

## ARTIFICIAL INTELLIGENCE: INTERROGATING THE PROSPECT OF A ROBOT LAWYER TO PRACTICE LAW IN NIGERIA

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### Abstract

*Globally, the advancement of technological innovations has impacted every aspect of human life including the justice system. One such innovation is the adoption of artificial intelligence and robot lawyers in the practice of law as seen in the case of Do Not Pay in the United States of America. Notably, a technological innovation that has recorded success in one country is more likely to be embraced in another country. Given how slowly artificial intelligence and robot lawyers are infiltrating the practice of law across the globe, this research, therefore, interrogated the prospects of robot lawyers to practice law in Nigeria. The research adopted a qualitative research methodology using*

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*the doctrinal method of legal research. The study found that artificial intelligence and robot lawyers are inevitable innovations in the practice of law across the globe including Nigeria. While artificial intelligence is generally acceptable as a welcome development, the involvement of robot lawyers in the practice of law has both legal and ethical considerations in Nigeria. The laws regulating legal practice in Nigeria do not recognise robot lawyers as persons licensed to practice law in Nigeria. The research concluded that artificial intelligence and robot lawyers could enhance legal practice given its potential but robot lawyers must be clothed with the status of personhood before they can practice law in Nigeria. It was therefore recommended that the laws regulating legal practice in Nigeria be adequately amended to accommodate and adapt to modern technologies such as artificial intelligence and robot lawyers in the practice of law.*

**Keywords:** Robot and Practice of Law; Technology and Law; Robot and Legal Profession; Artificial Intelligence and Law; Legal Practice

### **1.0 Introduction**

Indeed, technology is a product of globalization which has over the years shown to be highly instrumental to the global changes in all spheres of

human life<sup>1</sup> and a binding thread for civilization in the twenty-first century.<sup>2</sup> The advent of technology has impacted all aspects of human relationships. It has enhanced a paradigm shift from a rigid system to a flexible one<sup>3</sup>. The possibility of exchanging ideas, transacting businesses, and even communicating with people in different parts of the world without necessarily seeing them face to face is courtesy of the flexibility that technological advancement has brought to the world<sup>4</sup>. The quick access to information and data today is one of the many blessings of the advancement in technology<sup>5</sup>. The use of sophisticated technological facilities such as Artificial intelligence (AI), drones<sup>6</sup>, Global Positioning Systems (GPS), self-driven cars, and Close Circuit Camera television (CCTV) amongst others have been identified as some of the facilities that have enhanced the

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- <sup>1</sup> S Antonio & TA Estrella, “Business and Labour Culture Changes in Digital Paradigm: Rise and Fall of Human Resources and The Emergence of Talent Development” (2020) 12(3) *Cogito Multidisciplinary Research Journal*, 225; PA Aidonojie, O Erebuonye., AK Adebayo, S Ekpa and KS Lanang “Nigeria’s Adoption of Robotic Lawyers: Legal and Socio-Economic Challenges” (2024) 12(1) *Bestuur* 69-81 <http://dx.doi.org/10.20961/bestuur.v12i1.89747>; PA Aidonojie, TA Majekodunmi, O Erebuonye, and OJ Adeyemi-Balogun, “Potential and Legal Challenges of Metaverse for Environmental Awareness and Sustainable Practice in Nigeria: A Comparative Study with Singapore” (2024) 5(1) *Administrative and Environmental Law Review* 37-64. <https://doi.org/10.25041/aelr.v5i1.3230>
- <sup>2</sup> F Contini, “Artificial Intelligence and the Transformation of Humans, Law and Technology Interactions in Judicial Proceedings” [2020] 2(1) *Law, Technology and Humans* 4-18.
- <sup>3</sup> PA Aidonojie; OO Anne, and OO Oladele, “An Empirical Study of the Relevance and Legal Challenges of an E-contract of Agreement in Nigeria” (2020) 12(3) *Cogito Multidisciplinary Research Journal* 170.
- <sup>4</sup> OO Ikubanni and PA Aidonojie “The Legality of Virtual Marriage in Nigeria given the Covid-19 Pandemic Social Distancing: An X-ray of the Matrimonial Causes Act” (2021) 6(1) *Madonna University, Nigeria Faculty of Law, Law Journal* 123-129.
- <sup>5</sup> D Halima, “Enhancing Justice Administration in Nigeria Through Information and Communications Technology” (2016) 32( 92) *John Marshall Journal of Information Technology and Privacy Law* 90.
- <sup>6</sup> NC Gallase, “Legal Aspects of the Use of Artificial Intelligence in Telemedicine” (2023) 1(2) *Journal of Digital Technology and Law* 313-336.

technologically oriented developments happening around the world today<sup>7</sup>. These emerging technologies are today the key forces that influence public sector organisations as they are used to handle public infrastructures and service delivery.<sup>8</sup>

The practice of law in the legal profession has also been impacted by Artificial Intelligence.<sup>9</sup> Legal practitioners are highly trained professionals who litigate disputes in a court of law, evaluate facts, write judgments, offer legal advice, and prepare documents amongst other things using their special skills and intuition<sup>10</sup>. It is often thought that these services require high intelligence that only humans can possess<sup>11</sup>. Therefore, the nature of these services and the skills and time required to render them often determine the cost of these services<sup>12</sup>. Interestingly today, technology through AI has now been employed to perform the functions of humans and perhaps even better<sup>13</sup>. The most fascinating thing about these machines is the fact that they function so perfectly in an error-free manner with so much

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<sup>7</sup> J Mcmillian, “The Impact of Technology on Administrative Justice System” is a speech presented to AIAL National Administrative Law Forum, Canberra on 18th July 2013, AIAL Forum No. 75. available at <http://classic.austlii.edu.au/au/journals/AIAdminLawF/2013/23.pdf> (accessed on 20th August 2021)

<sup>8</sup> EA Jiya, AN Samaila and Y Surajo, “Artificial Intelligence and Technology for Improving the Efficiency of the Judiciary in Nigeria” [2023] 8(5) *International Journal of Research in Applied Sciences* 80-85, 80.

