EXAMINATION OF THE FUNCTIONS OF PARALEGALS UNDER THE NIGERIAN LEGAL SYSTEM

BY

Iyabo Adenike ADENIYI

LLM/LAW/13975/2010-2011

BEING A THESIS SUBMITTED TO THE SCHOOL OF POSTGRADUATE STUDIES, AHMADU BELLO UNIVERSITY ZARIA, IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF MASTER DEGREE IN LAWS (LL.M)

DEPARTMENT OF PUBLIC LAW

FACULTY OF LAW

AHMADU BELLO UNIVERSITY ZARIA.

DECEMBER, 2013

DECLARATION

I declare this work is a product of my research efforts undertaken under the supervision of Dr. Yusuf Dankofa and Professor. Mrs. Jummai Audi and that no part of this thesis has been previously presented for the award of another degree elsewhere.

The information derived from other literatures has been duly acknowledged in the text and references provided.

_____ _____

Iyabo Adenike ADENIYI Date

CERTIFICATION

This thesis titled "**Examination and Functions of Paralegals under the Nigerian Legal System"** meets the regulations governing the award of the degree of master of laws (LL.M) of Ahmadu Bello University, Zaria, and is approved for its contribution to knowledge and literary presentation.

_____ _____

Dr. Yusuf Dankofa Date

Chairman, Supervisory Committee

_____ _____

Professor. J.A.M Audi Date

Member, Supervisory Committee

_____ _____

Dr. Yusuf Dankofa Date

Head of Public law Department

_____ _____

Prof. Joshua Adebayo Abiodun Date

Dean School of Post Graduate Studies

DEDICATION

This work is dedicated to THE LORD. I also dedicate this work to my parents, best friend and husband. To my lovely kids you have in no small measure contributed to my success.

ACKNOWLEDGEMENT

I acknowledge the LORD JESUS for His mercies, favour and deeply thank Him.

My appreciation goes to my love Solomon Adeniyi, Ife thank you for all your love, push and motivational sermons making me realize I can be better than I am. Solomon (Junior) and Sade you are so cherished and I see you soaring on to greater heights than I can ever imagine, I love you both.

I appreciate my beloved parents Evangelist and Evangelist Mrs. Gideon Oloruntobi who nurtured me from cradle to adulthood.
I thank you for all your love, prayers and support and surely, you will be rewarded with long life, prosperity and heaven. E jeun Omo.

This work would not have been successfully completed, but for the great assistance of my major supervisor who believed in this work despite all odds, your constructive critiquing and guidance made this work what it is. Dr. Yusuf Dankofa, you made this work worth the while, thank you. To my second supervisor Professor J.A.M Audi I am very grateful for your guidance, corrections and so on, you are an example, thank you. Special appreciation also goes to Dr. I.F. Akande for your guidance, (you are truly a sister) and to Prof Y.Y Bambale and Dr. Babaji for allowing me to benefit from your wealth of knowledge.

I also appreciate my second Mummy and Aunty Mrs. Mariatu Aliyu of Kaduna Polytechnic, for typing this work, you are wonderful and truly a mother, sister and friend indeed, and Mrs. E.E. Eduvie the Head Department of Legal Studies for your encouragement all through.

I cannot conclude this without thanking Barr. Bello Magaji and Barr. John Omughele erudite scholars to the core and academics, guru per excellence your help throughout is unquantifiable. I pray you be rewarded, thank you. I am indebted and indeed grateful.

Lastly I appreciate my employers Kaduna Polytechnic, Kaduna. I appreciate the permission given me to study.

Iyabo Adenike ADENIYI

ABSTRACT

The concept of paralegal though not a new one in developed region, it is a novel one within Africa particularly in Nigeria. They are legal adjuncts within the legal industry carrying out certain functions that are responsive to the need of the moment. It is important to note that they can only function under the supervision of a legal practitioner. The advent of this group in developed nations was to fill the gap that was existing in accessing justice and delivery of legal services particularly to indigent persons. In developing countries in Africa, several reasons have been advanced for the emergence of this group of professionals. The reoccurring and very prominent reasons is the need to provide access to justice and the delivery of legal services at a very affordable rate to the urban poor, indigent persons and rural populace. The research therefore examined paralegals and their function under the Nigerian Legal System, the history of this group, their role and relevance in the administration of justice and to the legal industry in Nigeria. The major challenge of awareness, recognition, and acceptability plaguing it was discussed. Another challenge of regulating these paraprofessionals was highlighted to reduce or remove completely the incidences of impersonation of lawyers. This highlighted the paradigm shift in the legal industry globally and the need to embrace this trend and ensure it is aligned to suit the Nigeria Legal system. Presently the norm in some African countries and in Nigeria is that paralegals function through nongovernmental organizations, though important to state that the Federal Government of Nigeria in the bid to widen tertiary education and promote vocational and technical education at that level established programmes /courses in that line one of which is National Innovation Diploma in Paralegal Studies. In view of the challenges identified, several recommendations were proffered such as the need for the Nigerian legal profession to be abreast with global practices since it cannot function in isolation and as such should accept and recognize the concept paralegalism within the legal profession. Members of the legal profession particularly the Nigerian Bar Association must ensure they seek to help this paraprofessionals realize the necessary legal backing needed and sensitize the public about them. The Nigerian Legal Council should take up the challenge of regulating these paraprofessionals who are legal service providers, setting code of conduct and adopting regulations that will protect the public and prevent unauthorized practice of law by non-lawyers within the legal industry. This will ensure proper regulation and control of the members of the paralegal profession. The Judiciary should use paralegals as administrative staff; this will ensure speedy dispensation of justice. Particularly in rural areas, where they can be utilized as court interpreters where language seems to be a barrier.

LIST OF ABBREVIATIONS

Symbol	Meaning
CIRDOC-	Civil Resource Development and Documentation Centre.
CSWL-	Centre for Women's Studies and Intervention
WACOL-	Women's Aid Collective
ABA-	American Bar Association
NID-	National Innovation Diploma
NBTE-	National Board for Technical Education
JAMB-	Joint Admission and Matriculation Board
UTME-	Unified Tertiary Matriculation Examination
UN-	United Nation
UNODC-	United Nations on Drugs and Crimes

LIST OF CASES

Missouri V Jenkins 491 US 274 (1989) Jenkins, at 288 Doris Zimmerman (as guardian and next friend of) Loci D. Zimmerman (a minor) V Mahaska Bottling Company, Pepsi cola bottling of salina and vendo company No. 835554

CHAPTER ONE

1.0 GENERAL INTRODUCTION

1.1 BACKGROUND OF THE STUDY

Law has over time helped in reconstructing societies and determining the framework within which a society and its people must work to ensure harmony, peace and reduction in conflict of interest. Roscoe Pound opines that to reduce the conflict of interest the society must adopt the force of social engineering. Law is social engineering, which means a balance between the competing interests in society.[1] Recently the postulation that law is an instrument of social change has come to fore with the Nigerian society becoming more engaged in the issues of justice and the need to access justice. Aderibigbe,O.I[2] states that in recent times the subject of law as an instrument of social change stands out in distinct lines as legal reforms in Nigeria and all over the world has been at the centre of agenda of government, admitting the fact that law, and its adequate enforcement, is imperative to the achievement of behavioral change and social justice in a country. The legal profession is therefore saddled with the burden of ensuring that behavioral change and social justice are met. This task of providing access to justice has relatively been unmet by members of the legal profession thus the emergence of another group of social workers within the legal profession called Paralegals. This work will not delve into the jurisprudence of the concept of law and social engineering but will focus on Paralegalism as an emerging trend in Nigeria, a new trend within our clime.

---

[1] Rao Shanker,C.N. (2000). *Sociology Primary Principles* 3rd ed, S.Chand & Company Ltd, New Delhi, p.155.

[2] Aderibigbe,O.I. *Law and Social Engineering; the Judiciary as a Catalyst* Retrieved February 20, 2013 from http://segunaderibigbe.hubpages.com/hub/LAW-AND-SOCIAL ENGINEERING-the judiciary-as-a-catalyst.

A novel concept that is not well known to members of the legal profession and the public in Nigeria. An euphemism that has received little or no recognition by the practitioners themselves particularly practitioners on the job-experience ,such groups of persons are the legal secretaries, court clerks, court registrars, law-librarians and so on who are non-lawyers Members of the legal profession have also not recognized this group of persons known as paralegals. This is so because previously the legal profession was highly conservative and as such does not easily welcome intrusion or changes that will affect the fundamentals of the legal industry. They had the nature that has long established monopoly in the legal market, thus resisting and resenting any innovation that is likely to tamper with or alter the age long approach to the practice of law. [3]This nature consequently, made lawyers capture and control the market place or legal services,[4] though recently this control has been restricted to the practice of law only. The changes witnessed are because of the continuous development and growth of the legal industry. Cannon, T.A[5] states that the last thirty (30) years have witnessed tremendous growth and change in the legal profession generally.

It is pertinent to state that the legal profession exists in a global world where the predominant reality on ground is that of change and therefore cannot continue with its nature of conservatism. Paralegalism is one of the changes evident within the legal industry. The legal practitioners in Nigeria must begin to embrace the global changes occurring in the practice of

---

[3] Cowley, J.I. (2002). *A Comparative Study of Paralegalism in Australia, the U.S.A and England and Wales* (Master's Thesis), Southern Cross University, Lismore NSW, Retrieved October 7, 2012, http://www.equps.sco.edu.gv/cgil/view content 1055, p.3.

[4] Kidder, R. L. (1998). *An Introduction to Research and Theory*. Englewood Cliffs Press. New Jersey, Premcertam, p.1.

[5] Cannon, T.A. (2011). *Ethics and Professional Responsibility for Paralegals (6th ed)* Aspen College sense, Wolters Kluner Law Business, New York, p.2.

law. Lawyers must acquaint themselves with how this global trend affects the practice of law in Nigeria.

It is important to establish that, though the trend paralegalism seems to be new in Nigeria, it has long been entrenched in the legal system of developed countries and in developing countries such as Liberia, South Africa, Sierra Leone and Ghana.

It is of paramount importance to note that though they are recognized and well established in other climes, the status of the paralegal profession is still a flux[6]in Africa. This is so because there are no laws establishing the paralegal profession in some of those developing countries in Africa.

Members of these paraprofessionals provide legal services to consumers under the control and direction of legal practitioners. They cannot carry out legal activities without the supervision of an attorney. In most climes, the paralegals work strictly under the supervision of attorneys and cannot work on their own. Their role is strictly complimentary to that of the legal practitioner.

The term paralegal always raises questions in the minds of legal practitioners and as such, members of this profession have taken various positions as to the use of this term. They have asked several questions as to the relevance and the role of the paralegal to the legal profession. The paralegals' role if likened to the role of the paramedics within the medical profession will be better appreciated. Jordan[7] in her work states thus "Just as paramedics

---

[6] Larbalestrier,D. E.(1994). *Paralegal Practice and Procedure: Practical Guide for the Legal Assistant*, Prentice Hall, New York. p.3.

[7] Jordan, P.D. (2000). *Study Guide to Accompany Paralegal Studies: An Introduction*, West Thomson Learning, United States, p.1.

possess specialized medical skills, but work under the direction of medical doctors, paralegals fill a similar role in the practice of law".

1.2 STATEMENT OF THE PROBLEM

The development occurring within the Legal Profession and affected by global trends necessitates the study of the new trend called paralegals. This trend is to promote and ensure that justice is accessed in accordance with the provisions of the Law, which necessitates this Research. The fact that the legal profession is still unable to meet the needs of providing justice particularly to the indigent persons and the advent of a new set called paralegals necessitates this research.

The traditional form of legal practice obtained in Nigeria will largely determine the status and recognition of the paralegal profession. The Nigerian legal system has no option than to re-align with current practices to take advantage of the current global trend/practices since no legal system can continuously exist and sustain itself without the international laws and practices infiltrating and determining its relevance. Therefore, the infiltration of these paraprofessionals called paralegals cannot be undermined. Even though the term is relatively new to the legal profession, they have existed and evolved from the following categories of legal service providers; like legal secretaries, court clerks/registrars, research assistant, police prosecutors, law librarians and others working in the legal department that are non-lawyers. They have also existed within the non-governmental segment in Nigeria.

These groups of persons have over the years worked on a wide variety of legal specialties such as law firms, companies, real estate, non-governmental organizations, judiciary, and so on. These groups of persons work under the legal practitioner's supervision, and thus can do

several work assigned to them such as legal research, drafting, negotiating contracts, mediation in rural communities' and so on.[8] However, there are areas strictly reserved for legal practitioners such as litigation, interviewing clients, giving legal advice, establishing client-attorney relations, setting legal fees and so on.

In spite of all these functions, the paralegal profession is still faced with several challenges. These include but not limited to the following issues:

(a) Who is a paralegal within the Nigerian Legal Profession?

(b) Are paralegals an identifiable and a relevant group of legal workers within the Nigerian legal system? Are they recognized and accepted by legal practitioners?

(c) What is their role within the legal system?

(d) Do they provide legal services or carry out strictly administrative task alone?

(e) What is the scope and nature of their work if they provide legal services?

(f) Do they provide legal services under the supervision of legal practitioners or on their own?

(g) Are they an important component of the legal system?

(h) Do they have legal basis for their role or is there any statutory provision establishing them?

(i) What are the reasons for non-recognition and acceptance of paralegals by legal practitioners?

(j) Are they alternative legal service providers?

(k) Do they aid access to justice delivery?

---

[8] Ibid.

(l) Is their role a complementary one to the legal practitioner or can their role be likened to that of the paramedics within the medical profession?

1.3 OBJECTIVES

Research in this area is imperative; this is because of paralegal incursion into the legal profession and need to examine the legal framework that provides for the services of the new legal adjuncts, who are gradually gaining relevance and recognition globally.

Primarily, the general objectives of this study are as follows:

a. To examine the concept "paralegal", discuss the nature, function and evolution of paralegals generally and in Nigeria in particular.
b. To examine the structure of the legal profession and the legal framework or otherwise /placement of paralegals in the legal profession.
c. To examine the function of paralegals in the administration of justice.
d. To establish the legal basis for the paralegals roles and duties. It evaluates their roles as alternative legal service providers and the nature of their services in justice delivery.
e. To establish some findings (prospect, problems, challenges), to makes suggestions as to the need to embrace the global change in Nigeria and inculcate them into our legal system. To proffer recommendations aimed at recognizing them and regulating the paralegal profession in Nigeria.

1.4 JUSTIFICATION OF THE STUDY

There is no doubt that the legal profession is continuously affected by global development. With this development, it is gradually moving away from its conservative nature. However,

with the current global trend the legal profession must embrace the various changes now associated with legal practice. Legal practitioners in developed and developing countries alike are now realizing that the use of paralegals in substantive legal tasks gives them time to focus on tasks that require their expertise.

It is therefore hoped that this study will help to spread a greater awareness of the relevance/roles and duties of paralegals within our legal system. This is imperative in a democratic and developing society like Nigeria where everybody's contribution is important. For these reasons, judges, lawyers, students, community leaders, non-governmental Organization's and everyone in charge of providing access to justice would find this work relevant, handy and practicable.

1.5 SCOPE OF THE RESEARCH

The study will concern itself primarily with examining the concept and functions of paralegals as an emerging trend, a desirable legal adjunct and legal assistants within the legal profession in Nigeria.

1.6 RESEARCH METHODOLOGY

The research methodology for this topic ''Examination of the functions of paralegals under the Nigerian legal system'' adopts the doctrinal methods to identify and gather relevant materials and information. This study involves the gathering of information from primary materials like Statutes, Case law, and secondary materials like Textbooks, Articles, and Journals.

The research relies on both primary and secondary sources of data. Data's collected are used for appraising the impediment to the roles of paralegals in Nigeria. Relevant available

literatures were referenced. Finally, the research draws from the first hand experience of the researcher acquired from inspiration and insights in the training of paralegals in the National Innovation Diploma Programme of Kaduna Polytechnic.

1.7 SIGNIFICANCE OF THE STUDY

Information contained in this study will be of benefit to members of the legal profession generally. The information analysed will serve as a basis for making the paraprofessional a recognized group within our legal system. It will emphasis the relevance of this group of professionals. This study will also benefit indigent people, rural dwellers as they can access justice easily through paralegals. This is because the study will highlight the relevance of their roles in poor communities in Nigeria.

