

**A PAPER PRESENTED BY CHIEF (MRS) VICTORIA O. AWOMOLO, SAN AT
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**TOPIC: THE 21ST CENTURY FEMALE LEGAL PRACTITIONER: PROSPECTS
AND CHALLENGES**

Courtesies

INTRODUCTION

The number of women in the legal profession has grown tremendously over the last 10 years, with women now representing about half of all law school graduates.¹ More females graduate with a first class in the law school. Most if not all academic awards of excellence are won by the females.

However, despite a decade-long channeling of more women in the legal profession, women's career development in the law profession appear to be low. The fact that there are more female lawyers does not necessarily mean that there are more women who reach higher positions in the legal career. This is the gap that we should strive to bridge. The major objective of this write up is to examine the prospects and opportunities available to female lawyers, the challenges that we face in the legal profession, how to access resources and become visible, and finally how we can strive harder to make it to the top of our profession inspite of the odds against us as women.

Analysis of Female Lawyers in the Legal Profession

There are so many examples of women lawyers who have done exceptionally well in their respective fields and have reached the peak of their careers in the legal profession.

Some Female 'Firsts' in the Legal Profession

The first female lawyer in Nigeria was Stella Jane Thomas in 1935, way before Nigeria got her independence. By 1943, Stella Jane Thomas

¹Same Performance But More Attractive, Yet Less Reward: The Plights of Nigerian Female Lawyers in Private Practice < <https://seahipaj.org/journals-ci/sept-2016/IJILPS/full/IJILPS-S-4-2016.pdf> > accessed on 12th May, 2021

became the first female Magistrate in Nigeria.² Now there are more female Magistrates in Nigeria, more than the men. In 1981, **Chief Mrs OluFolake Solanke (SAN)** became the first Nigerian female lawyer to be conferred the rank of a SAN. As at 2021, there are about 29 (4.2%) female Senior Advocates in Nigeria out of 690. The first female Justice of the Supreme Court of Nigeria is **Honourable Justice Aloma Mariam Mukhtar, GCON** appointed in 2005. In July 2012, she became the first female Chief Justice of Nigeria. There are four (4) female Justices at the Supreme Court presently, some have retired. The President of the Court of Appeal is a woman, in the person of **Honourable Justice Monica Dongban-Mensem** (She is the second female President of the Court of Appeal in a row). The first female Chairman of the Body of Benchers was **Mrs Hairat A. Balogun, OON from 1997-1998**. The first and only female President of the Nigerian Bar Association, **Chief (Mrs.) Priscilla Kuye** (1992).

Many States have women as their Chief Judges. There are about 25% of female Justices at the Court of Appeal now, 20% at the Federal High Court, 21% at the FCT High Court, 26% at the National Industrial Court. The States' High Courts are no less constituted. There are very many female lawyers in other positions in the legal profession, Corporate Organizations, MDA's, Universities and other tertiary institutions who are also excelling.

However, despite the good number of representation of women in high positions in the legal profession as stated above, there is still a huge gap when compared with the men. A good observation would also show a slow increase of women in these high positions. The first female to become SAN was six years after the conferment of the first set in 1975. The list staggered until 2009 when we had an unprecedented three (3) females conferred with the rank that year. Since 2012, we have had at least one woman make the list except in 2017 where no woman made the list. The number of female Senior Advocates conferred in a year compared to the men have been very low: In 2018, only one woman was elevated to the rank of SAN out of 30. In 2019, out of 38 practitioners, just 2 were women. We had

² Legal Profession: Making A Case For The Girl-Child, 2016 <http://www.naija.io/blogs/t/125718/stella-jane-thomas>, Accessed May 12 2021.

Safiya Umar Badamasi SAN who was the first Hausa/Fulani Muslim woman to become a Senior Advocate of Nigeria in 2019. In 2020, out of 72 people, only 4 of them are women. In 2021, only 2 out of the 72 conferred are women and they are in the Academic cadre.

