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# X-Raying the Legality of a Robot Lawyer in the Nigerian Courts

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## ABSTRACT

*There is no gain saying that Artificial Intelligence owns the future of humanity. The ability of AI in Apps and robots to, effortlessly and at reduce cost, do what man can do and even more makes the thoughts and reception of IA welcoming and a worthwhile venture. From inventions such as KidsArm and Canadaarm2, arm looking robots that could perform surgeries thought to be unachievable thereby advancing in medicine with the help of space based technology, chatbots which is useful in writings and research, Siri, voice assistants to help with daily tasks and of recent, AI enabled robot teachers and robot lawyers expected to guide parties in their cases before the court. Yes, for a very long time men and women of the bar have been seen in courts conducting cases for and against clients and parties respectively. This normal is about to experience a 'new normal'. How this new normal will exist and fits-in in different jurisdictions depend on the legal system. The legal profession is a highly regimented profession in various jurisdictions. There are sacrosanct rules on legal education, practice, conduct and ethics regulating the prestigious and humble profession everywhere in the world. The intention of this paper is to analyse the Nigerian legal system in order to determine the status of a robot lawyer within the system and whether the legal profession can accommodate a robot-lawyer. In essence, can a robot practice as a lawyer in Nigeria? Does a robot have a right of audience before the Nigerian Courts? A qualitative legal research methodology is adopted; and at the end of the work, appropriate recommendation shall be made based on the findings.*

**Keywords:** Artificial Intelligence, Robot, lawyer, legality, Nigeria.

## I. INTRODUCTION

From the inception of humanity, the urge to find other means of increasing human productivity is insatiable. This quest has led to the tremendous and continuous inventions with artificial intelligence which enhances speed, precision, accuracy and effectiveness of human effort. IA is responsible for the ability of a digital computer or computer-controlled robot to perform tasks relatable with human intelligence and even better. It also apply to project of developing systems endowed with intellectual processes characteristic of humans, such as the ability to reason,

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discover meaning, generalize or learn from the past.<sup>3</sup> AI has also been described as the ‘simulation of human intelligence processes by machines, especially computer systems’<sup>4</sup> These machines are programmed to think like humans and mimic their actions.<sup>5</sup> With advancement in computer science and technology, generative and unsupervised AI are used to create new engines used to imitate and do better what human beings can do and think. AI’s technologies have seen to the creation of many machines which benefits are numerous to mention but a few. There are now Machine-Translation services to translate texts which further reduce translation times of text, or natural language processing algorithms, sort out customer data in offer to personalise offers.<sup>6</sup> The AI powered data automation which is a combination of two technologies, analytics and AI embedded AI in form of machine learning (ML) and Natural Language Processing (NLP) for traditional analytics which enhances the capabilities of business analyst and application developers leading to a revolution on how customers access data.<sup>7</sup> Solar panel detection for insurance companies, Caktus, an educational AI that helps students get their assignments and papers done in minutes,<sup>8</sup> ChatGPT that is capable of producing written content in ranges, from essays to codes and answering simple questions,<sup>9</sup> Google Maps monitor the ebb and traffic flow to assess alternative fastest route by using the location data on smartphones and user-reported data<sup>10</sup>, Smart assistants like, Google Assistant, Alexa, Siri and Cortana that takes the place of personal assistant this days thereby helping individuals with work schedules, set reminders, online information and control home security system<sup>11</sup>, Snapchat Filters that filters images subject and background, track and adjust facial movements on the screen,<sup>12</sup> self-driving

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<sup>3</sup>B.J Copeland, ‘Artificial Intelligence’(2023) Britannica <https://www.britannica.com/technology/artificial-intelligence> accessed 16 March 2023

<sup>4</sup>Ed Burns Nicole Lakowski, ‘What is artificial Intelligence (AI)? ComputerWeekly.com (24 February 2023) <<https://www.techtarget.com/searchenterpriseai/definition/AI-Artificial-Intelligence?amp=1>> accessed 16 March 2023

<sup>5</sup>Jake Frankenfield, ‘Artificial Intelligence: What it is and How it is Used’ Investopedia (New York, 06 July 2022) <<https://www.investopedia.com/terms/a/artificial-intelligence-ai.asp>> accessed 16 March 2023

<sup>6</sup> AI-Powered Data Automation (white paper) <<https://www.reply.com/en/artificial-intelligence/ai-powered-data-automation>> accessed 16 March 2023

<sup>7</sup> Ibid

<sup>8</sup>CaktusAI

<[https://www.caktus.ai/caktus\\_student\\_mobile?gclid=CjwKCAjw\\_MqgBhAGEiwAnYOAer1prc4AniBdn4x546VDPGUdkrxnuCXIzZbxYSa5BnRyzfEmM3kz5rOcr9YQAvD\\_BwE](https://www.caktus.ai/caktus_student_mobile?gclid=CjwKCAjw_MqgBhAGEiwAnYOAer1prc4AniBdn4x546VDPGUdkrxnuCXIzZbxYSa5BnRyzfEmM3kz5rOcr9YQAvD_BwE)> accessed 16 March 2023

<sup>9</sup>Launched in 2022 by OpenAI. Ben Derico and Zoe Kleinman, ‘OpenAI announces ChatGPT successor GPT-4’ BBC News (London, 14 March 2023) <https://www.bbc.com/news/technology-64959346> accessed 16 May 2023

<sup>10</sup> Alyssa Schroer, ‘What is Artificial Intelligence?’ BuiltIn (2022) 9 September <<https://niultin.com/artificial-intelligence>> accessed 16 May 2023