1.8 LITERATURE REVIEW

The importance of paralegals as legal adjuncts and as persons that do aid access to justice particularly in developing countries where lawyers are typically concentrated in urban population centres and commercial hubs cannot be overemphasized. Thus, the need to meet the demand for justice and legal services at the rural areas and to indigent persons is very critical to modern legal practice and access to justice. An area that a number of researchers (foreign) have delved into, but very few have been recorded in relation to Nigeria. Instead, the few Nigerian writers on paralegals have only written training manuals in this regard.

This study reviews some of such literatures and other literatures on paralegalism generally.

Cowley[9] have immensely contributed in examining the role that paralegals play in the delivery of legal services, the structure and regulation of the legal profession as it impacts the nature of paralegalism in Australia. She pointed out that the legal profession is facing many challenges in the twenty first century including the need to deliver better and cheaper legal services. Her work however did not look at it from the Nigerian perspective. This research will however cover the above from the Nigerian perspective.

Jordan[10] also examines the paralegal profession from the United States perspective. She examines the concept of paralegal. Choosing a paralegal career and further discusses the paralegal career in a law firm and beyond. She points out that ethical issues are constantly present in the practice of law, and paralegals must always work within the ethical standards of this profession. This is because the paralegal works under the supervision of legal practitioner thus they are expected to adhere to the same ethical standards their employing legal practitioners must uphold. She notes that an important ethical issue for the paralegal is the need to identify him or herself always as a paralegal to a client until he or she is sufficiently known to the client, and no mistake in status is likely to occur. Jordan dwelt on the paralegal and their work ethics, and concentrated on the within the law firm. This work will go beyond the law firms to paralegals on other fields such as the judiciary, law enforcement agencies, and corporations and so on.

Other scholarly literatures that aid in bringing to light the paralegal profession as an emerging trend include those of Edwards, Linda and Stanley Edwards[11]. In their work, they looked at

---

[9] Cowley, L.D. Op. cit p.2.
[10] Jordan, D. Op. cit p.3.
[11] Edwards L.L & Edwards S.J. (2002). *Introduction to Paralegal Studies and the Law. A Practical Approach,* West Thomson Learning, Arbany, New York, p.xxiiiv.

the concept, the utilization of paralegals, educational opportunities, certification and licensure and ethical issues amongst several other topics. The authors deliberately emphasize the "how-to's of paralegal practice as a result of over twenty years of teaching experience. Their work is devoid of any information on the placement of paralegals within the legal profession neither did they discuss their role within the judiciary nor other sectors as such this work will consider the above lacuna.

Larbalestrier[12] delineates the general duties, practices and procedures of these duties from United States' perspective. She looks at the paralegal as a legal assistant and their effectiveness in the modern law office, the court system and other special areas of law practice. This work did not discuss the concept paralegalism and its evolution within her region, this work will discuss the concept and its evolution in Nigeria and further discuss its limitation or factors impeding their role in Nigeria.

Statsky, D. Statevi and Linguist[13] examine paralegals from the paralegal work. They hold the opinion that legal practitioners assume ultimate responsibility for legal work, often delegate tasks to paralegals. Their goal was to analyse the paralegal in Florida and the relevant rules applicable to them as formulated by the Florida Bar Association. They note that paralegals, working in a wide variety of settings, have made major contributions in the delivery of legal services. They went ahead to analyze the rules that form the basis of the paralegal work, ethics of paralegals, education, certification, licensure and paralegal employment. The structure of the legal profession in Florida and the place of paralegals within this structure is

---

[12] Larbalestrier, D. E. (1994). *Paralegal Practice and Procedure* 3rd ed Prentice Hall New York, p.xvi.
[13] Statsky, N. et al. (2010). *The Florida Paralegal Essential Rules, Documents, and Resources*. Delmar Cengage Learning Clifton, New York, p.2.

not highlighted neither did the work discus the role of the Bench in the evolution of paralegals which this work intends to discuss.

Several organizations including non-governmental ones have contributed immensely to the growth and utilization of paralegals in Nigeria. These non-governmental organizations include Civil Resource Development and Documentation Centre (CIRDDOC), Legal Research and Resource Development Centre (LRRDC)[14], organizations such as the World Bank collaborating with justice for the poor access to justice[15], Open Society Justice Initiative[16]. They have write-ups centered on the utilization of paralegals as community-based paralegals whose primary concern is to help communities that lack access to the legal system resolve their justice issues. They have written several training manuals for paralegals. This research work shall go beyond training manual and do an analytical examination of the paraprofessional within our legal system and their modus operandi.

Examining paralegals as an emerging trend under the Nigerian legal system reveals issues and divergent opinions in the various literatures discussed. The various views documented establish the relevance of these professionals to attorney's, judiciary, para-military and law enforcement agencies in aiding access to justice. The literature discussed above, clearly depicts the growth, certification and its global relevance in the 21st century.

These literatures form the substance of the research in order to have an informed opinion about the trend and the need to inculcate the paraprofessionals in our legal system.

---

[14] Paralegal Training Manual for Nigeria Retrieved October 12, 2012 from http//www.ng.boell.org/downloads paralegal 2011, p.3.

[15] Training – in – Nigeria –a – Harmonization-of-Justice for the poor (J4P). Access to Justice (the World Bank) Retrieved October,12,2012 from http://site.resources.world.bank.org/injus for poor/resource A2Y Website Download pdf. 2012.

[16] Open Society Justice Initiative, Community-based Paralegals: A Practitioner's Guide, D51, New York, 2010. .

1.9 ORGANIZATIONAL LAYOUT

This thesis is divided into five chapters:

Chapter One comprises the background of the problem, statement of the problem, aims and objective of the study, scope of the research, methodology used in the study, justification of the research, and significance of the study, literature review and the organizational layout of the thesis.

Chapter Two discusses the evolution of paralegals from the historical and contemporary perspectives. It discusses the concept.

Chapter Three discusses the paralegal vis-à-vis the legal profession. The placement of paralegals within the legal system and the function of paralegals in the administration of justice.

Chapter Four discusses the status of the paralegal in Nigeria and impediments to their role.

Chapter Five contains a summary of major findings, and having identified some of the roles of paralegals in delivering justice, recommendations are made aimed at improving the status of paralegals, recognition and acceptance of paralegals in Nigeria.

CHAPTER TWO

AN OVERVIEW OF THE EVOLUTION OF PARALEGALS

2.1 INTRODUCTION

This chapter examines the concept of paralegalism. It presents an overview of the evolution of paralegalism as well as discusses it from the historical and contemporary background. It further looks at the nature of paralegalism, the duties and the various functions of paralegals.

2.1.2 The Definition of Paralegals

Definition creates difficulties; as such, the definition of paralegal requires careful consideration. Bishop[17] in her work states that, there is no central repository for information on paralegal definition and regulation issues. The concept of paralegal like other legal terminologies is dynamic thus cannot be pegged to a particular definition.

According to the New Shorter Oxford English Dictionary,[18] the concept of paralegal is not a narrow one and it is easy to merely distinguish paralegals from qualified legal professionals and to state that a paralegal is not a lawyer but a person who works besides a lawyer or works in the legal environment.

The compendium of legal terms[19] defines a paralegal as a person who performs legal, quasi-legal, or related work, although not admitted as a legal practitioner but known as "legal assistant" or "legal executive".

---

[1] Bishop, L.D. (2002). Definition , Regulation and Licensure of Paralegals in the United States (Doctoral Dissertation) Faculty of the Virginia Polytechnic Institute and State University, Blacksburg, Virginia, p.7.

[18] Brown, L.(Ed) the New Shorter Oxford English Dictionary, Liarendon Press, Oxford. Retrieved from http://www.amazon.com/shorter.../10598604572, 1983, p.3.

[19] Nygh P.E, et al (eds) (1998), Legal Terms, Butter Worths Guides, Butter Worths, Sydney, p.74.

The above definitions has only introduced the concept, they do not give an in depth analysis of the concept; they have limited the concept. However, definitions of scholars, jurist on this field is more pragmatic.

Jordan[20] defines a paralegal as a non-attorney professional who:

1) Has specialized training or education in the law,

2) Works under the direction and supervision of a licensed attorney; and,

3) Applies his or her legal knowledge and skills to tasks that, otherwise, a Lawyer would perform.

Edwards L and Edwards S.[21] are of the opinion that there are several definitions of paralegal. They describe paralegals as those who perform similar tasks carried out by attorneys, but who do so under the supervision of an attorney. These authors further opine that paralegals are not authorized to practice law in that they cannot give legal opinions, prepare legal documents (unless supervised by an attorney) represent clients in most judicial proceedings, set fees, create attorney client relationships or perform any number of other legal functions.[22]

Cowley, J.[23] postulates that they are assistants with limited training in the law, working for and under the general supervision of a solicitor performing responsible tasks, which might otherwise be carried out, by solicitors.

---

[20] Jordan, P.D. (2000). *Study Guide to Accompany Paralegal Studies: An Introduction*, West Thomson Learning, United States, p.1.

[21] Edwards L.L & Edwards S.J. (2002). *Introduction to Paralegal Studies and the Law. A Practical Approach,* West Thomson Learning, Arbany, New York, p.3.

[22] Ibid.

[23] Cowley, J.I. (2002). *A Comparative Study of Paralegalism in Australia, the U.S.A and England and Wales* (Master's Thesis), Southern Cross University, Lismore NSW, Retrieved October 7, 2012, http://www.equps.sco.edu.gv/cgil/view content 1055, p.9.

Cowley further delineates that paralegals is a word that was coined and first budded in the United Kingdom and the United State America due to the high cost of employing the services of an attorney which then deprived the common man in the society the opportunity of accessing justice but with its acceptability and adaptability, it has remedied the problem of access to justice. He explains further that a qualified legal practitioner need necessarily; perform not every task that constitutes legal work. A lot of people who work in legal capacity but are not admitted to practice, and therefore cannot be called legal practitioners, they have been variously called paralegals, legal assistants, law clerks, articled clerks, police prosecutors and certain court clerks depending to some extent upon their role.

Statsky, Diolatevi and Linguist[24] examine the concept and postulates as follows:

1) A person who uses the title of paralegal, legal assistant or other similar term when offering or providing services to the public must work for or under, the direction or supervision of a lawyer or law firm, Rule 4 – 5:3.

2) A paralegal or legal assistant is a person qualified by education, training or work experience, who works under the supervision of a member of the Florida Bar and who performs specifically delegated substantive legal work for which a member of the Florida Bar is responsible. Rule 10 – 2:1(b).

3) A paralegal is a person with education, training, or work experience, who works under the direction and supervision of a member of the Florida Bar and who performs specifically

[24] Statsky, N. et al. (2010). *The Florida Paralegal Essential Rules, Documents, and Resources*. Delmar Cengage Learning Clifton, New York, p.5.

delegated substantive legal work for which a member of the Florida Bar is responsible. Rule 20 1:1(a).

4) It shall constitute the unlicensed practice of law for a person who does not meet the definition of paralegal or legal assistant as set, forth elsewhere in these rules to offer or provide legal services directly to the public or for a person who does not meet the definition of paralegal or legal assistant or other similar term in providing legal services or legal firms preparation services directly to the public. Rule 10 – 2:1(a) (2)

Cannon, A.T[25] in her preface explains that paralegals are embedded in law practice, serving as integral members of the legal services delivery team --- Paralegals are highly educated and competent, engaging in ever more sophisticated work in all areas of law practice.

Bishop, L.D[26] in her work provides a state-by-state (America) directory to paralegal definition (states in America). These definitions adopted by her are as defined by the various Bar and Paralegal Associations in those states. A few of the Bar and Paralegal Associations definitions are as follows: The American Bar Association (ABA) defines paralegals as "A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible (ABA, 1997).[27]

---

[25] Cannon, T.A. (2011). *Ethics and Professional Responsibility for Paralegals (6th ed)* Aspen College sense, Wolters Kluner Law Business, New York, p.xxi.

[26] Bishop, L.D Op. cit p.22.

[27] Ibid

It is pertinent to note that American Bar Association (ABA) has been involved in promoting; the paralegal career since 1968 and American Bar Association (ABA) declared it a viable productive partner in the legal profession.[28]

The National Association of Legal Assistants defines paralegal[29] as legal assistants, also known as paralegals, are a distinguishable group of persons who assist attorneys in the delivery of legal services. Through formal education, training and experience, legal assistants have knowledge and expertise regarding the legal system and substantive and procedural law, which qualify them to do work of a legal nature under the supervision of an attorney.

The National Federation of paralegal Associations[30] established in the mid-1970 defines paralegal or legal assistant as:

A paralegal/legal assistant is a person qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, or statutory or court authority to perform this work.

The Virginia state Bar[31] has adopted a definition of paralegals that encompasses language to the effect that imputes all responsibility for paralegals directly to the attorneys by whom they are employed. This definition implies that because paralegals work directly under their supervision, the attorneys assume professional responsibility for the final work product.

---

[28] Ibid
[29] Ibid
[30] Ibid
[31] Ibid.

The definitions by these associations have delineated the services a paralegal can and cannot perform and which they must do under the supervision of a lawyer. Lawyers will assume responsibility for such services done by their non-lawyer assistants.

Finally, the concept of paralegal is examined from the proponents of community-based paralegals. For example, the Open Society Justice Initiative[32] opines that community based paralegals can help communities that lack access to the legal system and resolve their justice issues, they represent a paradigmatic shift in the delivery of legal services. This is similar to the proliferation of rural public health workers in response to the formal medical profession's on ability to meet community health needs. The Open Society Justice Initiative further highlights that community based paralegal are rooted in a framework of access to justice and human rights. Several non-governmental organizations in Nigeria such as Civil Resource Development and Documentation Centre (CIRDOC), Women's Aid Collective (WACOL)[33] opines in their manual that a paralegal is a community based person trained with basic knowledge of the law and the legal system. He/she is trained to understand different methods that can be used in dealing with disputes and legal matters to assist vulnerable and disadvantaged people to assert their rights without necessarily engaging the services of a lawyer or resorting to litigation which may be time consuming and expensive.[34]

Open Society Justice Initiative's use of the term community based paralegal refers to a paralegal who has formal training, uses an array of tools – both legal and non-legal to provide

---

[32] Open Society Justice Initiative, Community-based Paralegals. A Practitioners Guide, Open Society Institute Publishers, New York, 2010,p.5.

[33] Civil Resource Development and Documentation Centre (CIRDDC), Centre for Women's Studies and Intervention (CSWL), Women's Aid Collective (WACOL)

[34] Paralegal Training Manual for Nigeria http://www.ng.boell.org/downloads/paralegal-training-in-nigeria A Harmonization of-manuals-pdf ,p.6.

justice services, either lives in or has a deep knowledge of the community in which he works and receive technical support and general supervision from a lawyer.[35]

In conclusion, however, it does appear that the paralegal profession in Nigeria is more of a community-based one providing access to justice in rural areas. A fundamental point obvious in all of these definitions is that a paralegal works under the supervision of a lawyer to provide access to justice, and enhances justice delivery.

2.2 HISTORICAL PERSPECTIVE

Canon, A.T[36] opines that the paralegal profession has been in existence for almost forty (40) years. The roles and functions of paralegals continue to expand into new and exciting areas and that the past thirty (30) years have witnessed tremendous growth and change in the legal profession generally.

McCabe S.M[37] also states that it began about four decades ago, the rapid growth in the number and responsibilities of these highly skilled non-lawyer professionals show no signs of retrogression. Several authors are of the opinion that the word paralegal has its origin in the United States of America. For example, Cowley[38] has such opinion and states that the paralegals evolved in the late 1960's as a way of improving on the efficiency and cost effectiveness of the delivery of legal services in the United States and United Kingdom's. She explains further that the profession budded in the United States and United Kingdom due to the high cost of employing the services of an attorney, which then deprived the common

---

[35]Open Society Justice Initiative. Op. cit p.27.
[36] Cannon, A.T. Op. cit p.25.
[37] McCabe, S.M. A Brief History of the Paralegal Profession, In Michigan Bar Journal, 2007, Retrieved February 20,2012 from www.michbar.org , p.19.
[38] Cowley, J. Op. cit p.6.

person in the society the opportunity of assessing justice, but with its acceptability and adaptability, it has remedied the problem of access to justice.[39]

McCabe S.M[40] traces the roots of paralegal profession to the late 1960's when congress, law firms, local bar associations, and the American Bar Association (ABA) began significant efforts to increase access to legal services and reduce poverty in the United States. This was because of the increase in the number of Americans from all strata needing one form of legal services or the other. The provision and cost of legal services increased as a result, the common person could not afford legal services. Thus, one proposal intended to offer greater access to justice was the increased use of educated non-lawyers to handle legal work that otherwise would be performed by licensed attorneys.[41]

Edwards Linda and Stanley[42] opine that paralegals are relatively new to the legal profession. They were first utilized in the 1960's in the war on poverty to provide low-cost legal services so that a larger sector of the population could have access to legal advice and representation. They were, nevertheless, virtually unheard of before the 70's. The utilization of paralegals increased as paralegal associations organized and began to raise awareness in the legal system as to how paralegals could serve the legal profession.[43]

---

[39]Ibid.