It has been observed that the low number of female SANs is attributed to the “rigours of private practice”, which female lawyers tend to avoid for less rigorous jobs in banks, Ministries, corporate organizations and the Judiciary. Some may also attribute this low number to the low representation of women which results in the lack of aspiration in female lawyers, especially the young lawyers to work hard to come up. Other factors can also be imputed here as the reason for this low number, but whatever the case may be, we must strive hard to overcome these challenges.

Career opportunities available for a female lawyer

1. Legal Practice

There are female lawyers that are involved in active legal practice. It includes working in chambers (usually a private practice but can be in a public setting for example, the Ministry of Justice), representing clients in court, drafting court processes and many more. Legal practice is a good place to start as a female lawyer because it lays a good foundation in your knowledge of substantial and procedural law, it gives a wealth of experience, and instills hardwork and discipline in a female lawyer. All that a practitioner needs are:

- Focus
- Determination
- Planning
- Good mentor/Senior
- Appearances in court across the country
- Personal development i.e in brief writing, preparation of processes and argument of cases in courts
- Discipline
- Payment of tax
- Comportment and appearance

There are so many challenges though, that women face with being in legal practice. Some are: finishing at late hours, sexual harassment in the work place, gender discrimination etc.

2. Becoming a Senior Advocate of Nigeria

This is a rank/title that is conferred on deserving and distinguished legal practitioners in Nigeria. This title was first conferred in April 3, 1975 on **Chief F.R.A Williams and Dr. Nabo Graham-DOUGLAS**. It is equivalent to the rank of Queens's counsel in the United Kingdom.

There are currently about 29 female SAN's in Nigeria. The requirements have become harder than it used to be, but that does not mean it is impossible to meet. Part 1 of the Guidelines for the conferment of SAN provides:

"1. The Award of the rank of SAN is a privilege awarded as a mark of excellence to members of the legal profession who –
a. Are in full time legal practice;
b. Have distinguished themselves as advocates; and
c. Have made significant contribution to the development of the legal profession in Nigeria"

In addition to these are specific provisions for specific items/requirements including list of contested cases from High Court to Supreme Court, at least 10 Justices of Superior courts before whom the applicant had appeared, 3 of whom will be required to write confidential reports, six legal practitioners by whom the applicant/candidate has been led or that he/she had appeared against in contested cases of significance.

He/she is also required to provide particulars of contested cases which he/she considers of particular significance to the development of the law.

The Judgments submitted must be certified true copies or a copy of the reported cases (if reported) in a well-known law report. These must show that the candidate's name is reflected as having duly conducted the cases. Others are:-

- i. **20 final Judgments of the High Court or courts of co-ordinate jurisdiction with complete records of trial proceedings (at least 12 of them from start to finish)**
- ii. **5 final Judgments of the Court of Appeal supported by briefs duly settled and argued by the applicant**
- iii. **4 final Judgments of the Supreme Court supported by briefs duly settled and argued by him/her all within 10 years preceding the application**
- iv. **Law office/chamber inspection – size & quality**
- v. **Library, quality of office, - space, number of junior counsel in chambers, number and quality of support staff and maintenance of proper books of accounts.**

There must be evidence of tax payment in the last 3 years preceding the application and so on.

These requirements and more surely look insurmountable but sincerely speaking they are not impossible to meet.

3. The Bench: Being a Justice of the Supreme Court, Judge of the High Court or Magistrate

Aspiring to the lower and higher bench is another career path available to female lawyers. More women are actually now pushing to be on the bench as there are increasing numbers of female Magistrates and Judges. The bench consists of Judges and Magistrates, which are those who preside over matters or cases in the court. To become a Judge in Nigeria, it requires integrity, hard work and consistency; also, there are certain requirements that one needs to have accomplished before she can qualify to become a judge in Nigeria.

4. Holding positions in some associations in legal profession such as the Nigerian Bar Association, International Federation of Women Lawyers (FIDA), and so on.