<sup>9</sup> Z Xu, “Human Judges in the Era of Artificial Intelligence: Challenges and Opportunities” [2022] 36(1) *Applied Artificial Intelligence* 1025-1045.

<sup>10</sup> B Alarie, A Niblett and AY Yoon, “How Artificial Intelligence Will Affect the Practice of Law” (2018) 68 *University of Toronto Law Journal* 106; PA Aidonojie, OO Ikubanni, N Okuonghae and AI Oyedeji, ‘The Challenges and Relevance of Technology in Administration of Justice’ [2021] 13(3) *Cogito Multidisciplinary Research Journal* 149-171.

<sup>11</sup> B Alarie, A Niblett, and AY. Yoon (n 10) 106.

<sup>12</sup> Ibid, 107.

<sup>13</sup> B Alarie, A Niblett, and AH Yoon, ‘Law in the Future’ (2016) 66(4) *University of Toronto Law Journal* 423 6.

precision while most function with little or no human supervision, unlike humans.<sup>14</sup>

Today, undoubtedly, technology has become a significant aspect of the legal profession in Nigeria<sup>15</sup> and other jurisdictions.<sup>16</sup> It has impacted positively the practice of law as well as effectively and efficiently enhanced the administration of justice<sup>17</sup>. The use of AI in the legal profession is one of the most widely embraced technological facilities in the legal profession because it makes the work of lawyers easier mostly in areas of legal research<sup>18</sup>, document review, risk assessment, legal drafting, etc. In several climes, the application of AI to court processes has recorded outstanding success.<sup>19</sup> In a competition for conventional business contract reviews, an AI system created by the Israeli legal technology startup Lawgeex defeated 20 of the best attorneys in the field in February 2018. Furthermore, the system's average accuracy rate is 9% higher than that of humans.<sup>20</sup> During the entire process, tasks that would have taken humans 92 minutes to

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<sup>14</sup> PA Aidonojie, OO Anne, OO Ikubanni, AA Oyebade, AI Oyedeji, and N Okuonghae, "The Impact and Challenges of Technological Advancement to the Legal Profession in Nigeria Given the Covid-19 Pandemic" (2021) 6(4) *KIU Journal of Humanities* 5-19.

<sup>15</sup> Ibid, 19.

<sup>16</sup> CI Obianyo and SV Ater "A Critical Appraisal of the Legal Framework of Artificial Intelligence Governance in Nigeria" [2022] 4(1) *Chukwuemeka Odumegwu Ojukwu University Journal of Private and Public Law* 48-62.

<sup>17</sup> CA Aniekwe, "Legal Framework for The Use of Information and Communications Technology (ICT) in the Nigerian Justice System: A Call For Review" (2021) 1(3) *International Journal of Comparative Law and Legal Philosophy* 145.

<sup>18</sup> Law Pavilion Electronic Law Report is a notable artificial intelligence usually used by lawyers in Nigeria for the research of decided cases by courts of law in Nigeria.

<sup>19</sup> M Richard and A Solow-Niederman, "Developing Artificially Intelligent Justice" [2019] 22 *Stanford Technology Law Review* 243-289.

<sup>20</sup> U Verma, "Israeli AI Software Whips Expert Lawyers in Contract Analysis" (The Times of Israel, 26 February 2018). Available at <https://www.timesofisrael.com/israeli-ai-software-whips-expert-lawyers-in-contract-analysis/> [accessed 18<sup>th</sup> November 2023]

complete were completed by the system in 26 seconds, meaning that in terms of speed and efficiency, it has successfully executed a "double kill" on humans.<sup>21</sup>

AI has quite changed the face of the judicial system<sup>22</sup> by assisting judges to improve judgment accuracy,<sup>23</sup> with speculations that in the near future robot judges may replace human judges though it remains uncertain how AI will ultimately change the mode of adjudication in courts, the legal profession, and even law itself.<sup>24</sup> Interestingly, one of the most recent technological developments in the practice of law is the introduction of robot lawyers to practice law in the United States. Since its introduction, there have been several controversies regarding the legal capacity of robot lawyers to practice law in California. It is pertinent to note that a technological innovation that has recorded huge success in one country is

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<sup>21</sup> T Hu and H Lu, "Study on the Influence of Artificial Intelligence on Legal Profession" (2019) 110 *Advances in Economics, Business and Management Research*, 964-968.