[40] McCable S.M. Op. cit p.19.

[41] McCable S.M. Op. cit p.19.

[42] Edwards L. et al Op. cit p.2.

[43]Ibid.

Cowley[44] delineates further that the concept of paralegal was coined in the United States but the use of legal assistant has a much older and more established derivation in England. Legal practitioners in the United Kingdom have this history of utilizing legal assistants and depending on the legal assistants to carry out certain task for them. This dates back to the 19th century. There are records of the existence of solicitor's managing clerks now known as paralegals. The first association of such clerk was formed in London on 2 August 1892 at a meeting called by William Briggs; a managing clerk to the firm of Messrs Walters, Deverell and Co.[45]

2.2.1 History of Paralegals' in Nigeria

Paralegals are gradually gaining relevance and recognition in Nigeria. This is so particularly within non-governmental organizations in Nigeria that is interested in providing legal aid to indigent persons. Several non-governmental organizations seeing the need to bridge the gap between the law and those who need to use it started training paralegals. The need for paralegals within the system began largely due to increase in knowledge and information accessed by large percentage of indigent persons in the society, who are constantly being sensitized of their rights and the need to protect and demand justice where necessary. Assessing and demanding justice is a herculean task because of the high cost of justice delivery. This has been the bane of the poor populace. Another constraint is that almost all legal practitioners are located in urban areas, major cities, and towns, thus beyond the reach of the rural populace. This scenario has created a vacuum, which is being filled by paralegals. Most of who were trained by non-government organizations. Non-government

[44] Cowley, J. Op. cit p.9.
[45] Murray, J. "A short History of the Solicitors' Managing Clerks Association" in the Solicitors" Managing Clerks Gazette 112, 1950, p.112.

organizations such as LRDC, BAOBAB, CIRRDOC, CWSI, WACOL and a host of others started training paralegals in various states of the Federation.[46] The use of paralegals in Nigeria from this period began to gain acceptance as its effectiveness has been highlighted in the outcome of different monitoring and evaluation exercises in Nigeria.[47] Its acceptability and adaptability is seen. In the year 2007 when the Federal Government of Nigeria as one of it's reforms initiative in the education sector in widening access to tertiary education amongst others established Innovation Enterprise Institution to run several programmes of which is National Innovation Diploma in Paralegal Studies. The following institutions running this programme are:

(1) Arewa Paralegal Innovation Enterprise; Centre for Technology Entrepreneurship Education and Development (KADPOLY) (CTEED) 6 Kashim Ibrahim Way, Ungwan Rimi, Kaduna.

(2) Yahaya Hamza Institute of Advanced Studies, Mando, Kaduna.

(3) Daibo Paralegal Training Institute, Lagos

(4) The Literacy Centre, Aba, Abia

(5) Ambassador College of Management and Technology, Port Harcourt.

(6) Pan Africa Institute of Paralegal Studies.[48]

In conclusion, it is pertinent to state that most of these institutions in the last four years have graduated students with National Innovation Diploma in Paralegal Studies. The Federal Ministry of Education is vested with the power to license these institutions whilst National

---

[46] Paralegal Training Manual for Nigeria, http://www.ng.boelt.org/downlaods/paralegals. Training-in-Nigeria-A
Harmonization of Manuals pdf p.12.

[47] Ibid .

[48] N.B.T.E, www.nbte.gov.ng

Board for Technical Education (NBTE) regulates them. Furthermore, the Joint Admission and Matriculation Board has since recognized these institutions National Innovation Diploma (NID) programmes and included it in the Joint Admission and Matriculation Board (JAMB) UTME brochure.

2.3 CONTEMPORARY PERSPECTIVES

The paralegals role in recent times has assumed a bigger and complex dimension. They have become involved in the delivery of legal services, improving the delivery of justice services, providing sustainable programmes, processes to help the poor and the rural populace access justice. They have become an integral part of several legal systems, which has led to the introduction of licensing, certification and so on, in some countries. This is in order to enable paralegals practice independent of lawyers. Bishop[49] further emphasizes this in her work stating that some state entities may have determined that the public interest is best served by governmental regulation through occupational licensing and therefore have attempted to mandate unsecure. Paralegals in such region can practice without the supervision of an attorney, but some other regions they are not licensed thus must work under the supervision of an attorney.

Due to the tremendous growth of the paralegal profession, they have become more specialized and are utilized in large law firms, corporate organization and governmental agencies. They are not limited to the clerical work of paralegal assistant only, they now perform complex legal task. Several Bar Associations have absorbed them into the legal service providers and even made rules to regulate the paralegals conduct.

---

[49] Bishop, L.D Op.cit p.20.

Cannon T.A[50], in her work states that in the United States the estimates of paralegals employed vary but most sources indicate that there are more than 200,000, and that well over half of paralegals hold a baccalaureate degree and even more have some formal paralegal education. She further states that several important trends characterize the paralegal profession at this point in its history. Levels of education for paralegals are increasing every year. Firms often expect a baccalaureate degree and paralegal education. Certification, licensing, and the role of non-lawyer legal service providers continue to dominate the discussion of paralegal professional organization. Opportunities for growth have been developed in new areas of employment and law practice, and exciting alternative and niche paralegal careers are flourishing. All of these trends point to the maturation and evolution of the paralegal profession.[51]

Because of the dynamism of the paralegal profession, there is therefore a growing need in most regions to streamline and outline the paralegals roles and duties. This concern has grown because of the high probability of paralegals getting involved in unauthorized practice of law. In order to prevent or curb such unauthorized practice of law there is a dire need to formulate regulations that will govern the paralegal practice. A good example is the Florida Bar that has provided rules regulating paralegal practice.[52]

2.4 INTRODUCTION TO THE PARALEGAL CAREER FIELD

The paralegal career and what it entails varies by country. An essential feature peculiar to most countries is that they are utilized as legal adjuncts working under the supervision of

---

[50] Canon, T.A, Op. cit p.17

[51] Ibid, p.18

[52] Statsky et al Op. cit p.15.

lawyers in most developed regions whilst in developing regions they are tagged and utilized as community-based paralegals. The approach to this paraprofessional is that there is no widely consistent and accepted definition, job description, status, training, regulation; instead, you find different approaches by different regions. Another important feature that is common to paralegal in all regions is that they are not lawyers, thus not allowed to perform certain legal tasks that are exclusively reserved for lawyers. Their function and roles differs from one region to another. However, it is certain that paralegals do ensure access to justice or serve as legal aid providers in every country where they practice.

The paralegal career field has certainly altered the legal field. By 1925, Johnstone and Wenglinsky[53] were predicting that the introduction of paralegals as a major occupational group would likely alter the nature of legal practice for both practitioners and consumer and impact law office dynamics and bureaucracy. The involvement of these paraprofessionals has made the delivery of justice faster and affordable.

The evolution of this field is such that has reduced the administrative, clerical and documentary legal task that would ordinarily be performed by lawyers. It has reduced drastically the workload of an average legal practitioner. It has given the lawyers more time on task, issues that are more specialized or exclusive to them. Attorneys who favored efficiency are likely to see paralegals as highly desirable lawyer adjuncts.[54]

The paralegal career field has since gained relevance and expanded mostly in the developed regions. Bishop posits that the promotion by bar associations and the organization of

[53] Johnstone, Q & Wenglinsky, M. Paralegals, West Port, CT, Greenwood, 1985 p.211.

[54] Ibid.

paralegal professional associations have not only upheld the value of paralegals but have also expanded the career field.[55]

Statsky[56] reported that the call for efficiency, delegation of responsibility and increasing economic pressures were instrumental in bringing paralegalism to its current state of prominence. This ease and access to justice provided by this group of paraprofessional have contributed to the status and recognition it has today.

2.5 NATURE OF PARALEGALISM

Paralegals in recent times are advanced and quite different from front desk officers or clerical staff in law firms and so on. Paralegals are more involved in complex legal task, and assume more responsibilities in the 21st century. This is because legal firms are moved from the usual sole proprietorship to big partnership firms. The legal profession itself is now globalised with several tasks requiring the attention of the legal practitioner, thus the need for professional assistance lawyers heavily rely on them on daily basis. Nevertheless, they are still explicitly prohibited from carrying out duties that are considered to be the practice of law, such as setting legal fees, giving legal advice and presenting cases in courts.[57] They are not lawyers but have assumed this role because of the training, skills and education they are required to have. Statsky et al states that, a paralegal is a person with substantive legal skills whose authority to use those skills is based on an attorney's supervision or special authorization from the government. By substantive skills, we mean skills, that:

(1) Are obtained through sophisticated training and

---

[55] Bishop Op. cit p.2
[56] Statsky et al Op. cit p.1.
[57] College Grad.

(2) Are significantly more advanced than those possessed by clerical personnel in most law offices.[58]

Paralegals are not sanctioned by our rules to serve as lawyers instead they are legal assistants who help lawyers in their work, serve in legal departments in an organizations, work as court administrators clerks, bailiffs/sheriffs in the judiciary.

In some organizations, the nature of their work is to serve as legal secretaries, legal administrative assistants. They do administrative work in such organizations or law firms. This is obtainable in smaller law firms too where the attorney does most of the legal tasks.

Paralegals work as research officers in law firms, law libraries and in several other institutions. Cowley[59] states that a large number of paralegals work for lawyers in private practices. They also work in the public sector (government) corporate organizations, banks real estate, insurance companies, industries and several others. Paralegals can be based in different kinds of organizations.[60] They may be placed in advice offices' – service organizations run by paralegals exclusively for offering basic counseling, community education, and referrals. Paralegals can also work in community-based or multi-service organizations where paralegal services are one of a series of services available to clients.[61]

2.6 FUNCTIONS OF PARALEGALS

Are the paralegals considered a functional group? Cowley states that in Missouri v Jenkins, the role of the paralegal in the delivery of justice was acknowledged where the United States Supreme Court said "it has frequently been recognized in the lower courts that paralegals are

---

[58] Statsky et al Op. cit p.2.
[59] Cowley,J.I. Op. cit,P,22.

[60] OSJI Op. cit P.16.
[61] 491 US 274 (1989) Jenkins, at 288

capable of carrying out many tasks, under the supervision of an attorney, that might otherwise be performed by a lawyer billed at a higher rate. Such work might include, for example, factual investigation, including locating and interviewing witnesses, assistance with depositions, interrogatories, and document production, compilation of statistical and financial data; checking legal citations, and drafting correspondence. Much work lies in a gray (sic) area of tasks that might appropriately be performed by either an attorney or a paralegal".

This case has effectively recognized the importance of the paraprofessional and the role that a paralegal plays in the delivery of legal services.[62] These roles and functions have continued to expand and evolve until 2002 when Flaming could write with some certainty that they "have come to play a vital role in the modern American legal system as they are increasingly relied upon to support those in the legal profession.[63]

The functions of paralegals is said to have expanded and evolved as indicated by Schaeeman[64] because of economic factors and the following:

(1) Growth in demand for legal services in the country.

(2) The need to keep legal services affordable for the public

(3) The need to utilize attorney time in a more effective manner.

(4) Computerization in the practice of law

(5) Increased competition, leading to the need to give clients more personal and responsive attention.

---

[62] Cowley, J.I Op. cit P.29
[63] Flaming J. Note 68, p487 in Cowley, J.I Op. cit P.29
[64] Schaeeman A. An Introduction to Paralegalism, Delmar Publisher Inc, New York 1995 P.6

(6) Increasing use of the systems approach to handle the complexities of the modern law and

(7) Greater specialization in the practice of law.

The core function of paralegals is that they enhance the delivery of legal services and provide access to justice.

The following are functions of paralegals:

Paralegals in Private Firms/Judiciary

- Paralegals in private firms function as secretaries in corporate meetings and act as liaison with clients, other firms and courts.
- They function as investigative paralegals by investigating the facts of cases and ensuring that all relevant pieces of information are considered.
- They function as research officers in law firms and law libraries by identifying appropriate laws, judicial decisions, legal articles and other materials that are relevant to assigned cases or research areas. Paralegals are called litigation paralegals when they analyze and organize the information needed.
- They may prepare written reports that attorneys use in determining how cases should be handled. In other instances, paralegals may help prepare the legal arguments in lawsuits on behalf of the clients; they may also draft pleadings, affidavits and assist attorneys during trials.
- They track files and documents of all-important cases and make them available and easily accessible to lawyers.
- They use computer software packages and the internet to search for legal literature and store in computer database. They also use computer database to retrieve, organize and index

various materials. They use computer software packages to perform tax computation and explore the consequences of various tax strategies for clients.

Paralegals in Corporate Organization

Paralegals here often assist lawyers with employee contracts, shareholders agreements, stock option plans and employee benefit plans. They also may help prepare and file annual financial reports, maintain corporate minutes, record resolutions and prepare forms to secure loans for the corporation. Corporate paralegals monitor and review government regulations to ensure that the corporation is aware of new requirements and is operating within the law. Increasingly experienced corporate paralegals or paralegal managers are assuming additional supervisory responsibilities such as overseeing team projects.

Paralegals in Community-based Programs

An excerpt from the paralegal training manual in Nigeria has the following as their specific functions[65].

The following are specific functions of a paralegal.

a. Basic Counseling

This involves enabling people to discover for themselves solutions to their own challenges. Counseling can be used for solving specific personal or family problems. The role of the paralegal in counseling is to help the client resolve their differences and find an amicable solution to their problems.

b. Preliminary Investigation and Preparing of Facts (Information Management)

[65] Paralegals Training Manual in Nigeria Op. cit P. 16 & 17

It is important that paralegals investigate the facts of a problem or complaint to enable them decide whether they can handle the case or they need to refer it to lawyer. A paralegal must be a good information manager, ensuring that only useful information is sought for and information received must be put to good use. In discharging this function, a paralegal must interview the people involved in a problem and take notes that can be used either by him/her or used as a fact sheet for a lawyer and other relevant institutions in the case of referral.

c. Preparation of Documents/Record Keeping

Paralegals assist the client fill out the information sheet that will enable the paralegal to determine whether the client is qualified for legal aid or not. The paralegal opens a file for each complaint once the client is found to be eligible free services and records as much information about the client as possible in the case file. Paralegals also prepare petitions, affidavits and the text of sworn declarations for their clients if the need arises. Paralegals must ensure that every communication with the client including the nature of service provided, dates and times of meetings are recorded in the client's file. Record of actions taken and next appointments must be clearly documented in the file.

d. Conducting Legal Clinics

Based on the type of problem encountered, paralegals provide legal first aid to people by providing immediate and preliminary solutions in emergency situations like assault or any other form of violence or accidents.

e. Community Education/Community Capacity Building Sessions

The paralegal also help in educating community people about their rights and basic laws that affect them. They create awareness on services that paralegals provide and how to get in touch with the nearest paralegal and relevant institutions when they have a problem.

Capacity building and information sharing can be done through group meetings, awareness creation campaigns and the use of Information Education Communication (IEC) materials.

f. Alternative Dispute Resolution

The paralegals may help with resolving disputes through a variety of means – negotiation, mediation, arbitration and conciliation, and so on.

g. Networking and Advocacy

Paralegals need to establish contact with other relevant stakeholders, for example co-paralegals, government institutions and non-governmental organizations (NGOs) and so on. This is required to help them raise awareness about the opportunities that are available to community people through their services as well as to garner support for problem solving. A paralegal also advocates for positive change within the community by mobilizing people towards changing their attitudes and behavior on societal ills that inhibit progress and development in the community and the country as a whole.

