.ng/covid-19-pandemic-release-iii> accessed 5th January, 2022.

⁴ NBA Welfare Committee, available at <https://nigerianbar.org.ng/nba-welfare-committee>, accessed 4th March, 2022.

⁵ The 1999 Constitution of the Federal republic of Nigeria.

adopted supportive technologies that enabled video conferencing and exchange of documentation using web-based platforms that include Teams, Skype, Zoom, Google Hangouts and WebEx⁶. Some courts already had existing online filing systems- via the instrumentality of front-loading and were therefore more prepared for remote working arrangements.

- **It improved physical hygiene and consciousness** :courts adopted the system of washing hands with soap and running water , constantly and repeatedly, use of hand sanitizers, wearing of nose mask and social distancing of one (1) meter in-between persons was encouraged greatly

2.4 Practicing Lawyers Generally

One pertinent fact is that the emergence of COVID-19 definitively broadens the perception of lawyers' especially young lawyers above just litigation. In the view of the fact that before the COVID-19 pandemics the most popular sector of the legal practice was litigation, a lot of lawyers in Nigeria venture into litigation.

2.5 Lawyers in Academics

A positive impact COVID-19 had on Lawyers in Academia is:

- **The administration of E-learning:** The sudden closure of schools and the need not to let Academic lawyers and students fallow, coupled with the uncertainties about the duration of the lockdown led to the propagation and popularization of the e-learning experience. E- Learning means formal and informal education that use electronic delivery methods such as internet based learning delivery packages, CD Rom, online video conferencing, website or e-mail to manage the relationship between teachers and learners⁷. The administration of e- learning took the place of the traditional face to face delivery of lessons and interaction between law students, and law lecturers in most schools. The adoption of this innovation in the educational sector was to ensure the on-going learning for students even as they had to stay away from school.

3. The Negative Impact of Covid-19 on the Legal Profession in Nigeria

The negative impact of COVID-19 on lawyers in Nigerian cannot be farfetched as all things with advantages must also have its disadvantages. COVID-19 has brought in its wake, challenges to access to justice, occasioning undesirable delay to law enforcement and justice delivery. Some of the critical issues include risks of spread of COVID-19 in detention centers, spike in the number of awaiting-trial detainees, sharp increase in criminality, elusiveness in the quest for access to justice in a timely, fair and effective manner; making additional institutional reforms to strengthen the effectiveness of the justice chain in a radically shifted social context. Dispute resolution mechanisms appear to have become increasingly inefficient, with heightened cases of human rights violations and counter-discrimination nationally. Access to legal services appears to have become unaffordable for victims of crimes. While the use of online interface may be pertinent, it still poses some challenges on lawyers in Nigeria as well.

3.1 The Nigerian Bar Association

Some of the negative impacts COVID-19 had on the Nigeria Bar Association are:

- **Closure of Physical Courts:** One of the developments that contributed negatively to the NBA was the closure of physical courts. Following the footsteps of the Lagos State

⁶ C C Obi Ochiabutor, & E H Akpamgbo "Courts in Nigeria and Access to Justice in the COVID-19 Era" accessed 6 March, 2020:p.268-76.

⁷ N J Obikaeze, & C Onyechi, "Availability and accessibility of e-learning facilities to students and teachers of Anambra State University", *Unizik Orient Journal of Education*, vol.6, no.1&2, (2011):62-67.

judiciary's directives on Lagos States courts, it took the effort of the Chief Justice of Nigeria instructed that all courts across the country be shut down physically as a proactive measure to prevent the possibility of the court houses becoming centers for the spread of the dreaded Corona virus ("COVID-19")⁸. This led to the introduction of virtual hearing which was not very effective. The closure of physical courts meant that lawyers could not bill, especially litigants who made a living from court appearances.

