INFORMATION TECHNOLOGY AND ITS PLACE IN TODAY'S LEGAL PRACTICE, RESEARCH AND ADMINISTRATION OF JUSTICE

YUSUF IBRAHIM AROWOSAIYE

FACULTY OF LAW

UNIVERSITY OF ILLORIN, NIGERIA

ABSTRACT: The growth recorded a few decades ago in the development of ICTs had a fundamental impact on the legal practice, legal education and administration of justice in various countries of the world. This development has indeed increased the pace of world economic cum political activities. The development is also transforming the traditional legal practice landscape. IT infrastructure and tools offer bundles of opportunities for advancing quality of legal service delivery and effective administration of justice. ICTs has changed the entire global legal practice landscape and law firms, regardless of their size must be fully ready to migrate into the virtual legal community and take advantage of the opportunities offered by the digital revolution. Against the above backdrop, this paper synthesizes the inevitable paradigm shift which ICTs has foisted on legal practice, legal education and administration of justice. The discourse examines the response of the legal profession to this development and identifies the challenges it poses as a result of IT integration in legal practices and administration of justice. The discourse formulates the thesis and provides empirical evidence to establish that legal practice and administration of justice are experiencing positive development in the information technology age. It also addresses the concern of one of the extreme schools of thought which interprets these changes as being symptomatic of the decline of the legal profession. The paper concludes by advocating for total embrace of digital technology in contemporary legal practice, legal education and administration of justice. The methodology employed in evaluating the impact of IT on legal practice, legal education and administrations of justice are analytical and critical approaches. The paper offers a general conclusion on the challenges of integration of ICTs in today's legal practice and administration of justice and proffers pragmatic recommendations on the future of legal practice in the information age.

Key Words: Information Communication Technology, Legal Education, Legal Practice, Administration of Justice, Electronic Litigation System

INTRODUCTION

The late 20th century will surely be regarded as the "Information Age"[1]. The advancement in the global age of communication network, i.e. the Information and communication Technologies (ICTs), has captured the attention and imagination of the whole world.[2] The rapid growth recorded a few decades ago in the development of ICTs had a fundamental impact on the legal practice and administration of justice in various countries of the world. This unique development, an aspect of globalization[3], has indeed increased the pace of world economic

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*Lecturer, Department of Public Law, Faculty of Law, University of Ilorin. E-mail: ibrahimyusuff@gmail.com, Tel: +234 813 247 5256

[1] Neil Barrelt, *Digital Crime*, (London: Kogan Page Limited, 1997), 15.

[2] Burnstein, M.R., "Conflict on the Net: Choice of Law in Transnational Cyberspace," *Vanderbilt Journal of Transnational Law*, vol. 29, (1996): 75.

[3] MICHALINOS ZEMBYLAS and CHARALAMBOS VRASIDAS," Globalization, information and communication technologies, and the prospect of a 'global village': promises of inclusion or electronic colonization?" J. CURRICULUM STUDIES, 2005, VOL. 37, NO. 1, 65–83

cum political activities[4]. The ICTs phenomenon is however, rapidly bringing the world closer than anyone would have imagined in the early part of the last century. The development is also well transforming the traditional legal practice landscape.[5] The development of the internet and the proliferation of computer technology and usage have changed and are still changing the way we work (e.g. accomplish professional tasks), live, and interact with one another.[6]

ICTs infrastructure and tools such as the internet, computers, electronic cards, e-mail, computer hardware and software, mobile telephone and several other electronic devices, have become a critical part of world economies.[7] Although these infrastructure and tools have their own downsides and vulnerabilities[8], they offer bundles of opportunities for advancing quality of legal service delivery and effective administration of justice.[9] In other words, ICTs has the potential to provide unparalleled benefits to human society.[10]

Since there is little doubt that ICTs has changed the entire global legal practice landscape, progressive law firms, regardless of their size[11] and lawyers must be fully ready to migrate into the virtual legal community[12] and take full advantage of the opportunities offered by the contemporary digital revolution.[13]

Against the above backdrop, this paper synthesizes the inevitable paradigm shift which ICTs has foisted on legal practice, legal education and administration of justice. The discourse examines the response of the legal profession to this development and identifies the challenges it poses as a result of IT integration in legal practices and administration of justice. The discourse formulates the thesis and provides empirical evidence to establish that legal practice and administration of justice are experiencing positive development in the information technology age. But not

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[4] Hardly, T, "The Legal Regime of Cyber Space," University of Pittsburgh Law Review, vol. 55, (1994): 993.

[5] Douglas S. Schnell, Note, Don't Just Hit Send: Unsolicited E-mail and the Attorney-Client Relationship, 17 Harv. J.L &Tech 533,534 (2004).

[6] Gerald, R.F., *Cyber Law*, (Ohio, U.S.A: Thomas South-Western West, 2 nd ed. , 2004), 3. See also Elena Murelli, *Breaking the Digital Divide: Implications for Developing Countries,* (London: Commonwealth Secretariat and SFI Publishing, 2002), xvii.

[7] See Social Sciences Research Network (SSRN), *Georgia ICT Infrastructure and Use in Agriculture: Agricultural Policy, Research, and Education Organisations*. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=986496. Accessed on 4th May, 2008.

[8] Unfortunately, these infrastructures have their own vulnerabilities as they offer new opportunities for various forms of criminal conduct. The advancement in ICT enhances the ability of criminals to commit crimes such as economic and financial crimes via cyberspace which effects most often cut across many borders. See Thomas, A. Johnson, "Computer Crime and the Electronic Scene," in *Forensic Computer Crime Investigation*, edited by Thomas, A. Johnson (London: Taylor & Francis, 2006), 1.

[9] Marco Fabri and Francesco Contini (Eds.), Justice and Technology in Europe: How ICT is Changing the Judicial Business. The Hague, Kluwer Law International, 2001.

[10] See Foued Laroussi, 'Arabic and Technologies', in *Language in a Globalizing World*, edited by Jacques Mauras and Michael, A. Morris, (London: Cambridge University Press, 2003), 250.

[11] Ed Wessemann, "What is The Optimum Size of a Law Firm?", Edge International Review. Available at http://edwesemann.com/articles/profitability/2011/03/16/what-is-the-optimum-size-for-a-law-firm/. Accessed on 26th December, 2012.

[12] Richard S. Granat, "Virtual Lawyering for Competitive Advantage: Delivering Online Legal Services – The Future of the Legal Profession", Delivered at Minnesota State Bar Association Days in June 14, 15, 16, 2011. Richard S. Granat is the CEO/Founder, DirectLaw, Inc Co-Chair, eLawyering Task Force Law Practice Management Section/ American Bar Association. Available at http://www.mnbar.org/convention/2011docs/Granat.pdf . Accessed on 26th December, 2012.

[13]Legal Research in a Digital Age a Paper Presented by Hon. Justice Peter Akhimie Akhihiero, Judge of the Edo State Customary Court of Appeal, Benin City at the 2009 Law Week of the Benin Branch of the Nigerian Bar Association held on Wednesday, the 24th day of June, 2009 at Bishop Kelly's Pastoral Centre, off Airport Road Benin City, Edo State.

without addressing the concern of one of the extreme schools of thought which interprets these changes as being symptomatic of the decline of the legal profession.[14] The paper concludes by advocating for total embrace of digital technology in contemporary legal practice and administration of justice. The methodology employed in evaluating the impact of IT on legal practice and administrations of justice are analytical and critical approaches. Thus, this paper draws upon contemporary literature and research findings on IT support for legal practice and administration of justice in addressing the focus of this discourse. The first part of this paper is the introduction which briefly draws home the great impetus which IT provides for the transformation of legal practice and administration of justice in the digital age. The second part discusses the emergence of IT in the 21st century as an agent of social change. The third part of this paper explores the impacts of IT on legal education, legal practice and administration of justice. Part four which is the final part of the paper, offers a general conclusion on the challenges of integration of ICTs in today's legal practice and administration of justice. It also proffers some pragmatic recommendations on the future of legal practice in the information age.