Paralegals in Public Sector

The duties of paralegals in public sector usually vary with the agency concerned. Eirmermann claims that paralegals working in public sector perform the same basic tasks as those employed in private law firms, but what distinguishes this group is that as part of civil service, there are "certain career expectations and due process protections.[66] Their duties

[66] Eirmermann, T. Fundamentals in Paralegalism (3rd ed) Little Brow & Co, Boston, 1992 P.24

would obviously depend on which department they work in, for example, those working for Attorneys General; would be likely to be working in the area of criminal law.[67]

In conclusion, his /her work environment determines the function of paralegal.

CHAPTER THREE

PARALEGALS AND THE LEGAL PROFESSION

3.1 INTRODUCTION

The legal industry is obviously evolving, it has moved away from exclusive reserve of lawyers only, to the legal industry that has incursion of non-lawyers working in this industry. It is important to note that the policy of reserving legal work to lawyers alone is fast changing with the infiltration of other professionals into the legal industry. This is so because of the current trend in development worldwide. This tends to have allowed a great incursion of non-lawyers into the legal industry, handling several legal works. However, the legal profession still has core areas reserved for it such as court appearances, advice to clients on contentious issues, setting of legal fees and so on. It is however, unfortunate to note that

[67] Eirmermann T. Op. cit P.26

despite the fact that lawyers do use non-lawyers in the legal industry; members of the legal profession are yet to embrace them as part of the legal industry. Non-lawyers such as paralegals are seen as poachers and should not be regarded as such. In Nigeria paralegals are not yet an identifiable and a distinct group yet, it is an unknown group functioning in the legal industry. This is because this concept is relatively new in Nigeria and the nature of legal professionals and the fear of change noted with lawyers has continuously barred the recognition of the concept of paralegal. Meanwhile this concept is no longer new in other developed regions. The globalization of the world has greatly affected the trend in the legal industry, thus the need for the legal profession in Nigeria to recognize this concept. There is the need to sensitize and create public awareness on the concept amongst lawyers and the general populace.

This research seeks to highlight the place of paralegals within the legal profession, structure of the legal profession in Nigeria, role of the Bench in the evolution of paralegals in Nigeria and the functions of paralegals in the administration of justice.

3.2 PLACEMENT OF PARALEGALS IN THE LEGAL PROFESSION

Tasks with a legal component, but is largely administrative or repetitive application of settled principles; appear to be well performed by paralegals. The use of supervised

Paralegals for such work free lawyers to work on matters that require their higher level of legal skills. This appears to be a well-accepted practice in the legal services market and one that we expect will be encouraged by the effects of increased competition and consequent pressures to lower prices and deliver legal services more efficiently.[68]

[68] Cowley, J.I Op, cit, P.123. Citing Access to Justice Advisory Committee (the Sackville Report) Issued a Report in May, 1994.

It is obvious that paralegals perform a wider variety of task under the supervision of lawyers in many different settings. Their task has become multi-dimensional with the present trend of development and globalization. The paralegal has become a necessary legal adjunct, such that the legal practitioner who seeks to effectively and efficiently deliver legal services would at one point require the aid of the paralegal. Consequently, there is a need to place value on this group of paraprofessionals. Campbell, J. and the American Bar Association Standing Committee better express this on paralegals

"As the paralegal profession has emerged over the past thirty years or so, lawyers have recognized that not all work traditionally performed by lawyers is considered the "practice of law", with proper supervision, much of the other work can be performed by qualified non-lawyers.[69]

Recently, time has become a major factor in the delivery of legal services, making it mandatory for legal practitioners to rely on paralegals to enable them deliver services timely. Wilber, J. stresses that paralegals are playing a prominent role in the delivery of legal services. As law, firms increasingly rely on them…[70] to maximize their time and increase productivity. Paralegals play a major role in the legal profession, particularly in the delivery of legal services. This they do by taking off the legal practitioner some task or activity, which has allowed them focus on developing business, knowing their skills and mastering higher-level work. This further enhances the speed and quality of service they deliver.

---

[69] Campbell, D.J. The American Bar Association Standing Committee on Paralegas. The Economic Benefits of Paralegal Utilization retrieved on the 13th September.2012 from http://www.paralegals.org/associations/2270/files/2010content/economic-benefits-of-paralegal-utilzqtion pdf (2005) p.3.

[70]Wilber, J. Managing for Superior Paralegal Profitability. Retrieved on the 15th October,2012 from http:www.altmanwel.com/dir-docs/resource/cb9d40fbla3c 3-44dd-ad84-91c124 a ti5563-document pdf (2007) p.2

In developing countries like Nigeria it is important to note that certain positive global trend must be embraced, thus the need to rethink the question whether it makes sense to recognize and utilize the concept paralegal as a distinct set of legal workers within the legal industry. The fact remains that most legal work done by lawyers often time are delegated to the administrative clerk in that office, secretaries and so on. These groups of support staff are referred to as paralegals in developed countries. They are paralegals by virtue of on the job training. Others are paralegals by educational training. This reduces the time spent by their lawyers on training them.

It is important to note that paralegals are not lawyers but work under the supervision of lawyers. Both paralegals and lawyers work in the legal industry, the difference is that a lawyer must supervise a paralegal's work, and paralegals cannot do certain things, like give legal advice and represent clients in court.[71] Another major difference is that paralegals are not trained as lawyers but go through rudimentary training that will help them perform as legal adjuncts. Paralegals are prohibited from engaging in the unauthorized practice of law, and if they do so, can be fined or even imprisoned,[72] particularly in countries where their activities are regulated. The following constitutes the unauthorized practice of law, paralegals cannot appear in court to present cases or argue motions, and they also cannot give legal advice. Edwards and Edwards[73] expresses that what constitutes legal advice is not always clear; generally, any advice about how to achieve a particular legal result or how to resolve a specific legal problem is giving legal advice.

---

[71] Discovering the Paralegal Profession Retrieved on the 15th October,2012 from media Wiley.com/product-data/excerpt/64/10471799564 pdf.
[72] Edwards L.L & Edwards J.S Op,cit p.27.
[73] Ibid.p.28.

Edwards & Edwards further highlights that paralegals can provide information of a factual nature but cannot offer information wide involving subjective judgments.[74] Paralegals involved in drafting documents must have them reviewed by a lawyer before they are sent out.

Paralegals cannot set legal fees or accept fees; they cannot give clients guidance or establish a lawyer-client relationship. Paralegals cannot work with client without disclosing their status as paralegals. Paralegals must always disclose their non-attorney status. Paralegals cannot interpret legal documents to client nor guide them in filling them. Paralegals cannot append their signatures on legal documents that a lawyer should sign. These and so many others are the "practice activity" exclusively reserved for the lawyer; paralegals are not lawyers thus the nature and extent of legal task that a legal assistance performs are left to the lawyer to decide.

With the introduction of these para-professionals, it is pertinent to note that the above principle is applicable to the Nigerian legal system. It is important to state that the reservation of core legal work to lawyers within Nigeria legal system is mandatory. Legal work of any nature is seen and deemed to have been performed by the lawyer, thus the legal practitioner remains ultimately responsible for any legal work or unauthorized practice of law carried out by his/her legal assistant. It behooves on the lawyer to ensure that the paralegals working in his firm acts and follows the tenets of the profession. The lawyer utilizing paralegal is therefore expected to clarify the role and status of the paralegal. There is a dire need to have designated legal task to be carried out by the paralegal. Ray in his work opines that regardless of the duties assigned or the level of supervision that is required, the attorney is responsible for his or her legal assistant's work product. This checks and balances reduce the

[74]Ibid, p.28.

risks to the public.[75] It is important to emphasize that this global trend of non-lawyer practice must be recognized by its concept of paralegalism, because as Ray[76] highlights "Non-lawyer practice has been studied, debated and written about *ad nauseam*, and many have concluded that implementing some form of it would be a good thing.

The paralegal profession within the Nigerian legal system is largely underdeveloped, thereby struggling to establish an identity. This underdevelopment within this clime is further heightened by the lack of awareness among major stakeholders which has led to the non-recognition of these para-professionals. It can be argued that paralegals have been in existence in Nigeria but the use of the term paralegal and the recognition it seeks now has been the missing link. They have been engaged in law firms, the judiciary, and the legal desk and in some other offices where they have been utilized as office clerks, secretaries and other administrative staff. They have had their functions and their roles strictly related to that of a paralegal. They have enhanced the efficiency of law firms, judiciary, and so on because they can perform many tasks that can be effectively delegated to non-lawyers, thereby enabling legal practitioners to focus on and address matters requiring their expertise. It can also be argued that, a significant number of clerks, secretaries and other administrative staff have subsequently studied to be legal practitioners thus cannot be called paralegals. Further, it can be argued that they work within the non-governmental organization to provide easy access to justice for indigent persons and rural dwellers.

---

[75] Ibid, p.253.

[76] Ibid, p.254.

Inspite of these arguments the place of paralegals within the Nigeria legal system cannot be underscored because of their relevance in aiding access to justice and ensuring that the common person who does not have the means to pay for legal services easily accesses justice. The issue of inadequate access to justice is brought about by geographical factors and institutional limitations, racial, class and gender biases.[77]

The difficulty clients experience in their efforts to access justice should be seen as the canary in the coalmine for the justice system as a whole, the poor are affected first because they are vulnerable but their difficulties are symptomatic of larger problems that ultimately will affect everyone.[78] It is common knowledge that there is a large number of unmet legal needs, justice by the indigent and rural dwellers. It is also common knowledge that several strategies, programmes have been developed by the government, the Nigerian Bar association, various non-governmental organizations to provide *pro-bono* legal services but these problems persist.

The *pro-bono* services provided has proved to be inadequate particularly in rural communities, thus the need to utilize this group of para-professionals to provide access to justice. Particularly in areas where lawyers are rarely found and at legal jobs that are administrative in nature. In Sackville's report it was noted that a range of work, commonly consider to be of "legal" nature is performed by paralegals and that they are employed in legal offices, community legal centers and legal and commissions.[79] Paralegals have been

[77] Cowley, J. Op. cit p.121.

[78] Ibid.

[79] Sackville R. Access to Justice an Action Plan, Access to Justice Advisory Committee, Canberra, Austria 1994

engaged by the rural populace, indigent persons to help them access justice. Golding[80] stated thus, the employment of paralegals is a way of changing resources devoted to and the means of providing, legal services.

The use of paralegals within the legal aid system to perform a wide range of tasks which previously would have been performed by lawyers and several other functions indicates the place of paralegals within the legal system. It also indicates that these para-professionals should be recognized and referred to as paralegals

The use of paralegals in firms, government parastatals, corporate organizations have proven to be of immense economic profits to the firm over a period. Campbell, D.J et al[81] opines that with proper supervision, much of the other work can be performed by qualified non-lawyers… Paralegals will never be your partner and will produce profits to the firm for their entire career. It is important to reiterate that paralegals cannot accept cases, set fees, give legal advice, plan strategy make decisions, take depositions and appear in court no matter his/her experience. The paralegal's place within a firm out weights that of an associate who often moves from one firm to another or develops their own clientele. Whilst the paralegals enhances client service by staying on in a firm and building a trust relationship between the client and the firm. It has been established in other climes that using a paralegal instead of a lawyer can save a lot of money and time for the lawyer to do other work.

This fact notwithstanding, it is important to state that paralegals are not intended to usurp the position of an associate/or young lawyers in firms. They are an integral part of the legal

[80] Golding s Office of Legal Aid & Family Services Attorney Generals Department (OCAFS) Paralegals and legal aid Discussion Paper, Canberra, 1992

[81] Campbell, J.D et al Op. cit p.3

services team. They play an integral role on the legal service team therefore should be recognized as legal adjuncts.

Paralegals should be recognized particularly by their role in providing legal aid service to the poor as paramedics provide primary health services to the poor. However, it is worthy to note that paralegals are not usurping the role of lawyers even at that level nor are they substitute for lawyers but legal adjuncts who ease the suffering of the poor who hitherto have not been able to access justice easily.

Conclusively, a legal practitioner is different from a paralegal. Paralegals within the legal profession are legal professionals at their own level, meant to assist lawyers in the performance of substantive legal task under the supervision of that attorney/ lawyer. The lawyer takes responsibility for the task carried out by the paralegal. A paralegal that does not work within the confines of delegated duties and carries out some other task will and can be charged for unauthorized practice of law.

3.3 STRUCTURE OF THE LEGAL PROFESSION IN NIGERIA

The study of the structure of the legal profession is wide and multi-faceted. Its dynamism is another factor that contributes to the structure of the legal profession. This research, therefore will only explore the structure from the perspective of the history of the legal profession and legal education, as it is obtainable in Nigeria.

3:3:1 THE HISTORY OF THE LEGAL PROFESSION IN NIGERIA

The history of the legal profession in Nigeria evolves from England, this is because of colonization, and as such the regulation governing admission to practice law in Nigeria dates

back to 1876[82]. There was no formal training of lawyers in Nigeria then. The Chief Justice was empowered to admit and enroll to practice as Barristers and Solicitors of the Supreme Court of Nigeria persons already called to the English or Scottish or Irish Bar.[83] Prior to independence, we had a legal infrastructure crafted to provide appropriate legal framework for the needs of colonial administration, local administration. [84] This was the structure inherited from England and highly conservative and alien to the Nigerian system. English law had tremendous influence on the Nigerian legal system;[85] it therefore meant that we had to develop our own legal system and legal education. This led to the establishment of a committee by the Federal Government of Nigeria, which had the mandate to consider and make recommendation for the future of legal admission before the court and the making of reciprocal arrangement in this connection with other countries. [86]

The following recommendations were made which were accepted and implemented by the Federal Government vide the Legal Education Act 1962, now replaced and consolidated in the Legal Education Consolidation Act (Cap 206) Laws of the Federation of Nigeria, 1990

---

[82] Dankofa, Y. Towards a Standard Legal Education in Nigeria in A Journal of the Law Students Society, A.B.U, Zaria, Tamaza Publishers, Vol. 2. 1993.p.86

[83]Ibid, p.87.

[84] Mamman,T. A Review of Framework of Legal Education in Nigerian Universities. A paper delivered at the University of Ilorin, 2010.p.1.

[85] Ibid, p.1

[86] Ibid, p.2.

and the Legal Practitioners Act, 1962 now Legal Practitioners Act, 2004. The former regulates legal education; the latter regulates the practice of law in Nigeria[87]

1. Nigerian should establish its own system of legal education.

2. A faculty of law should be established first at the University College, Ibadan and subsequently at any other university to be established in future.

3. A law school to be known as the Nigerian Law School to be established in Lagos to provide vocational course/practical training of law in Nigeria.

4. The qualification for admission to legal practice in Nigeria should be a degree in law of any university whose course for the degree is organized by the council of legal education, and the vocational course prescribed by the council (at the school established by it).

5. Any person graduating in law from a university, which has not accepted the syllabus recommended by the council of legal education, should be required to take such further examination as the council may prescribe.

6. A council of legal education should be established. Legal Practitioners Act, 1962 further defines a legal practitioner in sections 24 as "a person entitled in accordance with the legal practitioners Act to practice as a Barrister and Solicitor either generally or for the purpose of any particular office or proceeding".

3.3.2 LEGAL EDUCATION IN NIGERIA

Legal education in Nigeria started with the federal government accepting the committee's recommendation that universities should be established to train lawyers. This the federal

[87]Jegede, J.K et al, Council of Legal Education in the Nigerian Law School Handbook on Professional Ethics and Allied Matters, Bar Part 11 Course 1999/2000 Session, Bwari, Abuja, 2000, p.5.

government did by providing for the Legal Education Act, 1962 that evolved into the Legal Education (consolidation, etc) Act (cap 206) Laws of Federation of Nigeria 1990.

The recommendations and follow up legislation put in place a modified two-tier system of legal education and training which like in the United Kingdom separated the academic from the vocational stages. [88]

The implemented recommendations brought about a radical departure from the colonial master's legal education. This departure was necessary and succinctly captured in the words of Dankofa .Y [89] that the committee was set up because Nigerian lawyers were product of foreign education and as such, they could not fully appreciate the indigenous aspect of Nigerian law and their attitude to issues of contemporary law was conservative and docile. It also fostered the adaptation of legal education to our unique customary and domestic laws.

The structure of the legal education is such that a university degree in law became the single point of entry to the profession, the basis for qualification into the Nigerian law school. Mamman T.[90] analyses it explicitly by stating that it provided for a single point of entry to the profession as against the United Kingdom, which has multiple points of entry and exist for the legal profession. More significantly, the framework provided for the possibility of a thorough and in-depth study of law in the university through a law degree. [91]

The law student is expected to go through five-year training at the university studying Nigerian law courses. Upon graduation from the university, they are expected to proceed to

---

[88] Mamman. T, Op.cit p.2.

