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An appraisal of he two sides of the court in the administration of justice and the use of artificial intelligence in the legal professional in Nigeria

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Abstract
The court they say is the last hope of the common man. The court is a temple where justice is sought and obtain. A court of law is designed in such a way that it does not exist in vacuum. In the course of the dispensation of justice, the procedures involved comprise of two distinct but inseparable bodies, which are the Bar and the Bench. Any litigant in court, except in exceptional cases, must be represented by a law and such a matter must be presided over by an independent and an impartial umpire, known as the judge. These two bodies form the two sides of any court system and Nigeria is not an exception.
Recently, the introduction of Artificial Intelligence (AI) in to the legal profession has generated a lot argument among writers and commentators. The first view is that, with the rate at which technology is growing, AI may soon take-over the work of lawyers especially, in the area of advocacy. The second view is that AI will only help in the proper administration of justice and it will go a long way to decongest cases in court eliminate all the tedious processes involved in litigation. In view of the above, this work will look at the two sides of the court and the impact or effect of Artificial Intelligence in the legal profession in Nigeria.

Keywords: artificial intelligence, common man, court

Introduction

There are basically two sides to any court, these sides consist of both the Bar and the Bench. At the Bar, there are those who advocate and those who are solicitors, they are called Barristers and Solicitors and because of the fusion in our legal system, both are fused together. This is to say that, once one is called to bar in Nigeria, he automatically qualifies to practice as both Barrister and Solicitor of the Supreme Court of Nigeria.

The Bench consists of judges of the various courts in Nigeria. Going by the hierarchical arrangement of our court system, the status of our judges are higher than each other depending on the court in issue. Just the same way we have some senior advocates at the bar, we also have senior judges too. It should be noted that both Barristers and Solicitors and the Judges of various courts have the same foundation. That is to say, whether a person is a lawyer or Barrister or a judge, they must have been called to the Nigeria Bar.

Technology is growing very fast and is cutting across all aspects of human endeavour. The legal profession is not left out. In most advance countries, technology has taken over some of the works lawyers do, like legal consultation and research. The two sides of the court, i.e. the Bar and the Bench will be discussed and also the impact of artificial intelligence on legal practice.

Brief history of the Nigeria legal profession

Before the advent of the colonial masters, there was in place a customary system of administering justice in Nigeria. The mode of administering justice varies from one community to the other.

Before the British colonial rule, disputes in the various communities that make up the present Nigeria were settle by means of traditional or religious method [1].

Every community in Nigeria has a well fashioned traditional mode of settling disputes. In some part, matters are referred to the elders of the community to resolve among disputants while in some places like the Western part of Nigeria, they have a court-like system where matters are heard and decided after listening to both parties by an independent umpire just as we have it today.

The history of the Nigerian legal profession is divided into three phases, the first phase is between 1876-1914. During this period of development, two categories of persons were allowed to practice law in Nigeria. They are those who are professionally qualified to practice as Barristers and Solicitors and those who practised as local attorney. Those who are professionally qualified to practice are those that were trained in England and having being so qualified, come down to Nigeria and get enrolled at the Supreme court of Nigeria [2]. The second category of persons are referred to as local attorney because they do not have the formal education as those who are professionally qualified and therefore, they are allowed to practice by virtue of the experience they may have acquired in the area of law practice over the years [3].

The second phase occurred from 1914-1962 where three categories of persons were allowed to practice. They are Graduate Barristers, Barristers and Solicitors. These three category of persons were trained formally in England because at that point in history, there was no institution in Nigeria who can train aspirants. After going through the training in England, they will be automatically qualified to practice in Nigeria. Now, the different between Graduate Barristers and Barrister is that, the former must have attended a university in England where law courses are thought and must have graduated from that university before proceeding to law school in England. The later only sat and passed the West African Examination Council (WAEC) which will qualify him to attend law school in England. Another distinction between them is their remuneration. The

Graduate Barrister is enjoyed a more favourable environment in the labour market than the one that is called as a Barrister.

The fact that they were trained in England and under the English curricular, they have a lot deficiencies practicing in Nigeria. This is because, the laws they were thought in England were English laws and the fact that their legal system is not fused as we have it in Nigeria. Some of the deficiencies are:

1. They are not conversant with Nigerian legal system.
2. They were thought only the British syllabus.
3. The legal profession in England is not fused as we have it in Nigeria.

These shortcomings led to setting up of a committee called the 'Unsworth Committee' in 1959 which was headed by E. I. G. Unsworth. This committee was charged with a number of responsibilities all of which was to see how the deficiencies being suffered by legal practitioners who studied in England could be cured [4]. The committee, after its findings, came up with series of recommendations which led to the establishment of the Nigeria Law School in 1962.

The third phase which is the last phase, is from 1962 till date. This was the aftermath of the Unsworth committee which led to the establishment among others, the Council of Legal Education, the Nigeria Law School, Faculty of laws in the various Universities in Nigeria etc.

During this period, three categories of persons were allowed to practice in Nigeria, they are:

1. Those who are entitle to practice generally,
2. Those who are entitle to practice by virtue of their office and
3. Those who practice under the license of the Attorney General of the Federation [5].