SOCIAL CHANGE AND INFORMATION TECHNOLOGY (IT)

The instruments of change in human physical and social environment are numerous. Technological change, as was rightly observed by David Wall, does not occur within a social vacuum.[15] Scientific inventions and technological development are bye products of social response to human needs. In other words, technological development is itself driven and shaped by the social milieu from which it emerged and in which it operates.[16] Technological development is meant to impact positively on human diverse endeavours and within the patterns such human activities may choose to evolve and flourish. Within this context, a "new information society" powered by various IT infrastructure and tools is said to have emerged in the 21st century.[17] In the virtual information society, status and value is represented in virtual form rather than in physical goods or attributes. IT tools have the capacity to store, transfer, retrieve, and add value to information and thus open a wide window of possibilities to network, transact and create wealth. The changes which IT has brought to human society in the 21st century are amply reflected in the way it facilitates new relationships based on meaningful social interaction on a geographical scale which propensity was formally impossible.[18]

Information society operates in an intangible environment termed "cyberspace". The cyberspace is the cultural and social spaces "where being and interaction is grounded within technology"[19] and populated by "Netizens". The citizens in cyberspace are adjuncts and their activities as virtual adjunct only reflects a partial aspect of their personal and social being.

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[14] Erik Brynjolfsson and Andrew McAfee, Race against the Machine: How the Digital Revolution is Accelerating Innovation, Driving Productivity, and Irreversibly Transforming Employment and the Economy. (2011) Digital Frontier Press Lexington, Massachusetts

[15] Clive Walker, et al, The Internet, "Law and Society" edited by Yaman Akdeniz et al. (2000) Pearson Education Limited. Pp.1-24 at 14

[16] Ibid

[17] Castells, M., *The Information Age*, vol.III: End of Millennium (Blackwell, Oxford, 1998), p.336.

[18] Clive Walker, et al, The Internet, "Law and Society" edited by Yaman Akdeniz et al. (2000) Pearson Education Limited. Pp.1-24 at 14

[19] Porter, D.A, (ed.), *Internet Culture* (Routledge, London, 1997); Smith, M.A. and Kollock, P., *Communities in Cyberspace* (Routledge, London, 1999), Chaps 2 and 5.

Netizens most often assumes dual identities, i.e. the physical (real) and virtual (extra) identities.[20] It is therefore apt to admit the adage that "no one knows if you are a dog" in the internet.[21]

The emergence of information society in the 21st century as an aspect of social change has its own concern which centered on its social construct and technical structure. It has been reiterated that there is a digital divide, i.e. a social stratification in term of access to the internet.[22] The developing countries, especially countries in the African continent, are the worst victims of the digital divide.[23] That explains the slacks in the integration of IT in legal practice, legal education and administration of justice in most developing countries. It is hoped that the ongoing campaign for closing up the gulf of digital divide[24] will eventually produce a workable and effective development agenda that will pick-up the slack".[25] It is pertinent to re-emphasis that both diversity and social inclusion in cyberspace[26] are necessary for the emergence of a well-grounded information society.

Thus, the transition into information age in the 21st century is part of the technological and social change which human society is not immune against. Since change within social milieu has no exception, legal professions and the justice sector can hardly escape the impact of IT in the information age. Although the change is coming gradually yet it is real. Drawing from historical record, on 4th May, 1905, Louis Brandeis in his address delivered to Harvard ethical cultural society, made bold to say that the work of lawyers is "limited by time and space".[27] Brandeis reached this conclusion upon the consideration of the capacity or limit of the then existing technologies especially transport and communication machines that lawyers employed in completing legal process.[28] The pace of social and technological change that has occurred since 1904 when Brandeis perceptively set the limitation of lawyers' work has proven that he has no "Gift of Prophesy". It is not surprising therefore when Chief Rotimi Williams, (Senior Advocate

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[20] National Audit Office, *Government on the Web* (1999-2000 HC 87) paras 2,6, 2.7.

[21] Vienna Working Papers in Legal Theory, Political Philosophy, and Applied Ethics, No. 6 (Edited by Nikolaus Forgó & Alexander Somek) Viktor Mayer-Schönberger On the net; no one knows you are a dog! The authority of law in times of cyberspace, Vienna 1998.

[22] National Audit Office, *Government on the Web* (1999-2000 HC 87) paras 2,6, 2.7.

[23] Digital divide closing, but still significant, says United Nations telecoms agency: The international 'digital divide' is closing as a steady fall in worldwide costs of telephone and broadband Internet services has enabled a number of developing countries to expand their access to information and communication technology (ICT), the United Nations telecoms agency says in a report released today (11 October 2012). See UN News Centre. http://www.un.org/apps/news/story.asp?NewsID=43265&Cr=digital+divide&Cr1=#.UOcWGORX1JM. Accessed on 25th December, 2012.

[24] The term digital divide has evolved over the years, but its definition is usually customised to highlight country-specific priorities. Nevertheless, the objective usually is to lessen the disparity between "the haves" and "the have-nots", especially as it relates to the access and use of technology. See http://www.ict-pulse.com/2011/04/the-digital-divide-can-we-close-the-gap/

[25] Steven Graning, "Closing the Digital Divide", available at http://documents.rec.org/publications/InGear9_InGear3_final.pdf

[26] Yu Cheung Wong, "Digital Divide and Social Inclusion: Policy Challenges for Social Development in Hong Kong and South Korea", Journal of Asian Public Policy, vol. 3, No.1, March, 2010, pp.37-52, at p.34.

[27] Address by Loius Brandies titled "The Opportunity in the Law", delivered to Harvard Ethical Cultural Society, 4th May, 1905, cited variously in Yaman Akdenniz, Clive Walker and David Wall, (eds), *The Internet, Law and Society*, (Pearson Education, Great Britain, 2000) at 110.

[28] The transport and communication machines determines that the time taken to receive instructions from clients, give legal advice, initiate a cause of action and file same in court, contacts relevant parties as witnesses or judgment of the court and the record of proceedings in case an appeal is necessary.

of Nigeria) admitted that profound knowledge of affairs and problems of the Legal profession are not enough to give a prognosis into the affairs of the legal profession in the 100 years to come.[29] In 1897, according to Rotimi Williams, it would be unthinkable for a solicitor's office which does conveyance work not to have in its employment highly qualified calligraphers to write words on indenture papers in the most beautiful handwriting.[30] But the service of army of calligraphers in law firm has been made obviate in the digital age for being primitive, time consuming, inaccurate and inconsistent in writing design, and most expensive.

The reality is that technological development and emergence of IT tools such as word processor, personal computer, the fax machine, IBM type writing machine, the internet and a host of others, have a vital consequence on the pace of legal processes. Technologies have made legal process and legal service delivery to become more efficient, and sophisticated. This social and technological change is now necessitating a new organizational culture and practice in the legal profession and justice sector.

Rotimi Williams, unlike Brandeis, had an insight and opportunity to experience the phenomenal proliferation of IT especially in the late 80s and early 90's to appreciate that "we now live in a world that … has developed beyond its natural capabilities".[31] The parameter of "time and space" as determinant of lawyers' work capacity is a conceptualization which only fits a traditional society. A society where the natural pace of life was determined by the physical capabilities of human.[32] However, IT represents a transition to modernity, a social change which provides us with a different rationalization of time and space.[33] It is instructive to mention here that the internet, among other IT tools, played a major role in bringing about a contemporary social change due to its several features such as instantaneity in sending and receiving information. It also has the ability to connect and create a conglomeration of different types of communications technologies together.[34]

From the foregoing, the legal profession is now an information dependent profession operating like many other traditional professions, such as medicine. It is now in the virtual community where we can electronically conduct our social, intellectual and professional activities. The human social relationships which Brandeis submitted to have limitation by "time and space" are now reconstructed by IT with little or no regard to barriers of "time and space". We must however warn ourselves not to mystify the capacity of IT phenomenon as a development with no focus. IT is driven towards achieving the "Holy Trinity of economy, effectiveness and efficiency"[35].

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[29] See Keynote Address on Challenges of Legal Practice in the 21st Century Nigeria, delivered by Chief Rotimi Williams, 4th – 6th , 1997. Available at http://www.frawilliams.com/media/challenges%20of%20legal%20practice.pdf

[30] Ibid

[31] David Wall, "The New Electric Lawyer and Legal Practice in the Information Age", in Yaman Akdenniz, Clive Walker and David Wall, (eds), *The Internet, Law and Society*, (Pearson Education, Great Britain, 2000) at 110.

[32] Ibid

[33] Giddens, A., *The Consequences of Modernity* (Polity Press, London, 1990).