- **Death of its Members:** The COVID-19 virus that claimed the lives of millions worldwide and thousands in Nigeria. Some senior lawyers also lost their precious lives to the deadly virus.
- **The Ineffectiveness of the Welfare Committee:** before the advent of the COVID-19 pandemics, the Welfare Committee of the NBA was not functional although defined, but not active. It took the personal efforts of some lawyers who pooled funds together to provide and distribute reliefs to its needy colleague before the Welfare committee could recognize the need to do same. Unlike other bodies and corporations like the National Health Insurance Scheme (NHIS), premium pension limited and other insurance schemes which cater for the needs of its members in the face of emergencies and so forth. The committee had no reserved capital for emergencies and as such, had to collect 10% of the Bar Practice Fees which was used to distribute covid-19 reliefs to various Branches and its members (lawyers) through their branch chairmen for the purpose of ameliorating the economic pains and hardships of the most vulnerable members. It should be noted that the reliefs provided was insufficient and many lawyers across the thirty-six (36) States did not benefit from this.

3.2 The Nigerian Law School

The virtual learning that many schools embarked upon as a result of the Covid-19 lockdown has adverse effects on students with various levels of vulnerability. Unequal access to the programme worsened the inequalities in our education system. Such are veritable issues for education management. The Nigerian Law School was not left out in all of these as a result of which it was:

- **The Nigerian Law School was Shut down:** In the month of March, the Nigerian law School where Nigerian law graduates obtain their practice license, was closed down along with every other educational institution in the country due to the outbreak of the deadly corona virus which claimed the lives of thousands of Nigerians and millions worldwide. The essence of this was to curb and prevent the spread of the virus among staffs students and the general public. Although, this initiative by the Federal Government was an excellent one, it totally disrupted the academic activities of the law school for that year, the next year and currently the law school is still trying to create stability while being faced with this overwhelming situation of piled academic work load.
- **The Use of Zoom:** The administration of e-learning through the use of zoom as a means of teaching thousands of lawyers in law school from different parts of the country was ineffective as a result of poor network services in many parts of the country, little or no access to good Wi Fi server services and the high cost of data services. It should be noted that the use of zoom was not something a lot of lawyers were familiar with until the advent of COVID-19, thereby making the use of as an academic mode of study a bit difficult to adjust to.
- **Academic Session Delayed:** The effect of the delayed academic session was, those who were supposed to be called to bar that year had to wait for another year, and examinations

⁸ W Sombo, "COVID-19: Lawyers Commend CJN for Suspending Court Sittings", last modified March 26, 2020 <https://nnn.ng/covid-19-lawyers-commend-cjn-for-suspending-court-sittings/> accessed 7th March, 2022.

were postponed as they could not be held online due to the rules and regulations of the Nigeria law practice. Law graduates from other law faculties across the nation waiting to enter law school that same year were withheld, thereby causing a spill over in 2021 and presently.

