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International Lawyers as Disrupters of Corruption: Business and Human Rights in Africa's Most Populous Country—Nigeria

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INTERNATIONAL LAWYERS AS DISRUPTERS OF CORRUPTION: BUSINESS AND HUMAN RIGHTS IN AFRICA'S MOST POPULOUS COUNTRY—NIGERIA

Jayanth K. Krishnan^{1*}

ABSTRACT—Be it bribery, embezzlement, or the abuse of public trust, corruption poses a major challenge to global security and democratic governance, along with undermining the rule of law, especially within the Global South. Key to this phenomenon is understanding how lawyers are enabling but also disrupting this epidemic. Unfortunately, the literature on this subject is lacking. This study, therefore, offers a nuanced story of globalization and the complicated role that lawyers play in corruption, by relying on the case study of Nigeria—a crucial Global South market that has the largest population on the African continent. While Nigeria has been able to remain a democracy since 1999 (albeit fragilely), private sector and government officials, including the current Nigerian president, concede that corruption is the country's biggest problem. At the same time, as this study demonstrates, in Nigeria today there is a small but growing group of globally experienced lawyers who are aggressively resisting the entrenched corruption that besieges this environment. By virtue of the opportunities provided by globalization, this cohort is not bound to the parochial interests that have long harmed Nigeria. Yet, these lawyers also work within a larger profession that is conservative, complicated, and at times itself corrupt. Thus, to what extent do these factors affect the ability of these globally focused lawyers to enact change? The answer to this question is critical because it helps to unlock an enduring puzzle as to which agents are best situated to lead a country out of its mired, corrupt history and onto the global stage as a respected power. For other nations, particularly in the Global South, that are also seeking to strengthen their rule of law regimes, the lessons from this

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study will be instructive in determining whether lawyers who value—and are part of—global networks are capable of curbing corruption within their own domestic contexts.

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INTRODUCTION

A major challenge confronting global security and democratic governance involves the manner in which corruption is undermining the rule of law. Be it bribery, embezzlement, or the general abuse of power for personal benefit, corruption upsets the stability of societies and contributes to division and inequality, particularly in the Global South, or what has been called the developing or “third world.” Indeed, where the rule of law in a society has been damaged by corruption, there are profound effects: fewer human rights protections, inadequate social welfare services, and a decline of public trust in government institutions.

A key component in understanding how corruption affects the rule of law is the examination of the behavior of lawyers. As actors sworn to uphold and advance the law, lawyers are expected to carry out justice and promote fairness and equity.² At the same time, their privileged positions expose them to the core enticements that fuel corruption. Studying the intersection of

² See AUSTIN SARAT AND STUART SCHEINGOLD, *CAUSE LAWYERS AND SOCIAL MOVEMENTS* (2006) [hereinafter SCHEINGOLD AND SARAT 2006]. See generally SARAT TERENCE C. HALLIDAY AND LUCIEN KARPIK, *LAWYERS AND THE RISE OF WESTERN POLITICAL LIBERALISM: EUROPE AND NORTH AMERICA FROM THE EIGHTEENTH TO TWENTIETH CENTURIES* (1998); STUART SCHEINGOLD AND AUSTIN SARAT, *SOMETHING TO BELIEVE IN: POLITICS, PROFESSIONALISM, AND CAUSE LAWYERING* (2004) [hereinafter SCHEINGOLD AND SARAT 2004].

corruption, the rule of law, and the workings of lawyers is extremely timely. Numerous countries in the Global South are becoming epicenters for foreign investment. Thus, having a local set of internationally attuned lawyers in these countries' vibrant "global cities,"³ as Saskia Sassen describes them, to meet the opportunities (and challenges) that such foreign investors offer has become increasingly important. However, the corrosive, enduring presence of corruption in much of the Global South is diluting excitement and giving pause to many who were once great enthusiasts.⁴ Therefore, empirically examining the legal profession at this moment is crucial for determining how the rule of law can be promoted and then sustained within this complicated region.

Unfortunately, conventional discourse ignores the nuances of what lawyers do and how they operate. Too often, lawyers are depicted as little more than "hired guns" who intentionally confuse, obfuscate, and prevaricate—eroding the rule of law and furthering corruption.⁵ Influential scholarly literature dating back to the 1970s (and continuing to this day) has denounced lawyers for adversely affecting the enterprise that is the rule of law.⁶ Under this stereotype, lawyers hold no lofty ambitions regarding democratic preservation or the promotion of the rule of law. As evidence, critics point to examples where lawyers have political control or are political insiders, and where the result is constant infighting and endless deadlock.⁷

In reality, however, this school of thought is inadequate; it diminishes the significance of lawyers by failing to account for their notable contributions, especially within the Global South. In fact, a counter-narrative has developed to challenge conventional wisdom.⁸ But this second stream of research has often gone to the other extreme, positioning lawyers as messiah-like saviors of the rule of law and the democratic process. The misrepresentation of lawyers by both sides has led to inaccuracies being conveyed to policymakers, judges, scholars, the media, and the general public.

³ See Saskia Sassen, *The Global City: Introducing a Concept*, 11 BROWN J. WORLD AFF. 27 (2005).

⁴ See discussion *infra* Sections II and III.

⁵ For two classic studies on this point, see, e.g., Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L. J. 470 (1976); Stephen Wexler, *Practicing Law for Poor People*, 79 YALE L. J. 1049, 1054 (1970). More recently, see WALTER OLSON, *SCHOOLS FOR MISRULE: LEGAL ACADEMIA AND AN OVERLAWYERD AMERICA* (2011).

⁶ See, e.g., *supra* note 5. See also MARY ANN GLENDON, *A NATION UNDER LAWYERS* 270 (1994); JOEL HANDLER, *SOCIAL MOVEMENTS AND THE LEGAL SYSTEM: A THEORY OF LAW REFORM AND SOCIAL CHANGE* (1978); JACK KATZ, *POOR PEOPLE'S LAWYERS IN TRANSITION* (1982); GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992); SUSAN M. OLSON, *CLIENTS AND LAWYERS: SECURING THE RIGHTS OF DISABLED PERSONS* (1984).

⁷ See *supra* note 6.

⁸ See *supra* note 2. See also discussion *infra* Section I.B.

As such, this study proposes an alternative vision. By focusing on the country of Nigeria, an oil-rich Global South market that has the largest population on the African continent,⁹ this study offers a new approach to analyze the broader themes discussed thus far. To its credit, Nigeria has been able to remain a democracy since 1999—albeit fragilely. However, private sector and government officials, including the current Nigerian president (himself a former military ruler in the 1980s), concede that corruption is the country’s biggest problem, fueling massive socio-economic inequality and the well-known Boko Haram insurgency in the Northeast.¹⁰ Public opinion polls conducted by the MacArthur Foundation, Gallup, Pew Research Center, and even Nigeria’s own Federal Bureau of Statistics all concur.¹¹ Making this predicament even more seemingly intractable is that corruption in Nigeria has deep historical roots. It was pervasive during the country’s military years (1966–1979 and 1983–1999), as well as during its brief, previous eras of democracy (1960–1966 and 1979–1983).¹²

Therefore, can lawyers help stem corruption within a society that has suffered from its destructive presence? If so, which lawyers in particular? Based on extensive field research in Nigeria,¹³ this study argues that there is

⁹ *Nigeria Population*, WORLDOMETER, <https://www.worldometers.info/world-population/nigeria-population/> (last visited Mar. 3, 2020).

¹⁰ *Corruption is Nigeria’s worst problem—Buhari*, PREMIUM TIMES (Jan. 12, 2017), <https://www.premiumtimesng.com/news/top-news/220324-corruption-nigerias-worst-problem-buhari.html>.

¹¹ U.N. Office of Drugs and Crime, *Corruption in Nigeria: Bribery: Public Experience and Response* (2017). See also *Public Opinion on Corruption in Nigeria*, MACARTHUR FOUNDATION (Aug. 10, 2016), <https://www.macfound.ORG/press/publications/public-opinion-corruption-nigeria/>; Jay Loschky, *Ahead of Poll, Few Nigerians Trust in Elections*, GALLUP NEWS (Jan. 13, 2015), <https://news.gallup.com/poll/180914/ahead-poll-few-nigerians-trust-elections.aspx>; Jacob Poushter, *6 Facts about Public Opinion in Nigeria before Election Day*, PEW RESEARCH CENTER (Mar. 24, 2015), <https://www.pewresearch.org/fact-tank/2015/03/24/as-nigerians-head-to-the-polls-6-facts-about-public-opinion/>.

¹² Jayanth K. Krishnan & Kunle Ajagbe, *Legal Activism in the Face of Political Challenges: The Nigerian Case*, 42 J. LEGAL PROF. 197 (2018).

¹³ The author has spent extensive time in Nigeria dating back to 2010. In particular, during different portions of the summers of 2017 and 2018, the author conducted research in Lagos and Abuja, Nigeria under approval from Indiana University’s Institutional Review Board. Interview data with 26 different lawyers from the Nigerian Bar Association were gathered, particularly those in key leadership positions of the national association and the Section on Business Law (SBL), which will be discussed below. In addition, the author has spent time at the Nigerian Law School, the University of Lagos Law Faculty, and BAZE University (Abuja), where he met with legal scholars and adjunct professors who provided him scholarly perspectives and original documentations on how corruption has affected the rule of law in Nigeria. Also as part of his research-gathering, the author interviewed key governmental policymakers at the state and federal levels (numbering 12 in total), as well as key SANS—Senior Advocates of Nigeria—who, as described in the text below are considered the most elite level of litigators within the country (10 in total). Finally, the author was invited to present his views on the legal profession and globalization to the SBL on two separate occasions: at the annual conferences in 2017 and 2018. During each of these meetings, the author met and interviewed a combined total of 36 lawyers, mostly those who were younger

a small but growing group of globally aware lawyers within the country who see themselves as nation builders and who are aggressively resisting the entrenched corruption that besieges this environment. By virtue of the opportunities provided by globalization, this cohort is not bound to the parochial interests that have harmed Nigeria. Yet, these lawyers also work within a larger profession that is conservative and, at times, demandingly corrupt. Indeed, as will be discussed, the story of the Nigerian legal profession has long been complicated. Dating back to 1960, the year Nigeria gained its independence, lawyers aided and abetted—but also avoided, navigated, and even challenged—the practice of corruption.¹⁴

Today, the story is equally cross-cutting. Consider a day in the life of a twenty first-century Nigerian lawyer.¹⁵ In the morning, the lawyer might pay a bribe to a government official to have a client's needs met.¹⁶ That afternoon, the lawyer might search for a police officer to testify in a case *and* who is not requesting a bribe to do so.¹⁷ In the evening, the lawyer may organize a march demanding the resignation of judges who are being investigated for taking bribes to throw cases.¹⁸ Finally, late at night, the lawyer may accept a payout from a politician who is hoping for the bar's support on a controversial legislative bill being proposed.¹⁹

and comprised a growing segment of the bar that is wanting to have the Nigerian legal profession engage international lawyers on much more interactive terms, as described particularly in Section IV of this paper.

¹⁴ See Jayanth K. Krishnan, *Academic SAILERS: The Ford Foundation and the Efforts to Shape Legal Education in Africa, 1957–1977*, 52 AM. J. LEGAL HIST. 261 (2012). Note the Nigerian Bar Association, as this discussion will highlight, has a long pre-independence history. For example, the first Nigerian lawyer to be called to the English Bar was Alexander Sapara Williams in 1879. He served as the NBA Chair from 1900–1915. Krishnan & Ajagbe, *supra* note 12, at 229–230 (discussing the pre-independence role of the NBA).

¹⁵ The account is based on repeated narratives conveyed to the author during his field research in 2017 and 2018. See *supra* note 13; discussion *infra* Section IV

¹⁶ *Id.* See also, Rafiu Ajakaye, *Nigerian Court Convicts Top Lawyer in Corruption Trial*, ANADOLU AGENCY (Apr. 30, 2018), <https://www.aa.com.tr/en/africa/nigerian-court-convicts-top-lawyer-in-corruption-trial/1131924> (a recent, prominent corruption case).

¹⁷ See *supra* note 13; discussion *infra* Section IV. See also, *Nigeria: Corruption Fueling Police Abuses*, HUMAN RIGHTS WATCH (Aug. 17, 2010), <https://www.hrw.org/news/2010/08/17/nigeria-corruption-fueling-police-abuses>.

¹⁸ See *supra* note 13; discussion *infra* Section IV. See also, Oladimeji Ramon, *Trouble with Nigerian Justice System—Lawyers, Judges*, PUNCH (July 6, 2017), <https://punchng.com/trouble-with-nigerian-justice-system-lawyers-judges/>; Gbenro Adeoye, *Nigerian Bar Association Leaders Know All Corrupt Judges, Lawyers in Nigeria—Falana*, SAHARA REPORTERS (Oct. 22, 2016), <http://saharareporters.com/2016/10/22/nigerian-bar-association-leaders-know-all-corrupt-judges-lawyers-nigeria-%E2%80%93falana>; Samson Folarin, *Falana Laments Corruption in Judiciary, Seeks Reform*, PUNCH (Apr. 17, 2019), <https://punchng.com/falana-laments-corruption-in-judiciary-seeks-reform/>.