[89]Dankofa. Y, Op.cit p.86.

[90] Mamman. T, Op.cit p.2.

[91]Ibid.

the Nigerian law school for practical training for a period of one year and once the student completes' his/her course successfully he/she is enrolled at the Supreme Court of Nigeria as a Barrister and Solicitor qualified to practice law.

Scholars, over the years have criticized this process/standard, as been inadequate considering the type of challenging responsibility embedded in the profession.

Scholars like Dankofa. Y,[92] states that the present situation where secondary school leavers come directly to read law is not encouraging because their intellectual horizon is still narrow. He states that at best A levels or Diploma certificate in law would be a better qualification. This process is completely different from the United Kingdom, where you are admitted to study law as a second degree not as a first degree.

Another aspect criticized is the course content, which at inception was just a change in the terminology but content and principles largely still remained that of England. Mamman T aptly puts this[93] when he states that while names and content of the courses were localized such as Nigerian Constitutional law, Nigerian Criminal law and other enactment of local legislations, their philosophical undertones and case law were heavily English common law, and there was prescription to apply certain statues of general application and principles of equity. This was reinforced by the rules, which prescribed a requirement of proof and compatibility as precondition for the enforcement of customary and domestic laws.

[92]Dankofa. Y, Op.cit p.86.

[93] Mamman. T, Op.cit p.2.

It is important to note that there is established a Council of Legal education that is in charge of the Nigerian law school and is the body responsible for the supervision, accreditation, control and management of legal education in Nigeria.[94]

In conclusion, it is important to reiterate that once a person graduates from the Nigerian law school and is enrolled at the Supreme Court, such an individual can practice the profession.

3.4 THE ROLE OF THE BENCH IN THE EVOLUTION OF PARALEGALS.

The courts have been involved in the evolution of paralegals over the years. The role of the bench in the evolution of paralegals has increased its importance in all spheres of the administration of justice. Their role in adjudicating issues that bother's on these sets of paraprofessional has reported reforms in many countries legal system. It has identified the utilization of paralegal as crucial for the quality, efficiency and speedy dispensation of justice. Involvement of the bench in the evolution is brought to fore more in the decisions of court over the years. The case presided upon by the learned justice of the Supreme Court of the State of Kansas, Abbott, J[95] in the case of Doris Zimmerman (as Guardian and Next friend of) Lole D. Zimmerman (a minor) v Mahaska Bottling Company, Pepsi cold bottling of Salina and Vendo company.

Where the court in reaching its decision stated in the fourth paragraph as follows:

Non-lawyer personnel are widely used by lawyers to assist in rendering legal services. Paralegals, investigators, and secretaries must have ready access to client confidences in order to assist their attorney employers. If information provided by a client in confidence to

---

[94] Dina.Y, et al, Guide to Nigerian Legal Information Retrieved on 12 March 2013, http://www.nyulawglobal.org/…/Nigeria.htm.

[95]No. 83 5554 http://www.kscourts.org/kcases/supct/2001/20010309.htm.

an attorney for the purpose of obtaining legal advice could be used against the client because a member of the attorney's non lawyer support staff left the attorney's employment, it would have a devastating effect both on the free flow of information between client and attorney on the cost and quality of the legal services rendered by an attorney. Every departing secretary, investigator or paralegal would be free to impart confidential information to the opposition without effective restraint. The only practical way to assure that this will not happen and to preserve policy trust in the scrupulous administration of justice is to subject these "agents" of lawyers to the same disability lawyers have when they leave legal employment with confidential information.

In some states in the United States such as the New Jersey, the Supreme Court of New Jersey issued a decision that effectively quashed what had been widely proclaimed as the most sweeping initiative in the United States towards regulation of the paralegal profession[96]. The court's ruling encouraged, however, a credentialing system as a means of recognizing qualified paralegals and explored all aspects of paralegals performance, including education[97]. The court identified several options and encouraged the paralegal profession and its constituents to do the following:

1. Work together to identify and promote educational programs that will enhance the performance of current and future paralegals.

2. Establish a code of professional conduct.

---

[96] Ritter. N, New Jersey Licensure Effort Killed Legal Assistant Today, Retrieved from http://scholar.lib.vt.edu/theses/available....., 1999, p.11.

[97] Ibid, p.16.

3. Consider developing an appropriate credentialing system to recognize qualified paralegals.[98]

Another important segment to their role in the evolution of paralegals is that traditionally the role of courts in resolving disputes amongst citizenry and between citizens and the state and any of its organs is certainly cumulative effort of other court personnel. These supports staff carries out essentially administrative task that forms the basis of the courts job. If this segment is not properly handled that is the administration of justice it will lead to injustice and an unstable justice system. As such, this judicial support staffs are crucial to the performance of the bench. Thus should be fully trained as paralegals to carry out their job appropriately. They are responsible for administrative and technical tasks that contribute to the outcome of cases and the efficiency of the judiciary.[99] This role places court employees in an ideal position to promote innovation and help improve services to the public, thereby raising the stature of the court in the public eye.[100] The innovation needed therefore is to have the court employees trained as paralegals, which will determine the effectiveness, and efficiency with which they carry out their work. The National Federation of Paralegal Associations on Paralegal Responsibilities[101] states the followings as some of the roles of paralegals in administration of justice.

---

[98] Ibid, p.24.

[99] United Nations Office on Drugs and Crime Report: Resource Guide on Strengthening Judicial Integrity and Capacity Retrieved from www.unodc.org/documents/treaties/UN_CAC/.../11-85709-ebook.pdf p.21.

[100] Ibid.

[101] http:www//.info NFPA.paralegals.org, 2006, p.5.

1.Use online computer based information system for legal research to gather and analyze data.

2.Conduct extensive legal research to analyze and verify accuracy of citations and correct erroneous or incomplete citations using federal and state reporter systems, computer research microfilm.

3.Perform legal research by examining all references in briefs and memoranda.

4.Analyze and identify legal issues in all cases.

5.Evaluate and interpret various records and other factual documents to ascertain accuracy of cited references to support the statements made in brief.

6.Perform legal research of relevant statutes and precedents related to pending litigation.

7.Research precedent and related cases in the files to obtain relevant information and summarize previous dispositions and settlements.

8.Research methods of acquiring further evidence including affidavit or interrogatories, further hearings, or various other means of communication with sources of record and exercise judgment and knowledge of laws of states and tribes to determine if information obtained is relevant for documentary evidence

Among other functions, court personnel manage court facilities, assist with case management , protect evidence, facilitate the appearance of prisoners and witness, perform a variety of other functions that help avoid postponements and ensure a professional and timely adjudication process and maintain case files to preserve the record for appeal; and promote judicial independence through competent budget and finance controls, and by fostering strong

public relations and transparency in court proceedings[102]. Based on the above functions and so many others, the task of the bench in matters of administration has been greatly reduced, as such it has given the bench more time to focus on their core task thereby resulting in the improved overall efficiency of the judiciary.

The importance of paralegals in the judiciary is laid bare in this paragraph where it states that another reform mechanism and a growing trend underscored in part by the increasing professional status and level of responsibility of court support staff is the development of codes of conduct that set forth specific ethical standards for court personnel.[103] This professionalization, in turn, stems from the introduction in a number of developing court systems of professional managers, court administrators, or chief executives who are taking over responsibility for many administrative functions previously assigned to court presidents and their deputies.[104]

3.5 FUNCTIONS OF THE PARALEGAL IN THE ADMINISTRATION OF JUSTICE

Duhaimes[105] legal dictionary defines administration of justice as the personnel, activity and structure of the justice systems- courts and police in the detection investigation, apprehension, interviewing and trial of persons suspected of crime. Administration of justice has been fundamental to the achievement of speedy delivery of justice, access to justice and fundamental to every democratic society. It is one of the pillars in a democratic society. An

[102] UNODC Op.cit, p.21.

[103] Ibid, p.22.

[104] Ibid.

[105] Ibid, p.37.

efficient and effective justice system is dependent on the administration of justice. In addition, a functional administration of justice system is dependent on the court personnel/stakeholders in this setting. The stakeholders in the administration of justice are the court administrators in ministry of justice, police and prison. They are under an obligation to ensure that the judicial system operates effectively. These personnel's must be highly functional, thus the need to have them trained as professionals on this field. This reiterates the importance of training paralegals as paraprofessionals on this field. They are skilled personnel that can ensure effective administration of justice. A report by United Nations Office on Drugs and Crime on judicial integrity and capacity[106] states that court personnel represent the glue that holds the justice system together and are critical in their interactions between the justice system, including attorneys, witnesses and perhaps most importantly the general public. The function of the paralegal in the administration of justice will therefore be as follows:

a. In the judiciary, this is a fundamental institution and core in the administration of justice. The judiciary is entrusted with the obligation to administer justice. Court personnel such as judges, paralegals and so on are all responsible for the administration of justice. The paralegal therefore is to ensure proper case management, remove or help reduce to the barest minimum the backlog of cases pending before our courts, ensure proper court records. They also function particularly at the grassroots by raising awareness of the courts, in that locality the functions and powers of the courts.

[106] Ibid, p.43.

b. It is important to reiterate that case management is fundamental to effective administration of justice. Steelman has defined case management in this report as the entire set of actions that a court takes to monitor and control the progress of cases from initiation through trial or other initial disposition to the completion of all post disposition court work to make sure that justice is done promptly.[107] Justice done promptly is the core of administration of justice and it has been observed that because of their training paralegals/court personnel play active role in ensuring that justice is done promptly. This they do by managing the judicial process to achieving efficient case management. The paralegal is to ensure that proper data's are taken; and are properly recorded, completed and collected. Effective monitoring, case information, and the management systems are the function of the paralegals to the court. Having qualified staff such as paralegals trained for such to assist the judge in the case administration and monitoring process, relieves judges of those administrative responsibilities and enables them to focus on their judicial functions[108], the cumulative effect of the above is an effective administration of justice that leads to speedy delivery of justice. Among other functions court personnel (such as paralegals) manage court facilities, assist with case management, protect evidence, facilitate the appearance of prisoners and witnesses, and perform a variety of other functions that help avoid postponements and ensure a professional and timely adjudication process; help judges conduct thorough legal research and draft decisions and ensure that decisions are properly announced and published, thus supporting consistency in decision making; process and maintain case files to preserve the

[107] Ibid, p.43.

[108]Ibid, p.44.

record for appeal; and promote judicial independence through competent budget and finance controls, and by fostering strong public relations and transparency in court proceedings.[109]

c. Police/Prisons: Lawyers and paralegals play important roles in these institutions. The police/prisons officers are another core to the administration of justice. The role of the police in the administration of justice is to investigate cases, detection of crimes, make necessary arrest, detain and produce such in court within a minimum period and so on. Once the police are through with those pretrial processes they are expected to send the file to the directorate of public prosecutions in the ministry of justice for further action. The paralegals role comes to bare during this pre-trial period. The paralegal is to function by helping to improve pretrial justice.

d. Lawyers and paralegals have a central role to play in advising, assisting and representing individuals at pretrial stage of the criminal process. Ensuring legal assistance is available at the earliest possible time allows for the most effective use of resources as cases are dealt with at the front roll of the criminal justice system.[110] Helping to ensure that appropriate decisions regarding pretrial detention and release are made early can reduces the use of pre trial detention.[111] This will ensure effective administration of justice. This underscores the need to have in all police stations a paralegal and a lawyer supervising to

---

[109] Ibid, p.21.

[110] Open Society Foundation: Improving Pretrial Justice: The Role Of Lawyers And Paralegals. A Global Campaign for Pretrial Justice Report. Retrieved from www.opensocietyfoundations.org/…/improving pretrial-justice-20120416 pdf p.1.

[111] Ibid.

ensure that the above is functional. Their presence in the police station will help identify those unlawfully detained, facilitating their timely appearance in court and will ensure that incidences of torture and other forms of mistreatment are highly reduced.

It is evidenced from a wide range of jurisdictions that police engage in unlawful conduct from bribe taking to physical abuse and torture.[112] Torture in police custody was found to be widespread in 11 of the 15 countries visited by the UN special rapporteur on torture between 2005 and 2009.[113] It is widely agreed that early intervention by lawyers and paralegals in the criminal process is one of the best ways of deterring such conduct.[114]

The prison is a place of confinement whilst on trial or punishment following conviction. The prison is to serve as social rehabilitation and reformation centers for such persons. The paralegals function here is to ensure that the role of the prison to rehabilitate and reform is performed. They monitor the conditions under which the prisoners are kept. They are to ensure there are no violations of poor sanitation, detention of children in prisons, in remand homes, improper detention of women with their babies and so on. Paralegal sensitizes the society on the role of prisons in the society, which is an important segment of the administration of justice. The Nigerian prison has backlog of prisoners awaiting trials

---

[112] Open Society Justice Initiative, Pretrial Detention and Corruption: Unable to Pay Bribes, Millions languish in Detention (New York, Open Society Foundations, 2010) Retrieved from http://www.soros.org/initiatives/jusice/focus/criminal-justice/articles-publications/pretrial-detention-corruption-20100409.

[113] Country Visit Reports of the Special Rappoteur on Torture and other cruel inhuman or Degrading Treatment or Punishment, Retrieved from http:// www.ohchr.org/en/issues/SRTorture/pages/visits/aspx

[114] OSF, Op.cit p.45.

because they lack representation in court. The legal aid councils has attempted providing free legal aid services which has been inadequate over the years. Amnesty International[115]buttresses this by stating that in Nigeria , "legal aid lawyers simply cannot deal with the large number of suspects in the country who need assistance . Consequently, only one in seven inmates awaiting trial and one in five convicted inmates in Nigeria have legal representation. Of those awaiting trial, 25 per cent have legal representation from the Legal Aid Council and other non-governmental bodies offering *pro bono* services." Nigeria should adopt the mixed delivery systems within the criminal justice systems where paralegals are adopted to help in prison, police stations like its counterpart nations such as Kenya, South Africa, Malawi, and Uganda discussed in this study, and has reduced marginally the number of inmates awaiting trials. The need to use paralegals within the criminal justice systems is highlighted in The Lilongwe Declaration[116]

"It has all too often been observed that there are not enough lawyers in African countries to provide the legal aid services required by the hundreds of thousands of persons who are affected by criminal justice systems. It is also widely recognize that the only feasible way of delivering effective legal aid to the maximum number of persons is to rely on non- lawyers, including law students, paralegals ,and legal assistants. These paralegals and legal assistants can provide access to the justice system for persons subjected to it, assist criminal defendants, and provide knowledge and training to those affected by the systems that will enable rights to

---

[115] Amnesty International: Nigeria: Prisoners' Rights Systematically Flouted,(London)2008 Cited In Access To Legal Aid In Criminal Justice Systems In Africa ,Survey Report , United Nations Office On Drugs And Crime, United Nations ,2011,p.10.

[116] Ibid, p.26.

be effectively assessed. An effective legal aid system should employ complementary legal and law–related services by paralegals and legal assistants."

In conclusion, it is pertinent to reiterate that to have an effective and efficient administration of justice employing trained paralegals to assume this role is very important.

CHAPTER FOUR

SEMBLANCE OF PARALEGALISM IN NIGERIA

4.1 Introduction

The Paralegal Profession in Nigeria is still grappling with several issues. The main challenge is the issue of awareness, acceptance and recognition. There is a semblance of these para professionals who are not paralegals but perform functions that are regarded as that of paralegals in other climes. These groups of workers are court clerks, registrars, bailiffs, secretaries in legal firms, front desk officers, computer operators, legal desk officers in corporations and so on. It is important to reiterate that some of those functioning in above capacities are lawyers in Nigeria. The ‘traditional legal professionals’, or lawyers, are particularly wary of any such professionals emerging. Why are they wary? The sociology of the professions suggest that all professions attempt to defensively shore up the cracks as other

groups attempt to make inroads into 'their work'[117]. This attitude is applicable to the legal profession in Nigeria. However, if the word of Justice Sam Rugege[118] at a conference on Access to Justice and Legal Aid in Africa in Kigali, Kenya, 2008, is anything to go by the Legal system in Nigeria must begin to acknowledge this group. He stated thus:

> *''Without Justice people cannot be settled to go about their business and live well with their neighbors ,so we should not just leave justice to those who can afford it, we should ensure that every one –rich and poor , old and young, can get justice when they need it''*

In addition, the words of Justice Dunstan Mlambo in the same vein stated thus:

> *"For most people, their most pressing legal need is not, and is never likely to be, advocacy in the High court. Their need is for practical, reasonably affordable, advice and assistance in the conduct of their ordinary affairs. In the case of family separation, for example, equality of access to information about resulting legal obligations may be an elementary aspect of justice… "*[119].