<sup>11</sup> Mona Bushnell, ‘AI Faceoff: Siri vs. Cortana vs Google Assistant vs Alexa’ Business News Daily (New York, 21 February 2023) <<https://www.businessnewsdaily.com/10315-siri-cortana-google-assistant-amazon-alexa-face-off.html>> accessed 16 May 2023

<sup>12</sup>Samantha Murphy Kelly, ‘Snapchat’s new AI chatbot is already raising alarms among teens and parent’ CNN BUSINESS (Atlanta, Georgia, 27 April 2023) <<https://edition.cnn.com/2023/04/27/tech/snapchat-my-ai-covers-wellness/index.html>> accessed 16 May 2023

cars,<sup>13</sup> wearables<sup>14</sup> used in health care system to assess patients health condition, MuZero- a computer that mastered games it has not even been taught to play<sup>15</sup> etc

## II. WHO IS A LAWYER IN THE NIGERIAN COURT SYSTEM?

**There are four distinct Legal Systems in Nigeria, namely; English Law, Common Law, Customary Law and Sharia Law.**<sup>16</sup> Also, Nigeria uses a bench trial system (as opposed to a jury) where one Judge (or in the case of an appeal court, more than one Judge) sits to hear a case and listens to arguments from both sides and gives a judgement based on the conclusion reached. We have three types of court systems in Nigeria, namely , the inferior courts of records, the superior courts of records and other specialised Courts. The inferior courts of record are established by laws other than the Constitution of the Federal Republic of Nigeria (CFRN). They are inferior Courts in the legal sense of the word and not because they are substandard or of low quality. Examples of inferior courts of records are Area Courts/ Customary Courts<sup>17</sup> and Magistrate courts/District Courts.<sup>18</sup> The superior courts of records are the State High Court,<sup>19</sup> the Federal High Court,<sup>20</sup> The High Courts are referred to as Courts of Co-ordinate jurisdiction and are not explicitly bound by previous decisions of another Court. At best the decision of a High Court is persuasive on another high court. Other Courts of Superior Jurisdiction are, The

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<sup>13</sup>Ben Lutkevich, 'Self-driving car (autonomous car or driverless car)' TechTarget <<https://www.techtarget.com/searchenterprisesai/definition/driverless-car>> accessed 16 May 2023

<sup>14</sup>Joao Bocas, 'Wearable Technology is Already Changing Our Lives And Its Just Getting Started' Digitals Alutem 13 July 2022 <<https://digitalsalutem.com/wearable-technology-is-ready-changing-our-lives/>> accessed 16 May 2023

<sup>15</sup>David Pereira, 'MuZero 101: A brief Introduction to DeepMind's Latest AI' Towards Data Science 28 December 2020 <<https://towardsdatascience.com/muzero-101-a-brief-introduction-to-deepMinds-latest-ai-a2f1b3aa5275> > accessed 16 May 2023

<sup>16</sup> Obilade A.O, *The Nigerian Legal System* (Spectrum Law Publishing, Ibadan. 1979) .

<sup>17</sup>These are courts that are established by individual states and apply the native law and custom prevailing within their jurisdiction. They are known as Customary Courts in the Southern part of Nigeria, while in the Northern part of Nigeria, they are called Area Courts. See Section 5(k) Constitution of the Federal Republic of Nigeria (CFRN) 1999 as amended. See also Udosen Jacob Idem, 'The Judiciary and the Role of Customary Courts in Nigeria' [2017](5)(6) European Centre for Research Training and Development UK.34-49 <[www.eajournals.org](http://www.eajournals.org)> accessed 5 April 2023

<sup>18</sup> Ibid. Magistrate Courts or District Courts are regarded as courts of inferior jurisdiction because they are bound by decisions of the higher courts, and they are not bound by their previous decisions. The court is known as 'District Courts' in the northern part of Nigeria, and in the Southern part of Nigeria, it is known as 'Magistrate Courts'

<sup>19</sup> The State High Court has the widest jurisdiction in civil and criminal matters .They have appellate jurisdiction over decisions of Magistrate Courts and District Courts. The jurisdiction of the State High Court is unlimited, except for matters within the jurisdiction of the Federal High Court. See Section 6(5) CFRN 1999 as amended.

<sup>20</sup> The Federal High Court is a court of enumerated jurisdiction. Matters listed under Section 251(1) of the CFRN 1999 are within the exclusive jurisdiction of the Federal High Court. This includes jurisdiction over any legal action between one bank and another, any action by or against the Central Bank of Nigeria (CBN) arising from banking, any action arising from the operation of the Companies and Allied Matters Act, any Immigration offences etc.

Sharia Court of Appeal, the Customary Court of Appeal,<sup>21</sup> the Courts of Appeal<sup>22</sup> and the Supreme Court<sup>23</sup>

There are also special courts created for specific purpose, when court require judges with special knowledge on issues that come up with that specific court. Examples of special courts are National Industrial Court, Court Martial, Coroner's Court and Juvenile Courts. There are also Quasi Judicial Bodies similar to a court proceeding where an administrative or executive official or organisation conduct proceedings. These include Tribunals and Commissions. Examples are, the Tax Appeal Tribunal (TAT); Code of Conduct Tribunal (CCT), Investment and Securities Tribunal, Legal Practitioners Disciplinary Commission (LPDC) and Election Tribunals.<sup>24</sup>

To be a lawyer in Nigeria, one must first obtain a degree in a Universities offer. To qualify for admission, a student must have at least five credits at the Ordinary Level School Certificate Examinations<sup>25</sup>; and must get a score of at least 200 out of 400 marks in the Unified Tertiary Matriculation Examination (UTME). Having satisfied these requirements, there will be a screening process at the University picked by the candidate. After completing all the processes, successful students are given admission to study law for five years.<sup>26</sup> For admission through the Direct Entry, candidates must possess two A Level passes in Arts or Social Science subjects. Candidates with National Certificate in Education (NCE) or Ordinary National Diploma (OND) or even a prior university degree In another field of study are eligible to be admitted through the Direct Entry.