¹⁹ See discussion *infra* Section IV. See also, Rick Messick, *The Lawyers' Role in Perpetuating Corruption in Nigeria*, GLOBAL ANTI-CORRUPTION BLOG (Dec. 7, 2016),

These types of practices in Nigeria are not uncommon. Most of the approximately 100,000 lawyers in the country wear multiple hats and engage in particular courses of action depending upon the circumstances in which they find themselves.²⁰ In certain situations, where the bribe resembles what might be seen as petty “tollbooth corruption”—or the need to make an extra (albeit nominal) payment to have a minor service completed—the lawyer, in this case, is an enabler.²¹ Where lawyers are the bribe-receivers, they can be viewed as affirmative participants in the culture of corruption. However, where the lawyer’s reputation is at stake, or where there is a rule of law issue in which the lawyer passionately believes, there may be hesitation or even disruptive protest towards the corruptive practice. The main point here is that Nigerian lawyers can be, and have been, at the forefront of promoting rule of law reform, while also being impediments to it.²²

The question then becomes whether the subset of lawyers—who are locally situated but globally experienced and who publicly advocate for an end to corruption at all levels of society—are able to hold firm to their principles and make a difference. As the story below documents, this cohort tends to share the following set of characteristics that connect them to the global marketplace: (1) they have some type of foreign education or have been exposed to best practices by their global legal counterparts; (2) they practice high-end corporate law that requires them to work in multiple foreign jurisdictions; (3) they are aggressive in advocating for foreign investment in Nigeria; and (4) they see themselves as an “elite battalion” who are determined to stamp-out corruption in order to raise Nigeria’s international profile.

With their relative wealth and success, this elite cadre possesses significant social and political capital. Yet, to what extent can they actually disrupt the entrenched status quo? What strategies do they employ; what constraints do they face? How have their efforts been received? And what impact have they had on promoting a rule of law culture in Nigeria?

<https://globalanticorruptionblog.com/2016/12/07/the-lawyers-role-in-perpetuating-corruption-in-nigeria/>; Adeoye, *supra* note 18.

²⁰ The number of lawyers in Nigeria cannot be confidently ascertained. During the author’s fieldwork, he heard multiple figures being used—ranging from 60,000 to 120,000. Respected observers believe that the number is likely around 100,000, although a report from less than a decade ago notes that since 1962 not even 70,000 lawyers had been trained. See *Since 1962, Law School Has Not Trained Up to 70,000 Lawyers*, THE NIGERIAN VOICE (June 17, 2000), <https://www.thenigerianvoice.com/news/27276/since-1962-law-school-has-not-trained-up-to-70-000-lawyers.html>. Furthermore, there is a question as to how many of the 100,000 actually practice. Figures that were given by experts during the field research suggest only about 60%–70% are practitioners. See *supra* note 13; discussion *infra* Section IV.

²¹ See Irina Slinko et al., *Laws for Sale: Evidence from Russia*, 7 AM. L. & ECON. REV. 284 (2005).

²² This is the thesis of the paper, which will be explored in the sections below.

The answers to these questions are critical, because they help to unlock an enduring puzzle as to which agents are best situated to lead a country out of its mired, corrupt history and onto the global stage as a respected power. For other nations, particularly in the Global South, that are also seeking to strengthen their rule of law regimes, the lessons from this study are instructive in determining whether lawyers who value and are part of global networks are capable of curbing corruption within their own domestic contexts.

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This study will proceed in the following manner. Section I will place the story of lawyers as enablers, navigators, and disrupters within a theoretical framework that draws on three particular literatures. Namely, there will be a review of the scholarship that has been done, respectively, on corruption, “cause lawyering,” and what is known as elite theory. Section II then provides an overview of the Nigerian legal profession as it stands today. Subsequently, Section III focuses on a subset of Nigerian lawyers who embody a relatively new cohort of professionals who are actively engaging the global landscape. This segment of the bar has espoused transparency, good governance, and the rule of law as the guiding principles that are necessary to steer Nigeria away from its infamous legacy of corruption. The discussion here specifically focuses on what this elite group has done to try and change the direction of how both the legal profession and the country as a whole operate. To conclude, Section IV, provides a brief normative assessment of this development and what might be expected in the years ahead.

I. THEORETICAL FRAMING OF THE STUDY

A. *The Corruption Literature and a Cynical View of Lawyers*

A vast amount of writings have detailed how corruption at the macro, micro, and *meso* levels affects the state of a country’s well-being.²³ In terms

²³ See, e.g., Xizi Liu, *A Literature Review on the Definition of Corruption and Factors Affecting the Risk of Corruption*, 4 OPEN J. SOC. SCI. 171, 173 (2016) (noting that “[t]he meso factors that influence the risk of corruption mainly emphasize the influence of the internal system construction on corruption.”). For a well-known, detailed literature review, see Arne Disch et al., *Anti-Corruption Approaches: A Literature Review*, NORWEGIAN AGENCY FOR DEVELOPMENT, https://www.sida.se/contentassets/3f5c8afd51a6414d9f6c8f8425fb935b/anti-corruption-approaches-a-literature-review_3153.pdf (last visited Mar. 19, 2020). Of course, many major international donor agencies have made the study of (and fight against) corruption as part of their central mission. See, e.g., *Combating Corruption*, THE WORLD BANK, <http://www.worldbank.org/en/topic/governance/brief/anti->

of Nigeria itself, the country has been a focal point of scholars and other observers who study corruption. Chatham House, a policy think-tank based in London, released a report in 2017 showing how corruption contributed to Nigeria losing over a half-a-trillion dollars between 1960 and 2014.²⁴ Daniel Jordan Smith's powerful, and still highly relevant, study addresses how corruption is part-and-parcel of everyday life in Nigeria.²⁵ As Smith explains, ordinary citizens actively and passively participate in corruption; but they are painfully frustrated by it, yet are also resigned to its omnipresence.²⁶ There are then the numerous studies that Daniel Agbiboa has produced on the prevalence of corruption by state actors and their civil society counterparts. He documents the dire effect corruption is having on Nigeria's security, economy, political structure, and overall culture.²⁷ The list of works on the harmful consequences of corruption in Nigeria is extensive.²⁸

With respect to the role played by the legal profession, in particular, the theory here is straightforward. In societies like Nigeria, which lack a strong rule of law history, often it is the lawyers who have perpetuated this climate.²⁹ Lawyers are the ones with the training, technical skill-set, and legal

corruption (last visited Mar. 13, 2020); *Peeling back the many layers of corruption*, IMF ANN. REP. (2018), <https://www.imf.org/external/pubs/ft/ar/2018/eng/spotlight/reducing-corruption/> (last visited Mar. 13, 2020). Transparency International, which has as its primary objective to provide a "voice to the victims and witnesses of corruption . . . [and by] work[ing] together with governments, businesses and citizens to stop the abuse of power, bribery and secret deals." *What is Transparency International*, TRANSPARENCY INT'L, <https://www.transparency.org/about> (last visited Mar. 13, 2020).

²⁴ See Leena Koni Hoffmann & Raj Navanit Patel, *Collective Action on Corruption in Nigeria: A Social Norms Approach to Connecting Society and Institutions*, CHATHAM HOUSE REP. iv (2017), <https://www.chathamhouse.org/sites/default/files/publications/research/2017-05-17-corruption-nigeria-hoffmann-patel-final.pdf>.

²⁵ See DANIEL JORDAN SMITH, *A CULTURE OF CORRUPTION EVERYDAY DECEPTION AND POPULAR DISCONTENT IN NIGERIA* 263 (2007).

²⁶ *Id.*

²⁷ See, e.g., Daniel E. Agbiboa, *One Step Forward, Two Steps Back: The Political Culture of Corruption and Cleanups in Nigeria*, 8 CEU POL. SCI. J. 273 (2013); Daniel E. Agbiboa, *Corruption and Economic Crime in Nigeria*, 22 AFR. SEC. REV. 47 (2013); Daniel E. Agbiboa, *Serving the Few, Starving the Many: How Corruption Underdevelops Nigeria and How There Is an Alternative Perspective to Corruption Cleanups*, 58 AFR. TODAY 111 (2012); Daniel E. Agbiboa, *Between Corruption and Development: The Political Economy of State Robbery in Nigeria*, 108 J. BUS. ETHICS, 325 (2011).

²⁸ In September of 2018, Professor Matthew Stephenson of the Harvard Law School posted a detailed, 584-page bibliography on corruption and anti-corruption, with much of this literature featuring Nigeria as part of the directory. See Matthew C. Stephenson, *Bibliography on Corruption and Anticorruption* (Sept. 2018), <http://www.law.harvard.edu/faculty/mstephenson/2018PDFs/Stephenson%20Corruption%20Bibliography%20Sept%202012%202018.pdf>.

²⁹ See OKECHUKWU OKO, *PROBLEMS AND CHALLENGES FOR LAWYERS IN AFRICA: LESSONS FROM NIGERIA* 217–51 (2007) [hereinafter *Oko, PROBLEMS AND CHALLENGES*]; Okechukwu Oko, *Consolidating Democracy on a Troubled Continent: A Challenge for Lawyers in Africa*, 33 VAND. J. TRANSNAT'L L. 573 (2000) [hereinafter *Oko, Consolidating Democracy*].

knowledge to put into place regulations, statutes, and even constitutions that allow for themselves and those they represent to benefit at the expense of the rest of the public.³⁰ Lawyers are also the ones who manipulate and use their fluency in legalese to obfuscate facts and to give legitimacy to practices that pervert justice at the local, state, and national levels. In sum, according to this perspective, lawyers in Nigeria have been pivotal figures who have significantly contributed to instability and the lack of prolonged democracy in the post-colonial period.³¹

B. Relevant Cause Lawyering and Elite Theory Literatures

Whereas the above literature showcases lawyers in society working as active participants in the corruption enterprise, scholarship from two other areas takes a different approach, both of which have more normatively positive assessments. Austin Sarat and the late Stuart Scheingold were trailblazers within what has become known as the “cause lawyering” literature.³² Sarat and Scheingold rejected how the legal profession was being negatively portrayed. For them, lawyers were not homogenous; instead, they were layered, diverse actors who had varied goals, interests, and motivations. And within the bar, there was a salient group of *cause lawyers* who saw their work as an embodiment of doing something more than representing clients on discrete legal matters.³³ For these professionals, achieving financial success was an afterthought. Rather, their main ambition was to combat what they viewed as corruptive influences on their environment. To achieve this objective, they used their legal skills to promote morality, good governance, and the rule of law.³⁴

Of course, as part of their analysis, Sarat and Scheingold recognized that within the cause lawyering cohort, there was diversity of thought.³⁵ Such lawyers could advocate on behalf of conservative, moderate, or liberal causes, and part of their strategy was to meld law together with politics in

³⁰ See *supra* note 29. For another study confirming this point regarding the judiciary, see Peter Chukwuma Obutte, *Corruption, Administration of Justice and the Judiciary in Nigeria*, SSRN 1–2 (Feb. 3, 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2727319.

³¹ See Oko, PROBLEMS AND CHALLENGES, *supra* note 29; Oko, *Consolidating Democracy*, *supra* note 29; Obutte, *supra* note 30.

³² See *supra* note 2; AUSTIN SARAT & STUART SCHEINGOLD, *CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES* (1998).

³³ See *supra* note 32; see also MICHAEL W. MCCANN, *RIGHTS AT WORK: PAY EQUITY REFORM AND THE POLITICS OF LEGAL MOBILIZATION* (1994).

³⁴ See *supra* note 32. For a review of the cause-lawyering literature, see Jayanth K. Krishnan, *Lawyering for a Cause and Experiences from Abroad*, 94 CAL. L. REV. 575 (2006).

³⁵ See SCHEINGOLD AND SARAT 2004, *supra* note 2, at 2–9.

order to pursue a specific end.³⁶ Additionally, those with a cause lawyering mentality routinely encountered challenges—whether it be during law school,³⁷ within the profession itself,³⁸ within their employment settings,³⁹ or within the political arena.⁴⁰ Yet, cause lawyers were united by a higher calling: to stand up against the corrosive forces imperiling progress on important political goals that had larger macro benefits for society writ-large.⁴¹

This vision of cause lawyers being able to effectuate change traces its roots to another theoretical framework. “Elite theory” has long argued that societies have within them sets of powerful individuals who play prominent roles in determining the direction of governmental policies.⁴² While there can be competition among different elite cohorts, along with the fact that elite groups can rotate in terms of their positions of influence, the premise of this theory is that those players who exert the strongest, most effective form of force on state decision-makers will ultimately see their policy preferences put into place.⁴³ And lawyers can be one such elite bloc with this ability to impose their will.

What this study aims to show, however, is that viewing lawyers only through the elite theory lens is incomplete. Similarly, seeing them solely as

³⁶ *Id.* See also Austin Sarat & Stuart Scheingold, *Cause Lawyering and the Reproduction of Professional Authority: An Introduction*, in CAUSE LAWYERING (AUSTIN SARAT & STUART SCHEINGOLD eds., 1998).

³⁷ See SCHEINGOLD AND SARAT 2004, *supra* note 2, at 51–72.

³⁸ *Id.* at 23–51.

³⁹ *Id.* at 72–98. See also Stuart Scheingold & Anne Bloom, *Transgressive Cause Lawyering: Practice Sites and the Politicization of the Professional*, 5 INT’L LEGAL PROF. 209 (1998).

⁴⁰ See SCHEINGOLD & SARAT 2004, *supra* note 2, at 98–124. See also Krishnan, *supra* note 34, at 584–88.

⁴¹ See *supra* note 40.

⁴² A vast literature in the social sciences has discussed elite theory for decades. For a summary of this school of thought, see Jayanth K. Krishnan et al., *Legal Elites and the Shaping of Corporate Law Practice in Brazil: A Historical Study*, 41 L. & Soc. INQUIRY 346, 348–49 (2016) (citing FLOYD HUNTER, *COMMUNITY POWER STRUCTURE: A STUDY OF DECISION MAKERS* (1953); ELMER E. SCHATTSCHEIDER, *HUMAN RIGHTS WATCH THE SEMISOVEREIGN PEOPLE: A REALIST’S VIEW OF DEMOCRACY IN AMERICA* (1960); ROBERT D. PUTNAM, *HUMAN RIGHTS WATCH THE COMPARATIVE STUDY OF POLITICAL ELITES* (1976); CHARLES WRIGHT MILLS, *THE POWER ELITE* (1956)).