<sup>22</sup> I Giuffrida, F Lederer, and N Vermerys, "A Legal Perspective on the Trials and Tribulations of AI: How Artificial Intelligence, the Internet of Things, Smart Contracts, and Other Technologies Will Affect the Law" [2018] 68(3) *Case Western Reserve Law Review* 747-781; P Kioko, M Booker, N Chege, and P Kimweli, "The Adoption of Artificial Intelligence in Newsrooms in Kenya: a Multi-case Study" [2022] 18(22) *European Scientific Journal* 278; Joel Godwin Gogwim, "Position of Artificial Intelligence in Justice System: Justice of the Future" [2021] 1-15. Available at <https://nji.gov.ng/wp-content/uploads/2021/12/Position-of-Artificial-Intelligence-in-Justice-System-Justice-of-the-Future-by-Joel-Gogwim.pdf> [accessed 18th November 2023]

<sup>23</sup> R Wang, "Legal Technology in Contemporary USA and China" [2020] 39 *Computer Law and Security Review* 1-20. <https://doi.org/10.1016/j.clsr.2020.105459> [accessed 18th November 2023]; FM De Sanctis, "Artificial Intelligence and Innovation in Brazilian Justice" [2021] *International Annals of Criminology*, 1-10. <https://doi.org/10.1017/cri.2021.4> [accessed 18th November 2023]

<sup>24</sup> B Cooper, "Judges in Jeopardy: Could IBM's Watson Beat Courts at Their Own Game?" [2011] 121 *Yale Law Journal* 87.

more likely to be embraced and adopted by another country<sup>25</sup>. It is against this backdrop that this paper seeks to examine the right of robot lawyers to practice law under Nigerian law.

As digital technologies emerge and gradually infiltrate the legal profession especially the emergence of artificial intelligence and robot lawyers, there is a yawning need to interrogate the legality of the adoption of robot lawyers in the practice of law in Nigeria under the legal framework of legal practice in Nigeria. This paper, therefore, seeks to explore the operation of robot lawyers in the practice of law within the context of the laws regulating legal practice in Nigeria. The operation of robot lawyers in the United States is not part of the focus of this paper though reference may be made to it in passing to buttress any point made in this paper.

## **2.0 The Concept of Artificial Intelligence and the Emergence of Robot Lawyers in the Legal Profession**

Artificial Intelligence (AI) has no precise definition. Defining the concept is plagued with a lot of difficulties<sup>26</sup>. However, AI is described as the use of technology to automate tasks that normally require human intelligence. It has also been defined as the ability of a digital computer or computer-controlled robot to accomplish actions often associated with intelligent beings<sup>27</sup>. It involves the development of systems that are endowed with the characteristics of human beings in terms of reasoning<sup>28</sup>. AI has to do with

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<sup>25</sup> OE Oluwatobi, “Can Robots Practice Law in Nigeria?” <https://thenigerialawyer.com/can-robots-practice-law-in-nigeria/> (accessed 17<sup>th</sup> March 2023)

<sup>26</sup> B Alarie, A Niblett and AY Yoon (n 10) 115.

<sup>27</sup> BJ Copeland, “Artificial Intelligence”. Available at <https://www.britannica.com/technology/artificial-intelligence/Reasoning> [accessed 18<sup>th</sup> March 2023].

<sup>28</sup> Aidonjio P.A., Eregbuonye O., Majekodunmi T.A., Inagbor M.E., (2024), “The Prospect and Legal Issues of Income Tax in the Nigerian Metaverse”, 6(1) *Trunojoyo Law Review* 17-50, <https://doi.org/10.21107/tlr.v6i1.23874>; PA Aidonjio, TA Majekodunmi, OI Edetalehn, OJ Adeyemi-Balogun “A facile review concerning the

the build-up of a technological device to automatically perform complex tasks that human beings can perform as well<sup>29</sup>. AI no doubt involves the development of machine technology to imitate human intelligence, achieving greater efficiency in the performance of tasks hitherto performed by humans.<sup>30</sup> It is a computer intelligence that does not use cognitive ability displayed by devices, as opposed to natural cognitive ability expressed in people as well as animals<sup>31</sup>. AI has also been described as the theory and application of systems used to simulate, extend, and expand human intelligence<sup>32</sup>. AI also refers to a computer's ability to imitate human intelligent behavior, especially human cognitive functions, such as the ability to reason, discover meaning, generalize, and learn from past experience<sup>33</sup>.

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Protection of an Invention in Nigeria: Issues and Challenges”, (2023)12(2) *Jurnal Hukum dan Peradilan* 371-408, <http://dx.doi.org/10.25216/jhp.12.2.2023.371-408>; PA Aidonojie, WS Abacha, and A David, “Effectiveness of the Administration of Justice in Nigeria under the Development of Digital Technologies” (2023) 1(4) *Journal of Digital Technologies and Law*, 1105-1131. <https://doi.org/10.21202/jdtl.2023.48>.

<sup>29</sup> Harry Surden, “Artificial Intelligence and Law: An Overview” (2019) 35(4) *Georgia State University Law Review* 1307.

<sup>30</sup> S Ilegieuno, O Chukwuani, and I Adaralegbe, ‘Artificial Intelligence and the Future of Law Practice in Nigeria’ in R Kumar, Y Wang, T Poongodi, and AL Imoize, (eds) *‘Internet of Things, Artificial Intelligence and Blockchain Technology’* (Springer, Cham, 2021) 307-326.

<sup>31</sup> P McCorduck, “Machines Who Think: Artificial Intelligence” (2004) 340-400 cited in EC Ibe & MY Zakari, “Emergence of Artificial Intelligence and Its Legal Status in Nigeria: Prospects and Challenges” (2023) 6(1) *Redeemer’s University Law Journal* 105.

<sup>32</sup> Ni Xu and Kung-Jeng Wang, “Adopting robot lawyer? The Extending Artificial Intelligence Robot Lawyer Technology Acceptance Model for Legal Industry by an Exploratory Study” (2019) *Journal of Management & Organization* 1-19.

<sup>33</sup> WH Gravett, “Is the Dawn of the Robot Lawyer upon us? The Fourth Industrial Revolution and the Future of Lawyers” (2020) *Potchefstroom Electronic Law Journal* 23 7 <http://dx.doi.org/10.17159/1727-3781/2020/v23i0a6794> [Accessed 28th March 2023].