[34] David Wall, "The New Electric Lawyer and Legal Practice in the Information Age", n.31 at p.111

[35] See Osborne, D. and Gaebler, T., *Reinventing Government* (Addison-Wesley, Reading, MA., 19992); Zifeaf, S., *New Managerialism* (Open University Press, Buckingham, 1994); R.A.W., Understanding Governance: Policy Networks, Governance, reflexivity and accountability (Open University Press, Buckingham, 1997). All cited by David Wall, "The New Electric Lawyer and Legal Practice in the Information Age", in Yaman Akdenniz, Clive Walker and David Wall, (eds), *The Internet, Law and Society*, (Pearson Education, Great Britain, 2000), at 112.

IMPACT OF IT ON LEGAL EDUCATION, LEGAL PRACTICE AND ADMINISTRATION OF JUSTICE

The above driven force for the development and adoption of IT, i.e. "The Holy Trinity of EEE" could be said to affect almost all spheres of institutions and activities that a lawyer engages in within "The Holy Trinity of EEE". IT philosophy has created a number of trends whereby faculties of Law (Law schools), the legal profession and judiciary realize the need to increase their operational efficiency, achieving operational effectiveness with minimum cost implication.[36] This section of the paper considers an overview of the impact of integration of IT in legal education, legal practice and administration of Justice. It may be difficult if not impossible to give a comprehensive chronicle of the effects of IT on overall legal environment. However, selective impacts of IT on legal environment will be attempted. A lot of reference will be made to some advanced legal systems such as the US, UK, Australia and Singapore where IT culture is well established in their legal environment. This is deliberate since the digital divide has militated against full integration of IT in the legal environment of most developing economies and legal systems.

LEGAL EDUCATION AND RESEARCH

Faculties of Law (Law schools) are established to provide sound and effective legal education to students who enroll for law programme. Conducting research for the expansion of the frontiers of knowledge is one of the primary mandates of law schools. Faculty of law is an institution where the seed of moulding future lawyers is sown begins. As in the case of old legal firms and courts of the 19th and 20th centuries, law schools made use of old technologies in the accomplishment of teaching, research and administrative tasks. The Integration of IT in social interaction, teaching and research in the 21st century law schools create an obvious departure from the supporting technologies employed in the past to achieve the same mandate. The result is that efficiency and maximization of resources and time are most likely to dominate the score card of law schools in the 21st century.

 Although it is debatable whether IT integration in teaching and research has produced better quality of law graduates and legal scholars, the change in the legal training landscape has dramatically been altered for efficiency and ease of access to legal materials. The IT integration in law schools has engendered a new platform whereby faculties can now communicate more often with students via the internet. Thus, IT has pulled down the barrier of distance, time and geographical location and now broadened the dissemination of knowledge and information. In the digital age, students have the opportunity of making a rational decision through internet searches as to what law school to undertake their legal education based on the quality of its facilities, human capacity, institutional reputation, world ranking and cost. Law schools are mindful of this challenge and pressures to show case a world class legal learning centre and many reputable faculties of law such as Harvard and Yale Law Schools consistently strive to stay at the top of their global brand ever more than before.

Another significant area of change in legal education and research is the culture of –e-research materials (online database), e-instructionally materials, and e-books. The reliance on

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[36] Anja Oskamp, Arono R. Lodder and Martin Apistola, (eds), *IT Support of the Judiciary: Australia, Singapore, Venezuela, Norway, The Netherlands and Italy,* (T.M.C.Asser Press, The Hague, 2004). See Thomas J. O'Connor, The Automated Law Firm: A Complete Guide to Software and System (4th ed. 2000), Gurmark Singh et al., *An Empirical Study of the Use of IT By Small and Large Legal Firms in the UK, 2002 (1) Journal of Information and Technology*., http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2002_1/singh , and William K.S. Wang, *The Restructuring of Legal Education Along Functional Lines,* 17 Journal of Contemporary Legal Issues 331 (2008).

hard copy books in libraries, research and a resource center is dwindling.[37] IT is ever responsive to this new culture by making available portable devices that would facilitate easy use of e-materials. With the evolution of the kindle a thousand collection of electronic version of hard copy text books or journals can be stored and read with ease.[38] The Traditional method of conducting legal research is fading away. Research tasks can be done online especially empirical legal research. Questionnaires can be distributed and forward to selected respondents far and near via the internet or SMS. The internet has the capacity to facilitate online structure or unstructured interviews for research purposes. The overall effect on legal research activities is that it revolutionized the method of conducting legal research and provides a wide range of outlets for publication. Thus, online submission and publication in e- journal and other e-publishing outlets is no longer new but now an acceptable practice in academic community.[39]

It has been observed that affordability of laptops and PC such as IPAD, Samsung Galaxy Tab and Note, Blackberry (BB) and smart telephones with internet connections has a pervasive impact in shaping the direction of method of legal education in the 21st Century.[40] As a law teacher, I know as a fact that my law students like their colleagues in other faculties now prefer to take-note with their laptops rather than the old note-taking method. It is pretty amazing to note that the present generation of law students belong to the digital age and are easily amenable to flow with the new tide of technological development and innovations.[41] Gradually, majority of universities and law schools around the world have come to realize the fact that IT facilities in class rooms such as projector, screen, waist-band amplifier, wireless microphone, and internet and so on, are imperative for effective teaching and learning environment. In fact IT integration in teaching is now a factor that determines how modern laws lecture room is designed.[42] To law teachers and legal "Dons", the era of the "oracle has spoken" is gone and we must be humble enough to appreciate the fact that our role is now more of a facilitator in the classroom. The students of digital age have unlimited access to information and are empowered by IT tools with instantaneous access to information even while a lecture is in progress. This reason among others must have been responsible for the paradigm shift in the traditional pedagogical method of teaching to the interactive method.

The reliance on IT in legal education is now going beyond the ordinary. William K.S. Wang has proposed an unbundling of what he regarded as the five functions of law schools".[43] To William, law schools ought not to "bundle" together a variety of distinct services that they rendered. The services would be better dispensed with if they are offered separately, "in large measure by computer, to produce a dispersed law school experience at less cost to students".[44] This position of William's is to some extent a call to revolutionize the method of legal education and training in response to the over bearing influence of IT within the contemporary social milieu.

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[37] Richard L. Marcus, "The Impact of Computers on the Legal Profession: Evolution or Revolution?", Northwestern University Law Review, vol. 102:1830 (2008).

[38] Ibid. see also Matthew Bodie, *The Future of the Casebook: An Argument for an Open-Source Approach*, 57 J. LEGAL EDUC. 10, 14–19, 34–35 (2007).

[39] Sweeney, Aldrin E. "Tenure and Promotion: Should You Publish in Electronic Journal?", JEP, vol. 6, No. 2 (2000).

[40] Richard L. Marcus, n.37 at 1831.

[41] As the Operating System (OS) continue to change, and new features and alternative OS being made available by the manufacturers, students are likely to be more amenable to these changes than many of their old professors and lecturers.

[42] Modern lecture rooms are now designed to accommodate the installation of IT gadgets for effective teaching and research.

[43] Richard L. Marcus, n.37 at 1831.

[44] Ibid

The idea may not be receptive to many stakeholders and legal accreditation bodies who are more concerned with preserving the quality of legal education. But the growing trend in online learning is a development which the legal profession cannot just resist. I think what should be the major concern of educational regulatory bodies, be it in the field of law, medicine or engineering, is how to put in place an effective mechanism for quality control and assurance in relation to Open Distance Learning (ODL). No doubt, ODL has the potential of unbundling all higher education programs, including both undergraduate and post graduate legal education. The online degree programme is now a common development sweeping across the globe especially in advanced countries where the necessary IT tools are easily affordable and accessible. The trend has crept into Nigerian educational service delivery with the establishment of National Open University (NOUN)44. Many Nigerian Universities now run academic programmes under the platform of ODL, University of Ilorin inclusive. The above development corroborates the fact that we now live in a world that is rapidly being transformed by technologies.

The above centered on the educational application of IT. But is the influence of IT limited to facilitation of efficient delivery of legal education? The pervasive nature of IT on legal progression goes beyond that. The integration of IT into different human socio-economic, cum political activities and other human endeavour has now produced a unique interpretation of the old existing laws. Thus, the study of legal issues pertaining to the internet, the World Wide Web (WWW), and other IT tools is referred to as cyber law. Cyber law is defined as the law arising from the growth and proliferation of computer-assisted telecommunications, electronic mail, information and data exchange systems. It derives, in part from existing laws of contracts, privacy, slander, intellectual property, criminal procedure, as well as legislation and treaties…"[45] While the above definition of cyber law is subject to criticism, our concern here is that law schools need to design and offer courses on IT to equip law students with basic knowledge of IT law, and the practice of law in cyberspace. The law practice environment is gradually becoming automated. Law schools have a duty of re-directing the old perspective that IT is only meant to support legal education. Rather IT now serves as both a tool for sharpening lawyering skills and a prism to better understand the legal process.[46] The trend at which IT is impacting on legal education and profession is threatening the traditional legal education curriculum and legal practice perspective.   Law students of the 21st century must be presented with a training package (curriculum) that will equip them to face the challenging tasks of legal practice in the information age. Take for instance, in the area of legal practice; there is the development of virtual law practice and the impact of legal process outsourcing (LPO) or the growth of outsourcing law firms' work. These shall be fully discussed in the next sub-heading of this paper.