In the course of the five years degree course, law students take compulsory courses<sup>27</sup> and other

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<sup>21</sup> The Sharia Court of Appeal and Customary Court of Appeal hear appeal on matters of citizens that concern Islamic personal rights, and the Customary Court of Appeal hears appeals concerning civil proceedings that relate to customary Law. The Customary and Sharia Courts of Appeal are not bound by judicial precedent as they are not of Common law Origin. See Section 275-279 and Section 280-284 CFRN 1999 as amended

<sup>22</sup> There is only one Court of Appeal in Nigeria, but it has divisions across Nigeria. Section 237 CFRN 1999. The Court of Appeal is bound by the decisions of the Supreme Court. In Civil matters, the Court of Appeal is bound to a certain extent by the decision of another division, however in Criminal matters, it is not bound to follow the decisions of other divisions of the Court of Appeal as each criminal case must be treated on its own merit. See Section 237-248 CFRN 1999 as amended..

<sup>23</sup> The Supreme Court is the highest Court in Nigeria, Section 230 CFRN and its decisions are final and binding on all other courts throughout the Country. The Supreme Court is not bound by the previous decisions of any other court. It however follows its own previous decisions to maintain certainty and uniformity in the administration of Justice. The Supreme Court can however chose to depart from its own previous decisions. See Section 235 CFRN 1999 as amended. See *Architects Registration Council v Fassasi* (1978)3 NWLR (Part 59) 42

<sup>24</sup> Editorial, 'Understanding the Nigerian Court System' <<https://lawpadi.com/understanding-the-nigerian-court-system/>> accessed 10 April 2023

<sup>25</sup> West African Examination (WAEC), General Certificate of Education (GCE) and their equivalent

<sup>26</sup> How to Become a Lawyer in Nigeria <<https://infoguidenigeria.com/become-lawyer-nigeria/>> accessed 20 April 2023

<sup>27</sup> Such as Nigerian Legal Method, Nigerian Legal System, Law of Contract, Constitutional Law, Criminal Law, Law of Tort, Commercial Law, Law of Evidence, Company Law, Land Law, Law of Equity and Trust and Jurisprudence.

courses which are electives.<sup>28</sup> A law student must obtain at least a pass grade in each course to obtain a LLB degree.<sup>29</sup> Universities teach students basically the theoretical aspects of law although there are usually Moot and Mock trials organised to introduce students to the practical application of law<sup>30</sup>. The main practical training for prospective lawyers is given at the Nigerian Law School (NLS).<sup>31</sup> The Council of Legal Education (CLE) is in charge of the NLS and makes it mandatory that every person, who intends to practise as a lawyer in Nigeria, must attend the law school. The NLS is open to graduates of Law from Nigeria and foreign universities in Common Law countries i.e. countries colonized by Britain.

There are two programs at the NLS: the Bar Part I and the Bar Part II programs. Bar Part I is specifically for foreign trained students with the LLB degree. It is also open to persons who have passed the final Bar Examinations of the English, Scottish or Irish Bar. The programme is meant to introduce them to the general principles of the Nigerian law if they will practise in Nigeria.<sup>32</sup> The Bar Part I programme lasts for six months after which successful candidates join their Nigerian trained counterparts for the Bar Part II classes and subsequent examination.

While the Bar Part II programme involves intensive training to equip would be lawyers with the relevant knowledge, skills and ethics to enable them practise in Nigeria.<sup>33</sup> Students undergo training on ethics such as comportment, deportment, dressing and general mannerism peculiar to the legal profession and must compulsorily attend three formal law dinners. The purpose of the law dinners is to teach them the etiquette of the profession and the habits of the 'learned gentlemen'<sup>34</sup> and to provide opportunities for students to meet members of the legal profession and thereby learn from them some of the ethics of the profession.

At the end of the Bar Part II course, students must sit for the Bar Finals Examination which is an assessment based on all the lectures and practical training taught at the law school. Successful students at the Bar Finals exams receive a Bachelor of Law (BL) Qualifying Certificate from the Council of Legal Education.<sup>35</sup> This Qualifying Certificates are presented to the Body of

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<sup>28</sup> Labour Law, Law and Medicine, Intellectual Property Law, Tax Law, oil and Gas, International Law etc.

<sup>29</sup> How to Become a Lawyer in Nigeria <<https://infoguidenigeria.com/become-lawyer-nigeria/>> accessed 20 April 2023

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Courses taken include: The Nigerian Legal System, the Nigerian Land Law, the Nigerian Criminal Law and the Nigerian Constitutional Law.

<sup>33</sup> The core courses at the Nigerian Law School include: Criminal Litigation, Civil Litigation, Corporate Law, Property Law and Law in Practice. The Bar Part II features both a knowledge-based training which entails lectures, quizzes, tests, simulation clinics and activities and a skill-based training which includes Moot and Mock trials and some weeks of placement in Law Courts and Law firms where students experience first hand the practice of law.