He further reiterated that it is important to recognize both informal and formal justice institutions as comprising the justice sector. Informal justice mechanisms are often more accessible to poor and disadvantaged people and may have the potential to provide speedy, affordable and meaningful remedies[120]. In his concluding remarks, he stated that

---

117

118 www.humanrights.dk p.iv.

119 Ibid, p.v.

120 Ibid.

'The legal profession is a profession and not a business ; that its members have a duty to temper their pursuit of individual self –interest ;and that they have a collective obligation to do their best to make legal services available to the needy".[121]

On this note, the legal profession must begin to recognize the importance of including the paralegal professionals in the legal service delivery system to meet this need. It is obvious that the traditional system of meeting legal needs through the legal aid council is not adequate and further still, they are not found in the rural areas where they are needed the most.

Thus, the future and development of the paralegal profession in Nigeria is a challenge that the paralegal professionals must surmount themselves. Suffice to say that with the Federal Government's policy on technical and vocational training, which produces Innovation Diplomats', which includes the training of paralegals. A good number have been churned out in the last four or five years by some indigenous Institutions. An example is the Arewa Paralegal Studies managed by the Department of Legal Studies of Kaduna Polytechnic statics that shows that about ninety- four (94) students have been graduated over a period of five years. The National Board for Technical Education[122] stating the goal says the Paralegal Studies Programme is to produce diplomats who have the basic theoretical and practical knowledge of which will enable them assist and support law firms, the judiciary and corporate bodies in their duties. The objectives of the Paralegal Studies programme are to prepare diplomats to:

1) Carry out support services to lawyers in the running of the affairs of their chambers.

2) Facilitate the establishment of the attorney-client relationship.

---

[121] Ibid, p.vi.

[122] National Innovation Diploma in Paralegal Studies, Curriculum and Course Specification, 2007 Retrieved on the 13th March, 2012.from www.nbte.gov.ng, p.4.

3) Assist in the production of legal documents, and papers.

4) Manage cases.

5) Assist in the advocacy of human rights.

6) Effectively manage a Non –Governmental Organization.

7) Exercise paralegal function in the courts system.

8) Provide effective support to law enforcement agencies and other institutions involved in the administration of justice.

9) Keep office accounts and records

The structure of the training is such that prevents them from unauthorized practice of law because they are taught that they are not attorneys and as such do not have the necessary academic requirement nor taught the fundamentals of graduating as an attorney. It also emphasizes that they are not lawyers but legal assistant filling up the gap in legal service delivery. They would not be competing with lawyers but doing work that has not been done at all.[123] It is important to state that the curriculum for the program has met certain criteria that can enable them, function as community based paralegals, assist legal practitioners and work in the judiciary and man legal desk in corporate organizations. See attached appendix A for the outline of the courses. In spite of the above provisions, paralegals still need a great deal of help from other groups ranging from the employers of paralegals to sections of the lawyers and the judiciary who can recognize the value and importance of paralegal professionals.[124]

---

[123] Denning, R. The Paralegal, Elsevein/Nelson, New York, 1980, p.5.
[124] Regan, F. Op.cit p. 139.

The paralegal profession is evolving in Nigeria. In addition, requires immediate regulation, attention by legal scholars and major institutions involved in the legal profession. An example is the need for the Nigerian Bar Association to regulate the functions of paralegals working under their supervision as is been done by Bar Associations in other regions.

This need is evident in the fact that paralegalism though still evolving, it is getting its footing with the licensing and approval given by the Federal Government to Private Institutions to run Innovation Diploma in paralegalism. Paralegalism has proven to be a developmental agent in the society, thus a concept in pursuit of developmental legal aid[125] not only in traditional legal aid, which focuses on protecting rights of the poor through litigation. However, developmental legal aid goes beyond the provision of legal assistance in court. It further aims to change the social and legal systems that deprive the poor of their right to decide for themselves.[126] It serves them in law reform and law enforcement that will ultimately lead to development. Developmental legal aid enhances the training of leaders and some members of the community in formal legal aid system, this they mix with the informal system to achieve hybrid legal service. This will apparently help provide affordable, accessible, and effective access to justice.

4.2 The Legal Basis for their Roles

The term paralegal or legal assistant is firmly entrenched in the vocabulary of the legal profession.[127] However, these paraprofessionals have not been given statutory flavor or

---

[125] Loot ,J.A.G, Paralegal Work: A Community- Based Approach to Fisheries Law Enforcement in Negros Occidental, Philippines, Centre for Integrative and Development Studies, University of the Philippines System, Diliman, Quezon City, Philippines Retrieved from www.worldfishcentre.org on the 22nd of October,2013,p.8.

[126], Ibid, p.7.

[127] Waltson-Dunham. B, Introduction to Law for Paralegals, Albany, New York, 2002, http://www.amazon.com/gp/aw/d/0766816931, p.116.

backing. Bishop[128] in her findings states that in an attempt to define paralegals. Courts have established rules and rulings, legislatives have enacted statutory definitions, and many bar associations have set forth definitions and guidelines. Yet in some states, no effort has been made to define the term and no definitions exist. The latter is the tale of the Nigerian jurisdiction in regards to paralegals. The fact remains that the use of the concept has largely remained within the circles of nongovernmental organizations in Nigeria and Africa. This is apart from the recognition accorded it in Nigeria by a government policy setting up Vocational Enterprise Institution's and Innovation Enterprise Institution's. Bishop[129] buttressing this states that extended use of paralegal services by attorneys, accompanied by pressure from professional organizations, may have created a critical need for this profession's role and responsibilities.

The Legislatures, Legal Council,Bar and relevant bodies in Nigeria have not made efforts to see to the statutory recognition of this professionals because the concept is alien and unknown. It has been opined that a segment of the bar prefers that the paraprofessionals do not have any legal basis and as such, efforts to regulate paralegals in a more comprehensive way have been met with substantial resistance by the organized bar, which generally holds to the view that paralegal regulation is unnecessary.[130] Lawyers sometimes also express concerns that regulated paralegals would compete for work with lawyers, especially lawyers who are in solo and small practices…[131] Several arguments about the legal basis of these paraprofessionals have been canvassed and the followings are other arguments against legal basis for lawyer-supervised paralegals:

---

[128] Bishop, Op.cit, p.73.
[129] Bishop ,Op.cit, p.74
[130] Cannon, T.A. Op.cit p.19.
[131] Ibid.

Is unnecessary because attorney employers are already fully accountable to clients;

Would increase the cost of legal services as the cost of employing paralegals would rise;

Would stifle the development of the profession by limiting the functions that paralegals can perform;

Would in appropriately limit entry into the profession;

Would unnecessarily standardize paralegal education; and

Would limit paralegals from moving into new areas of practice or duties.[132]

In Nigeria, it can be submitted that giving the paralegal professionals a legal status could mean promoting competition for the few legal jobs that are available, particularly; the new wigs that see these legal tasks performed by paralegals solely their own jobs. Another sentiments could be why give them a legal status, whilst there are other workers within the legal environment who perform similar task.

Arguments in favour of legal basis for paralegals are as follows:

The need to give these sets of paraprofessionals recognition so as to reduce incidences of unauthorized practice of law by non-lawyers.

When Lawyers employing their services establish a regulatory basis, it will aid proper supervision.

Cannon, T.A[133] opines that the use of paralegals will increase access to legal services by lawyers and non-lawyers working hand in hand as opposed to playing separate but similar roles in the delivery of legal services. They believe that it would provide appropriate public

[132] Canon, T.A. Op.cit p.23.
[133] Ibid, p.24.

recognition for paralegals as important members of the legal service delivery team, which will

Ensure high standards and quality of work by paralegals;

Expand the use of paralegals, thereby expanding access to legal services and lowering costs,

Encourage needed standardization in paralegal education.[134]

The paralegal professional in Nigeria needs to be recognized and given legal status. It has been canvassed that the Nigerian Bar Association must begin to set rules/regulation, ethics for them. This would mean regulating the paralegal profession and as such reducing the incidences of unsupervised legal services or out rightly reducing the incidences of impersonating lawyers. It will also prevent unauthorized practice of law by non-lawyers. The statutory recognition if given by relevant bodies and backed by the Nigerian Bar Association will make the Bar a professional watch dog and help retain the essence and the very core of the profession. Examples of unauthorized practice of Law issues and how the bar can proactively guide against it are as follows: An excerpt from A Basic Guide for Paralegals Ethics, Confidentiality and Privilege[135] states that paralegals duty to avoid unauthorized practice of law violations focuses on three issues (a) how paralegals "hold themselves out"; (b) prohibited activities; and (c) permitted activities.

Holding out issues:

- Because paralegals work closely with lawyers, they must be careful to avoid holding themselves out as lawyers—either intentionally or unintentionally.

---

[134] Ibid.

[135] Thomas E.S & McGuireWoods LLP,A Basic Guide for Paralegals: Ethics ,Confidentiality and Priviledge Retrieved on the 29th November,2013 from www.http/Paralegal Guide Ethics.pdf, 2006,p.4.

- A paralegal has an affirmative duty during any professional contact to clarify that the paralegal is not an attorney.
- to provide, legal services except under the direct supervision of an attorney authorized to practice law
- A paralegal may sign letters on an attorney's letterhead, provided that such signature is followed by the appropriate designation of the paralegal's professional status."
- A paralegal must disclose professional status at the beginning of any professional contact."
- "In order to prevent any misunderstanding concerning the role of the paralegal, it is imperative that clients and others outside the law firm are advised that the paralegal is not an attorney."

.

Prohibited Activities

Paralegals should not engage in:

- Providing legal advice
- "A paralegal shall not engage in the unauthorized practice of law and not encourage or contribute to any act by another that would constitute the unauthorized practice of law. A paralegal shall not provide legal advice, other than to a supervising attorney."

Paralegal may not accept the delegation by an attorney of any of the following responsibilities . . . . Rendering legal advice to a client."

Establishing a lawyer-client relationship

- "A paralegal working under the supervision of a lawyer may participate in gathering information from a client during an initial interview, providing that this process involves nothing more than the gathering of factual data and
- that the paralegal renders no legal advice to the client."
- "A paralegal shall not accept cases."
- paralegal may not accept the delegation by an attorney of any of the
- following responsibilities: (2) Establishing the fee to be charged for a legal service."
- A paralegal shall not . . . set fees."
- **Maintaining a direct client relationship**
- "A paralegal may not accept the delegation by an attorney of any of the following responsibilities . . . . Maintaining a direct relationship with the client."
- • **Appearing before a tribunal**
- "A paralegal shall not represent a client before any tribunal and shall not
- sign pleadings on behalf of another person
- "A paralegal may not represent a client before any court or administrative
- agency
- the following impermissible
- activities as follows: "[A] non-lawyer is not permitted to determine the
- validity of a claim, explain documents, fee agreements, the settlement of a

- claim, or negotiations with the adverse party or their insurer to a client.
- Each of these activities appear to directly involve the application of legal
- principles to facts, purposes or desires, and are therefore considered the
- practice of law and must be performed only by a licensed attorney."

Permitted Activities

- Defining the type of permitted activities in which paralegals may engage
- presents the same line-drawing difficulties.
- • The basic theme is the need for a paralegal to act under the direct
- supervision of a lawyer.
- As with its list and explanation of prohibited activities,
- • "A paralegal may provide services to assist a lawyer in the representation
- of a client, provided that: (1) The lawyer maintains a direct relationship
- with the client and supervises all matters; (2) The lawyer remains fully
- responsible for all work done by the paralegal on behalf of the client; and
- (3) The work product of the paralegal is considered to be part of the
- lawyer's work product." • "A paralegal working under the supervision of a lawyer may participate in
- gathering information from a client during an initial interview, providing that
- this process involves nothing more than the gathering of factual data and
- that the paralegal renders no legal advice to the client
- • "A paralegal is permitted to sign legal documents as a witness or notary
- public, or in some other non-representative capacity, and may prepare

- pleadings and other legal documents for use by a supervising lawyer."
- A non-lawyer employee may convey direct information from
- their supervising attorney to a client regarding the status of a case, or
- deliver documents with a request for some particular action."
- • "paralegal company"
- may gather necessary real estate documents, complete non-legal
- documents and arrange for the necessary signatures and relaying of
- documents required for real estate closings.
- • t paralegals employed by
- a non-profit organization may provide "services to and under the
- supervision of attorneys on behalf of the organization".
-

  Government recognition of paralegals is very fundamental to the legal basis and acceptability of these paraprofessionals in Nigeria.

It has been argued that Government recognition contributes to sustainability[136]. The following has been suggested as the pros and cons of government recognition:

Pros

Standardized training and code of conduct for paralegals, with potential for government role in paralegal training

Possible rights of paralegals to appear in specialized courts

Creation of national paralegal registry and complaint board

[136] A Handbook for the Justice and Peace Commission, Best Practices of Community Legal Advice Programs, Program Assessments and Recommendation, Walter Leitner International Human Rights Clinic ,2008,p.155

Increased ability to monitor government entities such as courts

Possible government funding of paralegal programs

Increased recognition of paralegals as providers of justice services

Cons

Possible loss of paralegal independence

Possible elimination of paralegals with low education levels that might not meet national qualification standards

Resistance from the legal community to paralegals[137]

The government of Nigeria can also go beyond Innovation diploma policy to other policies that will give the profession the legal basis it seeks. The example of other jurisdiction is worthy of emulation and mention. In Zimbabwe, Government policy appears to be moving towards acceptance of paralegals as the Labour Court allows paralegals right of appearance and the Council of Legal Education has agreed a paralegal training certificate[138].

In Malawi, the Law Commission recommended formal recognition of paralegals in a new Legal Aid Bill. The Paralegal Advisory Service Institute has memorandums of understanding with prisons, police and the Legal Aid Department[139].

In South Africa, the Government has developed a policy paper towards recognition of paralegals in providing access to justice, which supports:

A protocol for the recognition of the services of advice offices and paralegals into the integrated justice system

---

[137] Ibid

[138] Access to Legal Aid in Criminal Justice Systems in Africa ,Survey Report , United Nations Office On Drugs And Crime, United Nations ,2011,p.28.

[139] Ibid.

The participation of advice offices and paralegals in the integrated system ,in a way that allows them to retain their independence

Strengthening and developing the skills and capacity of advice offices and paralegals

Independent networks of advice offices, community –based organizations and professionals bodies working in the integrated justice sector. [140]

This builds on Legal Services Sector Charter,[141] adopted by all stakeholders in South Africa, which aims to, among other things, devise and implement measures to address the provision and availability of *pro bono* services and community –based paralegal services thus ensuring access to affordable legal services for all people in South Africa, particularly marginalized, poor and rural communities. Under the Charter, the Government undertakes to provide for the regulation of non –commercial, community –based, paralegal practitioners to provide access to primary legal services in rural, poor and marginalized communities.

In Liberia, it has gained the attention of Liberia's legal community. The Chief Justice of the Supreme Court of Liberia has created a Paralegal Committee to determine the proper role of paralegals in Liberian society and to develop a paralegal training curriculum.[142] The Liberian Bar Association has demonstrated a level of resistance to the idea of community –based paralegals.

In Mali, a national paralegal board exists to develop training programs for paralegals. The Malian government views paralegals as a useful tool for expanding access to justice,

---

[140] Ibid,p.29.

[141]Legal Services Sector Charter, Retrieved on the 29th Noember,2013 from www.Issa.org.za/Uploads /files/LSC.pdf.

[142] Leitner Clinic,Op.cit,p.155.

increasing confidence in the judiciary, and creating knowledge of the country's civil code in rural areas.[143]

4.3 Paralegals as Alternative Legal Service Providers

Monopoly of the legal profession over the years has been the obstacle to the provision of enough legal services particularly to indigent persons and rural populace. The high concentration of lawyers in urban area has also contributed to the unmet legal needs in rural areas. There is a dire need to have alternative legal service providers because of the growing need of the rural populace for it. The emphasis and cover of consumer protection should be discarded, because it only protects and promotes the monopoly of lawyers and is highly detrimental to the numbers seeking legal services.