The above discussion draws home the progressive impact of IT on legal education and its several implications. One is constantly amazed by the distinctive application and implications of IT for the practice of law now being gradually introduced and taught in law schools. One clear implication which this development brought about is that a law graduate in the 21st century is expected to be educated in IT related legal issues. He is to acquire the basic exposure to "the available technologies and methods of selecting, acquiring, developing, using and managing information systems" in legal research and practice.[47]

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[45] David Altheide, "The Place of Law in Cyberspace", *First Monday*, Volume. 7, Number 6 - 3 June 2002 http://firstmonday.org/ojs/index.php/fm/article/view/963/884. Accessed on 27th October, 2013.

[46] Marc Laurisen, Lawyering in An Age of Intelligent Machine" at page 6. Available at http://www.law.harvard.edu/programs/plp/pdf/003-03358_03358-ch0002.pdf. Accessed on 26th October, 2013.

[47] Ibid

Legal education and delivery of legal services, according to Robert M. Abbey are in a turbulent phase[48]. This turbulence is redefining the legal profession.[49] The point to stress here is that law schools should recognize the urgent need to review the legal education curriculum. This is to encompass the challenges which IT has introduced into the traditional law subject or branches. In summary, IT has certainly changed the global landscape of legal education and research. It has necessitated the change in legal education curriculum to achieve the goal of exploring technology to promote justice, freedom, and service to humanity.

LEGAL PRACTICE AND OPERATIONS

It is not an understatement that IT is transforming legal practice and law office operations. In the 21st century, the size, efficiency and productivity of a law firm would no longer be measure by the size of its physical structure and the number of counsel in chambers but by the volume of its digital legal practice and resources and above all by the quality of its IT savvy counsel. This part of the paper addresses some of the social changes facilitated by IT that are now influencing the practices of law in the information age. IT has foisted on us a compulsory transition and migration to "virtual social order". The transition would have a profound effect on legal practices among other professional service providers such as doctors, stock brokers, bankers, e.t.c.[50]

The relevance of IT to legal practice in the information age cannot overemphasized. Richard Susskind, a world acclaimed IT law expert, in his amazing narration of self-journey in the world of legal informatics, expressed his conviction on the importance of IT in the 21st century legal practice thus; "... there are many aspects of our justice system and the way we practice law that can and should be enhanced or even replaced by computer technology".[51] One cannot agree less with Susskind in view of the extraordinary changes that legal practice is experiencing in the information age. These changes, no doubt are going to have a lasting impact on the ways and manners lawyers approach legal practice and the structure of legal profession.[52] In the long run activities that surround legal practice and its various tasks are most probably going to become automated while non-lawyers will be admitted in the accomplishment of legal related tasks.[53] The limitation of this possibility was succinctly highlighted by Susskind in one of his well celebrated treatise by suggesting thus;[54]

"Lawyers have insufficiently adapted to the opportunities presented by legal informatics and by the information society. Their challenge is to identify their distinctive skills and talents, the capacities that they possess that cannot, crudely be replaced by advanced systems; or by less costly workers supported by technology or standard process; or by lay people armed with online self-help tools."

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[48] Robert M. Abbey, "Information Technology and the Legal Practice Course". Available at http://www.ncl.ac.uk/~nlawwww/articles5/abbey5.html, [1995] 5 Web JCLI 8662 words. Accesssed on 26th October, 2013.
[49] Ibid
[50] David Altheide, n.45 p.1
[51] Richard Susskind, Legal Informatics: A Personal Appraisal of Context and Progress", European Journal of Law and Technology, vol. 1 Issue 1, 2010.
[52] Ibid
[53] Ibid
[54] Richard Susskind, The End of Lawyer?, (Oxford University Press, 2008), p. ....

As the legal profession cruise deeper in the legal informatics matrix, the legal service market is unlikely to accommodate expensive lawyers for tasks such as advising, guiding, drafting, researching, problem-solving etc., that can be conveniently discharged by less expert people (paralegals & others), supported by sophisticated software.[55] The "virtual legal community" with open information access will surely enable some clients with less serious legal problems to access legal resources, drop legal problem and issues for automated software for legal opinion for free or at very low cost. Telemedicine or e-medicine open access resources have proven that patient can present medical problems online and receive advice for free or at relatively low cost.

The convergence of IT in both law firms "back office" operations, word processing, and "front-office" functions such as case management and automated litigation support, constitute a real threat and challenge to the traditional configuration of law practice.[56] The extent of the threat is not limited to the aspect of law firm organization and practice. As the floral of IT lured modern law firms to be automated, its appeal and potentials cannot be restricted to law practice. IT will soon or later escape out of the control of lawyers and avail non-lawyers the capacity to offer extensive legal information and guidance.[57] This is what Susskind called "The end of lawyers" and its possibility is captured in the following words "the day when people can ask their computers an intelligent question and get a relevant answer at low cost from the convenience of their homes is the day that many lawyers will be looking for work."[58] To avert the Susskind prophesy of the "End of lawyers" and charter the new "future of law"[59] and practice, lawyers in the information age must recognize the need to move from traditional legal practice pattern to technologically advanced systems of legal practice.[60]

USE OF IT IN LEGAL PRACTICE AND LAW OFFICE OPERATIONS

The environmental change in the 21st century legal practice landscape facilitated by IT requires adaptive and proactive responses that go beyond more acquisition of IT infrastructure and tools by the legal profession. To a greater extent, legal practitioners and law firms in the information age must be strategic in the integration of IT in legal practice and law office management. Susskind, cited by Azinge[61] and J.E. Owoeye[62], stated thus;

"Legal practice and the administration of justice will no longer be dominated by print and paper in tomorrow's legal setting. Instead, legal system of the information society will evolves rapidly,

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[55] Richard Susskind, n.51,p.1

[56] Richard S. Granat, J.D. "From Legal Services to Information Servises", Available at http://www. Digital_lawyers.com/legalservice.html. Accessed on 22nd December, 2012.

[57] Ibid. there is now a proliferation of non-lawyer entities performing some of the traditional roles of lawyers with the support of IT tools and software. See the People's Law Library of Maryland (PLL), U.S.A. which is a legal information and self-help website maintained by the Maryland State Law Library, a court –related agency of the Maryland Judiciary, and supported by Maryland's non-profit legal services providers, Maryland Pro bono attorneys, and the legal academics\ community. Available at http://www.peoples-law.org/. Accessed on 28th October, 2013.

[58] Richard Susskind, n.54,p.1

[59] Richard Susskind, The Future of Law, (Oxford University Press, 1996).

[60] Allen W. Chiu, "The Ethical Limits of eLawyering:Resolving the Multijurisprudential Dilemma of Internet Practice Through Strict Enforcement", (2004)UCLAJL & Tech, Note1.

[61] Azinge, (2002), p.119

[62] Owoeye, J.E., "Information Technology Availability and Utilization as Correlates Lawyers' Productivity in Nigeria", A Ph.D Post field Seminar presented at the Department of Library, Archival and Information Studies, University of Ibadan, 2nd February, 2011.

under the considerable influence of ever more powerful information technologies. Legal professional will no longer suffer from excessive quantity and complexity of legal materials. There will be a mechanism in place to give every one fair warning of the existence of new laws and change in the old through the noter-up service. Law will become far more fully integrated with domestic, social and business lives".