The two sides of the court in Nigeria

As stated earlier, there are two sides that form the court system. These are:

a. The Bar
b. The Bench

1. The Bar

Generally, Bar could mean so many things depending on the context within which it is used. In the legal parlance, it is a partition or railing running across a courtroom, intended to separate the general public from the space occupied the judges, counsel, jury and others concerned in the trial of a case [6]. The Bar may therefore be defined as a demarcated part of the court where only qualified personnel of the court are allowed to occupy in the cause of a trial. Before a person can qualify to advocate from the bar in court, such a person must have gone through the required training, i.e. the person must have gone to law school, pass the prescribed exam and eventually be call to Bar by the Body of Benchers.

Requirements for admission into the Nigerian law school.

The legal profession has a very rich historical heritage, hence for one to be entitle to practice generally or by virtue the office he holds in Nigeria, one must have attended a recognised and a faculty of law approved university, either in Nigeria or in such other common wealth countries as the case may be and must have offered the required courses as set out by both the Council of Legal Education [7] and the Nigeria University Commission [8].

to ensure high academic standards, a uniform curriculum approved by both the Council of Legal Education (CLE) and Nigeria Universities Commission (NUC) is strictly adhered to by all Nigerian Universities [9].

After one may have offered all the required courses as set out by the CLE and the NUC, one may then proceed to law school for a vocational training which will last for nine months. At the completion of this program at the law school, one may then be called to Bar as both a Barrister and Solicitor of the Supreme Court of the Federal Republic of Nigeria.

Requirement for call to the Nigerian Bar.

In Nigeria, the only institution recognized by law to train prospective legal practitioners is the Nigeria Law School [10]. Any student who studied outside Nigeria, be it a Nigerian or a foreigner, is required to go through two tiers of programs, i.e. the Bar Part I [11] and the Bar Part II [12].

Section 2 of the Legal Practitioners Act (LPA) [13] provides to the extent that a person shall be entitle to practice as a Barrister and Solicitor if and only if, his name is on the roll. The court while commenting on the above provision held that section 2(1) is a matter of substantive law and cannot be waived [14]. That is, no one can practice as legal practitioner in Nigeria except and until he has his name in the roll of legal practitioners that is kept at the Supreme Court. Section 2 provides in addition that a person can only have his name on the roll of legal practitioners if he satisfies the following requirements:

a. He has been called to the Nigerian Bar by the Body of Benchers.
b. He produces a certificate of call to Bar to the Registrar of the Supreme Court.

Qualification for call to the Bar

Section 4 of the LPA provides that a person shall be entitle to be called to the Nigerian Bar if:

a. He is a citizen of Nigeria
b. He produces a qualifying certificate to the Body of Benchers and;
c. He satisfies the Body of Benchers that He is of good character.

It should be noted that on the first requirement that has to do with citizenship, a non-citizen of Nigeria may be called to the Bar if he fulfils the requirements as laid down by the CLE. For example, where such non-citizen, lived and studied in Nigeria, having gone to university in Nigeria and meet the criteria set by the CLE, notwithstanding the fact that such an individual is a foreigner, he will be admitted into the Bar II programme and eventually be called to the Bar if he sits and pass the Bar final exam and meets other requirements.

On the production of qualifying certificate, the Council of Legal Education is the body responsible for the issuance of a qualifying certificate which shows and states that a person is qualified to be called to Bar [15]. Section 5 of LPA provides that, in addition to a person been a Nigerian citizen, he must have also completed a course of practical training at the Nigeria Law school.

Production of Certificate of Call to Bar to the Registrar of the Supreme Court

After the completion of the mandatory vocational training at the law school, all qualified candidates will be issued a qualifying certificate by the CLE and on the day of Call to Bar ceremony, the Body of Benchers will issue a Call to Bar certificate. Such a student is expected to present this certificate to the Registrar of the Supreme Court to have his

name entered in the roll of Legal Practitioners before such an individual can go to courts in Nigeria to practice law.

Etiquette at the Nigerian law school (code of conduct for law school student)

As stated earlier, the Nigeria law school is saddled with the responsibility of training Bar aspirants. The training is not restricted to academics alone. The profession demands that an aspirant must be intellectually and morally qualified before such an individual may be admitted to the Bar.

The Nigeria Law School has a Code of Conduct for Students. This code of conduct spells out how students are to conduct themselves throughout the duration of the vocational training. For the purpose of this paper, Part B that deals hitherto with general discipline and misconduct of students, particularly as it relates to the mode of dressing expected of students will be briefly examined.

Dress Code at the Law School

Part B, Rule 3 (2) provides as follows:

a. Male

1. He should be well dressed at all time. The regulatory dress for a male student is dark suit, white shirt, black ties (not bow ties); black socks and black shoes.
2. During hot weather, he may be permitted to wear white shirts with ties and dark trousers and black shoes to class.

b. Female

1. For female students, white blouse, dark jacket and black skirts covering the knees (dark suit) or dark dress and black shoes are to be worn. There should be no embroidery and trimmings of any type and only moderate jewelry (earing and watches) are to be worn.

c. Dressing inappropriately in contrast with the dress code of Nigerian Law School

1. Offender shall be escorted out of or refused entry into the lecture hall/classrooms. In addition, he shall be reprimanded.
2. A second or subsequent offender shall be rusticated.