It is becoming highly worrisome that as much as AI brings convenience to people<sup>34</sup>, it is also increasingly reducing the number of jobs for humans<sup>35</sup>. This is because machines are designed to perform complex activities as has been established in the digital world over the years<sup>36</sup> even though it is believed that AI has not succeeded at entirely replacing the need for human expertise in decision-making.<sup>37</sup> Over the years, much has been said about AI. However, until recently, not much has been written on the relevance of AI to the practice of law<sup>38</sup>. The current impact of AI on legal practice and even in the future cannot be over-emphasized. On a macroscopic basis, the emergence of AI and the current trends in its application within the legal profession across the globe are indicative that AI has not only changed the face of the legal industry but will also take the jobs of human lawyers.<sup>39</sup>

Notably speaking, one of the instances that demonstrates how AI threatens the jobs of a lawyer is that parking infractions in York City can now be resolved by violators selecting an automated online dispute settlement system.<sup>40</sup> There are now a lot fewer steps in these processes that need legal

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<sup>34</sup> F Dekker, A Salomons, & J van der Waal, "Fear of Robots at Work: The Role of Economic Self-interest" (2017) 15(3) *Socio-Economic Review* 539–562.

<sup>35</sup> MH Huang & RT Rust, "Artificial Intelligence in Service" (2018) 21(2) *Journal of Service Research* 155–172.

<sup>36</sup> Reagan Robinson, "Artificial Intelligence: Its Importance, Challenges and Application in Nigeria" (2018) 3(5) *Direct Research Journal of Engineering and Information Technology* 37.

<sup>37</sup> BP Commerford, SA Dennis, JR Joe, and JW Ulla, "Man Versus Machine: Complex Estimates and Auditor Reliance on Artificial Intelligence" (2021). Available at <http://dx.doi.org/10.2139/ssrn.3422591> [Accessed on 17th November 2023].

<sup>38</sup> Sonia K Katyal, "Private Accountability in the Age of Artificial Intelligence", (2019) 66 UCLA L. REV. 54

<sup>39</sup> Teng Hu and Huafeng Lu (n 21) 965.

<sup>40</sup> PA Aidonojie, O Eregbuonye, M Inagbor, and O Ogbemudia, "Legal and Socioeconomic Issues Concerning the Nigeria Higher Institution Loan Act 2023" (2024) 17(1) *Jurnal Legalitas*, 1-23. <https://doi.org/10.33756/jelta.v17i1.23143>; PA Aidonojie, "Challenges concerning the Legal Framework of an Automated Personal

specialists' assistance.<sup>41</sup> This trend is fairly evident even with the current artificial intelligence backdrop of poor performance.<sup>42</sup> One of the most impressive motivations for the integration of AI and law is the fact that AI has been described as being capable of assisting in four fields of legal services which are consultation and guidance, file retrieval, data review, and lawsuit prediction<sup>43</sup>. These, without a doubt, are quite a great relief for lawyers considering the enormity of legal services. The review of the evidence<sup>44</sup>, file review, and the fluidity of human lawyers moving from criminal defense to intelligent defense is noted to be a few of the importance of AI robot lawyers to legal service and the ways human lawyers work<sup>45</sup>.

The emergence of robot lawyers, a technological innovation that employs the use of AI in the performance of legal practice has again awakened the debates and controversies on the limit to which AI may be employed to perform certain tasks. A robot lawyer is a technological device in the form of a computer program designed to perform the tasks of a lawyer including most other things associated with the practice of law in an automated manner<sup>46</sup>. A robot lawyer is an AI-powered computer that uses Natural Language Processing (NLP) to understand legal questions and generate

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Income Tax in Edo State, Nigeria” (2024) 12(1) *Jurnal Hukum Replik* 83-115  
<http://dx.doi.org/10.31000/jhr.v12i1.7717>.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> JO McGinnis & RG Pearce, “The Great Disruption: How Machine Intelligence Will Transform the Role of Lawyers in the Delivery of Legal Services” (2014) 82(6) *Fordham Law Review* 3041-3066.

<sup>44</sup> G Greenleaf, A Mowbray, & P Chung, “Building Sustainable Free Legal Advisory Systems: Experiences from the History of AI & Law” (2018) 34(2) *Computer Law & Security Review* 314–326 2.

<sup>45</sup> Ibid 314-326.

<sup>46</sup> Albert Nangara, “World’s First Robot Lawyer to Defend Human in Court” Available at <https://theexchange.africa/tech-business/worlds-first-robot-lawyer-to-defend-human-in-court/> [accessed 19<sup>th</sup> March 2023].

legally compliant answers<sup>47</sup>. The robot is designed to be able to perform several functions such as offering legal advice, creating legal documents, and searching case laws, amongst other things<sup>48</sup> Furthermore, it is believed that the emergence of robot lawyers in the legal space is inevitable because robot lawyers are notably capable of solving the problem of imbalance in the resources of legal services. The idea of introducing the combination of AI and the law through the invention of robot judges to eliminate legal uncertainties<sup>49</sup> has been ongoing since the 1970s<sup>50</sup> though some scholars postulate that robots should rather assist judges and lawyers and not replace them<sup>51</sup>.