Against the foregoing, attempt will be made here to explore the use of IT in legal practice and law office operations. To measure and evaluate the level of integration of IT in legal practice and law office operations would require some form of data from aggregate of law firms selected for sampling. It is a common place phenomenon and trite to assert that law firms and legal practitioners are turning to computer technologies in accomplishing legal tasks and in running law offices. Empirical evidence is more likely to present a better representation of how and the extent of the use of IT in legal practice and law firms operations. For this justification, we shall make use of findings from different studies carried out on common subject of the use of IT by lawyers and in the legal firms operations. Research findings have revealed three major types of usage of IT by legal practices. Three types of usages are as follows: [63]

❖ First, is usage which supplements the back-office function, largely replacing dictated letters and file keeping;
❖ Second, is the usage which assists the law firms to improve their administrative efficiency. Again mainly "back-office," This tends to combine and assists case handling and billing, readily providing the organization managers with performance indicators; and

❖ Third, is the usage which assists lawyers to engage with the laws. This IT usage ranges from Lexis/Nexis to specialize legal networks, to the use of the many CD-ROM databases that are now becoming available, expert system and document assembly software.

The first and second usage of IT in legal practice as the research findings indicated buttresses the general perception that majority of lawyers use IT in carrying out their professional tasks particularly at the back-office level. Lawyers and their supporting staff in chamber now make different use of IT. This is only a reflection of their work demand. It is common for an average lawyer to use Ipad, laptop and smart phones while supporting staff in chamber use desktop, and the word-processing package more than any other software application. The choice of IT application to be used by lawyers and their administrative staff in a law firm is always informed by the nature of their respective work practices. A lawyer will often use laptop which indicates his mobile work life. Regardless of the choice of IT tools, the application of IT at the back-office level will advance the goals and mission of the organization especially with emphasis on performance indicators such as quick dispensation of legal services at affordable costs (unit costs). [64] The imperativeness of the above first and second usage of IT in legal practice was well captured by Owoye where he opined that, "the legal practitioner's work involves a higher level of documentation and information processing, storage and retrieval. The information-intensiveness of a lawyer's responsibilities is such that tools and technologies that would speed

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[63] David Wall, "The New Electronic Lawyers and Legal Practice in the Information Age", in the Internet, Law and Society, edited by Yaman Akdeniz, et al, (2000, Great Britain), P. 114. Note that in the study conducted by David Wall, questionnaires were sent to the 1273 lawyers practicing in Leeds. The overall response rate was 35 per cent. In addition to the postal survey questionnaire, interviews were conducted with solicitors, barristers and practice IT managers to elicit further information about their use of information technology, their firm's strategy and what level of IT competence they expected of their recruits.
[64] Clive Walker, "The Criminal Courts Online", in Crime and the Internet, edited by David S.Wall, (2001, London), Routledge Pp.195-214, at p. 195.

up documentation, management and information handling are not only important but a professional imperative".[65]

  With regard to the third usage of IT within law firm operations, the findings in the research conducted by David Wall indicated that the use of certain IT tools, database and sophisticated software which assist lawyers to engage with the law itself is largely determined by the specialty or areas of practice of law by the individual lawyer or legal firm. Empirical evidence has shown that lawyers and law firms that specialize in the traditional client-based areas of law such as family and criminal law are least likely to use IT [66] i.e. sophisticated practice software. On the other hand, lawyers who specialize in the small but contemporary areas of laws such as IT law, environmental law, intellectual property law, aviation law, maritime law, oil and gas law, are more likely to use IT intensively and up-date their practices with the development of new software and IT tools that may enhance the discharge of their professional duties.

  The lesson to be drawn from the above analysis of the three major ways IT is being used within law firms is that every lawyer and law firm must identify their IT need and develop a strategy that will ensure that individual and the firm are always abreast of the current IT development that will enhance their productivity and most importantly service delivery. The study also suggests that large firms have embrace IT in legal practices earlier in time and putting in place appropriate IT policy strategies . It is hereby recommended that small (sole practitioner) and medium (partnership) legal firms can do the same within their respective means. IT strategy for law firms, regardless of the size, is a performance indicator in the information age.

  IT is rapidly transforming legal practice. To survive and prosper in this transformation trend, one must appreciate its indispensability. And in the word of Marc Lauritsen, **"computers are not going to replace lawyers; lawyers who use computers <u>effectively </u>(emphasis mine) will replace those who don't".** [67] To substantiate this claim, a lawyer from a Denver firm (USA) was reported to have described the experience of a two months trial that two attorneys from the firm conducted in Los Angeles in the following words, "with an internet connection and some printers, they were able to work as if they were in Denver" and concluded that "I think it drove home the point that IT eliminated physical boundaries for the attorneys".[68] This experience is in no way peculiar to attorneys in the United States. In the course of this study, attempt was made to investigate and find out the experience of practicing lawyers in some relatively big firms in the Kwara State, North Central of Nigeria with regard to the use of IT in legal practice and office operations. Some law firms were randomly selected for evaluation on different ways IT is being used for their respective law practice, service delivery and office management.[69]

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[65] Owoeye, J.E.,n.62, p.13

[66] Richard L.Marcus, n. 37, p.1833 making reference to a study conducted by Gurmark Singh et al., *An Empirical Study of the Use of IT by Small and Large Legal Firms in the UK*, 2002(1) J. INFO. L. & TECH., http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2002_1/ singh ("The large companies—being led by the top 30 law firms—are advanced in their understanding of the IT issues, and are therefore in a position to compete strategically." (citation omitted)).

[67] Marc Lauritsen, n.46, at p.10.

[68] Richard L.Marcus, n. 37, p.1833.

[69] The following chambers were randomly selected for evaluation; Ghalib Chambers (Yusuf Alli & Co), Nimah Chambers (Wahab Egbewole & Co), Destiny Chambers (John Baiyeshea &Co), Rabana Chambers, Liberty Chambers (Kayode Olatoke &Co), Oba Adelodun &Co, Saka Ishau &Co, and PA Olorunishola &Co. Note that three lawyers were interviewed from each of the chambers on the level of IT integration in their respective law practice and office management. The findings relative correlate with the three established usage of IT in law firm's operations in earlier studies conducted by David Wall among other studies. In fact

It is amazing that the change in the information age is rapidly transforming our legal practice landscape. It was big news about thirteen years ago that Ghalib Chambers, one of the chambers survey in this study, was once viewed as "a computerized Chambers".[70] The basic IT facilitates then in the law firm were land-line telephone, photocopy machine, fax machine, and desktop computer. The chamber was then and till today a bride of every aspiring young lawyer who wants to join a modern law office. I doubt whether the then state of IT integration in Ghalib Chambers (Yusuf Ali & Co) of 1997 would still qualify the chamber with such rhapsodies of IT compliance. The pace of IT development and innovation has let us appreciate that the Ghalib Chambers of thirteen years ago is not truly a computerized chamber but Ghalib Chambers of today (2013) is relatively computerized. Compared to 1997, law firms in Nigeria today, to borrow the words of Micheal Aneiro, "are now armed with full arsenal of on-the-road productivity devices".[71] It is not enough that law firms in Nigeria now have remote access within their national jurisdiction. Law firms in Nigeria, especially the big firms should start to explore having universal access. With use of IT, big firms in advanced jurisdictions are unrelenting in capturing the global legal service markets by spending more to upgrade their technology and expand their IT staff.[72]

Truly, we are entering the age of e-lawyering or practice of law in cyberspace. For instance, with more possibilities of usage of IT in legal practice, the legal process outsourcing (LPO) which many are skeptical about is now rapidly growing. This is ushering in a new legal market. These big firms are definitely going to lead the trend in LPO in the United States. For instance, legal outsourcing to India and other places are reported to be expanding enormously with the active use of IT to outsource legal services and to attract associates or LPO providers.[73]

The above developments have substantially changed the way lawyers practice law and comply with the rule of professional conduct. A fundamental question came up as to whether responses to an online questionnaire from a law firm seeking information from "potential class members" should be regarded as attorney-client communications". The US Court ruled thus:[74]

What is new about the case is attorneys trolling for clients on the internet and obtaining there the kind of detailed information from large numbers of people that used to be provided only when a potential client physically came into the lawyer's office. Two things had to happen to bring this about: the change in law in the 1970's that permitted attorney advertising and the sufficiently widespread use of the internet within the past five or ten years, that makes internet advertising worthwhile.

The above development is not unconnected with then urge by lawyers to truly migrate from the traditional one-to-one form of information gathering to the one-to-many legal paradigm facilitated by IT. What is the position in Nigeria today? The change brought about by

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their experience is not different from that of "a lawyer from Denver Firm, U.S.A." earlier referred to by Richard L. Marcus, n.37, p.1833.

[70] This represents public perception of the Chambers and some other ones selected for investigation in Kwara State sometimes in 1997.

[71] Michael Aneiro, Tech @10, AMLAW TECH, Sept.2005, at 24.