<sup>34</sup> Lawyers generally refer to themselves as learned gentlemen in Nigeria notwithstanding the gender.

<sup>35</sup> See Section 5, Legal Education (Consolidated etc) Act. March 1976

Benchers which is the body in charge of the legal profession in Nigeria. The Body of Benchers, organises the Call to Bar ceremony; a ceremony which formally initiates successful candidates into the Nigerian Legal Profession. To qualify as a lawyer, the applicant must satisfy the Body of Benchers that they are of good character.<sup>36</sup>

At the Call to Bar ceremony, a Certificate of Call to Bar is issued to all the prospective lawyers who must appear in their Barrister robes. After which they are enrolled into the Roll or Register of Legal Practitioners which is maintained by the Chief Registrar of the Supreme Court of Nigeria. A person shall be entitled to have his name placed on the Roll of Legal Practitioners if he has been called to the Nigerian Bar by the Body of Benchers,<sup>37</sup> and he presents a Certificate of the Call to Bar to the Chief Registrar of the Supreme Court of Nigeria, who enrolls him.

A person who is entitled to practice as a legal practitioner in Nigeria must of a necessity have his name listed on the roll of legal practitioners, otherwise he cannot engage in any form of legal practice in Nigeria.<sup>38</sup> An enrolled candidate shall be entitled to practise as a Barrister and Solicitor in Nigeria with a right to conduct litigation in Court.<sup>39</sup>

There are however exceptions to this general rule as LPA Section 2, subsection 2 and 3 provide for two categories of people who may practice in Nigeria by virtue of their office as the Attorney General, Solicitor General, Director of Public Prosecution or any office in the civil service of the Federation or of a State and a person entitled to practice by warrant for particular proceeding<sup>40</sup> such as the Police and law enforcement agents can conduct litigation in matters which they are prosecuting.<sup>41</sup> It must be noted that when a legal practitioner in Nigeria commits an act of gross misconduct violating the core principles and ethics of the legal profession, his name will be struck off the Roll of Legal Practitioners: hence, debarring him from practicing as a lawyer. A right of audience is usually granted a lawyer as long as he is dressed appropriately in his Barrister robe and wig when appearing before a court. All lawyers are admitted to the bar as barristers and solicitors of the Supreme Court without any distinction to their roles or functions. However, Section 5 of the Legal Practitioners Act,<sup>42</sup> provides for the conferment of

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<sup>36</sup> Section 4(1)(c) Legal Practitioners Act (LPA) 2004

<sup>37</sup> Section 4(1) of the LPA 2004

<sup>38</sup> See *Dankwambo v Abubakar* (2016) 2 NWLR (Pt1495) 157; *UBA Plc v Skypower Express Airways Ltd* (2016) 14 NWLR (Pt 1533) 359

<sup>39</sup> Section 2(1) of the LPA 2004

<sup>40</sup> Otomiewo Edore, 'The Legality of Employing a Foreign Lawyer as Corporate Counsel in Nigeria' 2018 <<https://dnllegalandstyle.com/2018/the-legality-of-employing-a-foreign-lawyer-as-corporate-counsel-nigeria-otomiewo-e-edore/>> accessed 25 May 2023.

<sup>41</sup> Section 23, Police Act, Cap P 19, Laws of the Federation of Nigeria, 2004 and Rule 8(1) of the Rules of Professional Conduct (RPC)

<sup>42</sup> Cap 11Laws of the Federation of Nigeria 2004 (LPA)

the rank of ‘Senior Advocate of Nigeria (SAN)’<sup>43</sup>

Other requirements that will make a lawyer to be eligible to continue to practice in Nigeria include

- (A) Payment of Annual Practising Fee - Lawyers called to the Nigerian Bar have a right to conduct and take part in any court proceedings, sign and file legal documents and instruments as long as they have paid their annual practising fee not later than a date in every year stipulated by the Nigerian Bar Association (NBA).<sup>44</sup> Payment of annual practicing fee is one of the two requirements for obtaining a practicing certificate, which confers a right to audience in court.<sup>45</sup> The amount of practicing fees to pay depends on the year of qualification and status and is also a requirement for obtaining a stamp and seal which must be affixed to court processes and documents prepared and signed by a lawyer. For instance, Senior Advocates of Nigeria are required to pay fifty thousand naira, legal practitioners of fifteen years above pay twenty five thousand naira, legal practitioners of five years above but less than ten years post call, pay ten thousand naira while those who are less than five years at the bar pay five thousand naira. Non-payment of practicing fee is a ground of denial of the right of audience before a judge in a court of law.
- (B) Completion of the required credit hours of Continuing Professional - Development The second requirements for obtaining a practicing certificate for every lawyer called to the Nigerian Bar, which confers on the lawyer a right of audience in court, is the completion of the required number of credits/hours of continuing professional development (CPD).<sup>46</sup>

### **III. A ROBOT AS A LAWYER**

Robots are great inventions as they have been used to function as humans would (in some areas), with the sole aim at optimising productivity. Deep blue was designed by IBM as chess-playing super computer and in grand style defeated Gary Kasparov<sup>47</sup>, a grandmaster in chess. It was able to do this by identifying the pieces on the chess board, study its moves, position and determine the most logical move which ordinary human being may not, at all time, maintain in games.<sup>48</sup>

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<sup>43</sup> The rank of SAN is granted as a privilege to members of the legal profession who have practiced as legal practitioners for a minimum of ten years and satisfy the requirements determined by the legal Practitioners Privileges Committee. Section 7(1) LPA 2004

<sup>44</sup> Currently the deadline for payment of practicing fee is 31 March.