Today, robots are undoubtedly an integral part of our daily lives. They are found as appliances in homes, self-driving cars, security systems, restaurants, and so on. There is no gainsaying that the advent of robots has made life easy generally. However, it is imperative to emphasise that the idea of introducing AI and robot lawyers into the legal profession was originally not to replace humans but to assist in making work easy<sup>52</sup>. Unfortunately, today, the machine designed to make work easy has now been considered to replace humans and take up the legal profession entirely. The first Robot lawyer also interchangeably referred to as DoNotPay was designed by Joshua Browder. In 2015, Joshua Browder introduced a

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<sup>47</sup> PA Aidonjje, AM Toyin, E Obieshi, and IO Ogbemudia, "Legal Issues Concerning of Data Security and Privacy in Automated Income Tax Systems in Nigeria" (2024) 8(1) (*Hang Tuah Law Journal* 14-41, <https://doi.org/10.30649/htlj.v8i1.223>; PA Aidonjje, AK Adebayo, O Eregbuonye, GO Antai, IO Ottah, and Muhammad Mutawalli "The Prospect, Legal, and Socio-economic Implication of Metaverse Operation in Nigeria" (2024) 19(4), *Yurisdiksi*, 455, <https://doi.org/10.55173/yurisdiksi.v19i4.201>.

<sup>48</sup> Ibid.

<sup>49</sup> A D'Amato, "Can/should Computers Replace Judges" (1976) 11 *Georgia Law Review* 1277.

<sup>50</sup> S Castell "The Future Decisions of Robot Judge HHJ Arthur Ian Blockchain: Dread, Delight or Derision?" (2018) 34(4) *Computer Law & Security Review* 739-753.

<sup>51</sup> JO McGinnis & RG Pearce (n 43) 3066.

<sup>52</sup> WH Gravett (n 33) 3.

Chatbot designed for legal services known as DoNotPay. The rationale behind the creation of the robot was to assist by giving legal guidance to poor consumers who cannot afford the legal services of human lawyers in challenging minor infractions such as fines over a parking ticket, small contractual claims, etc. Originally, DoNotPay was created by Joshua Browder to solve his problem<sup>53</sup>. The Idea of a robot lawyer came from the experience of Joshua Browder while he was studying at Stanford. He was repeatedly booked with parking tickets for failing to feed his meter<sup>54</sup>. Owing to a suggestion from a friend, he challenged the bookings to reduce them by writing a letter, and the fine was reduced<sup>55</sup>. At this juncture, it occurred to him how many persons must have suffered the fate of being fined with parking tickets but being unable to reduce it either because there is no time or lack of financial resources to procure a lawyer. To this end, he offered to proffer a solution that birthed the world's first robot lawyer<sup>56</sup>.

### **3.0 Legal Framework of Legal Practice in Nigeria**

The legal profession has been adjudged one of the most respected and loved vocations by which professionals in this field are reposed some level of trust and confidence by society<sup>57</sup>. In Nigerian society, the legal profession holds a key position. In addition to fulfilling the conventional duty of defending individual rights in court, solicitors actively participate in the

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<sup>53</sup> Merrill Alumni, "Machine Learning: The World's First Robot Lawyer". Available at <https://d3.harvard.edu/platform-digit/submission/the-worlds-first-robot-lawyer/> [accessed 19<sup>th</sup> March 2023]

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Yusuf Ali, "The Future of Legal Practice in Nigeria: Regulation and Discipline in the Legal Profession" Paper Presented at the 8<sup>th</sup> Annual Business Luncheon of S.P.A. Ajibade & Co., held in Lagos on 26<sup>th</sup> November 2015. Available at [https://yusufali.net/articles/future\\_legal\\_practice\\_nigeria.pdf](https://yusufali.net/articles/future_legal_practice_nigeria.pdf) [Accessed 6<sup>th</sup> May 2023].

development of legal organizations and ideas that support development<sup>58</sup>. Legal services have a significant impact on and shape almost all social, economic, and political structures of the nation. Lawyers are increasingly essential to the proper operation of Nigerian society<sup>59</sup>. They serve as the foundation for the nation's hopes for social and economic advancement<sup>60</sup>. While it is beyond doubt that litigation is the cornerstone of legal practice, the evolving societal challenges in the contemporary world are fast expanding the role of lawyers in society beyond litigation<sup>61</sup>. In the case of *Anozia v AG Lagos State*,<sup>62</sup> the court ruled about the obligations of solicitors thus

It is trite, that a legal practitioner has an onerous duty to uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and thus shall not engage in any conduct which is unbecoming of a member of the honorable and highly prestigious legal profession

The Black's Law Dictionary<sup>63</sup> defines the practice of law as:

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<sup>58</sup> Okechuwkwu Oko, "Contemporary Law Practice in Nigeria" (1994) 38(2) *Journal of African Law* 104; Chidi Oguanmanam and Wesley Pue, "Lawyers' Professionalism, Colonialism, State Formation and National Life in Nigeria, 1900-1960: 'The Fighting Brigade of the People'" (2006) 2-17 <https://www.researchgate.net/publication/228228570> [Accessed 6th May 2023].

<sup>59</sup> Ibid.

<sup>60</sup> O Shaeab, I Adeola, & OB Akinola, "Increase in Cases of Impersonation of Lawyers in Nigeria: Making Case for Reforms" (2023) 6(1) *East African Journal of Law and Ethics* 6(1) 1-14.

<sup>61</sup> Chukwuma Chinaka, "What Constitutes Legal Practice in Nigeria?". Available at <https://sunnewsonline.com/what-constitutes-legal-practice-in-nigeria/> [Accessed on 6<sup>th</sup> May 2023]

<sup>62</sup> (2010) 15 NWLR (1216) 207.