5. Corporate Organisations, International organisations like the United Nations. Working as a lawyer in corporate organisations

would usually involve working from the office. This lawyer would not be going to court to represent their client.

6. Civil service and Administration – MDA's
7. Office/Court clerks, Registrars and Secretaries
8. Diplomats

PROPER DRESSING

The legal profession is an honourable, conservative profession with extant rules and regulations guiding conduct, appearance and practice in general. Right from the University and the Nigerian Law School, the issue of proper dressing is taken seriously and law students must be attired in the right 'regulation dress.' Law Students are easily distinguishable among other students in their Black and White attire. This is enforced with the males wearing ties (sometimes black).

On graduation and when in practice, we are guided by the Rules of Professional Conduct under the Legal Practitioners Act.

Rule 36 of RPC provides thus:

“When in Court room, a lawyer shall:

(a) be attired in a proper and dignified manner and shall not wear any apparel or ornament calculated to attract attention to himself.

(b) conduct himself with decency and decorum, and observe the customs, conduct and code of behaviour of the court and custom of practice at the bar with respect to appearances, dress, manners and courtesy;

(c) rise when addressing or being addressed by the Judge;

(d) address his objections, requests, arguments, and observations to the Judge and shall not engage in the exchange of banter, personality display, arguments or controversy with the opposing lawyer;

(e) not engage in undignified or discourteous conduct which is degrading to a court or tribunal; and

(f) not remain within the Bar or wear the lawyer's robes when conducting a case in which he is a party or giving evidence”

Lawyers are expected therefore to adhere to a certain code of dressing in the performance of their duties. Even outside of professional duties, lawyers are still expected to be neat and properly dressed. A lawyer should not be difficult to sight in a gathering be it in extreme heat or other uncondusive weather, a lawyer during official hours must dress appropriately. However, what do we see these days, especially among female lawyers?

A female lawyer appearing in court is expected to wear a neat long sleeved black/dark colored suit or dress, an inner blouse (black or white), a neatly ironed starched white collarette, neat/ironed gown, wig and black court shoes. The earrings must be modest and not distracting, the hair neatly parked to the back so that the wig can sit well. The general outlook or comportment must reflect a confident/learned woman professional who is well prepared for her case while impressing the Judge or Magistrate by her appearance! This kind of appearance may even evoke favourable consideration and cooperation from the Judge who would want to listen to her submissions/arguments and can easily be persuaded to flow with the submissions.

A tardy or roughly dressed lawyer on the other hand portrays a disorganized person who even though knows her case and has prepared well may loose the confidence and attention of the Judge. The court session may then start on a combative note which destabilizes the lawyer and puts off the Judge. You know what I am talking about. i.e. brown or white shoes or sandals, dirty collars, bibs or collarettes, rumped gowns, scarf or cap under the wig, large earrings, incorrect color of suit or uncoordinated suits/gown which she struggles to cover up with the gown! What most practitioners don't know is that from the vantage position of the Judge, he can see everything we wear. Some of them would speak and refuse to hear the lawyer but some would not talk but take a mental note of the lawyer and form his opinion.

What we don't also know is that Judges discuss lawyers as we also discuss and compare them. So as much as you prepare well for your case, please take special care of your appearance. It is said that 'you are addressed by the way you are dressed.' If you want to be respected for what you have 'upstairs,' dress properly and neatly.

The question may arise about the cost of looking good and presentable. I quickly answer that it does not cost much to look presentable. An investment in a few dresses and suits which are properly maintained (dry cleaned) will last very long but even if you buy the most expensive labels and are careless about maintaining them, they will not last. Shoes also last very long. It is our insatiable taste that makes us buy but, proper dressing to me is the hallmark of a good legal practitioner.

ACCESSING RESOURCES

Being able to access resources in the legal profession involves being pro-active and having the ability to network effectively.