<sup>45</sup> Rule 12 Rule of Professional Conduct for Legal Practitioners (RPC) 2007.

<sup>46</sup> Rule 11 RPC 2007

<sup>47</sup> Editorial, ‘Deep Blue Sea Computer Beats World Chess Champion’ The Guardian (12 February 2021) <<https://www.theguardian.com/sport/2021/feb/12/deep-blue-computer-beats-kasparov-chess-1996>> accessed 16 May 2023

<sup>48</sup> Editorial, ‘Garry Kasparov: Soviet-Born Player’ Britannica 9 April 2023



A robot can be loosely described as a machine programmed by computer, with the use of AI to perform tasked programmes automatically with or without human intervention.<sup>49</sup> Many atimes these robots look like or take any shape or form like humans<sup>50</sup>, parts of humans like the Canadarm<sup>51</sup> and neuroArm,<sup>52</sup> arm-looking-robots that has been used to perform brain surgeries thought unachievable by surgeons;<sup>53</sup> or living creatures of whatever forms like, Aibo, Pico, BigDog, Keepon etc all robot pets<sup>54</sup> and not to forget of AI-toilets or smart-toilets.<sup>55</sup>

The introduction of robots to give legal services just like humans, and even better, however seems to be a more daring aspect of Artificial Intelligence. Legal practice has always been seen as a special profession where a practitioner has to create a niche for himself in terms of both superb adversarial and accusatorial prowess to cut an edge for himself/herself in the profession. This is deemed achievable with long term practice and winnings in notorious cases. So the eventuality of having a machine, so to speak, to offer this service in a somewhat presumed effortless way seems unforeseen and this has been met with uproar especially in a not-too-technologically-developed world like Nigeria as an African county despite its colonial affiliation with the United Kingdom that has accepted this AI in its legal process.

The idea of AI lawyer started off as a Chatbot App both in the United State and United Kingdom,<sup>56</sup> first to deal with parking tickets and later on designed to give legal advice on different areas such as filing processes in court and bankruptcy leases and other forms of conveyances, documentation and family matters. All that is required of the client is to simply explain their legal problem and the App processes and solve them legally. With the use of smart phones and headphones (used by both App and party respectively), the App would be able to

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<<https://www.britannica.com/biography/Garry-Kasparov>> accessed 16 May 2023

<sup>49</sup> Merriam Webster, 'Robot Definition and Meaning' <<https://www.merriam-webster.com/dictionary/robot>> accessed 17 May 2023

<sup>50</sup> E.g Pepper, the first humanoid robot. ALDEBARAN<<https://www.aldebaran.com/en/pepper>> accessed 17 May 2023

<sup>51</sup> Government of Canada, 'Technology from Canada's most Famous Robot, Canadarm, to Help Doctors Care for Children – Children Undergoing Surgery will get Help from Robotic Arm Technology Used on the International Space Station' 2015 Press Release <<https://www.canada.ca/en/news/archive/2015/03/technology-canada-most-famous-robot-canadarm-help-doctors-care-children.html>> accessed 23 May 2023

<sup>52</sup> Government of Canada, 'Robotic Arms Lend a Healing Touch: NeuroArm and its Legacy' 2018 Press Release <<https://www.asc-csa.gc.ca/eng/canadarm/neuroarm.asp>> accessed 23 May 2023

<sup>53</sup> Jeffery Jones, 'Canadian Robot Melds Brain Surgery, Rocket Science' Reuters Technology News (London, 17 April 2007) <<https://www.reuters.com/article/science-surgery-robotics-dc-idUKN1742478220070417>> accessed 23 May 2023

<sup>54</sup> See Robots <<https://robots.ieee.org/robots/>> accessed 17 May 2023

<sup>55</sup> Zixuan Zhang, Qiongfeng Shi, Tianyi He, Xinge Guo, Bowei Dong, Jason Lee and Chengkuo Lee, 'Artificial Intelligence of Toilet (AI-Toilet) for an Integrated Health Monitoring System (IHMS) Using Smart Triboelectric Pressure Sensors and Image Sensor' Nano Energy (Elsevier Publishers, 2021) See also Nano Energy (2021) Vol 90 Pt A <<https://www.sciencedirect.com/journal/nano-energy/vol90/part/PA>> accessed 25 May 2023

<sup>56</sup> Available in the US and UK Designed by DoNotPay founded by a British man, Joshua Browder The developer agreed to pay any fine incurred in the eventuality of a loss by the IA lawyer

listen to party is testimony in courts, analyse same and then dictate the responses that its party (the party that the App represents) is to repeat to the Court.<sup>57</sup> This is simply legal practice made easy! Chatbot isn't the only attempt at getting legal services through AI. There has been several such as Lisa, Kira, ChatGPT3, Luminance, Harvey, rradar, LexMachina etc depending on the need for legal documentation, analysis, management, research, trial outcome forecasting, extraction of information from contract, documents, form etc, automate repetitive task, scheduling, response to clients emails and other administrative purposes.<sup>58</sup>

The reason for the increasing interest on the further programming of the AI lawyers is to, besides fighting corporations and beating bureaucracies, give disputants opportunity to get legal services at a cheaper rate. The App charges \$36 monthly subscription which is considered relatively low to what human lawyers would charge especially if the case is a simple one that even the human lawyer's charge may surpass the claim.<sup>59</sup> According to the founder of DoNotPay, Joshua Browder, the ultimate goal is to have his app replace lawyers altogether in order to save defendants money. How well this will play in the ears of lawyers in some developing and underdeveloped countries like Nigeria is another discuss.

