

## **BYE TO THE 90'S; WELCOME THE 21<sup>ST</sup> CENTURY LAWYERS**

**BEING A PAPER PRESENTED BY OLUMUYIWA AKINBORO, ESQ. ON FIVE TIPS TO BECOMING A 21<sup>ST</sup> CENTURY SMART LAWYER, AT THE YOUNG LAWYERS FORUM BREAKOUT SESSION, AT THE 55<sup>TH</sup> ANNUAL GENERAL CONFERENCE OF THE NIGERIA BAR ASSOCIATION 2015.**

### **INTRODUCTION**

The 21<sup>st</sup> century has ushered in fast-paced development and changes in practically every area of human life and endeavor, the legal profession inclusive.

It has been described as a century of drastic changes, accelerated development and fierce competition, which has essentially changed the perception, methodology, approach as well as work tools, virtually rendering the old ways obsolete.

Given the changes today, this paper is aimed at highlighting five points which I believe if adhered to will assist the today's lawyer to become a 21<sup>st</sup> century practitioner.

But before we proceed, the question I will firstly want us to ask ourselves individually is:

### **Why are we lawyers?**

- ✓ **Parental influence**
- ✓ **Peer influence**
- ✓ **Glamour**
- ✓ **Social status**
- ✓ **Wealth and Success**
- ✓ **Power**

In order to understand your purpose and their driving force, everybody needs to know their “**why**”

“What is your own **WHY**”.

For me, growing up, I only wanted to be one thing and nothing but that. I have forever wanted to be a Lawyer. Looking back, the question that agitates my mind is whether knowing my “**why**” and not adequately equipping myself, was not equal to gambling, gaming and walking into a dark ally, blindfolded.

In all human endeavors, there is the luck, grace and God factor, all of which could account for the semblance of rightness of my then decision.

Unfortunately, those factors are not equally available and accessible to all at the same measure.

While being grateful for my modest professional growth, it took me 24 years of active professional life to be considered worthy of silk.

My conviction, is that you do not have to wait that long. If I knew then, what I know now, it would not have taken me this long.

I know you will be interested in what I know. They are not much, just five short points, that surely will be of great help in aligning to “***Generational shift and in opening up possibilities for a new law and order***”

The first is,

**(1) START WITH THE END IN MIND:**

Starting for us as legal practitioners is at the point of our call. This is also the point that our “**why**” is most relevant as the next step we would take out of the call ceremony hall may have a lifetime defining effect.

We all step out, each to his desired line, to be a Barrister or a Solicitor. This is where our “**why**” sets in and begins to mold us, to our set state at the end.

<sup>3</sup> Paper Presented by OLUMUYIWA AKINBORO, ESQ. at the Young Lawyers Forum Breakout Session of the 55<sup>th</sup> Annual General Conference of the Nigerian Bar Association, Abuja, 2015

### ***Why do you want to be a Lawyer?***

Is it for the glamour, the riches that may come with it, the respect in the society, or the “**awe**” that people hold lawyers, or is it to be one of the best, if not the best, to assist in attaining Justice which is the last hope of the ordinary man, to be renowned in a particular aspect of the law, to enhance, develop and deepen the law for common good of all, to be a Jurist of repute, incorruptible, fearless and independent, or to be an instrument of positive social change?.

When you step out of the Call to Bar Ceremony hall with your left foot, wrong mind-sets, warped outlook and restlessness, ultimate success will be a challenge.

A smart starter will start with the end in mind, will arrange his priorities right, will be a visionary, will look towards making a difference, he will not do things as usual, will be committed, professional, responsible, dependable, courteous, hardworking and act in a proper way at all times. There has been a lot of debate as to the length of time a young wig need to spend in tutelage or its relevance at all. For me, ***every bird has the right to fly; the huddle is the part to follow.***

Listen to me and listen good, there is no short cut to success. Mastering procedure represents 65% and knowing the law itself guarantees 20% of success while other factors like perseverance, personality, comportment, presentation, passion, commitment, etc., account for the rest.

A practicing lawyer gets better by the day and by more and more appearance in court. Where do you get this kind of exposure if not from tutelage? A word is enough for the wise. The end for a professional career is getting to the top, like in advocacy, adorning the silk. If the end is the peak for you, know now, there is no trick, it is simply “***no pain no gain***”.

Know how to capitalize your needs and dwell less on your wants, because at the end of the day, it is your “***needs***” that will fuel your “***why***” to propel you to the height you desire. 4 Paper Presented by OLUMUYIWA AKINBORO, ESQ. at the Young Lawyers Forum Breakout Session of the 55<sup>th</sup> Annual General Conference of the Nigerian Bar Association, Abuja, 2015

## **(2) ACQUIRING NEW SKILLS AND KNOWHOW**

We are in a fast developing world, economy; technology and law are developing at very rapid speed. Think of it, if 15 years ago you were told that there would be a small piece of device that you can move around with and make telephone calls, you will probably answer “**possibly**”. But if the discussion goes on to say this small device will not only work as a telephone, it will send e-mails, take pictures, scan documents, conduct live chats with audio and visuals inclusive, organize your office, transfer funds, file cases in court, send you reminders, count your steps, read your heartbeat, tell your location to the whole world and more, definitely your answer will be different. It most likely will be, ***stop kidding me or yeah right!***

This is just a little graphic illustration of how fast the world is moving in technology. In all these fast-paced development, no single step can be taken without the involvement of a lawyer.