The above provisions are very clear that students who are admitted into the law school are expected to adhere to certain standard in their dressing. In essence, the profession portrays a mode of dressing that is descent and has a sober reflection. Sadly, what is obtainable today at the Nigeria Law School is not in compliance with the above Code of Conduct. Students are not complying strictly with the set out modus and this has implication because even in practice, when some lawyers appear before judges, they dress inappropriate and it is always embarrassing to see things like that in our courts. This is as a result of lack of proper training which they obtain during their training at the law school. The profession is a noble one and the issue of dressing must be taken seriously and not lightly.

Again, the number of students been called to the Nigeria Bar every year could be said not to be enough to handle the diverse nature of activities in the profession. In 2010, the Late Mrs. Felicia Einmujeze of the Nigeria Law School, while granting an interview to TNV Nigerian Voice stated that, since 1962, Law school has not trained up to 70,000 lawyers in Nigeria. She was quoted thus;

It is just an illusion. There are not too many lawyers in Nigeria. Rather, we don't have enough lawyers. It is surprising. The Nigerian law school was established in 1962 and till date, we have not trained up to 70, 000 lawyers in Nigeria. This is for both the dead and alive.

In November, 2019 it was published in the Punch Newspaper that 4,779 new lawyers were called to the Bar [16]. Assuming about 5,000 aspirants are called to the Bar every year from 2010 till date, it follows that the Bar still has less than a million lawyers. It should be noted that not all lawyers called to the Bar actually go into practice. In a sane society, a citizen is expected to have a lawyer, i.e. one lawyer to one citizen, one will then wonder, in a society of about two million population where we have less than a million lawyers at the Bar, both dead and alive, could that be said to be sufficient? The answer is obviously No!

The reason why it seems on the face of it that we have enough lawyers in Nigeria is because the legal profession is fused and centralized in a way. Only few lawyers have access to all the briefs and legal works that are available. Most junior lawyers will say that, to be successful in Nigeria as a legal practitioner, one must attain old age. This is because in practice, you see a single firm that handle briefs that cut across all the spheres of law. Fusing the work of Barristers and Solicitors is also another contributory factor to the seeming large population of lawyers in Nigeria.

The extent of the applicability of the Rules of Professional Conduct (RPC) to legal practitioners in Nigeria.

Every profession all over the world have some codes of conduct with which they operate. This is refer to as ethics. According to Justice Kayode Esso [17], ''ethics commenced with creation.'' This is to say that ethics is as old as mankind. ethics, within which the Rules of Professional Conduct 2007 is concerned, crystallizes in the good, positively rejecting the bad and the ugly and dwelling on the mores in the acts or actions of lawyers (Legal Practitioners) in all they do. With ethics, there is no partiality, no scapegoat and no sacred cow [18]. In summary, the essence of having in place, some ethical obligation is to ensure uniformity, conformity, sincerity, honesty, integrity etc.

The Rules of Professional Conduct (RPC) is divided into seven chapters. These chapters deal with matters bothering on general practice as a legal practitioner, legal practitioner's relationship with his client, relationship with co-practitioners, legal practitioner's duty to the court, improper attraction of business, the remuneration of legal practitioners and their fee charges and miscellaneous provisions. For the purpose of this work, attention will be paid to Rule 14 of RPC that requires a legal practitioner to act competently in the discharge of his professional responsibilities but before then, the duty of lawyers to court and that of lawyers to client will be briefly examined.

Duty of lawyers to court

Lawyers, by their Rules of Professional Conduct are saddled with certain duties and obligations that they owe to the court. These duties are contained generally under Part D of the RPC. Under Rule 31 of the RPC, a lawyer is expected to accord to the court (judge) respect that is due to them. The essence of respect in the profession cannot be overemphasized [19].

A lawyer is expected to speak to the court in a language to portrays good manner, that is temperate and cultured. A rogue or foul language is not allowed to be spoken to a judge by counsel. Where this occur, such a counsel can be charged for contempt.

Another duty owe to the court by a lawyer is that he needs to maintain decorum while in court. Rule 36 of the RPC provides to the effect that a lawyer must at all time observe salinity while in court. This is to say that it is a lawyer's duty not to distract the court in the course of proceeding. Keeping decorum in court is limited to making noise alone, it also includes the fact that a lawyer must rise when been addressed by the judge, two lawyers cannot stand up to address the judge at the same time except a counsel wants to raise an objection to the argument of a co-counsel, the use of mobile phones while in court, even reading newspaper while the court is in session is a breach of this duty.

On the need to maintain absolute decorum in court, D. D. Dodo has this to say;

The legal profession is a profession and not a trade. It is a calling or a vocation for gentlemen of honour, dignity, noble ideals and sublime principles. It is a calling for the finest breed that mankind can offer in terms of training, learning, ability, comportment, ideals, discipline and courage [20].