⁴³ For a discussion of this point, see ROBERT MICHELS, *POLITICAL PARTIES: A SOCIOLOGICAL STUDY OF THE OLIGARCHICAL TENDENCIES OF MODERN DEMOCRACY* (1962); GAETANO MOSCA, *THE RULING CLASS* (1966); VILFREDO PARETO, *THE MIND AND SOCIETY: A TREATISE ON GENERAL SOCIOLOGY* (1963); C.R. Kaltwasser, *Toward Post-Neo Liberalism in Latin America*, 46 LATIN AM. RES. REV. 225 (2011). For two contemporary scholars who have written about how elites can bring to the table key expertise, networks, and knowledge, see YVES DEZALAY & BRYANT GARTH, *THE INTERNALIZATION OF PALACE WARS: LAWYERS, ECONOMISTS AND THE CONTEST TO TRANSFORM LATIN AMERICAN STATES* 49 (2002) (discussing how the most effective elites combine their “know-who with [a keen sense of] . . . know-how.”); YVES DEZALAY & BRYANT GARTH, *ASIAN LEGAL REVIVALS: LAWYERS IN SHADOW OF EMPIRE* (2010).

valiant cause lawyering champions also is insufficient, as is cynically categorizing them as exclusive agents of corruption. Rather, a more nuanced approach is required. The Nigerian case study provides an opportunity to highlight how lawyers can simultaneously engage in facilitating, navigating, and denouncing corruption as part of everyday business. Each of these ways of operating as a lawyer is what makes understanding the country's legal profession complicated—but also realistic.

II. AN OVERVIEW OF THE NIGERIAN BAR

A. Support for the Cynical Theory on Nigerian Lawyers

As the most populated country in Africa, with approximately 200 million people, Nigeria is nevertheless extremely *underpopulated* when it comes to lawyers. Moreover, the distribution of where these lawyers are located is uneven. There are 36 states in Nigeria, with the vast majority working within the country's major metropolitan cities: Lagos, Kano, Ibadan, Abuja, Port Harcourt, and Benin City.⁴⁴ Yet, nearly two-thirds of the country's populace resides in rural areas,⁴⁵ where the presence of lawyers is sparse, if not non-existent.⁴⁶ Furthermore, most lawyers in Nigeria (upwards of 90%) work as solo-practicing litigators, regardless of whether they are in rural or urban Nigeria. According to a high-ranking official of the Nigeria Bar Association (NBA), most lawyers “remain poor,”⁴⁷ earning on average only about the equivalent of \$150 (USD) per month well below the per capita GDP of the country, which is approximately \$5,300 (USD) annually.⁴⁸

Given this economic situation, it is not surprising that many Nigerian lawyers fall prey to enticements of corruption at the individual, micro level. At the more macro level, it is also not difficult to see how the bar, in its institutional capacity, would be susceptible. The birth of the NBA dates back to colonial times, with the passage of the 1933 British-backed Legal Practitioners Ordinance.⁴⁹ As the British had done in managing many of its

⁴⁴ The demographics of where the largest number of lawyers are situated comes from author interviews with three bar association officials, in Abuja, Nigeria (June 30, 2018).

⁴⁵ See Holly E. Reed and Blessing U. Mberu, *Capitalizing on Nigeria's Demographic Dividend: Reaping the Benefits and Diminishing the Burdens*, 27 AFR. POPULATION STUD. 319, 321 (2013) (citing a study from the Nigerian Population Commission and ICF Macro).

⁴⁶ See author interview of three bar association officials, in Abuja, Nigeria (June 30, 2018).

⁴⁷ See Kunle Awosiyani, *Why Many Nigerian Lawyers Are Poor*, SILVER BIRD TV, <http://silverbirdtv.com/uncategorized/34794/why-many-nigerian-lawyers-are-poor/> (last visited Mar. 11, 2020) (citing the then chairman of the NBA's Lagos Branch Law Week Committee, Ahmed Akbani, who was making the point that because Nigerian lawyers are not business savvy, they struggle financially).

⁴⁸ See *Nigeria GDP Per Capita PPP*, TRADING ECON., <https://tradingeconomics.com/nigeria/gdp-per-capita-ppp> (last visited Mar. 10, 2020).

⁴⁹ See Krishnan & Ajagbe, *supra* note 12, at 229–30.

colonies around the world, it used a formula that it saw as essential to retain power. Namely, it would grant accommodations to certain interests and then move to co-opt those who had received such Royal benefits, in order to breed loyalty and keep the local population from unifying against the Crown.⁵⁰ In terms of the NBA, the British legalized and legitimized this organization—many of whose members were educated and trained in the United Kingdom (U.K.)—as a means of establishing a strong local ally.⁵¹ In fact, as one current member of the NBA remarked, lawyers in the colonial era were perceived to be in the “hip pocket”⁵² of the British and were skeptically viewed by the general public.

In the post-colonial period, this perception of the NBA being involved in various nefarious activities has continued. There are specific examples highlighting how the NBA helped the different military regimes maintain their power. For instance, during the brutal reign of General Sani Abacha (1993–1998), the National Human Rights Commission (NHRC) was established.⁵³ This agency today has gained respect and legitimacy, but at the time it was created, it was viewed by many grassroots activists as a farcical effort by the government to appear as if it was concerned with human rights. Yet, many within the NBA supported this Abacha-initiative in the 1990s.⁵⁴ For skeptics, this endorsement had all the trappings of an interest group that was looking to curry favor with the ruling elite for the purposes of gaining benefits at the rest of the public’s expense.

Another instance during the Abacha regime that caused observers to question the integrity and moral standing of NBA-lawyers involved the prosecution of the famed environmental advocate, Ken Saro-Wiwa, beginning in 1994. Saro-Wiwa had been a fierce defender of the Ogoni

⁵⁰ For a classic book on this topic, see generally TOYIN FALOLA, *COLONIALISM AND VIOLENCE IN NIGERIA* (2009).

⁵¹ Interview with key Senior Advocate of Nigeria (June 27, 2018). For a thoughtful discussion of the history of the bar during colonial times, see T.O. Elias, *Organisation and Development of the Legal Profession in Africa, in Particular the Ability of the Bar and Judiciary to Uphold the Rights of Both the Citizen and the State*, *THE DENNING L. J.* 49 (1986). For general background on the history of the bar, see OKO, *PROBLEMS AND CHALLENGES*, *supra* note 29; OKO, *Consolidating Democracy*, *supra* note 29; Okechukwu Oko, *Lawyers in Fragile Democracies and the Challenges of Democratic Consolidation: the Nigerian Experience*, 77 *FORDHAM L. REV.* 1295 (2009) [hereinafter *The Nigerian Experience*].

⁵² Interview with NBA official, in Abuja, Nigeria (June 29, 2018).

⁵³ See generally O.C. OKAFOR, *LEGITIMIZING HUMAN RIGHTS NGOS: LESSONS FROM NIGERIA* 183 (2006); OKO, *PROBLEMS AND CHALLENGES*, *supra* note 29, at 227. See also NATIONAL HUMAN RIGHTS COMMISSION, <http://www.nigeriarights.gov.ng/index.php> (last visited Mar. 11, 2020); Krishnan & Ajagbe, *supra* note 12, at 221.

⁵⁴ See OKAFOR, *supra* note 53 (noting how a civil society organization, known as the Civil Liberties Organization—whose lawyers were also members of the NBA—also played a pivotal role in backing the establishment of the NHRC).

people who resided in the Niger Delta region.⁵⁵ He and his allies had claimed that the Nigerian government and the Shell Corporation, which had a dominating presence in the area, had exploited the Delta's resources and engaged in systematic discrimination and displacement of the Ogoni.⁵⁶ The arrest, trial, conviction, and eventual execution of Saro-Wiwa and eight of his colleagues resulted in global condemnation and has been written at length elsewhere.⁵⁷ For our purposes, it was appalling that a group of private lawyers from the NBA agreed to assist the Abacha government in the prosecution of Saro-Wiwa and his fellow defendants.⁵⁸ That professionals who were supposed to be defenders of the rule of law were intentionally subverting it, smacked of craven instrumentalism and corruption.

Others too have been critical of the bar during this and other periods.⁵⁹ Okechukwu Oko is one of the most well-known legal scholars on Nigeria who has described how lawyers have misused their positions,⁶⁰ whether it be through procuring questionable pecuniary benefits, failing to uphold their professional responsibilities, or more generally, thinking about themselves over the greater societal good.⁶¹ In fact, even the manner in which Nigerian lawyers have been educated and trained has been deeply problematic, as corrupt practices are often encouraged within many of these academic institutions.⁶² Oko has long contended that in order for Nigeria's democratic experiment to be consolidated, the country needs to have a legal profession that is stable, predictable, and legitimate—and one that is publicly perceived to have these characteristics as well.⁶³

⁵⁵ See Krishnan & Ajagbe, *supra* note 12, at 217–21.

⁵⁶ *Id.*

⁵⁷ *Id.* See also Jad Mouawad, *Shell to Pay \$15.5 Million to Settle Nigerian Case*, N.Y. TIMES, June 8, 2009; OKAFOR, *supra* note 53, at 40, 102, 179; TOYIN FALOLA & MATTHEW M. HEATON, A HISTORY OF NIGERIA xxxi, 231–32, 239 (2008); ROY DORON & TOYIN FALOLA, KEN SARO-WIWA 79–98, 126 (2016); OKO, PROBLEMS AND CHALLENGES, *supra* note 29, at 230–39.

⁵⁸ The lead prosecutor was a prominent private practitioner, J.B. Daudu, who later went on to become a Senior Advocate of Nigeria and the head of the NBA from 2010–2012. See Mustapha Ogunsakin, *Famous Case: The Trial and Murder of Ken Saro-Wiwa*, THE GAVEL (Nov. 15, 2015).

⁵⁹ Note, with permission of the publisher, this paragraph excerpts and draws from a detailed discussion of Oko's many works in Krishnan & Ajagbe, *supra* note 12, at 197. See generally OKO, PROBLEMS AND CHALLENGES, *supra* note 29; Oko, *Consolidating Democracy*, *supra* note 29.

⁶⁰ See Krishnan & Ajagbe, *supra* note 12, at 197. See generally OKO, PROBLEMS AND CHALLENGES, *supra* note 29; Oko, *Consolidating Democracy*, *supra* note 29.

⁶¹ See generally *supra* note 29. For another study confirming this point regarding the judiciary, see Obutte, *supra* note 30. See also Okechukwu Oko, *Contemporary Law Practice in Nigeria*, 38 J. AFR. L. 104 (1994).

⁶² See generally OKO, PROBLEMS AND CHALLENGES, *supra* note 29, at 97–143.

⁶³ *Id.* at 264. See also Oko, *The Nigerian Experience*, *supra* note 51, at 1318 (arguing that lawyers should be stronger at “promoting accountability, strengthening public institutions, recapturing the sense of public good, rejuvenating the civil society, and helping to improve security.”); Okechukwu Oko, *The Problems and Challenges of Lawyering in Developing Societies*, 35 RUTGERS L. J. 569, 642 (2004).

Then there is the noted human rights activist, Femi Falana, who has chastised the NBA for brazenly participating in corruption.⁶⁴ For example, in 2016, the government's Economic and Financial Crimes Commission found that certain senior lawyers had been complicit in cases of money laundering for years.⁶⁵ And in 2017, a federal court voided the election win of the current president of the NBA, A.B. Mahmoud.⁶⁶ The court ruled that the NBA constitution, upon which Mahmoud's victory was premised, had been amended in an improper fashion to give him an unfair advantage.⁶⁷

Perhaps the harshest criticism, however, has come from a confidential report on the "secretariat" of the NBA, which was leaked to the press in 2013.⁶⁸ The secretariat is the bureaucratic arm of the NBA that originally handled only "minor administrative and logistical issues . . . [whereas today it oversees] programming responsibilities, requiring the full attention of a professional cadre . . ." ⁶⁹ In 2012, the president of the NBA constituted an external committee to review the secretariat, which had developed the reputation for lethargy and incompetence.⁷⁰ Chaired by Chidi Odinkalu,⁷¹ the committee's final report not only confirmed these negative images, but it also offered another damning conclusion. It found "a clear pattern of credibly

⁶⁴ See *Femi Falana Blasts Nigerian Bar Association*, EASTWIND NEWSPAPER (Oct. 10, 2016), <https://eastwindnewz.wordpress.com/2016/10/10/femi-falana-blasts-nigeria-bar-association/>; Omatayo Yusuf, *Fema Falana Blasts NBA for Shielding Corruption*, LEGIT (Oct 10, 2016), <https://www.naij.com/1001312-femi-falana-supports-arrest-corrupt-judges-blasts-nba-promoting-corruption.html>.

⁶⁵ *EFCC Tackles NBA President; Says Nigerian Bar Populated by 'Rogues and Vultures'*, PREMIUM TIMES (Aug. 27, 2016), <http://www.premiumtimesng.com/news/headlines/209409-efcc-tackles-nba-president-says-nigerian-bar-populated-rogues-vultures.html>. See also Aminu Gamawa, *The Fight Against Anti-Corruption Agencies by NBA*, FACEBOOK (Sept. 16, 2016), <https://www.facebook.com/aminugamawa/posts/1112314568852875:0>. See also Matthew Page, *A New Taxonomy for Corruption in Nigeria*, CARNEGIE ENDOWMENT FOR INT'L PEACE (July 17, 2018), <https://carnegieendowment.org/2018/07/17/new-taxonomy-for-corruption-in-nigeria-pub-76811>; John Campbell, *Nigeria Sees More High Level Corruption Convictions under Buhari*, COUNCIL ON FOREIGN RELATIONS (May 31, 2018), <https://www.cfr.org/blog/nigeria-sees-more-high-level-corruption-convictions-under-buhari>.