There are franchising agreements to be entered into, multiple licensing and patent issues, copyright issues, distribution agreements, and technology transfer issues, dispute resolution issues, virtual businesses, even how to share profit between partners is a legal issue.

This is just a tip in the iceberg of opportunities out there. A smart lawyer should have a nose to smell out opportunities 100 kilometers away. There are many other well profitable areas of practice, i.e. Sporting law, Sustainability and Environmental law, Aviation, Maritime, Competition law, Policy, Legislating, Arbitration, etc.

Many of us are aware that these opportunities are out there, but is awareness only enough? While it is important to be able to identify new skill gaps in the profession, a smart lawyer will go further to identify how to fill them. As a young lawyer, I implore you not to rest on continuous 5

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personal development, as the world is moving at a fast pace, so is competition in the profession becoming stiffer.

To be able to fill the skill gap that are open now and will continue to open, you need to keep yourself abreast of developments, try and develop yourself in your own areas of interest, build a reading culture, buy or borrow books to read, it is only stealing them that is illegal. If you can afford it, pay for and go for continuing specialized legal training. A lot of information are available on the internet, ping less, chat less, Facebook less, do less negatives, engage in more positive use of your time, there are many libraries that are free for you to use and many article and research works in several developing areas you can learn from on the internet.

Gradually build your own library, all the big and rich libraries you see in established offices were not built in one day, they are products of discipline and long sacrifice. The richness of your library goes a long way in telling about your commitment to your profession. There is a saying that ***“Rich people have big libraries, Poor people have big televisions”***

### **(3) HABIT VS GOALS**

A life without goals set can be aptly described as floating and living on chance and opportunities. Everybody needs to have a goal(s) in life. Setting of goals drives us, it transmits us from the laid-back mode to the focused and go-get-it mode.

Goals are good to be set, it makes us more organized, result-oriented, focused, place priorities rightly and on the front burner.

One thing with goals, is management, it needs to be properly managed, so that it will not transmit to overdrive, bring in recklessness, carelessness, corners cutting and dangerous risks taking.

***Blindly focused on goals could lead to grievous consequences.***

***Reckless pursuit of goals can only lead to disaster.*** 6 Paper Presented by OLUMUYIWA

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To drive your goals home safely, you need to work on your habits. Don't only set goals, work on and create good habits to achieve your goals.

Always bear in mind that;

***“there are no shortage of people that have goals, but a great shortage of people with positive habit”.***

What are the positive habits that a young professional desiring to get to that top need to develop?

A young professional that desires to get to the top must develop a habit in the culture of hard work; he must understand that nothing good comes easy. Surely, there are spaces at the top, but those spaces are not for the mediocre. You need to drive yourself from the level of ***“no action”*** and beyond ***“average action”*** and on to ***“massive action”*** state in self-development, forthrightness, honesty and good conduct.

Bear in mind that as you are growing in the profession, people are watching you.

In your office, do not think people are not taking note of your punctuality, diligence and commitment to work.

In the profession, do not think colleagues are not observing your association with people, your conduct in and out of court, your disposition to colleagues. Are your words your bond? Are you in to sharp practices? are you honest in your dealings?, do you take undue advantage of colleagues?, are you generally helpful, kind and friendly? or you are the self-conceited one, boastful, arrogant and rude.

Do not think your association (NBA) is oblivious of your development, progress and activities. Are you good with your branch, are you responsible at the branch level. Do you make yourself available for service or you are an island of your own. At the National level, are you participating in activities, are you active and do you pay your practicing fees at as when due? <sup>7</sup> *Paper*

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What do your clients have to say about you? A diligent and enterprising lawyer, or a cheat and disgrace to the profession? A pride to the profession, or unworthy to be called to the Bar? Is your reputation that of an honest and professional practitioner or a sought after for the perfection of shady deals?

We always say the judiciary is to be seen and not to be heard. True talk, but they are not blind. They see you rush in to court and proffer all manner of lame excuses for your late coming. They also note it when it has become habitual. They listen to you murmur incoherently in court as a result of being unprepared. They also note it when you stall proceedings with all manners of frivolous applications. Your language in court, your disposition, your mannerism is all not lost on them.

For some, it is fashionable to be rude to the court so as to satisfy their client, write frivolous petitions because of an unfavorable ruling. Grant interview on pending matters in court and thereby putting the Judiciary in an uncomfortable position or to pressurize them to adjudicate in their favour.