At the gallery, we have laymen who are watching with curiosity and amazement. It will be a bad trait if the lawyers are seen not to comport themselves in the best of manners, sadly, what we see today in the court is almost the opposite of what Dodo (SAN) stated above. Lawyers are found of arguing unnecessary, abusing and insulting each other before a judge and all sort of uncultured and unprofessional conducts. It is hope that one day, lawyers will come to realize that the nobility of this profession starts from their conduct and comportment.

Duty of lawyers to client

Under Part B of the RPC, duties of lawyers to client are stipulated and these duties is to ensure that the lawyer is diligent in his dealing with clients. The Rule provides as follows:

1. Duty to accept brief

The legal profession is a professional practice through which lawyers earn a living through briefs they received from clients. In accepting a brief, a lawyer is not expected to choose which case to accept and which one to reject [21]. Thus, Lord Denning M. R. in the case of Rondel vs. Worsely [22] said;

… A barrister cannot pick or choose his clients. He is bound to accept a brief from any man who comes before the courts. No matter how great a rascal the man may be. No matter how given to complaining. No matter how undeserving or unpopular his cause, the barrister must defend him to the end. Provided only that he is paid a proper fee, or, in the case of a dock brief a nominal fee. He must accept the brief and do all he honourably can on behalf of his client, I say all he honourably can to his client.

However, the following general rule is not without exceptions. These exceptions are contained under Rule 17 of RPC. It provides inter alia that a lawyer may reject a brief if his personal interest may be jeopardized or there is a conflict of interest [23].

Duty to take client instruction in Chambers

The Rule prohibits a lawyer from going to client's houses to take instructions [24]. All instructions are meant to be taken in the lawyer's office except in exceptional cases as enumerated under the Rule. The Rule provides thus;

A lawyer shall not call at client's house or place of business for the purpose of giving advice to or taking instructions from the client, except in special circumstances or for some other urgent reasons preventing his client from coming to his law office [25].

It is clear from the above Rule that it is only the exceptional cases that are admitted under this Rule that a lawyer may take instruction outside his office. The exceptional cases could be summarized into three;

1. Where the client is ill or hospitalized.
2. Where the client is extremely aged.
3. Where it is practically impossible for the client to come to the lawyer's office to brief him. i.e. for security reasons.

Other duties as stated in the RPC are:

1. Duty to disclose conflicting interest [26].
2. Representing the client within the bounds of the law [27].
3. Privilege and confidentiality [28].
4. Agreement with client [29].
5. Lawyer's withdrawal from employment [30].
6. Investigation of facts and production of witness [31].
7. Lawyer's responsibility for litigation [32].

Rule 14 of the RPC (diligence, dedication and devotion)

As a legal practitioner, one is expected to act competently, with all skills required or expected of a reasonable person acting in that capacity. In the words of Justice C. A. Oputa, he said:

To the client who retains and pays him, the advocate owes the noble duty to render efficient, honest and conscientious service [33].

The above quotation shows clearly the degree of competence that is expected of a legal practitioner whose service a client had engaged. The Supreme Court has this to say:

Legal practice is a very serious business that is to be undertaken by serious minded practitioners particularly as both the legally trained minds and those not so trained always learn from our examples. We therefore owe the legal profession the duty to maintain the very high standards required in the practice of the profession in this country [34].

The implication is that a legal practitioner may find himself in a serious mess if he acts below the standard set by the Rules of Professional Conduct which may lead to some disciplinary measures, ranging from suspension or even have his name struck off the roll of legal practitioners

The success or failure of the client's cause or action rest virtually on the professional skill and capability of the lawyer and besides, he needs to give his total devotion and show empathy to his client's cause [35].

A legal practitioner is expected to exhibit high level of professionalism in handling his client cause because it goes a long way to determine the success or otherwise of his client's cause. The question may then be asked; what happened where the legal practitioner failed or negligently refused to act in accordance with the standard set by the Rules?

Professional Negligence of a Legal Practitioner to the Client

Rule 14 of RPC provides that all legal practitioners in the course of discharging their professional obligation to their client. Where this is not done, the client may sue the practitioner for negligence, hence, it is correct to say that a practitioner will only be liable for negligence under the above rule if he so acts in a professional respect.

According to the Blacks Law Dictionary, negligence may be defined to mean:

Culpable carelessness which means negligence that is though not intentional, involves disregard of the consequences likely to result from one's actions [36].

Thus, in the case of Bolam v. Friern Hospital Management Committee [37] the test to be adopted in measuring negligence of a legal practitioner is not that of a reasonable man but that of a professional acting in that respect [38]. The test is the standard of the ordinary skilled man exercising and professing to have that professional skill [39]. An accountant, architect, lawyer or doctor need not possess the highest expert skill; all he or she needs to exercise is the ordinary skill of an ordinary competent man exercising that particular act [40].

It is then a fallacy for a legal practitioner to think or assume that he is shielded from liability where he is found to have conduct himself negligently in the course of discharging his professional obligation [41].