3.3 The Court System

- **Inadequacies of the Virtual Proceedings in Justice Administration** :prior to the approval of the use of technology and adoption of virtual proceedings in the administration of justice as a substitute for physical proceedings, the introduction of virtual hearing was received and interpreted under the virtue of **section 36(1) and (3) of the Constitution of the Federal Republic of Nigeria**. However, some of the inadequacies include: the arguments construing the legality and constitutionality of the virtual hearing with respect to section 36 (3) which was resolved in the Supreme Court cases of *A-G Lagos State v. A-G Federation & the National Assembly*⁹ and *A-G of Ekiti State v. A-G of the Federation & 2 Ors*¹⁰. The Supreme Court in delivering judgment in both cases declared that virtual hearing is not unconstitutional or offensive to section 36 of the Constitution on the right to fair hearing, and what is important is that whether it is a physical hearing or virtual hearing, both parties must be accorded a fair hearing¹¹. With regard to the requirement that hearings in court shall be public, the court held that the requirement is fulfilled if the public is given access to the virtual hearing¹².
- **The Use of Technology for the Administration of Justice**: Another is the problem of adaptation in filing processes and effecting services online. There are technical hitches that ensue from the direct use of the requisite technologies (for example Zoom, Skype, team and so forth) in maintaining online correspondence as a lot of ‘old-fashioned’ lawyers find this hard to get by with¹³. In Nigeria, the network services are poor, there is little or no access to a good Wi Fi server system and the cost of data is really expensive especially for average lawyers. Sometimes, when data connection is exhausted and in the process of filling it, a part of the proceedings is lost. In many jurisdictions in Nigeria, online proceedings are yet to be institutionalized and at the time, court proceedings are either fully halted or done in batches depending on exigency, and quite sparingly. This is a huge challenge to access to justice, because caseloads are piling up
- **Piling of Cases**: Before the onset of COVID-19 most courts handled an average of 15 to 20 cases daily, however after the pandemics struck with the enforcement of COVID-19 protocols which have effectively limited access to court rooms and the innovation of virtual proceedings the number of cases heard daily became 3 to 5 coupled with several adjournments which really affected the well-being and pockets of lawyers. The courts are now choked with piled up cases.
- **Spike in the Number of Awaiting Trial Detainees and Heightened Cases of Human Right Violation**: several adjournment by the courts led to piling of cases to be adjudicated on, which also meant the increase in the number of detainees awaiting trial as more people were arrested and detained daily for breaching COVID-19 laws. This also gave room for multiple cases of human right violation without room to seek redress and the legal profession and court system were laid to rest during that period.

⁹ SC/CV/260/2020.

¹⁰ SC/CV/261/2020.

¹¹ The Constitution of the Federal Republic of Nigeria, 1999, section 36.

¹² C C Obi Ochiabutor, & E H Akpamgbo “Courts in Nigeria and Access to Justice in the COVID-19 Era” accessed 6 March, 2020:p.273.

¹³ *ibid*.

3.3 Practicing Lawyers Generally

Formerly, each of the State courts across the country handled an average of twenty (20) cases daily, most especially the Lagos State Courts which has the busiest courtrooms in the country¹⁴. That has now changed with the enforcement of Covid-19 safety protocols which have effectively limited access to courtrooms. According to guidelines released by the State judiciary, all courtrooms must amongst others, maintain social distancing which means sitting at 50 per cent capacity, court rotation and at some point, reduced the number of cases that each court can hear per day. Only a few courts sit with only litigants and their lawyers in attendance. The COVID-19 safety Protocol contributed greatly to practicing lawyers negatively as it gave room for:

- **Delay in the Dispensation of Justice:** only matters considered urgent and time-bound trials were given priority while other pending matters are adjourned. Several cases suffered adjournment because of court rotation (for example, where a trial judge did not sit on that particular day). Several adjournment of cases led to delaying dispensation of justice which did not only affect individuals but also the law practice and practicing lawyers who invested money, time and energy in transit. The delay in the dispensation of justice also meant increased cost of justice for litigants¹⁵ who bear the burden of payment of appearance fees of their lawyers and themselves.
- **Lawyers could not Bill :** Due to the nature of legal education in the country, most lawyers are taught to believe that litigation is the only way for them to make money , this has led to the reliance of a significant number of Nigerian lawyers on court practices as a means of income. The closure of courts and later on, shelving of appearances meant that lawyers could not bill and this directly impacted their accounts especially young legal practitioners in Nigeria who depend largely on court appearance fees. A lot of small law firms and solo practitioners also rely heavily on litigation as their primary (if not sole) livelihood, since the Nigerian legal sector is not as diverse and developed as those found in advanced countries such as Canada and the United States¹⁶.
- **The Death of some Lawyers:** The COVID-19 virus that claimed millions of lives worldwide, also claimed the lives of thousands in Nigeria. Lawyers not excluded, some senior lawyers in Nigeria, lost their lives. For example, the likes of Chief Ladi Williams (SAN), John Segun Odubela (SAN) Managing Partner of Rickey Tarfa & Co, Mohammed Fawehinmi and so forth. The loss of such renowned fellows has created a gap that will be difficult to fill in the legal profession.