⁶⁶ *Court Voids 2015 NBA Constitution, Sacks Mahmoud as President*, THE CABLE (Mar. 31, 2017), <https://www.thecable.ng/court-voids-2015-nba-constitution-sacks-mahmoud-president>. As one of the interviewed respondents stated in a written correspondence with the author, Mahmoud "naturally appealed and got a stay. He saw out his tenure and the appeal is still moving at a glacial pace—[in that it is] still unheard. By the time it is eventually heard, it will have become quite an academic question and whose life force has been long extinguished!" Author correspondence with respondent (July 28, 2019).

⁶⁷ *Id.*

⁶⁸ See Jayanth & Ajagbe, *supra* note 12.

⁶⁹ See *Nigerian Bar Association (NBA) Committee on Professionalization of the NBA Secretariat*, NBA SECRETARIAT COMM. (Jan. 2013), <https://www.premiumtimesng.com/wp-content/files/2013/06/NBA-Secretariat-Prof-Cmmtee-.pdf>.

⁷⁰ *Id.*

⁷¹ *Id.* at 10.

attested allegations of work-place bullying, abuse and sexual harassment, intimidation and exploitation, with no mechanisms of workplace recourse⁷²—all undergirded by a dominant, pervasive culture of corruption.

The above discussion thus supports the theory that powerful segments of the Nigerian bar have not been shy to help facilitate corruptive practices during both the military and post-military eras.⁷³ As the research has shown, many lawyers, over the years, have engaged in or been the beneficiaries of corruption.⁷⁴ And this behavior has led to a serious undermining of the rule of law.

B. Support for the Theory of Nigerian Lawyers as Cause Lawyering Elites

An alternative narrative to the one just discussed—with supportive counter-evidence—is that the Nigerian bar has been on the right side of the thorny legal, political, and moral issues confronting the country in the post-colonial era. Consider the above-mentioned Saro-Wiwa case. While it was true that a team of NBA lawyers served as prosecutors on behalf of the government, there was also a highly reputed team of NBA-defense lawyers across the aisle. These lawyers worked *pro bono* and joined forces with civil society organizations in mounting a strong defense for Saro-Wiwa and his colleagues.⁷⁵

As part of their work, the defense lawyers had to operate within the predetermined, corrupt Abacha-Tribunals, but they navigated these forums thoughtfully and vigorously, and they even had the courage to boycott the proceedings (upon Saro-Wiwa's urging and in defiance of the government's orders), after ultimately concluding that there was no point in participating in such a sham process.⁷⁶ However, while they were engaged in the trial, the defense team brought worldwide attention to their case and even took the matter to the continent's African Commission on Human and People's Rights, which ruled in their favor.⁷⁷ (Not surprisingly, General Abacha

⁷² *Id.* at 6.

⁷³ The periods of military rule in Nigeria were from 1966–1979 and 1983–1999.

⁷⁴ See Krishnan & Ajagbe, *supra* note 12; Oko, PROBLEMS AND CHALLENGES, *supra* note 29; Oko, *Consolidating Democracy*, *supra* note 29; Oko, *The Nigerian Experience*, *supra* note 51.

⁷⁵ See Krishnan & Ajagbe, *supra* note 12, at 218 (noting that the groups included “International Pen, the Constitutional Rights Project, Interights, and the CLO [Civil Liberties Organization].”). See also *International Pen, Constitutional Rights Project, Interights on behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organization v. Nigeria*, 137/94, 139/94, 154/96 and 161/97, AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS (Oct. 31, 1998), <http://www.unhcr.org/refworld/docid/3ae6b6123.html>.

⁷⁶ See Howard W. French, *Nigeria Executes Critic of Regime; Nations Protest*, N.Y. TIMES, Nov. 11, 1995, at p.1.

⁷⁷ *Id.* See Krishnan & Ajagbe, *supra* note 12, at 218.

ignored the Commission's judgment, even though Nigeria was a signatory to the convention that brought the Commission into existence.⁷⁸) After the case ended and Saro-Wiwa and his colleagues were executed, these lawyers continued to press for justice. Working with a group of American lawyers, in 2009 they were able to reach a settlement with the Shell Corporation, in which the latter agreed to pay over \$15 million to Saro-Wiwa's family and the other defendants for what they had endured under Abacha's reign of terror.⁷⁹

There are also other examples of Nigerian lawyers showing this type of commitment to the rule of law and to causes greater than themselves. To begin, it was the NBA "that admirably served as a vital piece of the struggle for independence,"⁸⁰ which eventually occurred in 1960. Then, the 1963 Constitution of Nigeria, which was seen as a hallmark of rights protection, federalism, separation of powers, and good governance, was drafted by leading lawyers of the NBA. Even though this document remained in place for just three years (because of a military coup that occurred in 1966), it has remained the reference point to which lawyers in Nigeria have turned as they have drafted subsequent constitutions.⁸¹

Also, during the first period of military rule (1966–1979), civil society organizations, working together with lawyers from the NBA, successfully lobbied the regime to pass the Legal Aid Act of 1976, which established the Legal Aid Council (LAC).⁸² The purpose of the statute and the Council was to ensure that indigent criminal defendants received legal assistance from the state, and it was the NBA that served as the main group that represented these individuals. To be sure, it was often difficult to find lawyers willing to work for a poorly funded government agency that always had the military

⁷⁸ See Krishnan & Ajagbe, *supra* note 12, at 216; French, *supra* note 76.

⁷⁹ See Mouawad, *supra* note 56.

⁸⁰ See Oko, *Consolidating Democracy*, *supra* note 29, at 635–36.

⁸¹ See Krishnan & Ajagbe, *supra* note 12, at 203; Ayoyinka Jegede, *Nigeria Has to Adopt the 1963 Constitution*, THE GUARDIAN (Nov. 22, 2016), <https://guardian.ng/features/nigeria-has-to-adopt-1963-constitution/>. Note, as a prominent member of the Nigerian legal profession stated, however, it is important to remember that the "1979 Constitution which was drafted under the chairmanship of Nigeria's greatest lawyer, Chief Rotimi Williams, SAN . . . [also] remains the reference and inspiration for all subsequent iterations. As a matter of fact, the extant 1999 Constitution is, in the main, a verbatim replication of that of 1979." Author correspondence with respondent (July 28, 2019).

⁸² See Krishnan & Ajagbe, *supra* note 12, at 206 (citing Ojama Akor, *Developing Legal Aid Strategies for Poor Nigerians*, PRESSREADER.COM (Aug. 19, 2004), <https://www.pressreader.com/nigeria/daily-trust/20140819/282325383136021>). For more on the history of LAC, see *Historical Profile of the Legal Aid Council of Nigeria*, LEGAL AID COUNCIL (May 22, 2017), <http://www.legalaidcouncil.gov.ng/index.php/about-us/profile>; PENAL REFORM INTERNATIONAL AND BLUHM LEGAL CLINIC OF NORTHWESTERN UNIVERSITY SCHOOL OF LAW, ACCESS-TO-JUSTICE IN AFRICA AND BEYOND: MAKING THE RULE OF LAW A REALITY 117 (2007).

overseeing how it functioned.⁸³ Yet, the program had success stories, as the efforts of the NBA did reap benefits for some especially needy defendants.⁸⁴

The country's second period of military rule (1983–1999) also saw careful lawyering by elite professionals who navigated the tumultuous political waters in order to meet the challenges of the times. For example, the well-regarded Civil Liberties Organization (CLO) was established in 1987. It, together with a set of NBA-lawyers, strategically worked to convince the ruling military regime into “updat[ing] the 1976 Legal Aid Act.”⁸⁵ Additionally, during this time, a CLO-led coalition of grassroots lawyers successfully litigated several other high profile matters in front of the African Commission.⁸⁶ And other organizations had NBA lawyers within them who worked quietly and tactically with international institutions in order to procure funding so that they could continue their work championing the different constituencies who were suffering under the military.⁸⁷

As Nigeria moved towards civilian, democratic rule beginning in 1999, lawyers were once again at the forefront of this transition. The drafting of the new constitution that was enacted in May of that year involved a team of lawyers and was led by Justice Niki Tobi, who was then a judge on the Nigerian Court of Appeal.⁸⁸ Justice Tobi headed the Constitution Debate

⁸³ See Krishnan & Ajagbe, *supra* note 12, at 206–07 (citing OKO, PROBLEMS AND CHALLENGES, *supra* note 29, at 207; David McQuoid-Mason, *Legal Aid in Nigeria: Using National Youth Services Corps Public Defenders to Expand the Services of the Legal Aid Council*, 47 J. AFR. L. 107, 111 (2003)).

⁸⁴ See generally Krishnan & Ajagbe, *supra* note 12.

⁸⁵ See *id.* at 215. See, e.g. OKAFOR, *supra* note 53, at 8; S.A. Agbakwa & O.C. Okafor, *Social Action Litigation and Access-to-Justice in Nigeria: A Critical Case Study*, in JUSTICE FOR THE POOR: PERSPECTIVES ON ACCELERATING ACCESS (A. Dias & G. H. Welch eds., 2009). Indeed, Okafor has written extensively on this subject, painting a nuanced picture of what the NBA and civil society groups did to advance their agendas. While on the one hand, these types of civil society groups did accomplish a great deal, they also were heavily skewed in their priorities towards: an urban clientele and domineering leaders who privileged their own personal ambitions over the rank-and-file. See OKAFOR, *supra* note 53, at 77–150; Chidi A. Odinkalu, *Why More Africans Don't Use Human Rights Language*, HUMAN RIGHTS DIALOGUE 3 (2000).

⁸⁶ See Krishnan & Ajagbe, *supra* note 12, at 215–17 (citing several cases, including: Civil Liberties Org. v. Nigeria, Comm. No. 45/90 (Afr. Comm'n Hum. and Peoples' Rts. 1994); Civil Liberties Org. v. Nigeria, Comm. No. 101/93 (Afr. Comm'n on Hum. & Peoples' Rts, 1994); Civil Liberties Organisation, Legal Defence Centre, Legal Defence and Assistance Project v. Nigeria, Comm. No. 218/98 (Afr. Comm'n on Hum. and Peoples' Rts. 1998). For other cases that are discussed and cited, see Chidi A. Odinkalu, *The Individual Complaints Procedures of the African Commission on Human and People's Rights: A Preliminary Assessment*, 8 TRANSNAT'L L. & CONTEMP. PROBS. 359, 402–03, n.95 (1998).

⁸⁷ See Krishnan & Ajagbe, *supra* note 12, at 215–17. See also OKAFOR, *supra* note 53, at 77–150 (arguing that often what has happened in this solicitation of funds from foreign donors is that the domestic Nigerian groups become beholden to these outside interests. The result is that there is a mismatch between what the civil society groups are doing and what those who are suffering or in need).

⁸⁸ See Justice Niki Tobi, Chairman, Constitutional Debate Coordinating Committee, Presentation of the Report of [NIGERIAN] CONSTITUTION DEBATE COORDINATING COMMITTEE (CDCC).

Coordinating Committee (CDCC) that worked with a group of Senior Advocates of Nigeria—or SANs—on this new constitution.⁸⁹ Since 1975, SANs have held the position of what is the equivalent of a Queen’s Council in the U.K., and it is the highest rank one can attain among lawyers in Nigeria.⁹⁰

In the post-1999 era, members of the legal profession, working with rights-based civil society groups, have also engaged the courts through public interest litigation campaigns.⁹¹ In addition, lawyers have been involved in pushing for, and then being a part of, government-established truth commissions to investigate the widespread human rights abuses that occurred during the military years.⁹² They have played a prominent role in fighting various forms of corruption in government and within the private sector as well.⁹³ And leaders of the NBA have called for legal education institutions to inculcate the values of good governance, transparency, and anti-corruption practices into the curriculum of all students who study law today.⁹⁴

Clearly, this alternative story about the role of lawyers in a country like Nigeria paints a far different picture than the one offered by the more cynical perspective. Under this cause lawyering/elite model approach, most lawyers in Nigeria have been positive figures who have navigated the corrupt environment in which they reside, in order to try and bring about change for the better. This then leads us to ask: which narrative is correct? Which version is most accurate?

The answer is that there is truth in what each of these theories purports. The Nigerian Bar is not a homogenous organization. Segments of it have indeed engaged in corrupt practices over the years; others have been ardent rule of law advocates seeking to strengthen and consolidate the country’s democratic experiment; and then there have certainly been those who have

⁸⁹ *Id.* The CDCC has been constituted by the military regime, which had agreed to turn over power to civilian rule the following year.

⁹⁰ See Daniel Bullusson, *Nigeria: How to Become a Senior Advocate of Nigeria*, THE DAILY TRUST (May 23, 2017), <https://allafrica.com/stories/201705230633.html>.

⁹¹ See OKAFOR, *supra* note 53, at 12–51, 151–209, 239–45 (noting that while there have been some good results from such litigation, Nigeria has not had a social action litigation culture and that there have been, overall, mixed results).

⁹² See Krishnan & Ajagbe, *supra* note 12, at 227–229.

⁹³ See, e.g., Bolaji Owasanoye, *Role of Lawyer in Fight against Corruption in Nigeria*, SAHARA REPORTERS (Aug. 22, 2016), <http://saharareporters.com/2016/08/22/role-lawyers-fight-against-corruption-nigeria-bolaji-owasanoye>.