Penalties for Professional misconduct of a Nigerian Lawyer

There is a saying in law that where there is a wrong, there is a remedy, put differently, where there is a right there is a remedy. Where a lawyer violates or fail to exercise the level of competence expected of a professional acting in such capacity, the aggrieved client, may institute an action for negligence or lay complaint to the proper authority for necessary action to be taken.

For the proper understanding of the penalties that may be meted on an erring legal practitioner, the provision of section 11 of the Legal Practitioners Act is instructive. Thus, section 11 of LPA provides among others that; where a Legal Practitioner is adjudged guilty by the disciplinary committee for infamous conduct in professional or any other respect or; convicted by any court in Nigeria for an act that is incompatible with the status of a legal practitioner; or obtained enrolment by fraudulent means, the Disciplinary Committee may if it thinks fit, give a direction:

(a) ordering the Registrar of the Supreme Court to strike off the name of the person from the roll of Practitioners in Nigeria;
(b) suspend that person from practice as a legal practitioner for such period as may be specified in the direction; or
(c) admonish that person.

From the above provision, the proper position to maintain is that a legal practitioner's name can only be struck off the roll of legal practitioners if such negligent is committed in a professional respect, where however, such negligence was done outside his professional respect but such negligent act is of a nature that is incompatible with the status of a legal practitioner, the Disciplinary Committee can either suspend admonish such a practitioner.

Professional discipline of legal practitioners in Nigeria.

There are various bodies saddled with the responsibilities of discipline erring lawyers. They are:

1. The Legal Practitioner Disciplinary Committee
2. The Supreme Court
3. The Chief Justice of Nigeria
4. Body of Benchers

The Legal Practitioner Disciplinary Committee

The Legal Practitioner Disciplinary Committee is established under section 10 of the LPA. The committee is saddled with the responsibility of treating cases of erring legal practitioners.

Section 10 of the Legal Practitioners Act establishes the Legal Practitioners Disciplinary Committee charged with the duty of considering and determining cases where it is alleged that a person whose name is on the roll has misbehaved in his capacity as such or should for any other reason be the subject of proceedings under the Act [42].

The LPDC consists of the Attorney General of the Federation of Nigeria who is the Chairman, the Attorney Generals of the thirty six states of Nigeria and twelve legal practitioners of not less than ten years at the Bar, appointed by the Body of Benchers after been nominated by the Nigerian Bar Association. It should be noted that where a person is dissatisfied with the outcome of the decision of the LPDC, he has a right of appeal to the Court of Appeal.

The Supreme Court

The Supreme Court is established under section 231 of the CFRN 1999 as the apex court in Nigeria and as a body responsible for the discipline of erring lawyers under section 13 (1) of the LPA. The supreme court has the power to hear and try any matter that bothers any act don by a legal practitioner in Nigeria, the act of which is punishable under our laws. After hearing the matter, the court may give such directive as may be prescribed under section 11 of the LPA.

The Chief Justice of Nigeria

The Chief Justice of Nigeria (CJN) is another authority that may discipline an erring lawyer. It should be noted however that the power of the CJN to discipline lawyers cannot exceed a directive for the suspension of such a practitioner.

If after considering the presentation, the Chief Justice is of the view that such a person should be suspended from practice, he may give the directive of suspension irrespective of whether or not the matter is still pending before the LPDC…[43]

From the above quotation, it is obvious that the CJN need not wait for the outcome of any proceeding pending before any court or authority(s) in Nigeria before he may give a directive for suspension of an erring legal practitioner.

The Body of Benchers

The Body of Benchers is constituted by legal practitioners who have attained the highest distinction in the legal profession in Nigeria [44]. The Body of Benchers (BOB) is one of the statutory bodies saddled with the responsibility of disciplining erring lawyers by hearing appeal from the LPDC [45].

2. The Bench

Judges are the chief officers in the administration of justice and their function impacts a great deal in the lives of the people. Judges are important public officials whose authority reaches every corner of the society [46]. The role of a judge is succinctly captured in the following words:

Justice is a lofty ideal and an attribute of God. God almighty is just and He only is capable of dispensing perfect justice in all ramifications. The human judge is nonetheless cast in this mould of the invincible God, to dispense justice to all and sundry without considerations of extraneous factors. The human judge holds the scales of justice in trust for the almighty invincible God [47].

The Bench is the second and a very key institution in the administration of justice in Nigeria. Those at the Bench are referred to as judicial officers. A judicial officer is defined under section 318 of the Constitution to mean Judges of the High Court, Court of Appeal, Supreme Court of Nigeria, Grand Khadi, Khadi of Sharia Court of Appeal, President or Judge of the Customary Court of Appeal. It should be note that, the above definition includes judges of the National Industrial Court even it was not listed in the above section of the Constitution [48]. Superior courts of record in Nigeria are manned by judicial officers [49]. The qualifications of these judicial officers for purposes of appointment vary depending on the court for which the appointment is to be made [50].

Qualification for appointment as judges

For any person to be qualified to be a judge or a judicial officer in Nigeria, such a person must have been called to the Bar, and most have spent the required number of years at the Bar before such an individual may apply to be admitted to the Bench as a judicial officer. The needed qualifications to be a judge or a judicial officer are constitutionally provided for in various sections of the Constitution.