[72] The New Normal:The Challenges Facing the Legal Profession – Board of Governors' Challenges to the Profession Committee, July 2011, State Bar of Wisconsin.

[73] Ibid

[74] Barton v. U.S.Dist Court, 410 F.3D 1104 (9th Cir.2005). In Barton v. U.S. District Court for the Central District of California, the U.S. Court of Appeals for the Ninth Circuit held that an online communication involving an online intake form filled out by prospective clients gave rise to an attorney-client relationship governed by the duty of confidentiality and subject to attorney-client-privilege. The Ninth Circuit's multi-factored analysis suggests a modified framework for evaluating when the duty of confidentiality and attorney-client relationship can be formed through online communications.

IT in legal practices is now leading Nigerian Lawyers to directly or indirectly engage in internet advertising. Rule 39 of the Rules of Professional Conduct for Legal Practitioners (RPCLP) [75] regulate improper attraction of legal service, business or any form of advertising of legal services just as medical practitioners are not allowed to advertise their professional expertise. Rule 39 of the Rules of Professional Conduct for Legal Practitioners specifically provides that a lawyer shall not solicit professional employment either directly or indirectly by permitting or inspiring sound recording in relation to his practice of law or such similar self-aggrandizements.

The above rule has a serious problem to wrestle with, i.e. the proliferation of legal firms official websites. Not many official websites of law firms in Nigeria will wholly get a clean bill of compliance with Rule 39 of the Rules of professional Conduct for Legal Practitioners. It is not uncommon for many of these websites to engage in self-aggrandizement by displaying a long list of pending and concluded cases/trials being handled by the firms. A colourful pictorial presentation of the structure and personnel in these firms are problem of this sort envisaged under Rule 39 of the RPCLP. What is occurring today by the design and features of official websites of many Nigerian legal firms is pure advertisement. Every official website of a legal firm represents a brand which must be projected for what the brand stands for. Thus, the trend in internet advertising has finally caught up with legal practice and we must act quickly to work out the most appropriate model that will be suitable for the peculiarity of the legal profession. The challenge of internet advertising is not peculiar to the legal profession. It is a global issue which every profession must address by resisting the additive technologies syndrome which is gradually becoming a swirling torrent. David Kirpatrick, Senior Editor, Internet and Technology \fortune magazine and Jasmine Kim of Babycenter both make us to realise that digital opportunity should not supplant the basic norms but rather each user and stakeholder must factor the use of internet technology within the basic norms.[76]

This concern may be of little relevance to lawyers and legal professions in some jurisdictions like the U.S. where lawyers are allowed to engage in moderate advertisement of services rendered. To Steve Mathews, lawyer's web presence should be viewed as a positive trend. That online presence with the use of a variety of new web tools would help lawyers to create a complete online persona and a greater indication of their practice expertise.[77] According to Steve, "The firm's website remains an important log in the development process- it qualifies the lawyer, establishing trust, experience and expertise"[78]. He gave the following examples of more popular techniques for marketing a modern legal practice online: law blogs, Linkedin, facebook, Wikis, Youtube, lawyer specific social networking sites and Twitter.[79]

Considering the philosophies and jurisprudential thoughts behind laws and rules that regulate legal practice, especially in Nigeria, and in juxtaposition with the contemporary social digital lifestyle, it is submitted with all sense of modesty that Nigerian legal profession may soon bid farewell to some of these laws, rules and regulations in order to usher in the era of the information age or be left behind. I previously held the view that medical doctors and lawyers should not be permitted to advertise their services. However, the reality of cyber world has changed my perception. If advertisement will afford consumers the opportunity to make the

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[75] Rule of Professional Conduct for Legal Practitioners Act, Chapter L11, Laws of the Federation of Nigeria, 2004 (As amended).
[76] See http://video.about.com/onlineadvertising/IAB-Sept-David-kirkpatrick.htm See also http://video.about.com/onlineadvertising/Jasmine-kim.htm.
[77] Steve Mattews, "Legal Web Marketing in a Web 2.0 World", LawProMagazine, Summer Edition, 2008. Available at http://www.jdsupra.com/legalnews/legal-web-marketing-in-a-web-20-world-14663/. Accessed on 28th October, 2013.
[78] ibid
[79] Ibid

right choice of service providers, let it be. My position is almost in line with the observation made by Richard L. Marcus that it is not possible to predict the overall effect of changes that IT will bring to legal practice. If the wind of change is sweeping across the land, legal practitioners will sooner or later submit to the pressure and adopt the new norms of the wired world.

MORE POSSIBILITIES AND CHALLENGES IN THE USE OF IT FOR LEGAL PRACTICE

This section of the paper explores the prospects and challenges in the Use of IT for legal practice in the Information age. Before we consider the possibilities in the integration of IT in legal practice, it is instructive to emphasis that law firm in the 21st century are in the real business of legal service provision. Whatever technological innovations that will enhance service delivery must be strategically considered as part of business planning. Law firm operational efficiency will be achieved when lawyers, paralegals and supporting staff acquire basic IT/computer skills and use it proficiently in the discharge of their respective tasks. I am not unmindful of Dean Anthony Kronman's position that legal practice should not be commercialized. I however hold the view that the practice of law in the 21st century should be of business concern and should be conducted in line with the contemporary changes brought about by advancement in IT.[80] However, for the benefit of doubt, I am not in sharp contrast to Kronman's view summarized as follow:

 "The growing ascendancy of the economic view of law and a decline of its self-image as a helping profession will continue the decline of idealism and professionalism unless it is arrested. Advocates too, according to Kronman, are changing their ways. The old days of complete honesty with the courts and candour and honour in dealing with each other has given way to a more ruthless effort to win cases because large profits which hang upon them, are essential to the lawyers business".[81]

In contrast to Kronmar's position, I still hold the view that legal practice in the 21st century is more of "commercial activity" or "a business" as was once canvassed by Egbewole.[82] Running Law firm as a "business" or "commercial activity" will ultimately achieve the primary goal of easy access to justice, efficiency, low cost of some legal services and income to team of legal practitioners.[83] The former Chief Justice of the United States of America, Hon. Justice William Rehnquist, was reported to have acknowledged that lawyering today was probably of a higher quality than in those days and that law firms are "certainly more efficient today".[84] W.H. Rehnquist attributed this development to product of new technology (IT) and new approaches to law office management (as business).[85]

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[80] Anthony, T. Kronman, The Lost Lawyers: Falling Ideals of the Legal Profession. Harvard University Press, Cambridge, Massachusetts, (1993).

[81] Hon. Justice Michael Kirby, "Legal Professional ethics in times of Change". The New South Wales bar Association- Professional Development Department, November 2002.

[82] Egbewole,W.O., "The Effective management of a Law Firm As a Business", the Annual Ghalib Chambers In-House Lecture Series, 2010/2011, edited by Yusuf O. Ali, February, 2012. P.8

[83] Sir Darly M. Dawson, "The Legal Service Market", (1965) 5JJA at 147.

[84] Justice Michael, Kirby, reporting address of W.H. Rehnquist, the then Chief Justice of USA, delivered at catholic University School of Law commencement 25/5/1996. Unpublished , p.4

[85] Ibid

CLIENTS' EXPECTATIONS OF USE OF IT IN THE PROVISION OF LEGAL SERVICES

Internet facility can really enhance client's relationships with law firms and attorneys that provide legal services. More so, clients of the 21st century are people that belong to the growing virtual community. This constitutes a source of pressure for law firms to meet expectations of the use of IT in communicating with clients and in service delivery. Corporate clients for example, have considerable knowledge of IT facilities and are conversant with its usage. There is always a high expectation that modern law firms must accomplish its corporate tasks using IT driven methods, such as electronic transfer of documents and e-billing. The above development is now positioning clients as an important factor in developing and acquiring specific IT tools in the operation of law firms. Clients' expectations of use of IT may be a factor in encouraging the integration of IT in legal practices and thus moulding the development of IT strategies and restructuring of Legal business to meet the challenges of the information age.

Research findings have shown that many law firms had introduced in-house case management databases which allow them to store, process and make available to staff vast amounts of information collected throughout the organisation. Such database will ensure consistent case management by providing counsel in chambers or attorneys with information about clients, current cases, cases that have already been dealt with and the outcome of those cases.[86] Electronic case management system will eradicate unnecessary duplication of efforts and provide up-to-date copies of standard legal forms. The good side of this expectation and use of database is that it will assist in positioning law firms in the competitive market for legal services.