All these are habits that we see at play, day in day out, they may make you sensational, give you a front page picture appearance, make headline news and all that. The bottom line is that those habits runs afoul of our rules of professional conduct and may attract grave consequences.

Even if you escape a discipline under the Rules of professional conduct, remember,

***“Every day is for the thief, one day is for the owner”  
and your chicken will definitely come home to roost.***

Some day you will require the reference or recommendation of any of these people. Know it now, that day is never far-fetched, it always comes sooner than we all think.

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Get your copy of the rules of professional conduct for legal practitioners, know the rules by heart, let the rules be your guide and shape your habit, with these you can never go wrong.

#### **(4) YOUR NETWORK IS YOUR NET-WORTH**

They say, ***“Don’t forget those that you met on your way up, you will need them on your way down”***

As a developing professional, you need to understand that you are as successful as your network. This is one major area, in which we mostly fail as practitioner.

Mostly our perception is tuned to hustling for clients when networking is mentioned. Your Network goes beyond that, it includes the structures you put in place to ensure effectiveness. These includes the structure of your practice, staffing, equipment/technology, reference/materials, welfare issues, it also include familiarizing yourself with the court.

Are you known in court? Do you know your way around? Who are the Registrars, the Commissioners for Oaths and the Bailiffs? Develop your ability to remember their faces and names. The truth is that, it makes things move and gives a picture of effectiveness.

Socialization in a dignified manner helps in building your network, but note as a clear warning that your socialization with the Judiciary must be descent and in accordance with the rules of Professional Ethics.

On the other hand, membership of Recreational Clubs, Professional Associations, Alumni Associations and so on may be a good ground for Networking, provided that the activities and expectations of you are not inconsistent with your status as a legal practitioner.

Networking or creating an effective network is half the job done to maintain and sustain your network is the other half.

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In sustaining your structures, be more people centered than process centered. Always realize that nobody is perfect and that nobody is totally useless also. Create your own standards, remember while it is strategic to plan what to do and how to do it, it is also part of strategy, deciding on what not to do.

Don't compromise your standard even for the most prominent of your Network, it will always come back to hurt your Net worth. Networks are better sustained by diligence, commitment, excellence, responsiveness, adaptability, innovativeness, mutual respect, honesty, accountability, reliability, friendliness, professionalism, resourcefulness, and the likes. Any Network built on otherwise values will add no value to your Net worth.

### **(5) FIXED MIND-SET OR GROWTH MIND-SET**

A lot of factors influence our decision making process. Chief amongst them is our mind-set. Mind-sets are shaped by many influences, some of which are:

- ❖ **External or internal**
- ❖ **Precedents**
- ❖ **Existing knowledge**
- ❖ **Ethics/values**
- ❖ **Changing perspectives/advancement**

Also, these influences will mostly likely make us have a fixed mind-set in decision making.

**☒ A Lawyer must go to court, if you don't go to court, you are not a lawyer properly so called.**

**☒ A person found guilty of criminal activity must go to jail**

**☒ Every legal dispute must be ironed out in court.**

The above statements most likely will represent our precondition by virtue of our training and precedent we are bound to follow. 10

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Being fixated by these pre-conditions has a tendency of stagnating the law when placed side by side the need for generational shift and possibilities for a new law and order.

While precedent assures us of stability and predictability, law itself is not static and lawyers as social engineers should grow in line. We need to embrace more, the growth mind-set. Examining the earlier statement with a growth mind-set will expose their gross deficiencies and weaknesses. If going to court alone makes one a proper lawyer, what do we have to say about Alternative Dispute Resolution mechanism of Arbitration, Reconciliation, Negotiation and Expert Evaluation. All these have effectively resolved mega conflicts and have helped greatly in reducing congestions in our courts.

The recent passage of the Criminal Justice Reform Act 2015 is a bold demonstration of a growth mind-set. Looking back, has the jailing of convicts achieved us a crime free society?

Why must all disputes end in the court room, when our Judges are human beings and not God, that is all knowing? And when some of those disputes can be referred to experts with relevant know how.

A fixed mind-set see reality that cannot be changed while the growth mind-set believes that with more skills, more training, better results are achievable.

Be ready to challenge all assumptions, eliminate all negativity, and turn problems to opportunities. Embrace challenges and be curious as to why things must be seen in another perspective. Challenge pre-conditions, it will distinguish you from the crowd. They may not agree with you or you may not be totally right, your resourcefulness will never go unnoticed and someday you will be the change Agent of Judicial Reform. <sup>11</sup>

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In all, ***“Don’t let Failure go to your Heart and don’t let Success go to your Head”***. Instead, run your career with a dual work plan of **“Your Resume” & “Your Obituary”** ... Your Resume sets the goals for what you want to achieve and how you hope to get there and Your Obituary sets out what you want to be remembered for... so do Reflect of these things.

Thank you.

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