⁹⁴ See Krishnan & Ajagbe, *supra* note 12, at 229–37.

acted in both positive *and* negative ways—thereby highlighting the overall fluidity of the work-environment within the country.⁹⁵

What is noteworthy, however, is that in the early 2000s a new legal organization emerged that sought to embrace anti-corruption values not just on a macro, public law scale, but on a more day-to-day, private law level as well. This group has proven to be a significant legal, economic, and political force within the country. Its evolution, contributions, and the manner in which it is seeking to combat corruption within Nigeria are discussed next.

III. THE RISE OF A NEW LEGAL CONTINGENT

A. Background

The *Section on Business Law* (SBL), a subset of the NBA, was founded by a group of Nigerian business lawyers in late 2004 in the city of Lagos, the country's economic (and former national) capital.⁹⁶ With an estimated 20 million people residing today in this mega-metropolis, Lagos is the commercial hub of Nigeria, as well as for much of the African continent. Given this context, it is not surprising that most of Nigeria's major financial matters have occurred within Lagos as well.

The cohort of business lawyers who came together to form the SBL had a clear objective in mind. Given that Nigeria's transition from military to civilian rule had occurred just a few years prior, the country's political leaders were trying to market Nigeria as Africa's newest, largest democracy, where foreign investors: a) would be welcome; b) could be confident that their money would be safe; and c) would not need to worry about corruption hampering their ability to do business.⁹⁷ The group of lawyers who created the SBL saw this moment as an opportunity to advocate for a set of ideals that they believed would benefit them economically, but more importantly, would benefit the nation as a whole.⁹⁸

Consider the early years of the SBL and the manner in which it came into existence. The election of 1999 brought back to power Olusegun Obasanjo (who was a military ruler between 1976 and 1979) as president. This election was not perfect, but it was overall a success compared to what the country had experienced dating back to 1960.⁹⁹ In the immediate

⁹⁵ See JOHN CAMPBELL, *NIGERIA: DANCING ON THE BRINK* 142–43 (2011) (praising the work of the Nigerian Bar, in terms of its rule of law work).

⁹⁶ See Telephone Interview with George Etomi, Founding Chair, the SBL (June 21, 2019).

⁹⁷ See *id.*; Interview with two government policymakers, in Abuja, Nigeria (June 27, 2018).

⁹⁸ See *supra* note 97.

⁹⁹ See FALOLA & HEATON, *supra* note 57, at 234–35. See also Krishnan & Ajagbe, *supra* note 12, at 225.

aftermath, one of Nigeria's most well-known business lawyers, George Etomi, started working with a group of colleagues from Lagos in hopes of discussing ways to mobilize the commercial legal community.¹⁰⁰

In terms of his own background, Etomi had earned his LL.B. in 1976 from the University of Ife and became a member of the bar a year later—during a period of military rule.¹⁰¹ Subsequently, he traveled to the U.K. where he earned his Master's Degree in law from the London School of Economics in 1979.¹⁰² Upon his return to Nigeria, the country had transitioned to democratic rule, and he was eager to be a part of this new era.¹⁰³ Unfortunately, by 1983 the military once again took over and stayed in power for the next 16 years.¹⁰⁴ Etomi was thus a young corporate lawyer who had witnessed a country that went from military rule to democracy and then back to military rule in a span of less than ten years.

Throughout this entire period, however, Etomi strongly believed that the NBA had not paid enough heed to private law lawyers.¹⁰⁵ In 2000, after democratic constitutionalism was restored, Etomi approached the newly elected president of the NBA, Senior Advocate of Nigeria (SAN) Chief O.C.J. Okocho, making the case that the bar association needed to take into account business law practitioners.¹⁰⁶ Okocho agreed. Etomi was appointed as chair of a commission to examine how best to give voice to business practitioners as well as to arrive at a procedure for “amending the NBA constitution to allow for the creation of” a business law section.¹⁰⁷ In 2002, Chief Wole Olanikpekun (SAN) became president of the NBA, and he continued to encourage Etomi to proceed. Thereafter, Etomi and a group of his colleagues worked to craft substantive ways to shift Nigeria's global image from one that was seen as a corrupt banana republic to a society that could be viewed as economically efficient and democratically reliable.¹⁰⁸

¹⁰⁰ See Etomi *supra* note 96. See also *Nigerian Bar Association: Section on Business Law*, BUSINESS LAW CONFERENCES 9 (2006–2010) [hereinafter *Nigerian Bar Association book*] (noting other leaders in this group included Chief Ladi Taiwo, Mr. Folarin Rotimi-Williams, Ms. Funke Aboyade, Mr. Layi Babatunde, Chief Wole Olanikpekun, Mrs. Mfon Ekong Usoro, HRH Chief David Serena Dokubo-Spiff, and Mr. Dele Oye). *Nigerian Bar Association book* is an archival document with very limited circulation; it was studied as reference for this study after being given from an interviewee to the author.

¹⁰¹ George Etomi, *Directory*, AFRICA BUSINESS PORTAL (last visited Mar. 10, 2020), <https://directory.africabusinessportal.com/ikoyi/advisor/george-etomi>.

¹⁰² *Id.*

¹⁰³ Etomi, *supra* note 96.

¹⁰⁴ *Id.*

¹⁰⁵ See Etomi *supra* note 96; *Nigerian Bar Association book*, *supra* note 100, at 5.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ See generally, *supra* note 99 (listing names of lawyers involved in transforming Nigeria's global image).

Eventually, by December of 2004, Etomi and his colleagues received permission from the NBA to establish the SBL. Going forward, the SBL would be the division of the bar in charge of “engender[ing] the professional development of Nigerian commercial lawyers and thereby rais[ing] the level of business law practice in Nigeria.”¹⁰⁹ In addition, the constitution of the NBA was amended to include provisions that now recognized and valued the importance of transactional business lawyers. It is interesting that these provisions did not come into being until 2004, considering that for many years (including periods of military control) there were already many corporate law firms working on transactional matters in Lagos. By relying on multiple methods of data collection (because no one comprehensive directory existed), we were able to create a detailed listing of the firms that were in existence during those early years—see Appendix A.¹¹⁰

As that table shows, the size of law firms in Nigeria has never been large, at least in global, comparative terms. Most have not had more than five to ten lawyers, and even today the largest firms have just around one hundred lawyers. Nevertheless, the fact that these lawyers, who had been working on private law matters within the country, now were in a position to be liaisons for international investors gave them a type of leverage that they did not previously have. Accordingly, the SBL came to be seen by the upper echelons of the NBA as necessary for the economic development of the country. The request by Etomi and his colleagues that the bar listen to their philosophy and plans for moving the country forward was now receiving more deference than ever before.¹¹¹

B. *The Philosophy in the Early Years*

Underlying the establishment of the SBL was the philosophy that modern Nigeria had to be part of the globalized world; thus Nigeria needed a sophisticated business law sector where international investors felt secure in order to compete in the global market.¹¹² Normatively too, the SBL founders believed that globalization was good for the legal system and for the country as well.¹¹³ Like Etomi, the other early leaders had global

¹⁰⁹ See *Nigerian Bar Association Section on Business Law, (NBA SBL)*, LINKEDIN, <https://www.linkedin.com/company/nba-sbl/about/> (last visited Mar. 11 2020).

¹¹⁰ The table is provided after the concluding section of this study. The methodology for compiling the table is discussed as well.

¹¹¹ See Etomi, *supra* note 96.

¹¹² See generally *Nigerian Bar Association book*, *supra* note 100. Also, note, this point was made by several lawyers during interviews in 2017 and 2018. See, e.g., interview with three separate lawyers, in Abuja, Nigeria (June 27, 2018); Interview with four leading SBLA Lawyers, in Lagos, Nigeria (June 19, 2017).

¹¹³ See *supra* note 112.

experiences. They had studied abroad, had clients from overseas, worked with lawyers across multiple jurisdictions, and routinely traveled to Asia, Europe, and North America.¹¹⁴ They were also members of various international legal organizations and were frequent attendees or speakers at conferences in different countries.¹¹⁵

These lawyers' first priority was engaging their counterparts working in other markets. Foreign bar associations were promoting best global legal practices at annual meetings and during continuing legal education seminars.¹¹⁶ If the Nigerian corporate bar wanted to "keep-up," then its constituents had to travel abroad to learn these skills.¹¹⁷ Hence, these lawyers saw themselves as quintessential international actors who could use the lessons learned from overseas to help the new Nigeria find its place in this evolving global market.

The first order of business the SBL leaders felt they had to tackle was how to combat both the reality and the image that Nigeria was defined by corruption. While the former was a systemic issue requiring a long-term commitment by the state and civil society to correct; in terms of the latter, the SBL believed it could have a more immediate impact. Dating back to the late 1990s, the German-based Transparency International organization had been conducting what it called "perception"¹¹⁸ surveys, in order to gauge how business and other civic leaders perceived corruption around the world. Since 1995, Nigeria consistently ranked at or near the very bottom.¹¹⁹ Given that SBL-lawyers were critical players who interacted with such international business leaders, they felt they could directly help shape a new and positive narrative on investing in Nigeria.

To that end, there were specific steps that the SBL pursued starting in 2005, the first official year of its operation. For example, it launched an "Anti-Corruption [and] Money Laundering"¹²⁰ initiative. The "hope . . . [was] that, through the forum of the SBL, lawyers and policy makers [from the government] would engage with each other to find ways to cooperate in the fight against corruption."¹²¹ In particular, the SBL was interested in

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ This point was stressed at the two separate annual SBL conferences that the author attended in 2017 and 2018 in Lagos and Abuja, respectively. 11th Annual NBA-SBL Business Law Conference 2017 (June 18–20, 2017); 12th Annual NBA-SBL Business Law Conference 2018 (June 27–29, 2018).

¹¹⁷ *See supra* note 116.

¹¹⁸ CORRUPTION PERCEPTION INDEX, TRANSPARENCY INTERNATIONAL, <https://www.transparency.org/research/cpi/overview> (last visited Mar. 13, 2020).

¹¹⁹ *Id.*

¹²⁰ *See Nigerian Bar Association book, supra* note 100, at 15.

¹²¹ *Id.*

reforming the Economic and Financial Crimes Commission (EFCC).¹²² The EFCC was established in 2003, upon the directive of President Obasanjo, after a leading international organization (the French-based, Financial Action Task Force) found that Nigeria had been woefully failing in its efforts to fight corruption.¹²³ The specific mission of the EFCC was to pursue and prosecute those who engaged in money laundering.¹²⁴

The SBL had complained about the practices of the EFCC because the agency routinely had condemned defense lawyers for being complicit in their clients' misdeeds.¹²⁵ For example, the first Chair of the EFCC, Mallam Nuhu Ribadu, would frequently decry the fact that fees that defense lawyers would receive from their clients were from laundered money. For the SBL, this position was both unfair and unsupported. As one SBL official noted, in a rule of law society even the most vilified defendant deserved to have a lawyer zealously advocate on that individual's behalf.¹²⁶ Moreover, having a contrary system in place would understandably scare-off foreign investors from coming to Nigeria, especially if they believed that, were they to be investigated or arrested, their lawyers too could potentially be accused.¹²⁷

Therefore, in 2005, the SBL began holding high level meetings with members of the EFCC so as to "provide an avenue for both parties to put aside any differences in orientation or practice and learn from each other."¹²⁸ Concurrently, the SBL also began working with the Ministry of Commerce's new office referred to as the Special Control Unit against Money Laundering (SCUML).¹²⁹ This division was charged with monitoring and investigating the economic activities of civil society organizations, which theoretically included the bar as well.¹³⁰ (As discussed above, because some members of the NBA in the past had sullied the bar's reputation, it was not completely surprising that the SCUML might wish to assert oversight powers over the organization if need be.) As a way of ensuring that they could be involved in how the agency would carry out its mandate, and as a signal that they were

¹²² *Id.*

¹²³ ECONOMIC AND FINANCIAL CRIMES COMMISSION, <https://efccnigeria.org/efcc/about-efcc/the-establishment-act> (last visited Mar. 10, 2020) (discussing the purpose of the EFCC).

¹²⁴ *Id.*

¹²⁵ See *Nigerian Bar Association Book*, *supra* note 100, at 15.

¹²⁶ See Interview with anonymous informant, Official, Section on Bus. L., in Lagos, Nigeria, (June 19, 2017).

¹²⁷ See *Nigerian Bar Association book*, *supra* note 100, at 15.

¹²⁸ *Id.*

¹²⁹ *Id.* at 16.

¹³⁰ The specific name given by SCUML to such civil society groups was DNFI—"designated non-financial institutions."

on its side in wanting to stamp-out corruption, SBL leaders took an affirmative role in working with the SCUML.¹³¹

In 2006, the SBL hosted its first major conference, which brought together policymakers from the SCUML and EFCC, the business bar, leaders of the NBA, and a small group of private international observers. The theme was “Globalization and Legal Practice—The WTO Initiative: The Implication for the Future of Legal Practice in Nigeria.”¹³² A significant part of this event focused on how Nigerian lawyers needed to equip themselves with best practices to compete within the international trade space. More will be discussed on this point shortly; however, an underlying focus throughout the conference was “[t]he War against Corruption and Its Impact on Reforms.”¹³³ Different panels on anti-corruption and money laundering were held, along with numerous sideline meetings between the various stakeholders.

For the SBL, this inaugural conference was an enormous milestone. For the first time since independence, there was this type of professional gathering totaling some 600 attendees.¹³⁴ The country’s top business lawyers were interacting and seeking to influence—in a thoughtful, academic manner—state leaders who were going to frame regulatory policy for the next decade.¹³⁵ This was also an opportunity for the SBL to distinguish itself from the larger NBA. Since Etomi and his colleagues had started mobilizing in the early 2000s, a chasm had developed between them and the NBA-leadership.¹³⁶ The former wanted to set themselves apart; they did not want to be tied to what they saw as the more questionable elements within the larger Association.¹³⁷

Moreover, the SBL-leadership wanted to develop a new culture within its own cohort. Several members of the conference’s inaugural planning committee noted that they saw the education of the Nigerian business bar as a priority, particularly in this era of globalization.¹³⁸ One specific aspect included teaching these lawyers about the ills of corruption. Therefore, the

¹³¹ See *Nigerian Bar Association book*, *supra* note 100, at 16.