Robot lawyer is not the first humanoid robot the world has experienced. There are more that 20 machines programmed and designed to look and resemble human body in shape (with head, torso, legs, arms while some have half body like the torso and legs), talk and with a larger functional capacity depending on the use of the machine be it interaction with human, environment, health, labour or experiment. They are is a professional service robot that interact with human for instance, Nadine<sup>60</sup> is an empathetic robot which means it cannot just talk but have meaningful conversation with human with appropriate emotions, movement, gestures, mood and personality just like Jia Jia.<sup>61</sup> However, Sophia is a more advanced humanoid

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<sup>57</sup> Sophie Warner, 'The AI Lawyer Breaking Boundaries: Robot Lawyer Makes its Court Debut' (BDB PITMANS 26 January 2023) <

<sup>58</sup> 'Best Artificial Intelligence (AI) Software for Law Firms' WardBlawg <[<sup>59</sup> Anugraha Sundaravelu, 'World's First Lawyer' will be Defending a Human in Court Next Month' Metro \(United Kingdom, 6 January 2023\) <\[<sup>60</sup> Kartik Menon, 'The Top Five Humanoid Robots' Simplilearn 24 April 2023 <\]\(https://metro.co.uk/2023/01/06/worlds-first-robot-lawyer-set-to-fight-first-court-case-next-month-18051928/> accessed 23 May 2023</a></p></div><div data-bbox=\)](https://wardblawg.com/best-artificial-intelligence-ai-software-law-firms/></a></p></div><div data-bbox=)

<sup>61</sup> Editorial, 'Meet Jia Jia. She Can Talk, Express But She is Not Real' The Economic Times (12 January 2017) <

designed to look like a Hollywood actress, Audrey Hepburn with the aim of giving the actress a companion at old age in the nursing home or event manager.<sup>62</sup> Another amazing human robot, a look-a-like of Henrik Scharfe,<sup>63</sup> is Geminoid DK<sup>64</sup> whose achievement imprints the belief that a robot can indeed look an identifiable human being. Junko Chihira,<sup>65</sup> a tourist information officer in Tokyo, is a successor of another humanoid, Aiko Chihira that worked as a receptionist in a departmental store in Japan.<sup>66</sup>

#### IV. ROBOT LAWYER IN THE NIGERIAN LEGAL SYSTEM

As indicated earlier that majority of this human robot developers aim at increasing productivity at optimum level in different areas of human existence. Although this means less human labour which would also mean less income which is very much *frowned* at by professionals. Robot lawyer has been well received in the developed countries like the United State and the United Kingdom. The reception of such alternative to human lawyer would be so easy because of the variant of AI Apps been used already in the two countries. A news broke that a robot lawyer was set to appear in February 2023 before the US Supreme court.<sup>67</sup> This however did not happen as DoNotPay received petitions and jail threats if it ever appeared in court. A class action was also filed by a law firm Edelson against such appearance without licence.<sup>68</sup> Some argued that the robot do not possess practice license to enable it have a right of audience in court.<sup>69</sup> On another side are clients complaining about the AI not to give them the worth of their price nor efficient in the service. Kathryn Tewson's twitter<sup>70</sup> analysis found the process confusing as she found the DoNotPay switched focus on the command action after attempting to generate a

<sup>62</sup>Editorial, 'Sophia' HANSON ROBOTICS <[www.hansonrobotics.com/sophia/](http://www.hansonrobotics.com/sophia/)> accessed 25 May 2023

<sup>63</sup>Henrik Scharfe is a former Professor at Aalborg University. <<https://henrikscharfe.com>> accessed 25 May 2023

<sup>64</sup>'Geminoid DK' WEVOLVER <<https://www.wevolver.com/specs/geminoid.dk>> accessed 25 May 2023

<sup>65</sup>Leo Kelion, 'Toshiba's Robot is Designed to be More Human-Like' BBC News (London, 9 March 2016) <<https://www.bbc.com/news/technology-35763917>> accessed 25 March 2023

<sup>66</sup>Reuters Staff, 'Humanoid Robots Stars Work at Japanese Department Store' Reuters (London, 20 April 2015) <<https://www.reuters.com/article/us-japan-robot-store-idUSKBN0NB1OZ201>> accessed 25 May 2023

<sup>67</sup>Mukul Sharma, 'In a 'Historic' first, An AI-Powered ' Robot Lawyer' will Defend a Human in US Court' WION (7 January 2023) <<https://www.wionews.com/technology/in-a-historic-first-an-ai-poweered-robot-lawyer-set-to-defend-human-in-us-court-550342>> accessed 25 May 2023; THEARA COLEMAN, 'A.I. Powered 'Robot Lawyer' will appear in a U.S Court for the First Time' THE WEEK (US, 10 January 2023) <<https://theweek.com/tech/1019968/ai-powered-robot-lawyer-will-appear-in-a-us-court-for-the-first-time>> accessed 25 May 2023

<sup>68</sup>Biodun Busari, 'Robot Lawyer Sued for Practising Without License in US' Vanguard (Lagos, 14 March 2023) <<https://www.vanguardngr.com/2023/03/robot-lawyer-sued-for-practising-without-license-in-us/>> accessed 25 May 2023

<sup>69</sup>Mariella Moon, 'Jail Threat Stops AI 'Robot Lawyer' from Making its Debut in Court' engadget (26 January 2023) <<https://www.engadget.com/jail-threats-ai-robot-lawyer-court-case-063006308.html>> accessed 25 May 2023; Megan Cerullo, 'AI-Powered 'Robot' lawyer Wont argue in Court After Jail Threats' CBSNEWS (26 January 2023) <<https://www.cbsnews.com/news/robot-lawyer-wont-argue-court-jail-threats-do-not-pay/>> accessed 25 May 2023

<sup>70</sup>@kathrynT . On 24 January ,2023

defamation letter and divorce settlement. Some other people, who wanted to have their parking ticket removed using DoNotPay's advisory ticket also complained that they paid more than what they would have paid the Court.