All of these factors made it difficult for lawyers to earn legal fees and therefore contributed to the hardship practicing lawyers faced generally during the period of the pandemic.

3.4 Lawyers in Academics

- **The Administration of E-learning:** the academic program for the year 2020 was based on e-learning and it is only logical that the administration of e-learning should be dependent on the financial capacity of the institution. However, in reality in most law institutions law teachers were given stipends and in some cases nothing to foot bills accumulated from the use of data to educate its students online with little or no hopes of salary payments during that period. It can be said that the administration of e-learning

¹⁴S Oyadongha, H Ojelu, D Akinyemi, et al. "COVID-19: How pandemic is hampering justice - Lawyers, Litigants", *Vanguard Newspaper*, January 22, 2021 <https://www.vanguardngr.com/2021/01/covid-19-how-pandemic-is-hampering-justice-lawyers-litigants/> accessed 10 March, 2022.

¹⁵ *ibid.*

¹⁶ C B Denton "Impact of Covid-19 on Lawyers", modified, October 28, 2020 <https://www.ibanet.org/article/93F8CD9B-D943-4A94-9303-35CC51941B5E> accessed 3 march 2020.

highlighted the issues of poor infrastructural development, poor welfare of staff and students, breach of contracts between management and teaching staff amongst others, stated to have been plaguing our education system.

- **Salaries were Withheld or Slashed:** in some institutions especially the private ones, academic lawyers who are law teachers in this various institutions suffered salary cuts. This worked great hardship on them coupled with the level of the economic recession the country was going through and their personal needs which they had to tend, most especially those who are bread winners of their family.
- **Little or no Provision of Technological Infrastructures for E-learning:** E-learning is defined as the use of computer as a key component of the education environment¹⁷.

The adoption of this innovation in the legal profession at this point is to ensure on-going learning for law students and young lawyers even as they had to stay away from school. However, it is obvious that some schools did not embark on this form of learning as a result of a number of debilitating factors. They include lack of requisite technological infrastructures necessary for effective e-learning and lack of means to finance these needs. The purchase of internet access and online packages. In some areas and at particular points, poor network, lack of competent personnel and so forth also constituted hindrances.

3.5 Others Include:

- **Increase in Criminality and the Use of Self-help :** during the period of the Pandemics especially the lockdown, crime rates surged; stealing, violence, domestic abuse, house burglary, robbery, police brutality, and the use of self-help. The fact that access to a lawyer was limited, and filing of cases restricted because of case pile up the use of self-help became the only tool of justice for many which further led to a lot of crimes being committed.
- **Violation of Human Rights:** In the course of implementing the COVID-19 Regulations and directives, certain fundamental human rights were violated. These include the right to life, fair hearing and right to personal liberty, etc.¹⁸ The purpose of the mobile court set up by state governments was to try offenders of the so-called COVID-19 Regulations. These mobile courts sat as Magistrate Courts to try matters summarily, but these courts did not follow laid down procedures before convictions were made. Most of these courts did not rely on any police report, suspected violators of COVID-19 Regulations are just brought before the court and asked to accept the commission of the alleged offences they are charged with. No formal examination process conducted, defendants or accused persons just appear before the court without any form of representation violating the provisions of **Section 36(6)**¹⁹ which provides that provides that every person who is charged with a criminal offence shall be entitled to be informed promptly in the language that he understands and in detail of the nature of the offence; be given adequate time and facilities for the preparation of his defence; defend himself in person or by legal practitioners of his own choice²⁰. Douglas Ogbanka Esq., a legal practitioner narrated his experience at a Mobile Court sitting at Urokpota Hall, Benin City²¹. There were several

¹⁷ F O Nwokike, 'Economic implication of e-learning in Nigeria education system', A paper presented at the annual conference of the faculty of Education, Nnamdi Azikiwe University, Awka, 22nd to 28th May (2010).

¹⁸ The affected rights are considered fundamental human rights enshrined under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999—(CFRN).

¹⁹ Constitution of the Federal Republic of Nigeria, s 36(6).