¹³² *Id.* at 11.

¹³³ *Id.*

¹³⁴ See Etomi, *supra* note 96; Telephone Interview with George Etomi, Founding Chair, the SBL (June 25, 2019).

¹³⁵ See Etomi, *supra* note 96. See also Interview with three SBL leaders, in Abuja, Nigeria (June 30, 2018).

¹³⁶ See Etomi, *supra* note 96. See also SBL leaders, *supra* note 135.

¹³⁷ See Etomi, *supra* note 96. See also SBL leaders, *supra* note 135.

¹³⁸ See Etomi, *supra* note 96. See also *Nigerian Bar Association book*, *supra* note 100, at 15. This view was also supported by author interviews with two SANs and two other SBL leaders during the SBL’s 2017 annual conference in Lagos (June 20, 2017).

pitch the SBL leaders made was two-fold. First, the facilitation and practice of corruption contributed to the continued image that Nigeria was a lawless society, one in which foreign investors would stay clear.¹³⁹ Second, it was critical for Nigerian corporate lawyers to be familiar with the major anti-corruption statute that global transactional lawyers were expected to know: the U.S. Foreign Corrupt Practices Act of 1977.¹⁴⁰ This statute prohibited U.S. citizens and their representatives from engaging in acts such as bribery and other forms of corruption in a foreign jurisdiction.¹⁴¹ The SBL believed its members needed to be fully aware of this statute and its implications, not just to protect its clients' interests, but also to safeguard its own practices and potentially its ability to work in the U.S.¹⁴² The inaugural conference, hence, was the ideal setting to emphasize these anti-corruption measures.

C. *The End of the Etomi Era*

The above discussion highlighted the key activities that Etomi supervised during the initial years. But once the inaugural conference successfully concluded, he and the rest of the SBL-leadership began thinking about their longer-term strategy. They developed a multi-year plan that would take them through the end of the decade and that prioritized:

- relationships with other civil society groups;
- collaborations with governmental units;
- educational initiatives for law students, practitioners, and judges;
- global outreach to bar associations, foreign clients, and foreign investors;
- infrastructure; and
- economic development.¹⁴³

Each of these points were emphasized in different ways between 2007 and 2010 by having the SBL form sub-committees that were in charge of specific issues. For example, the SBL Committee on Arbitration forged a working partnership with Nigeria's Chartered Institute of Arbitrators as well as with an organization known as the Negotiation and Conflict Management

¹³⁹ See Etomi, *supra* note 96. See also *Nigerian Bar Association book*, *supra* note 100, at 15.

¹⁴⁰ 15 U.S.C. § 78dd-1 (1977). See Etomi, *supra* note 96. See also, Laurel S. Terry, *U.S. Legal Profession Efforts to Combat Money Laundering & Terrorist Financing*, 59 N. Y. L. SCH. L. REV. 487, 497-98 (2014-15).

¹⁴¹ See 15 U.S.C. § 78dd-1 (1977); Etomi, *supra* note 96; Terry, *supra* note 140.

¹⁴² See Etomi, *supra* note 96.

¹⁴³ See *Nigerian Bar Association book*, *supra* note 100, at 7-15.

Group.¹⁴⁴ Other SBL sub-committees respectively collaborated with the Nigerian Institute of Advanced Legal Studies (to work on corporate governance matters), the Washington D.C.-based International Law Institute (to study public procurement processes), and the Ministry of National Planning (to strengthen antitrust measures in order “to underscore the importance of competition.”).¹⁴⁵ Two additional collaborations were noteworthy. One was a joint partnership with the Ministry of Information and Culture and private sector tourism groups to help showcase the attractiveness of Nigeria to travelers. The other was a partnership with domestic and international intellectual property lawyers to convey a message to the global community that Nigeria was keen to protect the IP rights of investors, creators, and entrepreneurs.¹⁴⁶

Underpinning all of these activities by the SBL was the central principle that Nigeria could only thrive if it shed the shackles of corruption that burdened every aspect of life within the country. The rule of law needed to be seen as sacred, and the SBL was committed to using its new-found social capital and solid reputation to tirelessly promote this mantra. These values were demonstrated well in the context of how the corporate bar interacted with their foreign counterparts at the WTO, which was viewed by Nigerian business lawyers as a respected and necessary institution. As mentioned earlier, ensuring that Nigerian lawyers were familiar with the best practices of the WTO was of paramount importance during the inaugural conference. The organizers scheduled several “hot topic”¹⁴⁷ panels on professionalism and the functioning of the WTO, which brought together experts from “the private and public sector, including representatives of multinational companies, private law firms, the Federal Ministry of Justice and the Federal Ministry of Commerce.”¹⁴⁸

This emphasis on the WTO continued during the SBL’s 2007 and 2008 conferences.¹⁴⁹ In fact, at the 2008 meeting three events occurred. First, a delegation from the Pan-African Lawyers Union attended. These representatives who came from around the continent requested that the NBA, and specifically leaders from the SBL, serve as “the mouthpiece of Africa at

¹⁴⁴ *Id.* at 7.

¹⁴⁵ *Id.* at 7–8.

¹⁴⁶ *Id.* at 7–10 (noting that committees focused on: Arbitration and ADR; Aviation; Banking Finance and Insolvency; Business Corporations and Organizations; Capital Markets; Communications; Competition; Construction and Real Estate; Energy and Natural Resources; Environment; Intellectual Property; International Sales and Transactions; Maritime; Rail and Road Transport; Sports and Entertainment; Taxation; Travel, Tourism and Hospitality; and Young Lawyers.).

¹⁴⁷ *Id.* at 11.

¹⁴⁸ *Id.* at 11–12.

¹⁴⁹ *Id.* at 11–13.

various international fora” on trade.¹⁵⁰ Second, the Attorney General of Nigeria agreed to have the SBL participate in the next round of Doha discussions, which involved the international community’s efforts to negotiate a global deal on trade and tariffs.¹⁵¹ And third, a detailed educational plan was formalized to train domestic lawyers to work on trade matters in foreign jurisdictions.¹⁵²

For George Etomi, these developments were significant steps in the evolution of the Nigerian corporate bar.¹⁵³ However, he still believed that the only real way to permanently raise the international reputation of the legal profession would be for Nigeria to improve its overall image on the rule of law front.¹⁵⁴ As such, the last two years of his leadership (2008–2010) focused on assisting the government on a number of anti-corruption measures.¹⁵⁵ For example, the SBL advised policymakers on the best ways to enforce Nigeria’s Money Laundering Act.¹⁵⁶ The government and the SBL also were involved in a campaign to encourage and de-stigmatize the practice of whistle-blowing.¹⁵⁷ If people who witnessed corruption worried about being punished for reporting bad behavior, then the culture of corruption would only continue.¹⁵⁸

There was also a push to eliminate the prevalence of corruption in the country’s infrastructure sector.¹⁵⁹ Nigeria’s roads, airports, and harbors all needed renovations.¹⁶⁰ During the military years, the public-private partnerships to improve these areas were riddled with corrupt practices.¹⁶¹ The SBL-leadership, under Etomi, argued that government officials, the business community, *and* especially lawyers had to understand that clean practices in the infrastructure space would be a major step forward in attracting foreign investors to come to Nigeria.¹⁶²

As 2008 ended, however, Nigeria had to grapple with a cataclysmic event that affected much of the international community. The global

¹⁵⁰ *Id.* at 13.

¹⁵¹ *Id.* at 14. The WTO has published an extensive amount of information on the Doha Round. *The Doha Round*, WTO, https://www.wto.org/english/tratop_e/dda_e/dda_e.htm (last visited Mar. 13, 2020).

¹⁵² See *Nigerian Bar Association book*, *supra* note 100, at 14.

¹⁵³ Etomi, *supra* note 96.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ See Etomi, *supra* note 96; *Nigerian Bar Association book*, *supra* note 100, at 14–15, 18–19.

¹⁵⁷ See *supra* note 156.

¹⁵⁸ See Etomi, *supra* note 96.

¹⁵⁹ See Etomi, *supra* note 96. See also *Nigerian Bar Association book*, *supra* note 100, at 22–25.

¹⁶⁰ See *supra* note 159.

¹⁶¹ See FALOLA, *supra* note 50, at 181–209.

¹⁶² See Etomi, *supra* note 96. See also *Nigerian Bar Association book*, *supra* note 100, at 22–25.

financial crisis did not leave Nigeria unscathed. The Great Recession placed the country's real estate and stock markets in turmoil and its banking and business law sectors in disarray. During 2009 and 2010, Etomi had the SBL's annual meetings focus on how to help Nigeria recover. He and his leadership team assembled several working groups, panels, and seminars dedicated to ensuring that the Nigerian bar could be in the best position to advise interested parties on how to move forward.¹⁶³

Interestingly, within these conversations, there was a lingering sentiment that Nigeria's difficulty in coping with the reverberating effects of the crisis was related to the milieu of corruption that had permeated the country for generations.¹⁶⁴ At the same time, though, the SBL saw this moment as an opportunity, one which the rule of law could be championed as a remedy for not only resurrecting the economy but also for attracting foreign investment and consolidating the country's latest democratic experiment. To that end, the SBL's conferences in 2009 and 2010 emphasized establishing respected and timely dispute resolution processes—such as arbitration—that could be employed and relied upon by parties. In addition, advocating for improving the technology sector was hugely promoted.¹⁶⁵ As the SBL-leadership argued, Nigeria wanted to be a global player. The only way to do so was to create a world-class technological infrastructure that would provide assurances to foreign investors that the country was serious about its intentions.¹⁶⁶ And in order for modernization, democratization, and the formalization of a rule of law regime to occur, the first order of business was to eliminate the omnipresence of corruption.

George Etomi stepped down as chair of the SBL in 2010.¹⁶⁷ In the immediate aftermath, turmoil ensued due to tension that had been brewing between the broader NBA and the SBL.¹⁶⁸ The former had increasingly become more skeptical of the latter's focus on corporate and transactional law, as well as what it perceived to be an elitist attitude by the SBL towards the rest of the bar.¹⁶⁹ In 2011, Etomi and his allies supported Mrs. Mfon Usoro to become the next chair.¹⁷⁰ She served only six months before being

¹⁶³ See *Nigerian Bar Association book*, *supra* note 100, at 27–30.

¹⁶⁴ This was a point made repeatedly during discussions at the 2017 annual SBL conference, and it also was one that the author observed during his visit in 2011, where he gave a lecture at the Perchstone & Graeys Law Series in Lagos.

¹⁶⁵ See *Nigerian Bar Association book*, *supra* note 100, at 19–22.

¹⁶⁶ *Id.* at 24, 35–36.

¹⁶⁷ See Etomi, *supra* note 96.

¹⁶⁸ See *id.* See also SBL leaders, *supra* note 135.

¹⁶⁹ See *supra* note 168.

¹⁷⁰ *Id.*

deposed by the NBA's leaders. (The reasons for her dismissal vary depending on who one asks.¹⁷¹)

Thereafter, a well-known Senior Advocate of Nigeria, Charles Adeyemi Candide-Johnson, was named SBL-chair.¹⁷² Johnson was supported by the NBA, and largely for that reason the SBL refused to accept him as its leader. By 2012, he was replaced by Gbenga Oyeboade, who, because of his stellar reputation as a commercial lawyer, was seen as a consensus selection. Oyeboade served his full two-year term (2012–2014) and was then followed by Asue Ighodalo (2014–2016), Olu Akpata (2016–2018), and Seni Adio, who is the current chair of the SBL.¹⁷³

Today, the SBL continues to grow and build upon the ideas that were developed by Etomi and his colleagues in the early 2000s. Membership within the organization has risen to over 2,000 lawyers, and the signature annual conferences are now massive events that draw attendees from Nigeria's major metropolitan cities, across Africa, and from Asia, Europe, and North America.¹⁷⁴ Like with any group, however, there remain challenges that the SBL faces, including the Sisyphean task of figuring out how to eradicate the culture of corruption that still envelopes Nigerian society. The concluding section addresses these points next.

IV. CONCLUSION

As the narrative above has revealed, there were multiple motivations for creating the SBL. Ensuring that the Nigerian corporate bar had its interests represented in government was, of course, a driving factor. But there were other reasons as well. The SBL wanted to educate and equip its members with the best practices from around the world so that they could be sophisticated, competitive global lawyers. There was also a keen desire to attract foreign investment. Establishing a cosmopolitan corporate lawyers' association would be a signal to overseas investors that the Nigerian business

¹⁷¹ Several SBL members believe that blatant sexism on the part of the larger NBA was the key reason that she was ousted. Others argue that while that was the reason in part, the larger NBA was also seeking to exercise its authority over the SBL, and this move was an overt way of doing so. Then there were those within the larger NBA who claimed that she was deposed because of her lack of leadership experience, but this point is belied by her record of service on the SBL that dated back to the organization's founding, as well as her years of experience as a respected corporate lawyer within the country.

¹⁷² See Etomi, *supra* note 96.

¹⁷³ *Id.* Note, the African Continental Free Trade Agreement (AfCFTA), which was discussed quite extensively during the 2018 conference, has since been assented to by Nigeria. The conversations and discussions, during the 2018 SBL conference in Abuja, under Olu Akpata, were recognized by the Nigerian government as critical in persuading the government to become a signatory to this agreement.