There are so many resources that are available to the 21st Century female lawyer in the legal profession. We have Law libraries, Law Reports, Law Textbooks, Electronic law reports (e.g law pavilion), newspapers, journals, blogs, and articles, social media.

To access these resources, one must be involved in a community, group or organization. For example, working in a law firm allows a lawyer to have access to law libraries, law reports, statutes and textbooks. Becoming a member of the Nigerian Bar Association, International Federation of Women Lawyers (FIDA) provides access to so many useful legal resources such as case laws, articles, essays, seminars, webinars and conferences.

Having an online presence is also another way to access resources. The world is now going digital. We now have several electronic law reports and books. By subscribing to these digital mediums, one can have access to a wide range of legal resources.

Visibility

Being a lawyer as a female is not just about who you are or where you work, but also about who you know. Socializing and networking are very important skills in the legal profession because it will make you visible to others, enhances your reputation, and bring amazing opportunities that you may not be able to get on your own. Ask any successful lawyer how she built a practice, and you'll hear, "It's all about relationships."

1. Learn how to network effectively.
2. Be alert to opportunities every day and everywhere
3. Capitalise on the opportunities presented by your attendance and participation in law organizations and events such as the Nigerian Bar Association at the Local Branch, National level and International Bar Association, International Federation of Women Lawyers (FIDA), Common Wealth Association, African Bar association and many more at the international level.
4. Be involved in Continuous Legal Education conferences, seminars, webinars and events
5. Be involved in activities in the church and the mosque.
6. Appear with Senior Colleagues in Court and Appear alone across the country and outside; the ECOWAS court, the ICC, etc.

Prospects/How to grow in the Legal Profession

- 1) Be consistent in your practice;
- 2) Avoid any business of any kind
- 3) Learn under experienced seniors or be attached to a chambers in a loose partnership as Associates
- 4) Find mentor(s) and copy him/her and appear with him/her
- 5) Be determined to make it
- 6) Develop yourself by getting higher degrees and/or attending refresher courses to upgrade yourself and for networking
- 7) There are many areas of law, so get knowledge and work with people in those areas of your interest
- 8) Appear in different courts across the country if possible, thereby you get known and recognized; Appearance with senior members of the profession also helps here.

- 9) Organize your family and get the understanding of your husband
- 10) Attend career development and training programmes for lawyers
- 11) Believe in God

Some Challenges

It is important to highlight some of the problems or challenges stopping the female legal practitioners from getting to the top of the profession. Some of the factors include:

- Marriage & Family issues
- Lack of personal motivation & involvement in legal activities
- Culture
- Inflexible work environment
- Non-employment of women in some chambers
- Problem of abuse or sexual harassment

Conclusion

In conclusion, there are several career opportunities available to women in the legal profession. The most important thing is to become aware of these opportunities and capitalize on them. Suffice to say that the challenges are real, they are not insurmountable. Legal practice is a jealous business which cannot tolerate any other practice or business with it.

Rule 7 of the Rules of Professional Conduct prohibits this and provides:

“7(1) Unless permitted by the General Council of the Bar (hereinafter referred to as the “Bar Council”) a lawyer shall not practice as a legal practitioner at the same time as he practices any other profession

(2) A lawyer shall not practice as a legal practitioner while personally engaged in –

- a. the business of buying and selling commodities;***
- b. the business of commission agent;***

- a. such other trade or business which the Bar Council may from time to time declare to be incompatible with practice as a lawyer or as tending to undermine the high standing of the profession.**

(3) For the purpose of this rule, “trade or business” includes all forms of participation in any trade or business but does not include:

- a. membership of the Board of Directors of a company which does not involve either executive, administrative or clerical function;**
- b. being secretary of a company; or**
- c. being a shareholder in a company”.**

The above rule is clear but where practitioners have tried to ignore or circumscribe the rule, they have bitter stories to tell! Nobody can successfully combine legal practice with politics and be successful in both. One must give way to the other.

Thank you for listening.