<sup>63</sup> Bryan A. Garner, "Black's Law Dictionary" (9<sup>th</sup> Edn, West Publishing Company, Dallas, 2004) 1291.

The professional work of a duly licensed lawyer, encompassing a broad range of services such as conducting cases in courts, preparing papers necessary to bring about various transactions from conveying land to affecting mergers, preparing legal opinions on various points of law, drafting wills and other estate planning documents and advising clients on legal questions. The term also includes activities that comparatively few lawyers engage in but require legal expertise, such as drafting legislation and court rules.

The definition of legal practice above indicates that a person rendering such services must be a 'licensed lawyer'. It becomes sacrosanct at this juncture to examine the laws that regulate the practice of law in Nigeria. The Supreme Court Ordinance of 1876 was pivotal to the legal profession in Nigeria because it was the first statute to regulate the practice of law in the country. The Ordinance recognised two categories of persons to practice law in the country. According to Section 76, the first category was a person trained as either a barrister or solicitor in the United Kingdom due to the absence of a legal training institution in the country<sup>64</sup>. The second category however is the person who lacked formal legal training but by their exposure and experience had acquired legal knowledge and skills. These persons were referred to as 'local attorneys'<sup>65</sup>.

The insufficiency of qualified legal practitioners in the colony fortified the need for the Chief Justice to exercise its discretion in the recognition of the

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<sup>64</sup> JO Orojo, "Conduct and Etiquette for Legal Practitioners" (London: Sweet and Maxwell, 1979) 7-8.

<sup>65</sup> OA Adegoke, RE Badejogbin, and ME Onoriode, 'Law in Practice' (1<sup>st</sup> ed, 2014) 14; s 71-74 of the Supreme Court Ordinance of 1876.

second category<sup>66</sup>. However, the local attorneys were first subjected to examination to test the knowledge of the applicants on the new laws of England and the Colony<sup>67</sup>. Where the Chief Justice grants a license in these circumstances, such persons are enrolled to practice law for six months which is renewable for another six months. Unfortunately, protests from qualified lawyers against the grant of licenses to local attorneys to practice law occasioned the discontinuance of such practice. Hence, the Chief Justice stopped the issuance of licenses to unqualified persons or local attorneys in 1908 though the ones whose licenses had not expired continued to use them until expiration<sup>68</sup>.

The Supreme Court Ordinance of 1943 was promulgated to replace the Supreme Court Ordinance of 1876. Consequently, the Supreme Court (Civil Procedure) Rules of 1945 which was made pursuant to the Supreme Court Ordinance of 1943 set a new requirement for the practice of law in Nigeria<sup>69</sup>. Regarding the qualification for the practice of law in Nigeria, Order 16 Rule 1 of the Supreme Court (Civil Procedure) Rules 1945 provided that:

The Chief Justice may in his discretion approve, admit, and enroll to practice as a barrister and solicitor in court:

- (a). Any person who is entitled to practice as a barrister in England or in Ireland or as an advocate in Scotland; and who
  - i. Produces testimonials sufficient to satisfy the Chief Justice that he is a man of good character; and

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<sup>66</sup> s 74 of the Supreme Court Ordinance of 1876.

<sup>67</sup> Order 8 Rules 1-4 of the Supreme Court (Civil Procedure) Rules 1876.

<sup>68</sup> Obi Okoye, "*Law in Practice in Nigeria*" (2<sup>nd</sup>edn, Snaap Press Nigeria Ltd, 2015) 4.

<sup>69</sup> PA Aidonjio, J Nwazi, and E Ugiomo, "Illegality of Income Tax Evasion in Edo State: Adopting an Automated Income Tax System as a Panacea" (2023) 16(1) *Journal Legalitas* 56-86.

- ii. Has read in the chambers of a practicing barrister or advocate of more than five years standing for at least one year, or has practiced in the courts of the country in which he has been called or admitted for at least two years subsequent to his call or admission, or
- iii. Has subsequent to his call to the bar or admission as an advocate read in Nigeria in the chambers of a practising barrister of more than ten year's standing for at least two years or
- iv. Has practiced as a barrister or solicitor in the courts of British Colony or Protectorate for at least two years....

The above requirements for the practice of law in Nigeria impacted negatively on the efficiency of the lawyers to practice in Nigeria considering that the training acquired in England was insufficient to meet the peculiarity of the Nigerian people<sup>70</sup>. Hence, a need for the overhauling of the Nigerian Legal profession. To address these challenges, the Unsworth Committee of 1959 which was set up to look at these challenges made some recommendations that birthed the promulgation of the Legal Education Act of 1962 and the Legal Practitioners Act of 1962 respectively<sup>71</sup>.

The enactment of the Legal Education Act of 1962 and the Legal Practitioners Act of 1962 led to the establishment of the Nigerian Law School in 1962 to provide training for aspirants in the legal profession. It became a requirement that persons who desired to practice law in Nigeria must first obtain a law degree in any recognised university in Nigeria or

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<sup>70</sup> AO Obilade, *"The Nigerian Legal System"* (London: Sweet and Maxwell, 1979) 271; OA Adegoke, RE Badejogbin, and ME Onoriode (n 65) 18-21.

<sup>71</sup> OA Adegoke, RE Badejogbin, and ME Onoriode Adegoke (n 65) 24.



abroad before physically attending the Nigerian Law School<sup>72</sup>. In Nigeria, obtaining a law degree for direct entrants is for a duration of four years while five years is for students admitted directly through the Joint Admissions Matriculations Board (JAMB)<sup>73</sup>. The Legal Education Act and the Legal Practitioners Act of 1962 changed the face of the Nigerian legal profession and the system of legal education by setting new requirements and qualifications for the practice of law<sup>74</sup>.