AVAILABILITY AND KNOWLEDGE OF IT TOOLS VS. TAKE-UP

It is imperative to appreciate the fact that the degree of IT integration in legal practice may be dependent on the availability and ability of legal practitioners to acquire them. This reason often is responsible for slow take-up of IT in legal practice. Not many lawyers are aware of IT tools that are available to facilitate their practices. It is not enough that an average legal practitioner in today's world is equipped with laptops and desktops in his office. The availability and awareness as to the existence of certain legal database and software is important to quicken the take-up of IT in legal practices.

Aside from the challenge of availability of IT tools, empirical evidence has indicated that many of the big law firms which implemented IT system in legal practice appear to overlook or simply miscalculate the amount of effort and knowledge required to introduce IT within their firms.[87] The finding from a study revealed that, "the apparent high level of productivity in implementing IT therefore contrasted with the reactive utilization of IT, thus indicating the presence of a contradiction between firms IT strategies and their practice".[88] What this finding connotes is that many firms acquired sophisticated IT infrastructure and tools as a status symbol and to impress their clients and yet clearly under-use the information technology that they have heavily invested in.[89]

It is therefore recommended that small and medium law firms take proactive steps to be abreast of recent legal software and tools that are relevant to their areas of practice. For the big firms, acquired IT tools must be effectively put into use to yield a high level of productivity. This goal will be achieved if the firm is in constant review of its IT strategy and implementation. It is a waste of scarce resources to acquire and subscribe to online database and software without maximum

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[86] David Wall, n. 63, p.116.
[87] Ibid at p.117
[88] Ibid
[89] Ibid

utilization of them. Thus, investment in IT is not enough; "It has to be accompanied by strategies to facilitate implementation and also integration into legal working practices.[90]

MEETING THE CHALLENGES:

In the information age, the legal profession is exposed to change within and outside the control of the profession which profoundly affects legal practice. In meeting these challenges, every lawyer and law firm must be ready to be innovative by blazing new trials and striking out in a new direction in response to the challenges presented by integration of IT in legal practice. A paradigm shift in the manner of legal practice is inevitable in the information age. The new future of legal practice in IT age, which Richard Susskind called "transitional phase" is reproduced below:[91]

TODAY'S LEGAL PARADIGM	TOMORROW'S LEGAL PARADIGM
Legal service	Legal service
Advisory service	Information service
One-to-one	One-to-many
Reactive service	Proactive service
Time-based billing	Commodity pricing
Restrictive	empowering
Defensive	pragmatic
Legal focus	Business focus
Legal Process	Legal Process
Legal problem solving	Legal risk management
Dispute resolution	Dispute pre-emption
Publication of law	Promulgation of law
A dedicated legal profession	Legal specialists and information
Print-based	IT-based legal systems

Fig 1.1 The shift in legal paradigm

From the above table, it is clear that the shift in legal paradigm is prompted by economic factor and the influence of IT which has driven down costs and increased efficiency. Thus lawyers and law firms in reacting to this change must be innovative and creative in conducting the business of legal services. Every firm must develop a model that will incorporate the change and identify new areas where it has a competitive edge. The challenges of changes in legal practice in the IT age will be met if law firms are run as a business. A firm must have economic strategic objectives to take its own share of the competitive legal markets driven by IT innovations. A firm must develop a measure of profitability by identifying most profitable type of clients. The measurable profitability goal does not preclude a firm from rendering services on humanitarian ground and as part of pro-bono service to some less privileged clients who are in need of quality legal services.

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[90] Ibid
[91] Richard Susskind, n.51.

Aside from the economic factor, IT is a constant denominator among these variables that will eventually accentuate the new shift in legal paradigm. The impact of IT in the above change is unprecedented. Many have argued, and rightly too, that the processes of the practice of law have not changed despite the use of IT but we must be generous enough to admit that the ways of practicing law are quite different from the old days. As a survival kit, lawyers and law firms must invest in IT to cope with the dictate of Information age. It has been suggested that the next promising new technologies to emerge in the practice of law is known under the name web 2.0.[92] The web 2.0 is another virtual platform where collaboration, cooperation and robust interaction between legal firms and clients can take place in interactive mode. A modern day lawyer will cope by embracing the change and dumping the traditional image of a lawyer working quietly in his/her office with limited interaction with clients separated by distance of time and space. A modern day lawyer will no longer be geographically tied to one in limited locations. The virtual mobility is the key that provides this possibility.

The challenges can also be met when law firms and lawyers appreciate the new economics of law in the information age. Legal markets have been transformed by the twin factors of globalization and advancement in information technology. The market is becoming more permissive by the influence of IT while the cost is likely to go down for general areas of legal practices. Thus, clients in IT age will always seek legal services at lowest costs.

Legal service markets may soon come under the traditional economic practice of buying and selling "of services" just as that of good. We are gradually realising this trend with the evolution of Legal Process Outsourcing (LPO) facilitated by IT. Big firms are now making use of part-time lawyers or giving part of their tasks to outside lawyers for short-term assignments, or even a single task like election petitions. The essence of outsourcing (LPO) is to reduce cost as well as to get a task done by equally qualified practitioners. I don't know whether big firms in Nigeria are following this fundamental line-base in outsourcing of legal processes or practice in a cartel. Whatever may be the kind of outsourcing Nigerians firms practice, the reality is that legal practice in the IT age is under unprecedented change.

Simon Chesters has identified the four causative factors of outsourcing to include the following

- High speed secure web access shuttling data around the world;
- The availability of a high educated, English-speaking common-law trained, web savvy legal workforce;
- The rise of energetic entrepreneurs extending the model of business process outsourcing, looking to connect legal demand with service supply, and
- Clients' willingness to consider new ways of getting legal work.

From the foregoing, law firms and legal practitioner should try to accommodate IT as part of their organizational operation strategy.

COMPUTER PROFICIENCY AND LEGAL PRACTICES

For effective take-up of IT integration in legal practice, every modern day lawyer must be computer literate with reasonable measure of proficiency. As earlier reiterated, acquisition and access to IT tools is not enough for proper integration of IT into legal working practices. It is sad to note that many legal practitioners still use the computer as a mere typewriter. The efficiency

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[92] Paul Anderson, "What is Web 2.0? Ideas, Technologies and Implication for Education", JISC Technology and Standard Watch, February 2007.

which an ordinary computer could guarantee cannot be achieved without basic skills on the inherent features of computer as IT tool.

For this reason, lawyers must ensure that they understand the basic features and capacity of computers which includes the following:

    i.   File managements;
    ii.   Word processing;
    iii. Windows Basic;
    iv. Document assembly basics;
    v.   Case management basics; and
    vi. Multi- media, and others

With availability of computers, lawyers can conduct online legal research. However, we must appreciate the difference between a search engine and a portal, analyse a website and judge the reliability, authenticity, and currency of information available therein. We can programme our computer with internet connect to preserve important websites for later use. Improving computer proficiency of every lawyer and supporting staff in a law firm will definitely lead to effective dissemination of knowledge within the organisation. But legal knowledge generated with the use of IT tools must be well managed because that knowledge is the firm's basic business assent. In other words, there is a need for legal knowledge Management (LKM) in any firm that has strategically adopted IT in its organisation business. LKM is the process of managing the firm's most important business asset, i.e. knowledge. This asset (knowledge) though intangible, be it in the form of strategic means of attracting new clients (e.g. display of celebrated cases concluded and status of firm's clients), or keeping old clients up to date, creating best practice documents, etc. it is believed that this is a very important challenge in legal practice in the IT age.

I will like to end this part by admonishing lawyers as follows:

- Convince yourself of the enormous potentials you can derive from IT in enhancing your professional capacity and competence.
- Persuade your legal firm to embrace and integrate IT in its business for effective legal service delivery.
- Point out to your legal fraternity why anyone who sticks to the mud in the information age is a real loser- in fees, expenses, waste of time, limitations in knowledge, time and space;
- Champion the campaign for judicial reform towards the embracing of e-justice, e-courts for easy access and quick dispensation of justice
- Proclaim that in IT age, there will still be enough business for lawyers.