After which Browder stated on his twitter page<sup>71</sup> that he is halting his plans for the debut of the robot lawyer to appear in court as a result of threat from State Bar Prosecutors which seems to likely put him in 6 months jail term, According to him DoNotPay will focus on cases that can be handled online like consumer rights: specifically, lowering medical bills, cancelling subscriptions, disputing credit reports unlike court dramas. The guess here is that he never expected the huge resistance he got from the real humans in the practice of law and the society. Having AI-lawyer and robot-legal-adviser may not encounter this uproar but a machine appearing before a court, when there are existing laws providing the criteria for who can appear and have a right of audience before the court seem like a real slap to the legal profession. Therefore any unauthorized practice of may land the perpetrator in jail term or huge fine.

The possibility of a robot to even practice in a country like US may not be easily feasible with each state having its own different bar and requirement to practice so. To be an eligible applicant for the membership of the state bar in California for instance, an individual must first earn a law degree in an accredited University, take the Law School Admission Test (LSAT), enroll and complete law school, then pass the Multistate Professional Responsibility Examination and the California bar exam. In addition, the Applicant must go through background check and receive a positive moral character determination and ascertain compliance with any court order for child or family support (if any).<sup>72</sup>

The legal profession in the UK, which Nigeria derives the bulk of its legal system content, is split into two, which are, barristers and solicitors. Solicitors in the UK form the largest part of the legal profession. The United Kingdom (UK) is a sovereign state consisting of four countries namely, England, Scotland, Wales and Northern Ireland. To practice as a lawyer in the United Kingdom,<sup>73</sup> one has to complete a qualifying law degree (LLB) before taking the Solicitors Qualifying Examination (SQE), which is being phased in to become the new centralised way to qualify as a solicitor in England and Wales.<sup>74</sup> The question is often asked that, does the UK,

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<sup>71</sup>@jbrowder1 On 25 January 2023. 4:11 PM

<sup>72</sup>The State Bar of California Admission Requirement <<https://www.calbar.ca.gov/Admissions/Requirements>> accessed 26 May 2023

<sup>73</sup> The capital of the UK is London, England, where the UK government sits. London is a global financial centre and home to the largest law firms in the world. See 'United Kingdom History, Population, Map, Flag, Capital, and Facts', Encyclopedia Britannica <<https://www.britannica.com>> accessed 5 June 2023

<sup>74</sup>The University of Law, 'The SQE Explained', The Solicitors Qualifying Examination will eventually replace the graduate Diploma in Law (GDL) and Legal Practice Course (LPC) <<https://www.law.ac.uk/study/postgraduate/sqe>> accessed 10 May 2023.

have a single legal system? The answer is no, Scotland and Northern Ireland have their own legal system and courts, while England and Wales share a legal jurisdiction and court. This points to the fact that there is no UK judicial system or UK lawyer . Each jurisdiction has its own distinct: Court and criminal courts and procedures; Accepted professional titles; and Regulatory bodies; Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB) in England and Wales, the Law Society of Northern Ireland , and the Law Society of Scotland.

The exception to this rule is the Supreme Court in London. The Supreme Court of the United Kingdom is the highest court of appeal in England and Wales and Northern Ireland, as well as in civil but not criminal cases in Scotland. Each jurisdiction, therefore has its own legal system and professional titles.<sup>75</sup>To become a solicitor, it takes about five to six years studying full time. This includes a three year law degree, the SQE assessment and two years of qualifying legal work experience. Becoming a barrister equally takes five years , which includes three years for a law degree, one year for a Bar course and one year pupillage in chambers, and one extra year for a law conversion course if the initial degree obtained was not in law.<sup>76</sup>

As mentioned earlier that UK has also welcomed the IA-Lawyer in its jurisdiction, it however seems it is more in the area of soliciting (like general legal advice, drafting of conveyances, letters and documentations) than advocacy and just like in UK a lot of resistance is shown to such occurrence and reality of a robot lawyer in the court room.

As much as the use of social media apps is common in Nigeria, it is surprising that the AI-lawyers Apps in whatever form, be it Chatbox, Lisa, Kira, ChatGPT3, Luminance, Harvey, rradar, LexMachina etc, doesn't enjoy popularity in the legal profession in the country. This could be a function of many indices. Even though Nigeria's legal system can be linked with UK, there has been a lot of difference in the administration of justice system in the UK by reason of globalization and adoption of techniques to facilitate easy and spontaneous outcome of cases and issues while Nigeria is still glued to the archaic ways of legal drafting, court dressing and long hand writings by the judges in the court.