For a person to qualify to be appointed as the Chief justice of the Federation and other Justices of the Supreme Court which shall not be more than 21, must have spent not less than fifteen years at the Bar [51]. The post call requirement for the president of the Court of Appeal and other Justices of the Court shall be twelve years and the number of the Justices to be so appointed shall not be less than 49 or such other number as the National Assembly may deem fit from time to time [52]. While that of the Chief Judge of the High court and Judges of the various High Court of states, including the High Court of the Federal Capital Territory shall be ten years post call [53]. The same requirement applies to a person who is to hold the office of the Grand Khadi of the Sharia Court, both the FCT and other states of the federation. They must however in addition, acquire the necessary certificate in Islamic law from an institution that is acceptable to the National Judicial Council [54]. It is to be noted that, a person could still be appointed to the above office even though he was not called to the Nigeria Bar but he is vast in Islamic and has gotten such qualification in Islamic law for a period of not less than twelve years (ten years for state Khadis). He either has considerable experience in the practice of Islamic law or he is a distinguished scholar of Islamic law [55].

In the case of President, Customary Court of Appeal of the FCT or of Judges of Customary Court of States, the requirement is similar to that required of Khadis. They must have been called to the Bar for a period, not less than ten Years at the Bar and subject to other qualification as may be prescribed by an Act of the National Assembly or Law of a State as the case may be, such a person must in the opinion of the National Judicial Council, has knowledge of customary practices [56].

Appointment of Judges in Nigeria

The appointment of the Chief Justice of Nigeria is to be made by the president on the recommendation of the National Judicial Council (NJC) subject to confirmation by the Senate [57]. The practice under the 1979 Constitution is a bit different, i.e. Chief Justice of the Federation was to be appointed by the President in his discretion but subject to the confirmation by simple majority in the Senate [58]. The Procedure laid down under Section 231(1) for the appointment of Chief Justices is also applicable in the appointment of the President of the Court of Appeal, President of the National Industrial Court, the President Customary Court of Appeal of the FCT, the Grand Khadi of the Sharia Court of Appeal of the FCT and the Chief Judge of the High Court of FCT [59].

At the state, the Chief judge of the High Court of a State, the Grand Khadi of the sharia Court of Appeal of a State, the President of Customary Court of Appeal of the State are appointed by the Governor of that state on the recommendation of the NJC and subject to confirmation by the House of Assembly of that State.

Aside from this mode of appointment, there are some other judicial officers that their appointment does not require the consent of the Senate. The categories of persons in this type of appointment are:

1. The Justices of the Court of Appeal; [60]
2. Judges of the Federal High Court [61]
3. The High Court of the Federal Capital Territory, Abuja
4. Khadis of the Sharia Court of Appeal [62]
5. Judges of the Customary Court of Appeal of the Federal Capital Territory Abuja [63]
6. Judges of the State High Court [64]
7. Khadis of the Sharia Court of Appeal [65] and
8. Judges of the Customary Court of Appeal of a state [66].

In addition to the constitutional requirement for the appointment of judges, there are other requirements that a person aspiring to become a judge must satisfy before he can be so appointed. The office of a judge requires someone to be intellectually sound, firm understanding of substantive and procedural law and such an individual must be a person of impeccable character given the nature of the office which is primarily to dispense justice without fear or favour. It is not out of place to state that this requirement as it is today, has been jettisoned and what we have today as judges are people who are intellectually bankrupt and very corrupt.

You will therefore find in our courts today, judges who neither have the knowledge of law nor the tasking matters of judex and thus easily succumb to the subtle manipulations of crafty and brilliants lawyers. Such judges without the necessary intellectual capacity not being able to grasp the rudiments and ramification of cases before, them sometimes slyly either choose not to sit for as long as they can get away with it, or adjourn unnecessarily [67].

It is therefore a compelling duty on the council to ensure that people who are appointed as judges are not just qualified as per the years spent at the Bar, they should also ensure that they are qualified in terms of character, intellectually and morally. This will go a long way to enhance proper dispensation of justice.

Duties of Judges

Judges are said to be umpire unto themselves they are the court themselves; they sit next to God. Primarily, judges are meant to interpret the laws in the course of the administration of justice. section 6 (6) (b) of the 1999 Constitution as amended provides in the following words;

All matters between persons or between government or authority and to any person in Nigeria and to all actions and proceedings relating thereto for the determination of any question as to the civil rights and obligations of the person.

The court is a temple of justice, judges and legal practitioners or advocates are ministers in this temple of justice. But the judges and advocates hold reciprocal duties to each other [68]. Duty of judges could be summarized as follows:

1. Duty to ensure fair hearing.
2. Duty to maintain impartiality.
3. Duty not to interrupt proceeding.

Duty to ensure fair hearing

Proper administration of justice in any court is centered on the proper observation of the principle of fir hearing which enjoys constitutional provisions. Thus, section 36 (1) of the Constitution provides as follows:

In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

The right to be fairly heard is inherent and fundamental. This is to say that, by virtue of been a human, one is entitle to be heard at all time before judgement and such right is further contained under chapter IV of the Constitution of Nigeria. This makes its observant by a sitting judge very important so as to enhance proper dispensation of the matter before it.