The Legal Education Act of 1962 with its attendant amendments<sup>75</sup> is the extant law on legal education in Nigeria. The law is presently known as the Legal Education (Consolidation etc) Act<sup>76</sup>. The Legal Practitioners Act of 1975<sup>77</sup> which replaced the Legal Practitioners Act of 1962 also determines who can practice law in Nigeria as well as the conditions to be fulfilled before anyone can practice law in Nigeria. Section 24 of the Legal Practitioners Act defines a legal practitioner as – ‘A person entitled in accordance with provisions of the Act to practice as a barrister or as a barrister and a solicitor, either generally or for the purpose of any particular office or proceedings

#### **4.0 Qualification for the Practice of Law in Nigeria**

As earlier discussed, legal practice is statutorily regulated in Nigeria by both the Legal Education (Consolidation etc) Act and the Legal Practitioners Act. According to Section 2 (1) of the Legal Practitioners Act, two categories of persons are legally allowed to practice law whether as solicitors or barristers in Nigeria. The categories are:

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<sup>72</sup> Obi Okoye (n 68) 5.

<sup>73</sup> Niki Tobi, “The Nigerian Lawyer” (Lagos: Law Research and Development Forum Limited, 2002) 34-35.

<sup>74</sup> OA Adegoke, RE Badejogbin, and ME Onoriode (n 65) 25.

<sup>75</sup> The Act underwent several amendments in 1963, 1966, 1967, 1970, 1973, 1974, 1976, 1977, and 1985.

<sup>76</sup> Cap. L10, Laws of the Federation of Nigeria, 2010.

<sup>77</sup> Cap 207 Laws of Federation of Nigeria 1990 now Cap L11 Laws of Federation of Nigeria 2004.

- i. A person whose name appears in the roll of legal practitioners kept by the Registrar of the Supreme Court of Nigeria. A person in this category must have obtained a law degree in a recognised university in Nigeria or abroad, attended or exempted from attending the Nigerian Law School, issued with the qualifying certificate by the Council of Legal Education, called to the Nigerian Bar, issued the Call to Bar certificate by the Body of Benchers and his name subsequently enrolled in the register of legal practitioners kept by the Registrar of the Supreme Court of Nigeria<sup>78</sup>. This position was affirmed by the court in the case of *Mobil Oil Nigeria Plc v Yusuf*<sup>79</sup>
- ii. A person whom in the opinion of the Chief Justice is expedient to be permitted to practice as a barrister for proceedings described in the application, the Chief Justice may by warrant under his hand authorise that person, on payment to the registrar of such fee not exceeding fifty naira as may be specified in the warrant, to practice as a barrister for those proceedings and of any appeal brought in connection with those proceedings.

In Nigeria, a Call to Bar is a certification that a person is qualified and licensed to practice law. According to section 4(2) of the Legal Practitioners Act, any person whether a citizen of Nigeria<sup>80</sup> or a non-citizen<sup>81</sup> of Nigeria is entitled to be called to the Nigerian Bar provided such a person meets the criteria for Call to Bar which include the following:

- i. If he produces a qualifying certificate to the Body of Benchers or a certificate of exemption from attending Law School;
- ii. If he satisfies the Body of Benchers that he is of good character;

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<sup>78</sup> Obi Okoye (n 68) 12; OA Adegoke, RE Badejogbin, and ME Onoriode (n 65) 28-29.

<sup>79</sup> (2012) 9 NWLR (Pt. 1304) 47.

<sup>80</sup> Section 4(1)(a) of the Legal Practitioners Act.

<sup>81</sup> Ibid Section 4(2)(a); Section 1 of the Legal Practitioners (Amendment) Decree No. 1 of 1992.

- iii. If he pays the Call fee as may be prescribed by the Body of Benchers<sup>82</sup>; and
- iv. If he also kept three dining terms as stipulated by the Body of Benchers<sup>83</sup>

### **5.0 Prospects and Challenges of Practice of Law by Robot Lawyers in Nigeria**

The community reading of the copious provisions of the Legal Education Act and Legal Practitioners Act which are the two major enactments regulating the practice of law in Nigeria show that a robot is not contemplated as a ‘person’ who can practice law in Nigeria. The historical background of the Nigerian legal profession and the various legislations discussed show that a natural human being was contemplated by the laws as a person who can be licensed to practice law in Nigeria<sup>84</sup>. A critical examination of the criteria for Call to Bar in Nigeria as specified by Section 4 of the Legal Practitioners Act can only be met by natural human beings. A robot cannot meet these requirements.

Furthermore, the provisions of the Legal Practitioners Act and Legal Education (Consolidation etc) Act emphasized that only a ‘person’ can be licensed to practice law in Nigeria. At present, AI or robots do not possess the same qualities as human beings that are generally considered necessary for personhood in law. These include consciousness, emotions, and the ability to communicate in a way that is similar to human language. As a result, there is no legal recognition of a robot as a human or person under most legal systems around the world. Under the Nigerian legal system, the Supreme Court in a plethora of cases including the case of *The Administrator*

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<sup>82</sup> Section 4 of the Legal Practitioners Act.

<sup>83</sup> Section 18(4) of the Body of Benchers Regulations cited in Obi Okoye (n 47) 15.

<sup>84</sup> Omaplex Law Firm, ‘A Legal Perspective of the Robot Lawyer under the Nigerian Legal System’ (24 January 2023). Available at <https://omaplex.com.ng/a-legal-perspective-of-the-robot-lawyer-under-the-nigerian-legal-system/> accessed 5 May 2023.