IT SUPPORT FOR ADMINISTRATION OF JUSTICE: THE JUDICIARY

As IT found its ways into legal practice, so it has brought out some positive innovations in the operations of courts. The history of IT support of the judiciary shows that it is a development process that varies from one jurisdiction to another. While some advanced jurisdictions have already introduced basic form of IT on support of administration of Justice as far back as the 70s and 80s, others are just entering the era of IT support of the judiciary. Take for instance, a jurisdiction like US, electronic filing of court processes has become effectively universal in USA

federal courts.[93] Practically, electronic filing of court process makes preparation and filing of processes easy and it saves space on storage of documents in both law office and courts. Electronic document where properly managed reduce the likelihood that case files, and legal process turn-up "lost" and even against permanent destruction of such documents due to natural disasters like fire, flood or even theft or deliberate and malicious destruction.[94]

PRACTICAL MODEL OF IT SUPPORT IN ADMINISTRATION OF JUSTICE

The use of IT in support of administration of justice and the model developed in achieving this goal differ from one jurisdiction to another. Here, we intend to select Singapore's model for demonstration of the use of IT in support of administration of justice. The choice of Singapore's model is informed because of its simplistic nature. Here we will largely draw from a report of IT support of the judiciary in Singapore prepared by Thian Yee Sze.[95]

SIX RUDIMENTS OF THE LITIGATION PROCESS FOR ELECTRONIC LITIGATION SYSTEM PROJECT

To have a workable electronic litigation system, the following six rudiments of litigation process had to be computerized; [96]

- Conduct of trials and hearings
- Filing of court documents
- Access of court documents
- Service of court documents
- Legal research
- Internal court Processes

Note that the above will need to be backed- up with necessary hard and soft wares.

THE ELECTRONIC FILING SYSTEM[97]

The electronic filing system has now changed the way processes are filed, served, and processed, stored, retrieved and managed.

THE FOUR SERVICES OF ELECTRONIC FILING SYSTEM

The primary objective of electronic filing system is to minimize the physical movement of documents and people and facilitate quick distribution of court process. As earlier reiterated, it saves time and space which could have been unnecessarily expended in achieving a simple task. Electronic filing system where properly designed, will have a positive impact on the above identified six rudiments of litigation process. Electronic filing system provides four basic services as follows:[98]

i. **Electronic Filing Service**

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[93] See U.S courts, Case Management/ electronic case files. Available at http://www.uscourts.gov/emeef/emeef-about.html.

[94] Richard Marcus, n.37 p.1838

[95] Thian Yee Sze, Chapter Three Singapore, in IT Support of the Judiciary: Australia, Singapore, Venezuela, Norway, The Netherlands and Italy (2004,) T.M.C. and Asser Press, edited by Anja Oskamp, et al, pp.45-70.

[96] Ibid at 51

[97] Ibid at p.55

[98] Ibid

Here documents that would previously have been filed manually before the court registry in paper form can now be filed electronically via the web-based-front-end system. This was launched in Singapore in July, 2001. By this, the system has obviates the use of litigation clerks making endless trips to court of law for the purposes of filing processes.

ii. Electronic Extracts Service

Traditionally, a law firm that needs any extracts of documents filed in court must apply by way of request to inspect the documents then obtain the documents after all the administrative hurdles are scaled. This is time consuming. By electronic extracts service, this simple process can be done online via the service of the Bureau of the court (Service Bureau System). The searches, inspection of the documents can be performed online while the Bureau e-mails the extracts to the law firm for a fee which can be paid online as well.

iii. Electronic Service of Documents Facility

Here firms can serve court documents and processes on other firms electronically. The documents to be serviced are first mailed electronically to other firms under the Electronic Filing System. Documents served in this form are deemed to be proper service with compliance with the rule of court.

To buttress the evidence of service, a certificate of service is automatically generated by the system. This certificate can be filed in court in place of affidavit of service as evidence of service. This system goes a long way to prevent avoidance or evasion service.

iv. Electronic Information Service

This is a platform where lawyers and law firms can source for information from court records; do search queries on courts online database electronically without leaving the precinct of their office. This kind of service will greatly reduce the common corrupt practices at courts registry.

OTHER ISSUES RELATING TO E- COURT AND E-JUSTICE

Court Workflow System (CWS)

The CWS is designed to facilitate the tracking and management of cases and documents received from and by the courts. All documents received online by the courts are routed to be verified by appropriate officer of court. Once the documents are accepted, it will be routed to appropriate judicial officer for consideration or approval.

This system can be used to effectively track court cases and their stage of development. The documents approved by court are indexed and stored for possible access. This development if adopted in Nigeria will usher in transparency in client and counsel relationship. The old practice of lying to counsel that delays were caused by court will be a foregone story.

Electronic Commissioner for Oath System

This firstly allows for the swearing or affirming before commissioners for oaths electronically.

Key Management System

For privacy and safety of court records and processes, the electronic filing system adopts the public key infrastructure. The Digital signature Technology identifies persons who files documents using the system. The Singapore Judiciary use Key Management centers for the issuance and management of smart cards and digital certification

Thus, every lawyer who registered under the Electronic filing system is issued with a smart card with its unique identity code and password. This is a condition precedent before a lawyer can use any of the four services through the web-based-front-end –system.

From the above Singapore's model of IT support in administration of justice, Thian Yee Sze made us to realize that Electronic Filing System (EFS) has produced the following benefits;[99]

- Improving efficiency by minimizing paper flow to shorten case processing time;
- Enabling the courts to be proactive in tracking the life span of cases;
- Allowing concurrent access by different parties to view the same case file;
- Facilitating faster document filing and retrieval;
- Providing an integrated information service;
- A filing service which is available round the clock;
- Minimizing loss of documents due to misfiling or non-filing: and
- Providing a faster response as well as accurate and up-to-date information on cases.

CONCLUSION

At every stage of introduction of technologies, people always raise some of it downsides. With regards to IT in support of administration of Justice, one of such concerns relates to e-filing which enables public access to materials filed in courts. But public access to court records, which is within the purview of public documents, is not new to legal practice. The only difference here is that online access to such public documents obviates the need to physically visit the courts to request for access and increase the volume of records that can be accessed even at the comfort of one's room.

One may genuinely appreciate erosion of privacy as one of the serious downside in the online justice administration. But we take solace in the fact that many problems created or associated with technologies are most often than not addressed by further technological invention. Privacy issue may be enhanced with the use of encryption technology which ensures that only eligible persons are given access to certain documents. Every country needs Personal Data Protection Law to address situation whereby an interloper or people just comb through the net to gain access to some documents and records that they are ordinarily not entitled to access.

U.S as one of the progressive Jurisdiction in the era of IT support in the justice administration has responded swiftly to this concern of privacy erosion. The US e-government Act 2002 provides that "district courts shall make any document that is filed electronically publicly available online" and that the court "may convert any document that is filed in paper form to electronic form".[100] This provision supports online access to court records. The same law however, directs that courts should adopt rules "to protect privacy and security concerns relating to electronic filing of

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[99] Ibid at p.63
[100] Ibid

documents".[101] It is hoped that other jurisdictions will follow the U.S model of balancing the need to take advantage of IT in Justice Sector and yet preserve the right to privacy

Aside from e-filing which dominate the Pre-trial stage of court processes, IT integration occur more positively at trial stage or hearing of cases. The revolution of Video-conferences is gradually substituting the traditional face-to-face court proceedings and activities. The uses of Video conferencing to conduct oral trial, arguments are becoming common practice in industrialized world like, UK, US and even Singapore. The above development will definitely call for a review of rules of courts, law of evidence to accommodate these changes. The age of "virtual civil litigation" is here and we must be ready to join the rest of the world in embracing this development. Our experimentation with this innovation is to achieve quick dispensation of justice. For a long time, we have re-echoed that 'justice deled is justice denied'. The introduction of IT in support of administration of justice should be seen as a positive development towards achieving the ultimate goal of justice.

It is commendable to note that some of our judges in Nigeria have expressed great enthusiasm to the use IT assisted support in the administration of justice. Hon. Justice Sikiru Oyinloye and Hon. Justice Mahmud Gafar, both of Kwara State High Court of Justice and a host of others from the same jurisdiction and other jurisdictions, fall under the category of digital age judges. These are judges who are eager at any slight opportunity to employ IT tools in the discharge of their judicial duties and to mitigate delays inherent in our judicial proceedings. These classes of "Net Judges" are still in the minority. It is hoped that more of our judges will soon open-up to welcome the reality of e-justice and e-courts. Nigerian legal profession and judicial system is gradually approaching the stage when IT would revolutionalize legal practice and trial in courts. This transformation is close by and we must be ready to flow with this global tide of positive change. By this I mean, the future of Information age in legal practice and administration of justice is now.

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[101] Ibid