…During the period of in-course into judicial or quasi judicial function, an administrative body must be bound in process thereof to observe the principles that govern exercise of judicial function. 'Even God Himself did not pass sentence on Adam before he was called upon to make defence.' [69]

Non observant of the principle of fair hearing could be very fatal to the entire proceedings however beautifully conducted [70]. A judge is expected to observe this principle of hearing both parties on equal scale from the beginning to the end of the proceeding.

Duty to maintain impartiality.

Judges are referred to as the court; they are laws unto themselves. In the course of proceedings, judges are expected to maintain a balance stance between parties and not to take side. Judges are not only expected to observe the elementary rule of natural justice, they are also expected to learn to exercise detached attitude towards the fact of the case before them [71]. In the course of proceeding, judges are allowed to ask questions or do such other things to be in control of the case before them, however, they are not expected to take over the matter of a counsel as this will be tantamount to impartiality [72].

Duty not to interrupt proceeding

As stated earlier, judges are allowed to ask questions or do some other acts that will put them in control of the matter before them, however, judges are not allowed to ask such question or does such acts that tends to show that the judge is only trying to interrupt the proceeding thereby preventing any of the parties from properly presenting his case. Thus, the court in the case of Jones vs. National Council Board [73] held that in considering what constitutes judicial interruption of proceedings, it may be said that a judge has unduly interrupted where he takes over the conduct of the case, or where he breaks in-between the order of the conduct of the case, as the advocate has deemed right and good for his case or even still, where the judge subject litigants to rigorous questioning [74].

At this point, any affected party may raise the issue bias once this is proved, the sitting must disqualify itself from that proceeding. The court has this to say;

Once it is shown…that a trial judge has turned both a prosecutor and a judge at the same time, the image of even handed justice is destroyed and the real likelihood of bias is established [75]

So, when there is a matter before a judge, he is expected to conduct himself in such a way that the likelihood of bias will not be raised. In an effort to put the proceeding under control, the presiding judge must not interfere to the extent that he takes over advocacy from any of the counsel before it.

Removal of judicial officers

A judicial officer who have been appointed can also be removed from office if such an individual is found wanting of any of the following:

1. Inability to perform the function of his office.
2. If he indulges in any misconduct.
3. Contravene the Code of Conduct for Judicial Officers [76]

Where the judicial officer to be so removed is the head of a federal court, such a person can only be removed only if and if the provision of section 292(1) (a) of the Constitution is complied with. This type of removal is done by the President with the support of 2/3rd majority of the members of the Senate. In the case of the head of courts of a state, it can only be done by the governor of that state with the support of 2/3 majority of the House of Assembly of that state [77].

It should be noted that where the judicial officer who is to be removed is not the head of the court, the removal shall be done by either the president or governor as the case maybe, based on the recommendation of NJC. In this instance, legislative bodies are not involved at all [78, 79].

Code of Conduct for Judicial Officers.

By all standard, judicial officers, i.e. judges, hold such position that is very sensitive, both naturally and by law. It is very correct to say that judges sit next to God. It follows therefore that, they are expected to perform their duties with high sense and due regards to consciousness. For this reason, certain standard is set which all judicial officers must abide by and confined themselves to. The Code of Conduct for Judicial Officers applies to all judicial officers in Nigeria as well as the holders of every other judicial offices of any inferior courts whatsoever in Nigeria [80].

The Code set standard by which judicial officers must operate, they are:

1. A judicial officer cannot belong to an organization whose objective is inconsistent with dignity of his office or such other act or vices that belittle the nature of his office [81].
2. A judicial officer in whose presence a case is brought, must observe strictly the principle of fair hearing [82].
3. A judicial officer is expected to discharge his daily duties and responsibilities and be punctual in court and except in where the circumstances so demand, he

cannot be in court. A judicial officer must keep all information before it confidential [83].

4. Where the impartiality of a judge may be questioned, the Code require such a judge to qualify itself from such proceeding [84].
5. A judicial officer is expected while he so remains in office, not to allow his judicial activities conflict with his extra judicial activities [85].

The National Judicial Council.

The NJC is the body vested with the power to screen and recommend judges for appointment. The body is established under section 153 of the 1999 Constitution. The establishment of this body is first of its kind as there is no previous Constitution that make provision for its establishment. The commission is vested with enormous powers and it is majorly constituted by judicial officers, though there non judicial officers who are members of the NJC. The following people are members of the National Judicial Council:

a. the Chief Justice of Nigeria who shall be chairman;
b. the next Senior Justice of the Supreme Court who shall be the Deputy Chairman;
c. the President of the Court of Appeal;
d. five retired Justices selected by the Chief Justice of Nigeria from the Supreme Court or Court of appeal. (e) the Chief Judge of Federal High Court;
e. five Chief Judges of States to be appointed by the Chief Justice of Nigeria from among the Chief Judges of the States and of the High Court of the Federal Capital Territory, Abuja in rotation to serve for two years.
f. one Grand Khadi to be appointed by the Chief Justice of Nigeria from among Grand Khadis of the Sharia Courts of Appeal to serve in rotation for two years
g. one President of the Customary Court of Appeal to be appointed by Chief Justice of Nigeria from among the Presidents of the Customary Courts of Appeal to serve in rotation for two years.
h. five members of the Nigerian Bar Association who have been qualified to practice for a period of not less than fifteen years, at least, one of whom shall be a Senior Advocate of Nigeria, appointed by the Chief Justice of Nigeria on the recommendation of the National Executive Committee of the Nigerian Bar Association to serve for two years and subject to re-appointment: Provided that five members shall sit in the council only for the purposes of considering the names of persons for appointment to the superior courts of record; and
i. two persons not being legal practitioners who in the opinion of the Chief Justice of Nigeria, are of unquestionable integrity [86].