*of the Estate of General Sani Abacha v Eke Spiff* has stated that a person is either natural or artificial (such as a corporate body)<sup>85</sup>. A robot does not qualify as a natural person or an artificial person under the Nigerian legal system. However, even if a robot were an artificial person, the Legal Practitioners Act and Legal Education (Consolidation etc) Act do not contemplate an artificial person as a person who can practice law in Nigeria. The mandatory legal requirements of holding a law degree in any recognised university in Nigeria or abroad, obtaining a qualifying certificate from the Council of Legal Education after successful completion of the law school and the to be worthy in character are all pointers to the conclusion that a natural person was contemplated by these laws.

The concern that unless a robot is clothed with the garment of personhood and barred under the legal regime of the jurisdiction concerned which in this case is Nigeria it would not be recognised as a person capable of practicing law has occasioned a growing interest in exploring the possibility of granting personhood to AI. As AI technology continues to develop and become more advanced, some argue that if AI were able to develop certain characteristics that are similar to those of human beings, such as self-awareness, decision-making abilities, and emotions, then they may be deserving of the same legal status as humans.

One argument in favor of granting personhood to AI is that it could potentially lead to increased access to legal services<sup>86</sup>. AI could be programmed to perform a range of legal tasks, such as conducting legal research, drafting documents, and even representing clients in court. This could potentially make legal services more affordable and accessible to a

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<sup>85</sup> (2009) 7 NWLR (Pt. 1139) 97 at P. 136 Para. E; *Fawehinmi v Nigerian Bar Association* (NO. 2) (1989) 2 NWLR (Pt. 105) 558 at 595; *Access Bank Plc v Agege Local Government & Anor.* (2016) NGCA 35.

<sup>86</sup> JJ Bryson, 'AI and Legal Personhood' in K Frankish, and WM Ramsey, (eds), *Cambridge Handbook of Artificial Intelligence* (Cambridge University Press 2020) 107-122.

wider range of people. Furthermore, another argument in favor of granting personhood to AI is that it could lead to more objective and consistent legal decision-making. AI is not subject to the same biases and prejudices that can affect human decision-making, and could potentially analyze legal data and make decisions more objectively and fairly.

However, there are also concerns about the potential implications of granting personhood to AI or robots. For example, if AI were to be given the same legal status as humans, they may also be subject to legal liability and responsibility for their actions<sup>87</sup>. This raises questions about who would be responsible if an AI system were to make an error that resulted in harm or damage to a client. There are also concerns about the ethical implications of allowing AI to practice law. Learning machines and AI cannot generally empathize with clients and understand the nuances of human emotion and behaviour. This could potentially lead to machines providing inadequate legal advice or making decisions that are not in the best interest of their clients.

While there are potential benefits to allowing AI to perform legal tasks<sup>88</sup>, there are concerns about the potential implications for legal liability and ethical decision-making. Ultimately, any decision about granting personhood to AI will need to be made with careful consideration of these issues and a focus on the best interests of clients, the legal profession, and society as a whole. The question of whether AI can be conferred with the status of personhood, and allowed to practice law, is a complex one that raises several legal and ethical issues. However, as it is, Nigerian law does not allow for non-legal persons to practice law in Nigeria.

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<sup>87</sup> S Bhattacharya, 'Granting Legal Personhood to Artificial Intelligence Systems and Traditional Veil Piercing Concepts to Impose Liability' (2021) 2(1) *Journal of Law and Legal Studies* 1-10.

<sup>88</sup> R. Susskind, 'Artificial Intelligence and the Future of Law' (2016) [https://www.law.ox.ac.uk/sites/files/oxlaw/ai\\_final1097.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/ai_final1097.pdf) [Accessed 5 May 2023].

## **6.0 Conclusion and Recommendations**

This paper has demonstrated that the globalization and advancement of technology have impacted greatly the legal practice globally including in Nigeria. Technology especially AI has positively enhanced legal practice. However, the two major legislations that regulate lawyering and legal practice generally do not contemplate a robot as a person who can practice law in Nigeria. A robot is not a natural person conferred with the right to practice law upon fulfillment of the qualifying requirements. The right of a robot to practice law in Nigeria is dependent on the amendment of both the Legal Education (Consolidation) Act and the Legal Practitioners Act to confer such right on an artificial person such as a robot. The relevant provisions of both legislations on the requirement for qualification to practice law may be reviewed in order to accommodate robots especially humanoid robots. Humanoid robots are known to have human likenesses and expressiveness.

Sophia, the first humanoid robot comes to mind. She is a highly intelligent human she owns a credit card and was conferred full citizenship of Saudi Arabia by the Saudi Arabian government<sup>89</sup>. Sophia, developed by a Hong-Kong-based company Hanson Robotics is noted to be the first robot to own her own passport and can imitate 62 human expressions<sup>90</sup>. She is regarded as the world's first robot Innovation Ambassador for the United Nations Development Programme<sup>91</sup>. AI and robots have come to stay. The importance of AI to legal practice cannot be overemphasized. However, while AI may be adopted for legal research, drafting of legal documents, and so on, the grant of licenses to robots for legal practice endangers the human species.

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<sup>89</sup> Should Robots be Citizens? Available at <https://www.britishcouncil.org/anyone-anywhere/explore/digital-identities/robots-citizens> [Accessed 8th May 2023]

<sup>90</sup> Ibid.

<sup>91</sup> <https://www.hansonrobotics.com/sophia/> [Accessed 8<sup>th</sup> May 2023].