¹⁷⁴ This information is based on the data that the author was provided at the last SBL annual meeting he attended in 2018.

law sector could indeed provide necessary legal services. And perhaps most fundamentally, the SBL wanted to show the world that Nigeria could be a society where the rule of law was valued, clean governance was taken seriously, and consolidating a democratic system of government was a priority.

For there to be a complete accounting of this story, however, there also needs to be a discussion of the challenges currently confronting the SBL. To begin, questions have emerged as to whether the SBL is concerned about the interests of lawyers outside of its niche. As already described, the vast majority of lawyers in the country engage in work that is far afield from what the corporate bar does. This fact has led many within the larger NBA to suggest that the SBL is too urban and too elitist.¹⁷⁵ Furthermore, these NBA members have also asked whether the corporate bar now is too disproportionately powerful in terms of the influence it wields within government and civil society.¹⁷⁶ They wonder whether it is time for the NBA to intervene and reign-in the SBL.¹⁷⁷ For their part, SBL-leaders have recognized that this sentiment exists. While they reject the manner in which this issue has been framed, they concede that there must be a closing of this perception gap, if the group wishes to continue to be an effective voice for change within the country.¹⁷⁸

Another issue that has been of concern for those both within and outside of the SBL relates to gender. Since its founding, the SBL has only had one woman as its chair, Mfon Usoro. While an increasing number of women have played leadership roles within the organization, since Mrs. Usoro's ouster in 2011, the subsequent chairs have all been men.¹⁷⁹ At the annual 2018 conference, this concern about the lack of women in prominent posts once again emerged, which caused several of the group's leaders to take note and to promise to address the matter in a more substantive fashion going forward.¹⁸⁰

For those who have argued for more inclusiveness of women in the strategic operations of the SBL, this issue is pressing. The demographics of the Nigerian legal profession are rapidly changing. Consider the structure of legal educational institutions within the country alone. Today, there are

¹⁷⁵ See Interview with three high-ranking NBA litigators, in Lagos, Nigeria (June 18, 2017).

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ See Interview with two SBL ranking members, in Abuja, Nigeria (June 29, 2018). See also Interview with Nigerian public intellectual and lawyer, in Abuja, Nigeria (July 1, 2018).

¹⁷⁹ See Etomi, *supra* note 96.

¹⁸⁰ See author observation of a panel discussion at the 2018 Abuja conference where this critique was launched.

approximately fifty universities that award a first degree in law.¹⁸¹ As in most other parts of the world, law in Nigeria is studied at the undergraduate level. Upon completion of the degree, graduates who wish to practice law are required to enroll in what is called the Nigerian Law School (NLS). The NLS has campuses in six different cities across the country¹⁸² and provides the formal vocational training that aspiring lawyers must undertake before being called to the bar. Although precise numbers are not available, experts project that today women make-up anywhere from a third to almost one-half of the student population that is pursuing law as a career.¹⁸³ Within a generation then, the Nigerian bar will have more women than it has ever had, and their demands for equality in all spaces—including within the SBL—will be even more vocal than they are at present. It is, therefore, incumbent upon the SBL-leadership, in its promotion of making Nigeria a rule of law society, to take greater strides in ensuring that women play a larger and more substantive role in how the organization’s policies are crafted and ultimately implemented.

In addition to a gender shift within the Nigerian legal profession, there has been a growing generational divide between the younger and more senior SBL lawyers, which has manifested most noticeably on the issue of whether to liberalize the country’s legal services market. Currently, Nigeria has what might be called a closed legal labor sector.¹⁸⁴ Foreign law firms and foreign lawyers are prohibited from practicing law within the country or from even establishing a full-fledged presence.¹⁸⁵ (There are “fly-in/fly-out” foreign lawyers who come in to negotiate or finalize deals, but they can only advise on their own home jurisdiction’s laws or on international law. And they

¹⁸¹ See Krishnan & Ajagbe, *supra* note 12, at 236 n.283.

¹⁸² *Nigerian Law School Campuses & Contact Details*, MYSCHOOLGIST (Apr. 27, 2018), <https://www.myschoolgist.com/ng/nigerian-law-school-campuses/>.

¹⁸³ This estimate was based on interviews with respondents that the author had during his time in Lagos (2017) and Abuja (2018), and in terms of follow-up exchanges with different academics in the country. See Interview in Lagos, Nigeria (June 18–19, 2017); Author Interviews in Abuja, Nigeria (June 28, 30, 2018).

¹⁸⁴ During the two annual SBL conferences in 2017 and 2018, respectively, the author was asked to deliver remarks on the state of the legal profession in Nigeria and comparatively in other Global South markets. In both sessions, he was joined on the stage afterwards by a panel of legal experts, where this topic was intensely discussed and debated. The information in these paragraphs relating to whether Nigeria should liberalize its legal services market thus comes from these events with these experts. The audience at both sessions were comprised of practitioners (transactional and litigation), as well as judges, policymakers, politicians, academics, and students. There were nearly 1,000 audience members at the Lagos event and approximately 600 at the Abuja session. See author participation in the 2018 annual SBL meeting, in Abuja Nigeria, (June 29, 2018). See also author participation in the 2017 annual SBL meeting, in Lagos Nigeria (June 20, 2017).

¹⁸⁵ See *supra* note 184.

certainly have no standing to practice domestic law or appear in a Nigerian court.¹⁸⁶)

At present, the debate is over whether the existing regulatory framework is acceptable as is, or whether changes need to be made. Many of the familiar arguments heard in other countries are echoed within the Nigerian context. For those who are in favor of liberalizing the current regime, they point to how the entry of foreign lawyers into the country will only accelerate foreign investment.¹⁸⁷ After all, foreign companies naturally want their own lawyers on the ground for consultation and advising purposes. Liberalizing the legal services sector would also advertise to the world that Nigeria welcomes globally accepted standards for how clean, corporate law ought to be practiced.¹⁸⁸ In addition, there are many younger Nigerian lawyers who would like to stay in their home country but who also seek greater global work opportunities.¹⁸⁹ Allowing foreign firms to have a local presence offers such an option to them, along with providing them the potential of higher salaries and mentorship by lawyers to whom they otherwise would not have access.¹⁹⁰ If ideas and best practices could be shared between international and domestic lawyers, it would strengthen the skill-sets of both sides, with liberalization leading to more business and enhanced profits for all involved, as well as offering a wider range of services to clients.¹⁹¹

Many of the more senior lawyers within the SBL, however, see the entry of foreign lawyers in a different light.¹⁹² They argue that Nigerian clients need, want, and are already satisfied by the services they currently receive from the domestic bar. By contrast, foreign lawyers do not know the culture, languages, customs, and context of Nigeria; they only want access to the Nigerian market for exploitative purposes—business is stagnant in their own countries and consequently they are looking to “colonize” a new

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.* For other jurisdictions dealing with similar issues and raising similar arguments, see Sida Liu et al., *Mapping the Ecology of China’s Corporate Legal Sector: Globalization and Its Impact on Lawyers and Society*, 3 *ASIAN J. L. & SOC’Y.* 273 (2016); Sida Liu & Honggi Wu, *The Ecology of Organizational Growth: Chinese Law Firms in the Age of Globalization*, 122 *AM. J. SOC.* 798 (2016); Laurel S. Terry, *Putting the Legal Profession’s Monopoly on the Practice of Law in a Global Context*, 82 *FORDHAM L. REV.* 2903 (2014); Mary C. Daly & Carole Silver, *Flattening the World of Legal Services? The Ethical and Liability Minefields of Offshoring Legal and Law-Related Services*, 38 *GEORGETOWN J. INT’L L.* 401 (2007); Jayanth K. Krishnan et al., *External Forces, Internal Dynamics: Foreign Legal Actors and Their Impact on Domestic Affairs*, 94 *TEXAS L. REV.* 995 (2016).

¹⁹² See *supra* notes 184, 191.

terrain that will bring them new profits. In fact, domestic opponents fear that because of their size and wealth, foreign lawyers would come to Nigeria, offer legal services well-below market value, and thereby force local law firms either to close or be taken-over.¹⁹³ Thereafter, the foreign lawyers would stand by themselves and be able to raise rates for their services without the fear of any domestic competition, and then move into areas such as courtroom litigation where the vast majority of Nigerian lawyers work.¹⁹⁴ Such a scenario has happened in other sectors, and these SBL-opponents see no reason why it could not happen in the legal services context as well.¹⁹⁵

This debate over whether foreign lawyers should enter Nigeria is one that has been simmering within the SBL for the last few years. It is not likely that the generational tension will abate any time in the near future. So, what will the outcome be? At this point, it is difficult to predict. Each side projects itself to be the protector and promoter of the rule of law and clean governance in this tussle. The bottom line is that for one side, foreign lawyers would help the SBL in raising the professional standards of the Nigerian bar; they would be strong potential partners in the efforts to fight corruption. Yet, the other side contends that foreign lawyers are the problem, and that their presence would only exacerbate corrupt behavior within the country. Consequently, there is a need to keep them at bay.

One middle ground might be to consider phasing-in the liberalization process, with clearly defined “do’s” and “don’ts” for foreign lawyers if they are eventually permitted entry into the Nigerian market. For example, allowing a physical office-presence within the country but restricting foreign lawyers in their ability to practice and advise only on international law, international arbitration, and the laws of their home countries could be a start.¹⁹⁶ If, over time, the disruption to the domestic bar was negligible, then perhaps “best friend partnerships” could be established, whereby a foreign firm and local firm could join forces, with the assurance that each side’s interests would be protected.¹⁹⁷ An additional phased-in approach that some

¹⁹³ See *supra* notes 184, 191.

¹⁹⁴ See *supra* notes 184, 191.

¹⁹⁵ For a comparative assessment of this issue, see Jayanth K. Krishnan, *Globetrotting Law Firms*, 23 GEORGETOWN J. LEG. ETHICS 57 (2010) (noting similar arguments made by lawyers in India who oppose liberalization).

¹⁹⁶ For a comparative assessment on India, see *id.* See also Jayanth K. Krishnan, *Peel-Off Lawyers: Legal Professionals in India’s Corporate Law Firm Sector*, 9 SOCIO-LEGAL REV. 1 (2013); Krishnan et al., *supra* 191.

¹⁹⁷ For a discussion of this type of partnership, see Jayanth K. Krishnan, *The Joint Law Venture: A Pilot Study*, 28 BERKELEY J. OF INTL. L. 431 (2010). Also for related issues, see also David B. Wilkins & Mihaela Papa, *The Rise of the Corporate Legal Elite in the BRICS: Implications for Global Governance*, 54 BOSTON COLLEGE L. REV. 1149 (2013); Mihaela Papa & David B. Wilkins, *Globalization, Lawyers*

jurisdictions have taken is to allow domestic lawyers to work for a foreign lawyer or foreign firm, but then to remove that domestic lawyer's ability to practice local law so long as such a relationship continues.¹⁹⁸

These possible suggestions might allow for a compromise to be reached between the two sides. More broadly though, such a change to the regulatory framework could be the SBL's biggest impact not just on the legal profession—but also on governmental policy to-date. Nigeria, recall, is looking to be in the next wave of Global South economic superpowers. For this transformation to occur, a massive, sustained infusion of foreign investment will be key. If the lessons of other jurisdictions are indicative, where foreign investors look to enter markets that are perceived to be freer and less restrictive, the resulting gradual liberalization of Nigeria's legal services market could be an enormously positive signal that the country is truly open for business.

To ensure that such a process runs smoothly and in a non-corrupt fashion, what better an organization to take the lead and navigate the doubtless hurdles that are certain to emerge, than the SBL? The first step, though, is for the organization to arrive at a consensus on how to proceed. If such an agreement can be reached, then this vibrant, entrepreneurial group of lawyers has a real opportunity to change the imagination of how the world views the Nigerian legal services market and maybe even the country as a whole. In sum, interested observers eagerly wait to see whether the SBL's efforts to inculcate a rule of law culture within Nigerian society will take root and ultimately succeed.

and India: Toward a Theoretical Synthesis of Globalization Studies and the Sociology of the Legal Profession, 18 INT'L J. LEGAL PROF. 175 (2011).

¹⁹⁸ This situation exists in places like China and Brazil, for example. For a broader discussion of the Chinese market, see Liu et al., *supra* note 191; Liu & Wu, *supra* note 191. See generally THE BRAZILIAN LEGAL PROFESSION IN THE AGE OF GLOBALIZATION: THE RISE OF THE CORPORATE LEGAL SECTOR AND ITS IMPACT ON LAWYERS AND SOCIETY (Luciana Gross et al. eds., 2018).

APPENDIX A

TABLE 1. LIST OF FIRMS THAT WERE IN EXISTENCE WHEN THE SBL WAS BEING CONTEMPLATED ¹⁹⁹					
Law Firms	Year Established	Practice Areas	Location	Size (# of Lawyers)	Website
Banwo & Ighodalo	1991	Commercial Litigation, Aviation & Securities	Lagos & Abuja	80–90	http://www.banwo-ighodalo.com/
Aluko & Oyebode	1993	Corporate and Commercial Legal Services	Lagos, Abuja & Portharcourt	80–90	http://www.aluko-oyebode.com/
Olaniwun Ajayi LP	1962	Banking, Capital Markets & Finance	Lagos	60–70	https://www.olaniwunajayi.net/
Templars	1995	Corporate and Commercial Legal Services	Lagos & Abuja	70–80	https://www.templars-law.com/
Udo Udoma & Bello-Osagie	1983	Corporate and Commercial Legal Services	Lagos, Portharcourt & Abuja	40–50	http://www.uubo.org/
Simmonscooper Partners	2006	Corporate and Commercial Legal Services	Lagos & Abuja	25–35	https://scp-law.com/
G. Elias & Co.	1994	Corporate and Commercial Legal Services	Lagos	15–20	https://www.gelias.com/
Paul Usoro & Co.	1985	Project Finance, Aviation & M & A	Lagos, Abuja & Uyo	30–40	https://www.paulusoro.com/

¹⁹⁹ This table was compiled by the author's research assistant, Adebola Adesanya, who is a practicing lawyer in Nigeria but who came to Indiana University-Bloomington for her LL.M. Because no one directory is available that provides such information, Ms. Adesanya used multiple sources of information (existing, incomplete directories, internet searches, information from the bar, and the like) to put together this table. The author then asked three seasoned, highly reputed corporate lawyers in Lagos to review the table to see whether this was as complete as possible a listing, to which he received affirmative responses.