²⁰ *Ibid*, s 36 (6) (a-c).

²¹ D Ogbankwa. "The Rot in the Mobile Courts" (for further reading) Available at <https://m.facebook.com/story/graphql_permalink/?graphql_id=UzpfSTEWMDAwNDkwOTY4MDQyMT0xNDY0MzQ3MzM3MDcyMjQy> last accessed 7 July 2022.

cases of extra-judicially killing and restrictions in the process of effecting the COVID-19 regulations in Nigeria which were uncalled for.

Inflation: The inflation witnessed by citizens was terrible, one of its kind. Movement restriction did not only reduce the consumption of nonessential commodities in general but also affected the income generating capacity of individuals which led to the reduction in consumption expenditure causing the massive increase in prices of goods especially and services.

This resulted in hunger and starvation, unemployment as most companies had to lay off workers to keep up with costs.

4. Conclusion

The determination of the impact of COVID-19 on lawyers in Nigeria is necessary for the continuity of the legal profession. This paper qualitatively seeks to substantiate the proposition that Nigeria's response relies too heavily on executive directives and extra-judicial controls, leading to human rights abuses. From the above, it is clear that the negative impact of COVID-19 on lawyers outweighs its positive impact. Thus, there is need for measures to be put in place in the event of another occurrence of similar nature to ensure that presence of lawyers are not wiped out of the surface of the nation. Lawyers are problem solvers and they add value by doing so, a situation where they are not given the opportunity to do so, the result can be detrimental for both the society and lawyers too.

Furthermore, the neglect of lecturers and teachers or staff in the educational system has often led to strikes, an issue that has almost become a norm in the system, especially in the tertiary level. This level which not only serve as ground for employment for lawyers but also breeding ground for future lawyers who will take the legal profession and Nigeria to the next level.

The government should combine forces with the relevant stakeholders to enhance sustainability in the justice sector. Also, actors in this sector namely; Judges, the Police, legal aid providers such as pro bono lawyers, community paralegals, Civil Society Organizations (CSOs) and correctional services – need to work together to take on a holistic and people-centered approach to resolving justice problems.

To facilitate this, the government could reach agreement with international bodies like the United Nations or International Monetary Fund, to empower developing member states to enhance their capacities in obtaining redress for grievances and achieving improved access to justice for Nigerians both home and in Diaspora. The ones in foreign prisons awaiting trial should be tried expeditiously and the ones who are to be deported should not be kept too long in detention facilities to reduce the likelihood of contracting the virus. This would aid in the reduction of the rates of pretrial detention in foreign prisons while improving access to justice. Furthermore, encouraging free legal representation, advice and assistance for prisoners and detainees, including those in administrative detention, to secure release or use of non-custodial measures as alternatives to imprisonment.

5. Recommendations

The pandemic has exposed the shortcomings of the Nigerian legal system with regard to the use of technology in court procedures. Over the years, the top management of the Nigerian Bar Association, the leading body for Nigerian lawyers, has not adequately championed the need to implement the use of technology in the way that law is practiced in Nigeria. For example, most court processes are carried out in person. Also, payment of the lawyer's practicing fees is

made in-person, via a bank teller, as opposed to electronically. It took a lot of effort from lawyers to get the Supreme Court and other Superior Courts to compile a centralized list of lawyers' email addresses.

It is only logical that a practice directive should be issued to the various courts in the country to start taking court proceedings via electronic means such as Zoom, Skype and other programs, in order to resolve disputes amongst the parties. Most other jurisdictions have adopted such remote methods of practice. The strict prohibition of legal practitioners in Nigeria from advertising their services has made it even more difficult for lawyers to earn revenue during this pandemic. The Rules of Professional Conduct in Nigeria expressly forbids lawyers from advertising their legal expertise both digitally and physically. This limits what a lawyer can do. However, COVID-19 has brought about some positive developments in the profession. One of these developments is an increase in the use of webinars for conferences, meetings and settling disputes. As a result of the lockdown, a lot of Nigerian legal professionals are using webinar applications like Zoom as a medium to interact with their clients. Many conferences are also taking place via webinar. The Young Lawyers Association of the Nigerian Bar Association conducts a weekly session via webinars. Lawyers who could not travel out of the country for conferences are holding such conferences online. The largest law firms, governmental organisations such as Templars and NBA, and multinational organisations are also conducting their business via Zoom.