The ultimate reason for the development of the paralegal profession is the provision of legal services to the populace at a cheaper rate and that lawyers are costly and in short supply in these areas. I t is important to state that Global Rights ;Partners for Justice[144] in a bid to provide access to justice and promote the rule of law and provide a fair level playing field for the poor and marginalized conducted a legal empowerment programme in Nigeria and Uganda to challenge the structures and practices that are barriers to human rights fulfillment. The feat to protect and promote human rights norms and increase access to justice by global rights was done through paralegal services. This legal service was provided through

[143] Ibid.

[144]Global Rights: Partners for Justice, A report on Legal Empowerment in Under –Resourced Regions, Lessons Learned from Global Rights' Community –Based Paralegal Services in Nigeria and Uganda, 2011.Retrieved from www.globalrights.org, 1st November,2013.

Community –Based Paralegals. This method and others discussed below are the ways in which paralegals provide alternative legal services.

(a) Community Based Legal Aid Services

This is often provided by non-governmental organization. They set up a system in the community providing legal services to the community. This system often times charges little or no fees. They serve the community by giving legal advice, settling disputes, drafting documents (by agreements, will resolution and sermon). This is often performed under the regular supervision of a lawyer. It is important to state that matters that are very complex in nature are referred to lawyers to tackle.

It is important to also note that at the community level the free `legal aid provided by the government is often not available, thus the need to use paralegals to reach rural populations. Harper[145] stating that they are cost effective means of providing a variety of legal services to communities that cannot otherwise access the state system buttresses this. An example of the need met is as portrayed by the need assessed and met by paralegals in the Global Rights for Justice Programme conducted in Nigeria and are as follows:

Low level of rights awareness

Limited literacy

Lack of access to free legal information, advice, and assistance

Language issues

Common use of mediation to resolve disputes

[145]Harper, E, Customary Justice: From Program Design to Impact Evaluation, International Development Law Organization, Vaticano, Italy, 2011, p.65, Retrieved from www.idlo.int on the 20th October, 2013.

At least some women felt more comfortable with Sharia courts than national court given familiarity with common language, and ease of access through proximity, affordability, and timely decision making

Need to include men/religious leaders ,and other influential community leaders in awareness raising /sensitization activities

Women in prison/detention a particular sub- population of concern

Legal issues were; family relations with an emphasis on minor girls –specifically marriage (including forced and under age marriage, divorce, custody, inheritance, domestic violence, rape and sexual assault, including sexual abuse of minor girls; and girls right to education

Harper[146] community –based paralegals not only provide a means of accessing the formal justice system but may also enhance the quality of justice at the customary level, either directly by working in partnership with customary leaders in the resolution of disputes or indirectly by increasing competition in the provision of legal services.

Hanks [147]reiterates this position, stating that the most significant contribution towards opening up the legal process to the bulk of the communities will be made by non lawyers working outside the framework of conventional legal service as advisers, counselors, negotiators within a wide variety of community information, advice and support agencies. Another important feature here is that paralegals often adopt and modify the existing traditional justice system peculiar to that community. They attempt to modify it and use it to resolve disputes and settle issues brought to them. They use various tools acceptable to the community such as mediation and other alternative dispute resolution process by co-opting

[146] Ibid, p.64.
[147] Hanks. E, Op.cit p.64.

the community leaders into the settlement process. Often times these arrangements appeal more to the locals and it removes all the complexity attached to the formal system of justice. Most importantly, some of these issues are resolved in their language.

An important segment is also the attempt by paralegals to remove harmful traditional justice practices by gaining the trust of the leaders of such communities. Once this is done those harmful justice practices are then substituted with formal system of justice.

Case logs, tracking systems are developed to monitor matters that that have been resolved. Referrals are done where such matters are complex.

(b) Paralegals provide alternative legal services at the legal aid, centre's or commissions. They conduct research, investigate issues, draft documents, help access applications for legal assistance, and provide information to the populace on some fundamental issues and so on. Golding[148] argues that paralegals can and should provide greater access to justice by providing cheaper services, allowing for a change of resources and reallocation of funds at legal aid centres. This is particularly pertinent to legal aid services where the study of the role of paralegals within the legal aid system concluded that, paralegals currently perform a wide range of tasks, which previously have been performed by lawyers.[149] Cowley[150] states, that once a grant of aid has been made and referred to a practitioner, paralegals oversee the assignments and management of the case.

(c) They are used within the court system as court interpreters, which is very crucial to guaranteeing fair trial. It is also a fundamental human rights issue. The inability of a litigant to understand the language used in court can create significant barriers to justice. Thus, a

[148]Golding. J, Op.cit, p.10.
[149] Cowley. J, Op.cit p.124.
[150] Ibid.

number of international treaties recognize the right of individuals to be informed of charges against them in a language they understand and the right to an interpreter if they cannot understand the language used in court.[151] Trained paralegals in these communities help interpret in courts, thus ensuring fairness and ultimately justice. They conduct research for judges in other to analyze the relevant laws because conducting legal research eats up gobs of time, so judges rely on paralegals to take up this duty.

(d) Paralegals services are utilized in firms to carry out task of legal nature that lawyers would have carried out ordinarily. Rhode[152] notes in Cowley that when it comes to filling out forms, "retaining a lawyer is like hiring a surgeon to pierce an ear.[153] It is obvious that several firms in Nigeria have employed the services of non-lawyers as secretaries who type documents, fill forms and a times file some documents for them in view of the above, it is important to note that this categories of staff are paralegals (untrained) but skilled by learning on the job. Another area of services provided by paralegals to firms is that they conduct legal research, which can be time consuming, paralegals conduct this research in any area of law and the lawyer analyzes the law and apply the information researched. They are crucial in the preparation of cases for trial. They are utilized in firms as case administrators that is, carry out duties such as calendar and analyzing the billing system of a firm. They also prepare and maintain files, which require accuracy, attention to detail, excellent organizational skills and knowledge of computer databases and paper filling systems. They are also responsible for preparing legal documents and correspondences.

---

[151] Resource Guide on strengthening Judicial Integrity and Capacity. Op.cit p.65.
[152]Cowley,Op.cit, p.1.
[153] See, eg ICCPR Acts.14(3)(a)

(e) Library based paralegals; they are used to mann law libraries. They also help conduct research in these libraries. Their knowledge of the law and legal research enables them discharge their duties in the library very well. Their knowledge in library computing, referencing for law researchers and so on gives them an added advantage that an ordinary librarian lacks.

(f) They are also used to investigate issues and source information that will help inform the attorney rightly whilst working on cases. They gather evidence to enable attorneys reach just and rational decisions.

4.4 The Nature of their Services and Delivery of Justice

Cappelletti and Garth[154] in their discourse on delivery of justice, explains that access to justice must be effective and this concern with access being effective stresses that access is much more than just an abstract right to justice – one that often does not exist in practice except for the rich – but that it must be in fact effective access, affordable and available to all. The nature of the paralegals services therefore is such that they serve as alternative legal service providers to the existing traditional legal service providers (Lawyers).

They provide cheaper legal services expectedly of high standard and often time under the supervision of a lawyer. The nature of their legal services is that it requires advanced knowledge and skills. They carry out legal task that are assigned to them by lawyers and supervised by lawyers whilst working in firms. While serving at the community the nature of their services is such that they give legal advice, draft legal documents, settle disputes, set up

[154] Cappelletti. M and Garth. B, Access to Justice: The Worldwide Movement to make Rights Effective, a General Report. Access to Justice: A world Survey(vol.1,book 1)1978,http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS

quasi tribunals to do this. They also have the capacity to develop services in response to their members' needs even if they are not 'legal' in the strict sense.

It is obvious that the delivery of justice in Nigeria is actually slow and unreached by so many. Over the years, dispensing justice has been inhibited by several challenges associated with court systems, which makes the delivery of justice slow. In addition, the poor have obviously suffered the most because of their inability to access justice. Their inability to access justice is predicated on their inability to access fund to hire total services of a lawyer. The fee for a legal practitioner is beyond their reach and as such, they forego justice and suffer oppression. The services provided by the paralegal professional removes the so many obstacles against the poor, indigent and rural populace to use the metaphor – shortens the odds a little in favour of ordinary citizens.

The nature of their services and the delivery of justice can be reduced fundamentally into three elements:

(a) The provision of cheaper legal services to indigent persons and rural populace.

(b) The provision of access to justice by making it easier for them to access the courts.

(c) |The provision of legal aid services generally to the public.

Suffice to say that these elements are intertwined.

The provision of cheaper legal services to indigent persons and rural populace is very fundamental in a nation like Nigeria where a large proportion of the population falls within the lower cadre. Who are unable to take care of their basic needs and needing assistance to get through to the next day. Their inability to pay the fee of a lawyer stifles their attempt to access justice. Another segment of the population lives in rural areas and it is a notorious fact that, lawyers do not live in these areas. Most if not all lawyers live in the urban areas and as

such paralegals are trained and sent to work within these areas. This in itself provides access to justice. Another factor that is also notorious is that not many within this segment can afford the services of lawyers thus will need the services of paralegal who will not charge any substantial fee.

Access to justice is ensured by their presence in rural areas, which is a fundamental human rights principle. The United Nation (UN) Basic principles on the role of lawyers – states that governments shall ensure the provision of sufficient funding and other resources for legal services to the poor and as necessary, to other disadvantaged persons. Professional association of Lawyers shall cooperate in the organization and provision of service facilities and other resources.[155] The legal profession is responsible and must ensure that the poor and rural populace gets legal services; this responsibility can be easily discharged by training paralegals and sending them to rural are

4.5 The Impediments towards their role

Paralegals have several impediments, which despite best efforts; have had bearing on their role, recognition and acceptance in the society. Those impediments, though not exhaustive are described below:

The Nigerian legal professions' refusal /slowness to evolve and understand the present trend in the legal industry has fundamentally impeded the performance of the paralegals role in Nigeria. Their continuous insistence on ignoring modern trend and clinging to the old method

[155] Open Society Justice Initiative, the Socio Economic Impact of Pretrial Detention, New York: Open Society Foundations, 2010, p.

has impeded the recognition of paralegals in Nigeria despite the fast pace at which the world is changing and its effect on every segment of our society. The continuous changes occurring in the legal industry globally has gradually cropped into the Nigerian legal industry. The world is a small global village where trends happening in a region affects and informs another region and particularly the legal sector. The Nigerian society and the legal profession is not an exception. Therefore the perception of the public is gradually been altered as to the reserved rights of lawyers to matters of justice. It is now an entrenched phenomena that other public actors such as coalition of human rights activist ,trade unions , professional bodies and civil rights organization do meddle in matters of justice and campaigning and protecting rights of people whose rights are been deprived and the indigents.

The utilization of paralegals is an *addendum* to the process of delivering justice that appears to be unknown, unrecognized in Nigeria; this has limited the role of paralegals in the country. This delivery system of justice as practiced in other region inculcates the use of paralegals in helping to access justice and deliver justice promptly. The system recognizes paralegal as part of the justice delivery process, for example In Sierra Leone[156], the Government "recognizes that the vast majority of the population do not have access to satisfactory legal services. It recognizes the valuable role that civil society is fulfilling in this respect ,particularly through the provision of community-based paralegal services(for example ,Timap for Justice) . The Government wishes to explore the potential for scaling up the provision of such services, for example through contracting out or public-private partnerships. It is recognized that extended paralegal service provision has the potential to provide a step change in access to legal

[156] Sierra Leone , Ministry of Justice ,Justice Sector Reform Straegy and Investment Plan 2008-2010,Freetown,2007,p.52.

services in an extremely cost-effective manner" Therefore, the Nigerian legal system must inculcate the paralegals role into our legal system. Their role must be nurtured ,regulated and monitored to protect public interest and largely the interest of the legal profession. The legal profession must begin to take cognizance of the new entrants and streamline their functions to the approved and authorized functions.

The inability of the profession to effect structural change in our legal system and in the provision of legal services has largely been an impediment to the paralegals role. Unlike other professions that have set up structures to accommodate new entrants and regulate them in Nigeria. This is exemplified in the Banking industry with the introduction of Micro Finance Banks funding small medium enterprise and being regulated by the apex body, Central Bank of Nigeria, to meet the yearning of those at the lower cadre of the society. The legal profession does not have nor has it put in place the structure to accommodate these levels of professionals. The lack of systemic change in our legal system is a structural barrier that has impeded on the role, absorbance or recognition of paralegals within the legal industry.

Concerns around usurping of functions /shifting power dynamics /impersonation by non-lawyers is another major impediment to the role of paralegals. The legal profession needs to know that these professionals are only assistance and that their role is complementary to theirs. An in depth study of the paralegals role reveals that they are merely to assist Lawyers, serve in accessing justice at the rural areas, and assist lawyers' in providing legal aid to indigent persons. More importantly, they cannot function without the supervision of lawyers; it is a fundamental requirement that they can only perform their role under the supervision of lawyers. The legal profession should therefore consolidate on the benefits of using,

recognizing, regulating paralegals and reducing the incursion of fraudsters into the profession.

Lack of statutory enactments to back up the performance of their role is another impediment. The profession does not have any form of statutory enactment establishing it nor outlining its role. In other regions, what is obtainable is the establishment of rules, code of conduct, regulations, and guidelines and so on to govern the paralegals within that region, peculiar to that region.

In conclusion the impediments to the role of paralegals is such that must be quickly resolved to ensure access to justice.

CHAPTER FIVE

5.0 Summary and Conclusion

5.1 Introduction

This chapter concludes the research work by presenting summary and recommendations, including implications for future research on the emergence of paralegals under the Nigerian Legal System.

Lawyers have monopolized the legal industry over the years. They have controlled the market place or legal services[157] preventing any kind of innovation. In spite of this, the legal industry today is gradually shifting from the traditional approach of the practice of law because of the dynamism of the society has continuously affected the perception of so many professions and the legal industry is no exception. A 2013 report on the state of the legal market[158] highlights that the challenge for lawyers and firms is to understand the ways in which the legal market has shifted and to adjust their own strategies, expectations and ways of working to conform to the new market realities. It further states that the legal market today is an increasingly difficult and challenging environment, one that calls for clear thinking, strategic focus, and flexibility in addressing rapidly changing realities.

Canon T.A[159] expresses that the last thirty years have witnessed tremendous growth and change in the legal profession generally. Ironically, the legal profession exists in a global world where the predominant reality on ground is that of change and therefore cannot

---

[157] Kidder,R.L, Op.cit p.1.
[158] 2013 Report on the State of the Legal Market, Op.cit, p.3.
[159] Cannon,T.A, Op.cit, p.3

continue with its nature of conservatism. The legal practitioners in Nigeria must begin to embrace the global changes occurring in the practice of law. Therefore, lawyers in Nigeria must begin to acquaint themselves with these global trends and their effect on the practice of law. To an unfortunate extent, however, many lawyers and law firms seem stuck in old model/traditional ways of thinking about law firm economics and structure, legal work processes, talent management, and client relationships that are no longer well suited to the market environment in which they compete[160].

It is important to emphasize that the Nigerian legal system has no option than to realign with current practices and to take advantage of the current global trends/practices since no legal system can continuously exist and sustain it without the international laws and practices infiltrating and determining its relevance. Examples of the international practices are the provision of legal service by paralegals and lawyers providing legal services through a multi-disciplinary partnership. Where other professionals can become partners with lawyers[161].

In recent years, the legal profession globally has increasingly become demystified and thus diversified. Global changes have had so much impact on law practice much that no segments of the field of law have been speared. This has led to the introduction of paraprofessionals such as paralegals on the field. This process of diversification began because of the gap existing between the indigent and rural populace and there in ability to access justice, the growing and increasing knowledge awareness of the citizenry as to their rights and the need to access these rights. The growing need for legal personnel's in areas of estate management, paramilitary settings, corporate organizations, nongovernmental organization and so on.

[160] 2013 Report on the State of the Legal Market, Op.cit, p.3.

[161] Ibid.

Another major factor is that in an attempt to access these rights, they are impeded by the much cost and the complexities of the justice system.

Developments in the community is another factor responsible for the diversification on the field of law, it is important to note that this trend is not peculiar to the legal profession as earlier noted in this research.