Babalakin & Co.	1987	Commercial Litigation & Telecommunication	Lagos, Abuja & Portharcourt	40–50	http://www.babalakinandco.com/
ACAS-Law	1991	Corporate and Commercial Legal Services	Lagos, Abuja & Portharcourt	40–50	http://www.acas-law.com/
Aelex	2004	Corporate and Commercial Legal Services	Lagos, Abuja & Portharcourt	50–60	http://www.aelex.com/
Wole Olanipekun & Co.	1980	General Litigation & Corporate Law	Lagos & Abuja	20–25	https://www.woleolanipekun.com/
Olajide Oyewole LLP	1965	Corporate and Commercial Legal Services	Lagos	40–50	http://www.olajideoyewole.com/
Detail Commercial Solicitors	1995	Corporate and Commercial Legal Services	Lagos	20–25	http://www.detailsolicitors.com/
Odujirin & Adefulu	1972	Corporate and Commercial Legal Services	Lagos & Abuja	20–25	http://www.odujirinadefulu.com/
Streamsowers & Kohn	2007	Corporate, Energy & Aviation	Lagos	25–30	https://www.sskohn.com/
Perchstone & Graeys	1997	Commercial Litigation, Banking & Finance	Lagos, Abuja & Benin	30–35	http://www.perchstoneandgraeys.com/
Advocaat Law Practice	2005	Corporate and Commercial Legal Services	Lagos	10–15	http://www.advocaat-law.com/
Giwa Osagie & Co.	1985	Aviation, Capital Markets & Banking	Lagos & Abuja	15–25	http://www.giwa-osagie.com/
Jackson, Etti & Edu	1996	Corporate and Commercial Legal Services	Lagos, Abuja & Ghana	60–70	https://www.jacksonettiandedu.com/
Olajide Oyewole LLP	1965	Corporate, Intellectual Property & Finance	Lagos	50–55	http://www.olajideoyewole.com/

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George Etomi and Partners	1984	Corporate and Commercial Legal Services	Lagos & Abuja	14–20	http://geplaw.com/
Femi Atoyebi & Co.	1987	Maritime, Energy & Telecommunication	Lagos	30–40	http://femiatoyebi.com.ng/
Punuka Attorneys & Solicitors	1947	Capital Markets, Real Estate & Litigation	Lagos, Abuja & Asaba	21–25	http://www.punuka.com/firm.php
Tayo Oyetibo LP	1991	General Litigation & Corporate Law	Lagos	15–20	https://tayooyetibolaw.com/
SPA Ajibade & Co.	1967	Corporate and Commercial Legal Services	Lagos	15–20	http://www.spaajibade.com/
CLP Legal	1990	Corporate and Commercial Legal Services	Lagos, Abuja & Uyo	30–35	https://www.clplegal.com.ng/
BA Law LLP	1989	Corporate/Commercial Litigation & ADR	Lagos, Abuja & Ibadan	15–20	http://www.ba-law.org/
Strachan Partners	1991	Corporate and Commercial Legal Services	Lagos & Abuja	15–20	http://strachanpartners.com/
Abdulai, Taiwo & Co	1976	Corporate and Commercial Legal Services	Lagos	15–20	https://www.abdulaitaiwo.com/
Bloomfield Law Practice	2007	Corporate and Commercial Legal Services	Lagos	15–20	http://www.bloomfield-law.com/
Copley Partners	2007	Corporate and Commercial Legal Services	Lagos	8–10	http://copleypartners.com/
Kenna Partners	1993	Corporate and Commercial Legal Services	Lagos, Abuja & Enugu	35–40	http://kennapartners.com/
Alegh and Co.	1990	Commercial Litigation & ADR	Lagos, Abuja & Edo	25–30	https://www.aleghlaw.com/
Olisa Agbakoba Legal	1983	Insolvency, Maritime & Commercial Law	Lagos & Abuja	25–30	https://oal.law/

Bayo Ojo & Co	1986	Commercial Law, Aviation & IP Law	Lagos, Abuja & Ilorin	15–20	http://www.bayoojoandco.org/
Alliance Law Firm	2002	Corporate and Commercial Legal Services	Lagos, Abuja & Portharcourt	20–25	http://www.alliancefirm.com/
1st Attorneys		Corporate and Commercial Legal Services	Lagos & Akwa-Ibom	8–10	http://1stattorneys.com/
Patrelipartners Legal Practitioners		Litigation, Arbitration & Corporate Law	Lagos	8–10	http://www.patrelipartners.com
J. K. Gadzama LLP	1989	Capital Markets, Power & Commercial Law	Abuja, Lagos & Portharcourt	30–35	http://www.gadzama.com/
Izinyon & Co.	1987	Corporate and Commercial Legal Services	Abuja	10–15	http://www.izinyonco.com/
Solola & Akpana	1997	Corporate and Commercial Legal Services	Abuja, Lagos & Portharcourt	25–30	https://sololaakpana.com/
Mike Igbokwe, SAN & Co.		Corporate and Commercial Legal Services	Lagos	10–15	https://mikeigbokwe.com/
Sofunde Osakwe Ogunidipe & Belgore LP	1989	Corporate and Commercial Legal Services	Lagos	10–15	http://www.sooblaw.com/
Olawoyin & Olawoyin	1976	Commercial Law, Shipping & ADR	Lagos	10–15	http://olawoyin.com/
Bola Ajibola & Co.	~late 1970s	Corporate and Commercial Legal Services	Lagos	8–10	https://www.bolaajibolaandco.com/
Jireh & Greys Attorneys		Maritime, Banking & Corporate Law	Lagos	8–10	http://jandgattorneys.com/

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Kola Awodein & Co.	1984	Corporate, Banking & Real Estate	Lagos, Abuja & Portharcourt	8–10	http://www.kolaawodeinandco.com/
Ajumogobia & Okeke	1984	Aviation, Banking & Taxation	Lagos & Abuja	30–35	http://www.ajumogobiaokeke.com/
Tunji Braithwaite & Co.	1961	Corporate and Commercial Legal Services	Lagos	8–10	https://www.tunjibraithwaiteco.com/
George Ikoli & Okagbue	1996	Corporate and Commercial Legal Services	Lagos	15–20	http://www.ikoliokagbue.com/
Pinheiro and Co.	1996	Corporate and Commercial Legal Services	Lagos & Abuja	25–30	http://www.pinheiro-law.com/
Aina & Blankson Chambers	1991	Corporate and Commercial Legal Services	Lagos & Abuja	8–10	https://www.ainablankson.com/
Fidelis Oditah & Co.		Corporate and Commercial Legal Services	Lagos & Abuja	8–10	http://www.oditah.com/
Tokunbo Orimobi LLP	1979	Corporate and Commercial Legal Services	Lagos, Abuja & Pretoria	20–30	https://www.tolegalgroup.com/
Principles Law Partnership	2003	Commercial Law, Oil & Gas & IP	Lagos	20–25	https://www.principleslaw.com/
Wali Uwais & Co.	2003	Corporate & Project Finance, Banking & ADR	Abuja	8–10	http://wali-uwais.com/
Miyetti Law		Corporate and Commercial Legal Services	Abuja	8–10	http://www.miyetilaw.com/
Olujimi & Akeredolu	1986	Litigation, Real Estate & Aviation	Abuja & Ibadan	25–30	http://www.oandalegal.com/
Paul Erokoro & Co.	1984	Capital Markets, Aviation & ADR	Lagos, Abuja & Calabar	10–15	http://www.paulerokorolaw.com/
J.B. DAUDU AND CO.	1986	Commercial Law, Energy & ADR	Abuja, Kaduna & Zaria	15–20	http://www.jbdauduandco.com/

The New Practice		Corporate and Commercial Legal Services	Lagos	15–20	http://www.tnp.com.ng/
R. A. Lawal-Rabana & Co.		Corporate and Commercial Legal Services	Lagos, Abuja & Ilorin	11–15	https://rabanasan.com/
The Law Crest LLP	1997	Corporate and Commercial Legal Services	Lagos	15–20	http://thelawcrest.com/
Gbenga Biobaku and Co.		Corporate and Commercial Legal Services	Lagos	11–15	http://www.gbc-law.com/
F.R.A WILLIAM S AND CO.	1943	Commercial Law, Energy, IP & ADR	Lagos & Abuja	18–20	https://www.frawilliams.com/
Duale Ovia & Alex-Adedipe	2016	Admiralty, Aviation & Capital Markets	Lagos	10–15	http://doa-law.com/
Sterling Partnership	1983	Corporate and Commercial Legal Services	Lagos	8–10	http://sterlingpartnershipgh.com/
Funmi Roberts and Co.	1988	Commercial Law, Banking & Real Estate	Lagos & Ibadan	10–15	http://www.funmirobertsandco.com/
Africa Law Practice	2017	Corporate and Commercial Legal Services	Lagos & Abuja	20–25	http://www.alp.company/
G.M Ibru and Co.	1968	Corporate and Commercial Legal Services	Lagos	11–15	http://www.gmibuandco.com/
Kevin Martin Ogwemoh Legal	1988	Insolvency, Energy & Commercial Law	Lagos	10–15	http://www.kevinmartinogwemoh.legal/
Aidan Partners	2016	Litigation, D/R, Banking, Energy, M&A, Comm.	Lagos	10-15	http://www.aidanpartners.com/
Sefton Fross		Corporate & Project Finance, IP & ADR	Lagos	8–10	https://seftonfross.com/

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F.O AKINRELE AND CO.	1959	Corporate, Banking & Capital Markets	Lagos	15-20	http://www.foakinrele.com/
Akindelano LP	1972	Corporate and Commercial Legal Services	Lagos, Abuja & Ibadan	15-20	http://www.aindelano.com/
TRP LAW		Corporate and Commercial Legal Services	Lagos & Abuja	10-15	https://www.trplaw.com/
Stark Legal Solicitors		Energy, Transport & Banking	Lagos	8-10	http://www.starklegalng.com/
Primera Africa Legal	1980	Project Finance, Probate & IP	Lagos & Abuja	30-35	http://primeraal.com/
Foundation Chambers	1999	Maritime, Corporate Law & ADR	Lagos	8-10	https://www.foundationchambers.com/
Akanbi and Wigwe		Corporate and Commercial Legal Services	Lagos	10-15	http://akanbiwigwe.com/
Austen-Peters and Co.	1999	Capital Markets, Energy & Project Finance	Lagos & Abuja	8-10	https://www.austenpeters.com/
Koya & Kuti	1994	Corporate and Commercial Legal Services	Lagos	10-15	https://www.koyakutisolicitors.com/
Ikeyi & Arifayan	2005	Corporate, Taxation & ADR	Lagos, Abuja & Enugu	20-25	https://www.ikeyiarifayan.com/
Dorothy Ufot and Co.	1994	Capital Markets, Corporate Law & Energy	Lagos	8-10	http://www.dorothyufotandco.com/
Idowu Sofola and Co.	1975	Corporate and Commercial Legal Services	Lagos & Abuja	15-20	http://www.idowusofola.com/
Iliyomade & Iliyomade	1987	Corporate and Commercial Legal Services	Lagos	8-10	http://www.iluyomadela.com.ng/
Stillwaters Law Firm	2001	Corporate and Commercial Legal Services	Lagos	8-10	https://stillwaterslaw.com/

Dikko & Mahmoud	1993	Capital Markets, Corporate and Commercial Law	Abuja & Kano	20–25	http://www.dikkoandmahmoud.com/
Citipoint Legal Practitioners	1990	Corporate and Commercial Legal Services	Lagos	20–25	http://citipointchambers.com.ng/
Ken Ahia & Associates	1994	Insolvency, Corporate & Commercial Law	Lagos	8–10	http://kenahialaw.com/
Rickey Tarfa & Co.	1988	Aviation, Insolvency & Corporate Law	Lagos, Abuja & Port Harcourt	45–50	http://www.rickeytarfa.com/
Emeka Etiaba & Co.	1960	Capital Markets, Aviation & Corporate Law	Lagos, Abuja & Port Harcourt	10–20	http://www.etiabachambersng.com/
Esher & Makarios		Corporate and Commercial Legal Services	Lagos	10–15	http://www.esherandmakarioslaw.com/
Adedeji, Owotomo & Associates	1989	Commercial Law, Banking & IP	Lagos & Abuja	10–15	https://iplawcentral.com/
M. A. Banire & Associates	1995	Corporate and Commercial Legal Services	Lagos & Abuja	15–20	http://mabandassociates.com/
Aboyade & Co.	2009	Corporate and Commercial Legal Services	Lagos	8–10	https://www.aboyade.com/
Falana & Falana Chambers	1991	Litigation, Family Law & Commercial Law	Lagos & Abuja	20–25	https://falanafalana.com.ng/
Synergy Attornies	1999	Corporate and Commercial Legal Services	Lagos & Abuja	10–12	http://www.synergyattornies.com.ng/
Babajide Koku & Co.	1986	Shipping, Corporate Finance & Securities	Lagos, Abuja & Port Harcourt	12–15	http://bklegal.com/
Notes: The total count equals 100 firms.					