Another positive development as a result of the pandemic in Nigeria is the increase in online court hearings by the Superior Courts. On 4 May 2020 the Ikeja High Court held a virtual session in Nigeria, wherein it sentenced a man to death for the murder of the mother of his employer. The Judge of the Court, Justice Mojisola Dada, delivered the judgment via Zoom. The court proceedings, approved by the Chief Justice of Lagos State, Justice Kazeem Alogba, were in line with the Lagos State Judiciary Remote Hearing of Cases Covid-19 Pandemic Period Practice Direction.

The outbreak of Covid-19 has, in just a short period, made a huge impact on the Legal Profession in Nigeria.

- **Virtual Court Hearings**

Virtual hearings substantially reduce the financial cost to the arbitral parties, as well as their carbon footprints. They reduce “wasted” company time and travel time for lawyers. The most remarkable development since the pandemic in dispute resolution in Nigeria is not the virtual court hearing itself, but the change of attitude towards it. It was almost unthinkable before the pandemic as major developments in administration of justice in Nigeria were mainly in substantive and procedural laws. Little or no technological development had been recorded in the delivery of justice. The pandemic created a problem that could not be solved without the adoption of technology. While some still regard virtual hearings as unachievable, many lawyers and judges have embraced the need for a drastic change, which has led to urgent adoption of practice directions regulating virtual hearings.

However, a constitutional impediment soon threw the effort into crisis. Many lawyers and judges maintained that virtual hearings impeded access to justice, which is a breach of the Nigerian Constitution. The Supreme Court appears to have settled the issue when it confirmed, without ruling on any active case, that virtual hearings are constitutional. This has spurred the drive for their adoption. Despite this, only a few proceedings have been conducted remotely – namely two criminal judgments. Several problems still need to be solved before full adoption.

They include availability of appropriate facilities in court, and training of judges, lawyers and court officials. With the change of attitude, it may not be long before those hurdles are removed.

- **Electronic Court Case Management System**

The electronic court case management system supports electronic filing of documents, electronic service, and electronic search of cases, electronic payment and receipting and electronic request for extraction of orders. There should be a portal which allows for registration of law firms, organizations, self-represented parties, and the state. Once registered, all entities are able to file and serve documents via the portal. The system allows for registration and filing of documents on both existing and new matters. Once these documents are fed to the system, the user is then prompted to input details of the case. A payment prompt appears once documents are uploaded which a party will be required to pay via a mobile money platform. Upon effective filing of documents, parties have a choice to either serve their documents through the portal, or choose to effect service via email. This can be seen from the Corporate Affairs Commission of Nigeria who has reasonably moved from paper work to online transactions and payments and this has made registration of companies' way easier and effective for the public.

- **The Legal Education**

On the part of legal education and if we take the Law School as an example, we don't need to aggregate thousands of students in a hall to instruct them or for them to take exams and even call them to the bar. E-learning can take care of these. This is in fact being done in so many jurisdictions outside this country. If we look at the potential risks' students are placed in when they have to travel long distances to acquire knowledge, COVID-19 has taught us that we have to do things differently. I believe that the council of legal education will look seriously into this.

- **Protocol on Virtual Hearings**

The Association of Young Arbitrators (AYA), bringing together arbitration practitioners in Africa, launched its Protocol on Virtual Hearings in Africa (the Protocol) in April 2020. Her unique proposition is that it seeks to address specific challenges and circumstances that may arise in relation to remote hearings in Africa for African practitioners, African arbitration tribunals and African governments. The health and safety considerations related to COVID-19 and travel restrictions in many African countries have significantly disrupted arbitration hearings and made it impossible to convene physically in a single location, thus there is a consideration whether to proceed with a virtual hearing.