It is therefore quite difficult to shift gear in order to accommodate IA in the legal system. Just like in the developed countries, humans are expected in the Nigeria court and not robots. One of the qualifications to be a lawyer in Nigeria is that such a being must be a Nigerian citizen. How then would a robot be a citizen as to qualify as a lawyer able to appears the Court? The

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<sup>75</sup> Most often when people talk about becoming a lawyer in the United Kingdom , they are referring to London and England.

<sup>76</sup>Jemma Smith ed. Prospects.ac.uk <<https://www.prospects.ac.uk/jobs-and-work-experience/job-sector/law-sector/how-to-become-a-lawyer#what-qualifications-do-i-need-to-become-a-lawyer>> accessed 27May 2023

Nigerian legal system do not envisage robot to be a candidate for law degree or bar certification. Therefore any of such appearance is an illegal appearance for with the robot can be indicted, convicted and sentenced. However possible this action would be is another legal issues, hence, is robot a juristic person in law? the Court of Appeal defined juristic person to mean ‘either a natural person in the sense of a human being of the requisite capacity or an entity created by the law which includes an incorporated body and special artificial being created by legislation and vested with the capacity to sue and be sued.’<sup>77</sup> The only part of this holding likely enough to accommodate robots being juristic person is the mention of ‘special artificial being’ save for the qualification of it being ‘created by legislation’

It was not until 2011 that the Nigerian evidence Act<sup>78</sup> made specific provisions on the admissibility of electronic evidence, therefore, the reception and grasp of electronic evidence is still rather new to the system. S. 84 of the Evidence Act relating to electronic evidence is only applicable to documents produced by computer and not robot machines. Accordingly, when the electronic evidence is mentioned in the Nigerian courts, here is what is meant- ‘any disc, tape, sound track or other device in which sound or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced from it, and any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being produced from it; any device by means of which information is recorded, stored or retrievable including computer output.’<sup>79</sup>

Just like in Nigeria, having an ‘electronic machine’ itself representing, defending and giving evidence not only seem out of place but absurd and a mockery of the legal profession! This is not only a Nigeria syndrome.

## V. ISSUES ARISING AND WAY FORWARD

*The offer comes cheap, so does the tasks made easier.* As interesting as the idea of a robot lawyer sounds, the legal profession does not allow it as seen earlier, irrespective of the level of civilisation, westernisation and technological advancement in respective countries. To this paper, the only solution for this idea to become an actual reality, legally, is to have the legal support by way of legislation. What this means is that, for a robot lawyer to act as a human lawyer, the laws have to be amended to accommodate artificial lawyer. This would involve the inclusion of robot lawyer in the Legal Practitioners Acts, Rules of Professional Conduct, its

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<sup>77</sup> In *Akas v Manager & Receiver of Estate of Anwadike* (2001) 8 NWLR (PT.715) PG. 436.

<sup>78</sup> Evidence Act 2011

<sup>79</sup>Evidence Act 2011, s. 258 (1)(b-d)

ability to own a law a degree, pass the bar,<sup>80</sup> continue to pay practicing fee etc.

There are many questions to be raised; will a robot lawyer also be required to fulfill all these requirements? Will the robot lawyer for instance, be required to sit for the Bar part II examination? Secondly will the Robot lawyer be eligible to practice without paying the annual practicing fee. Or will it be made compulsory for it to pay the annual practicing fee, and if he were to pay, how will the robot's years at the bar be ascertained in order to determine the amount of fee he will pay? Similarly, a right of audience can only be granted a lawyer as long as he is dressed appropriately. Will this rule be skipped for the robot lawyer since robots are machines and do not normally wear clothes or does a robotic lawyer have to appear in appropriate lawyer's robe, before a right of audience is granted to it.?

Another pertinent question begging for answer is that in Nigeria, lawyers are addressed as gentlemen of the Bar irrespective of their gender. Can the Robot lawyer be addressed as such? What would be the limitations of robot lawyers as special creation? Will the body of Benchers or the Council of Legal Education be able to set special codes of ethics of the practice for the robots in the legal profession?

While the reality of this may be easy in other jurisdiction, it would not be gain saying that it may be quite unachievable in Nigeria, at least not in the next century owing to the country's backwardness in technology, economy and the usual resistance of the laws to meet up with the global dictate even within the legal profession.

The Robot lawyer is seen as a threat to conventional legal practice,<sup>81</sup> because a lawyer's daily tasks include researching cases, writing briefs, and giving advice to clients, which will be taken over by the robot lawyer, who can do all these tasks perhaps better and even faster than a human lawyer. Therefore, the fear of the possibility of putting human lawyers out of business makes the introduction of a robot lawyer bad news for human lawyers.

Hence, to settle these interesting scores between both human and artificial lawyers there is the need to introduce a legal frame work to enable a smooth co-existence in the legal practice and system. The Nigerian law makers should be ready to go back to the drawing board.

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<sup>80</sup> In United states on the IA lawyers, ChatGPT, passed the bar exams in four courses at the University of Minnesota and another at University of Pennsylvania's Wharton School of Business. Samantha Murphy Kelly, 'Robot Lawyers? Artificial Intelligence Program ChatGPT passes law exams' WRAL TechWire (27 January 2023) <<https://wraltechwire.com/2023/01/27/robot-lawyers-artificial-intelligence-program-chatgpt-passes-law-exams/>> accessed 06 June 2023

<sup>81</sup> Ameh Ochojila, 'Robotic Lawyer: A threat to Conventional Practice?' The Guardian, 09 May 2023. <<https://guardian.ng/features/law/robotic-lawyer-a-threat-to-conventional-practice/>> accessed 27 May 2023