First, the conservatism identified with the legal profession is gradually been eroded. The desire of members to prevent anyone outside the profession from coming in or practicing is highly challenged. In addition, with the advent of information technology, which has almost all information on the profession available on the internet and how to process it, leaves much to be desired or leaves nothing to protect. The challenge therefore facing the legal profession in Nigeria is how to resolve the incursion that has already started. The need to restructure the profession and manage other paraprofessionals and professionals from other fields who are struggling to share the jobs earlier perceived to be that of legal practitioners alone.

Secondly, the primary purpose of the research has been to find out who the paralegal is and the function of paralegals under the Nigerian legal system. The role they play in the delivery of legal services in Nigeria. Most importantly, whether these para-professionals have an added complementary advantage or beneficial to the legal profession in Nigeria.

Thirdly, the issue of recognition and acceptance plagues these paraprofessionals. Some organization particularly civil societies and Governments utilizing their services have advocated series of policy framework in some African countries. In Nigeria, we have few Civil Society Organizations who have developed training manuals, trained paralegals and utilized them in very few communities in Nigeria. This has met largely the need to access justice and education on the laws of their country of the people in such communities.

Fourthly, the paralegal profession has so many impediments that might stifle it and prevent it from coming into fruition, it is important to state that it is only a matter of time. The profession having received little attention by way of introduction from the Federal government through educational policy reform has found in road into the legal profession already. The ability of the paraprofessional to provide basic legal aid services to the marginalized is already a measure of recognition and acceptance. This is further heightened by the absence or a total drought of lawyers in rural areas.

The theory behind this concept is laudable, but the professional that is the legal practitioner must begin to find means of regulating them to curb every excess and thus prevent them from unauthorized practice, that is areas exclusively reserved for lawyers only.

5.2 Summary

The topic of the research namely, "examination and functions of paralegals as an emerging trend under the Nigerian legal system" was necessitated by the global diversification of the legal profession, which is gradually finding in road into the Nigeria's legal profession.

The first chapter contains the general introduction and background of the study. The statement of problems, aims and objectives of the research, the scope and limitation of study. It also contains research methodology, a literature review and a structural layout of the thesis.

In the second chapter, the evolution of paralegals from the historical and contemporary perspectives was discussed. The concept of paralegalism was defined from the perspective of

different authors, legal dictionaries, civil society organizations utilizing them at the community level and definitions from various Bar Associations.

The history of paralegals in Nigeria was traced and discussed. The second segment then introduced us to the paralegal career field, the fact that it varies by country, nature of paralegalism and the functions of paralegals. The functions of paralegals differ from one region to another but it is certain that their main purpose is to ensure access to justice and serve as legal aid providers in every country where they practice.

In chapter three, the first segment dwelt on the placement of paralegals within the legal profession, stating emphatically that they are meant to perform rudimentary task that are largely administrative and repetitive in nature. Analyzed that this work must be done under the supervision of lawyers that are responsible for the work. Highlights the differences between the legal practitioner and the paralegal. The structure of the legal profession and legal education was discussed. The bench's role in the evolution of paralegals and in the administration of justice was discussed.

The first part of the fourth chapter discusses the challenges of the paralegal profession in Nigeria. It highlights the main challenge as the issue of acceptance and recognition. It further discusses the legal basis for the role of paralegals in Nigeria, the nature of their services and delivery of justice and finally the impediments towards their role.

5.3 Findings

It is evident that from the examination of paralegals as an emerging trend under the Nigerian legal system that the following exist:

1. That the paralegal profession came into existence about 40 years ago with the sole purpose of providing alternative legal aid service to the poor, rural populace and those marginalized and are unable to access legal services. They have emerged because of the shortcoming of the traditional legal aid service not as a substitute but as a complement.
2. That the legal profession is no longer as conservative as it used to be because of the diversification process going on globally as a result of the change in the perception of the public as to the reserved rights of lawyers to matters of justice. New entrants have since found in-road into the profession. In some regions, it has gone beyond the paralegals but other professionals such as accountants, estate managers and so on been part of legal service providers. Lawyers in British Columbia are not, however, limited to providing legal services either by themselves or through the partnership model with other lawyers. Offering legal services through a "law-corporation" has been available since the late 1980s and recently lawyers have been able to provide legal services through a "multi-disciplinary partnership" where other professionals can become partners with lawyers.[162]
3. That the world is a global village and the Nigerian legal profession cannot afford to remain aloof and watch this trend develop without its inputs. The legal profession must assume the role of leadership and regulatory body for this emerging paraprofession. They must determine the level of their involvement in the provision of legal services in Nigeria. In other regions or countries like Kenya, South Africa,

[162] Alternative Business Structure in the Legal Profession Preliminary Discussion and Recommendations , The Law Society of British Columbia, Retrieved from http://www.lawsociety.bc.ca/doc/publications/reports…2011/p.3.

Zambia, and Malawi they have gone further to establish policy framework for the utilization of paralegals.

4. That these paraprofessionals have not gained acceptance in Nigeria. However, that the government through the introduction of innovation and vocational entrepreneur in the educational sector has introduced National Innovation Diploma in Paralegal Studies through the National Board for Technical Education. That there are several private institutions already running this programme in the last five years. That this programme follows the normal accreditation process required and must fulfill the standard subject requirement at the WAEC or NECO level and admission through JAMB examination.
5. That the services of the paralegal profession are an essential need in rural areas in Nigeria. That many communities need the services of paralegals because of the so many issues of justice unmet in these areas. This is because the traditional legal aid service providers cannot cope with the challenge of unaccessed justice. This is because those at the grass root are still unable to access justice.
6. That paralegals function only under the supervision of lawyers, not independently since the training they get only equips them to serve as legal aid workers not as lawyers. As such, they function as administrative head in law firms, administrative head in corporate organizations, function in the legal department, as legal aid workers in communities, they function as prosecutors and legal aid workers in police station, in the prison and also as clerks, administrative staff, court registrars in the judiciary and so on.

7. That accessibility, affordability and proximity are the three main advantages of the paralegal's legal aid services at the community level.
8. That there is an inevitable comparison of paralegals with lawyers, and that it is a great challenge because the legal profession will not accept any form of professional mix up. Thus, the challenge is in determining how involved paralegals will be in function, practice, and in theory.

5.4 Recommendations

In the light of the issues raised and discussed in the course of the research the following recommendations are therefore made:

5.4.1 Nigerian legal profession must be abreast with global practices since it cannot function in isolation and as such should accept and recognize the concept paralegalism within the legal profession.

5.4.2 Members of the legal profession particularly the Nigerian Bar Association must ensure they give the paralegal profession the legal backing it needs and sensitize the public about them.

5.4.3 The Nigerian Bar Association should take up the challenge of regulating these paraprofessionals who are legal service providers, setting code of conduct and adopting regulations that will protect the public and prevent unauthorized practice of law by non-lawyers within the legal industry. This will ensure proper regulation and control of the members of the paralegal profession.

They are therefore urged to recognize this professional. Paralegals, historically have found legal basis for their roles indirectly via the legal practitioners utilizing their services.

Johnstone and Wellingsky[163] whilst confirming this assertion states that paraprofessionals, by definition, are individual who perform the same tasks as do professionals but who also perform task too rudimentary to be efficiently performed by professionals. Paralegals are employed by professionals to carry out rudimentary legal activities; this is to allow them concentrate on more responsibilities that are indispensable. The utilization of their services by the members of the bar actually shows a level of acceptance, therefore the bar should seek to give it the legal basis it requires.

5.4.4 The Nigerian Police Force and other law enforcement agencies and para military forces should adopt paralegals as police prosecutors, legal service desk officers, human rights desk officers and so on, that will reduce incidences of human rights abuses. If paralegals are adopted as legal desk officers, this will enhance the protection of human rights.

5.4.5 The Judiciary should use paralegals as administrative staff; this will ensure speedy dispensation of justice.

5.4.6 Government should liaise with all those involved in the criminal justice system and also provide paralegals at all stages of the criminal justice system process which will help provide a range of basic services and curb issues of human rights violations. It will further reduce pressure on the system, free uptime, space and funds for the police, courts, lawyers and prisons.

5.4.7 The Federal Government must take up the challenge of ensuring the recognition of the profession by enacting for it an enabling law. This will promote the paraprofessional.

---

[163] Johnstone & Wellingsky Op.cit p.145.

5.4.8 The establishment of community-based paralegal post in all local government to aid the accessibility of legal services needed in those areas. Nigerian Bar Associations, Human Rights Commission and Civil society organizations should liaise together to ensure that this community-based legal post are established.

5.5 Implications for Future research

It is important to state that there is a scarcity of research materials in Nigeria as regards the concept paralegalism. This research has amassed information on this concept, but there remains a sizeable gap in what has been done and what needs to be done.

It is quite obvious that topics for future study are so many but a few will be mentioned:

1. An Examination of the Role of Paralegals in Criminal Justice System in Nigeria.
2. An Examination of Unauthorized Practice of Law of Non-Lawyers and the Concept Paralegalism.
3. An Examination of Alternative Legal Service Providers in Nigeria.
4. A Comparative Analysis of Paralegals in Nigeria, South Africa and In the United Kingdom.

Conclusion

In conclusion, this research has established that the paralegals are an important segment in the delivery of legal services in developing nations like Nigeria; therefore, these developing nations in Africa must seek to recognize these paraprofessionals.

5.5 REFERENCES

Books:

Kidder, R.L. (1998): An Introduction to Research and Theory, Engle-wood press, New Jersey, Premcertam.

Cannon, T.A. (2011): Ethics and Professional Responsibility for Paralegals, Aspen College Sense, Wolters Kluner Law Business, New York

Larbalestrier, D.E. (1994): Paralegal Practice and Procedure: Practical Guide for the Legal Assistant, Prentice Hall, New York.

Jordan, P.D. (2000): Study Guide to Accompany Paralegal Studies: An Introduction, West Thomson Learning, Arbany, New York.

Edwards L.L. et al (2002): Introduction to Paralegal Studies and the Law, A Practical Approach, West Thomson Learning Arbany, New York.

Statsky N et al (2010): The Florida Paralegal Essential Rules, Documents and Resources, Delmar Cengage Learning, Clifton, New York.

Nygh, P.D. et al (1998): Legal terms, Butter Worths Guides, Butter Worths, Sydney.

Schaeeman, A (1995): An Introduction to Paralegalism, Delmar Publisher Inc, New York.

Eirmermann, T (1992): Fundamentals in Paralegalism(3rd ed) Little Brown & Co, Boston.

Denning, R (1980): The Paralegal, Elsevier Nelson, New York.

Journals, Articles and Papers:

Sackville R. (1994): Access to Justice an Action Plan, Access to Justice Advisory Committee, Canberra, Austria.

Golding, S. (1992): Office of Legal Aid and Family Services Attorney Generals Department (OCAFS) Paralegals and Legal Aid Discussion Paper, Canberra, Austria.

Dankofa, Y (1993): Towards Standard Legal Education in Nigeria in A Journal of the Law Students Society, A.B.U, Zaria, Tamaza Publishers Vol. 2.

Mamman T. (2010): A Review of Framework of Legal Education in Nigeria Universities, A paper delivered at the University of Ilorin.

Jegede, J.K. et al (2000): Council of Legal Education: In Nigerian Law School

Handbook on Professional Ethics and Allied Matters, Barr part 11 Course 1999/2000 Session, Bwari, Abuja.

Walter, L (2008): A Handbook for the Justice and Peace Commission, Best Practices of Community, Legal Advice programs, Program Assessments and Recommendation, International Human Rights Clinic.

McCabe,S.M (2007): A Brief History of the Paralegal Profession, Michigan Bar Journal.

Azinge, E. (2002): Information Technology and Legal Practice in the Nigerian Bar Journal, Vol. 1 No. 2.

Iwilade A. (2010): Nigeria in Need of more Public Interest Lawyers, The punch.

Internet Materials:

Cowley, J.I. A Comparative Study of Paralegalism in Australia, The U.S.A. and England and Wales (Master Thesis), Southern Cross University, Lismore NSW http://www.equips. sco. edu.gu/cgu/view content 1055.

Paralegal Training Manual for Nigeria http://site resources. world bank.org/injus for poor/resource A2Y website Download pdf.

Brown, L. (ed) The New Shorter Oxford English Dictionary, Liarendon Press, Oxford. http://www. amazon.com/shorter…/10598604572.

Paralegal Training Manual for Nigeria http://www.ng.boell.org/downloads/paralegal-training-in-nigeira. A Harmonization of manuals-pdf.

Mccabe S.M. A brief history of the paralegal profession. 2007.

Murray J. "A short History of the Solicitors" Managing Clerks Association in the Solicitors Managing Clerks Gazzette 112, 1950.

N.B.T.E. www.nbte.gov.ng

Campbell, D.J, The American Bar Association Standing Committee on Paralegals. The Economic Benefits of Paralegal Utilization 2005 http://www.paralegals .org/ associations/2270/files/2010 content/economic-benefits-of-paralegal-utilization pdf.Wllber. J. Managing for Superior Paralegal Profitability 2007, http:www/altmanwel. com/dir-docs/resource/cbsd- 40 fbla 3c 3-44 dd-ad 84-91 c124 at 5563-document pdf.

Discovering the Paralegal Profession http://www.media.wiley.com/product-data/excerpt/64/10471799564.pdf.

Dina Y. et al Guide to Nigerian Legal Information 2013. http://www.nyvlawglobal .org/…. Nigeria.htm.

Ritter, N. New Jersey Licensure Effort Killed, Legal Assistant Today 1999. http://www.scholar.lib.vt.edu/theses/available…

United Nations Office on drugs and Crime Report: Resource Guide on Strengthening Judicial Integrity and Capacity.http://www.unodc org/documents/treaties/UNCAC/…/11-85709-ebook.pdf.

National Federation of Paralegal Associations on Paralegal Responsibilities http:www//infor NFPA.paralegals.org.

Open Society Foundation: Improving Pretrial Justice: The Role of Lawyers and Paralegals. A Global Campaign for Pretrial Justice Report.www.opensociety foundations org/…/improving pretrial-justice-20120416 pdf.

Open Society Justice Initiative, Pretrial Detention and Corruption: Unable to pay Bribes, Millions languish in Detention (New York, Open Society Foundations, 2010) http://www.soros.org.initiatives/justice/focus/criminal-justice/articles-publicsations/pretrial-detention-corruption 20100409.

Country Visit Reports of the Special Rappoteur on Torture and Other Cruel Inhuman or Degrading Treatment or Punishment. http://www.ohchr.org/en/issues/SR torture/pages/visits/aspx.

Reagan F, Paralegals and Making Access to Justice Effective, Flinders University, South Australia,aic. gov.au/media-library/publications/proceedings /03/ reagan. pdf.

Access to Justice and Legal Aid in Africa in Kigali, Kenya, 2008, www.humanrights.d/k.

National Innovation Diploma in Paralegal Studies, Curriculum and Course Specification, 2004, www.nbte.gov.ng

Loot, J.A.G., Paralegal Work: A Community-Based Approach to Fisheries Law Enforcement in Negros occidental, Philippines, Centre for Integrative and Development Studies, University of the Philippines System, Diliman, Quezon City, Philippines, www.worldfishcentre.org.

Waltson-Dunham, B. Introduction to Law for Paralegals, Albany, New York. 2002. http://www.amazon com/gp/law/d/0766816931.

Legal Services Sector Charter, http://www.issa .org.za/uploads/files/lsc.pdf.

Global Rights: Partners for Justice, A Report on Legal Empowerment in Under-Re Sourced Regions, Lessons Learned from Global-Rights, Community-Based Paralegal Services in Nigeria And Uganda 2011, http://www.globalrights.org.

Harper, E. Customary Justice: From Program Design to Impact Evaluation, International Development Law Organization, Vaticano, Italy, 2011. http://www.idio.int.

Cappelleti, M and Garth, B. Access to Justice: The Worldwide Movement to Make Rights Effective, A General Report Access to Justice: A Word Survey (Vol. 1 book 1) 1978 http://web.world bank.org/WEBSITE/EXTERNAL/TOPICS.

Sierra Leone, Ministry of Justice, Justice Sector Reform Strategy and Investment Plan 2008-2010, FreeTown, 2007.

The Centre For The Study of the Legal Profession at the George Town University Law Centre and Thomson Reuters Peer Monitor on 2013 Report on the State of the Legal Market. http://www.law.georgetown.edu/academics/centres-institutes/legal-profession/index.efm.