The objectives of the Protocol are to promote the application of technology in arbitral proceedings, and to provide for the use of affordable and available technology, software and equipment during arbitral proceedings. Importantly, it would also have to provide for cyber security measures or applicable standards with other established institutions, with a view to safeguarding the integrity of virtual hearings.

Basic recommendations in the Protocol of Virtual Hearing includes; The parties and the arbitral tribunal must agree in advance, as far as possible, on all the procedures, schedules and deadlines to be followed during the virtual hearings; the parties and the arbitral tribunal must agree in advance, as far as possible, on all the technology, software, equipment which should meet the minimum standards, and the platform to be used by all participants in the virtual hearings. Where any of the parties do not have access to the technology, software and equipment to be used for virtual hearings, or cannot meet the minimum standards, the parties may "solicit

arbitral institutions or other centers in Africa, suitable to the parties that can offer their venues for conducting virtual hearings.

The Protocol is an excellent example of innovation in international arbitration being led from Africa. The Protocol is being heralded as an important step towards virtual hearings being accepted as the new norm in African arbitration and beyond and as such, it can be adopted and put in use here in Nigeria.

- **Online Dispute Resolution (ODR)**

For the business community, ADR is no longer an alternative, but rather the norm because maintaining business relationships is critical. On the other hand, the court system has the constraints of an increasing caseload, giving way to delayed decisions and a never-ending appellate mechanism. Technology has enabled us to transcend distance and bridge the gap. Parties and witnesses to a dispute can participate in the resolution process from anywhere in the world

It is recommended that Alternative dispute resolution move to online dispute resolution (ODR), which has been made possible through machine learning and artificial intelligence, which is becoming less artificial and more intelligent. Another example is when technology is placed at the service of dispute resolution. When disputes arise in international financial centers, the parties are often in different countries.

The COVID-19 pandemic with its subsequent lockdowns has been a catalyst, unleashing the true potential of technology in dispute resolution. Courts have held sittings via video link to connect geographically separated parties and parties under lockdown. It is an opportune time to rethink dispute resolution and unleash the full potential of technological solutions in light of COVID-19, which has called for a fundamental rethinking of every aspect of our lives. For instance, courts and tribunals could not hold physical meetings to hear cases during the lockdown. The important lesson we learned is that this practice of hearing parties and counsel via video conference can continue and will in no way compromise the quality of justice being dispensed.

- **International Organizations**

Given its criticality and the fact that most countries are increasingly becoming overwhelmed by the pandemic, International Organizations have a role to play. They could propose to their member states certain safeguards as; that states should categorize access to justice as ‘essential service’ and take necessary measures to mitigate the suspension or postponement of these services. Exceptions may be made only where continuation of this proposition is not practically feasible, or where its continued practice is not in the interests of justice or hampers the right to fair trial. These Organizations could from time to time maintain correspondence with their member states, while calling on them to continue to uphold the rule of law, international human rights standards and the rights to access to justice and due process.

Other recommendations that they could propose include; that the exercise of emergency powers by the government of these member nations should be in line with constitutional and national legal frameworks as well as international human rights standards; and that safeguards preventing police violence, torture and other ill- treatment in detention facilities should be taken. Through their programmes and outreaches, they may render support to the justice sectors of member nations, including ensuring compliance with the COVID-19 Protocols for those rendering judicial services. Efforts can also be made in facilitating online functioning of

judicial services at a large scale for an increased adjudication of disputes by providing technical experts for network improvisation and management.

There is need for these organizations to review how judicial and state institutions are functioning across the humanitarian-development nexus. These organizations alongside the country's government should play joint role in proposing strategies for protecting the population, strengthening access to restorative justice for convicts so as reduce the already congested numbers in prisons, and providing reconciliatory mediation and other alternative dispute resolution for marital and domestic violence cases.