The reason why the NJC is majorly comprised of judges is because they have the experience and they are in a better position to know who is intellectually capable to assume such an office that comes with enormous responsibilities. Justice Nnamani while commenting on the composition of the Judicial Service Commission under the 1979 Constitution opined that there is danger in using politics as the dominant consideration in the appointment of judges especially at the state level. This danger he said, would emanate from the unsatisfactory composition of the Judicial Service Commission [87].

1.3 The use of artificial intelligence in legal practice in Nigeria

Technology has developed to the extent that in some jurisdictions, machines now do the works of men. Recently in Nigeria, various parastatals are exploring the use of technology so as to make work done easier. The legal profession is not left out in this pursuit. Recently, the Supreme Court of Nigeria introduced what they called ''legal mail'' which all counsel must have and all processes must be served through this electronic mail.

As from the 16th July, 2018, it became mandatory. The Supreme Court will only serve processes by electronic means (legal Mail) on all matters. Hence, all new fillings as from 16th July, 2018, must bear Counsel's legal email address [88].

This is a clear effort by the Supreme Court to deviate from manual filling and serving of court processes by keying into emerging technological trends. Today, there are considerable number of artificial intelligence (AI) in the form of 'robot' that are programed in such a way that it can answer any question on laws, particularly, procedural laws. Will it then be correct to say that, very soon, AI will take over completely the works of lawyers? The answer is No! the reason been that, AI can only aid the quick dispensation of matters and help in the reduction of the log of cases we have in our courts. The following are some of the contributions AI could bring in aiding the proper administration of justice:

1. legal analysis: the AI can be very useful in areas that require research and analysis of laws and procedures. It will be very useful in aiding legal practitioners and judges to locate cases and statutory provisions within a very short time. Since it is programmed, it operates within that sphere, so, one literally knows what he expects when using such AI.
2. Accuracy: since it is a computer, programmed to function as per the information impute in it, it will give accurate information compare to if such information is to be obtain manually. For example, if one use an online search engine to search for a case, it will bring a more perfect match compare to when such search is to be done manually by first going through index of cases before scanning through law reports and one may still end up not getting the information needed.
3. The long hand mode of taking down the submission of counsel in courts could also be overcome by the use of AI. This could be done by having a voice recorder in court, which converts words spoken by counsel into writing. This will also go a long way to help in quick dispensation of cases that are before courts.

Conclusion

The importance of the court system in any sane society that strive to uphold the course of justice among all persons and authorities cannot be overemphasized. The court system is the bedrock of any democratic state and no state can develop without a well-structured court system. The two key bodies that made up the court as explain above are those who advocate and those who decides on matter brought before them. One cannot properly function without the other. It is also believed in this work that the introduction of AI will enhance the administration of justice as in contrast to the view expressed by some individuals that the AI is coming to replace and totally take away the works of lawyers in the legal practice.

Recommendations

From the above submission, the following recommendations are made:

The law school should in the course of training prospect legal practitioners, in addition to training lawyers in the practical way and exposing them to lawyering skills should also include information technology training that will prepare lawyers to blend well into the period of artificial intelligence and be able to inculcate same into their practice.

The legal profession should be diversified so as to make the legal practice arena a serene environment for young and striving lawyers.

Legal practitioners should be made to observe compulsorily, the continuing legal education.

Judges should also be subjected to thorough intellectual and moral screening before appointment as judges of the various courts in Nigeria.

In the court system, a search engine should be installed where all the names and enrolment number of all lawyers in Nigeria is contained. This will put an end to the issue of having fake lawyers practicing law in Nigeria. Artificial intelligence has come to stay, the judiciary should key into it and make the best use of technological devices that could aid proper, faster and quicker dispensation of justice.

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7. See Legal Education (Consolidation, etc.) Act CAP L10, Laws of the Federation of Nigeria, LFN, 204.
8. See the National Universities Commission Act, CAP N81, Laws of the Federation of Nigeria, LFN, 2004.
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10. See Section 1 of the Legal Education (Consolidation Act)
11. During this period, they will be thought substantive laws on some selected key courses which will prepare their mind for Bar Part II. Only students that pass Bar I will be admitted to the Bar II programme of the Nigeria Law School.
12. This is for students who passed the Bar I programme and students who had graduated from faculty of law in any of the recognised institutions in Nigeria
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57. Section 231 (1) & (2)
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