

ACADEMIC AND PROFESSIONAL LEGAL PRACTICE: STRIKING A BALANCE

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INTRODUCTION

It is not in doubt that persons trained as lawyers are a specially favoured genus because of the array of opportunities open to them after the completion of their legal education. A typical Nigerian lawyer is thus faced with the herculean task of choosing in between the various opportunities at his disposal. He will have to decide whether he wants to go into full practice either as an advocate or as a solicitor or as both, or to venture into other opportunity areas. He may decide, as is often the case, to combine legal practice with another profession such as lecturing in the tertiary institution. Where he tows this latter path, the question that begs for answer is: how does he maintain a balance between his dual portfolios? Put more succinctly, how does he ensure that the demands on him as a practising lawyer do not affect his assignments as an academic in the tertiary institution?

Suffice to say that academic and professional legal practices have their separate expectations. A lawyer is expected to represent clients in court, mediations/arbitration proceedings, business transactions and other important legal proceedings or arrangements where the law will be discussed. He equally meets with his clients before, during and after legal proceedings to ensure that the clients fully understand all aspects of their cases. A good lawyer is expected to maintain clients' contact. This is useful for the purpose of reporting all progress and pertinent information to their clients in order to keep them well informed. In addition to representation in Court, a good lawyer is also involved in a multitude of background work which he must do in order to adequately prepare a case or pursue a legal matter. There are many legal documents that need to be drafted and although paralegals and legal secretaries can draft some of these documents, there are still many lawyers who choose to do so themselves. Above all, a lawyer that is worth his name is expected to know something about everything; and this he can only achieve by engaging in deep researches in such areas as researching statutes, procedural rules, evidence, pertinent documentation and more. A large portion of a lawyer's time is spent reviewing and compiling research to aid him in the representation of his clients.

As a lecturer/person in the academic, a lawyer is expected to perform some roles incidental to his office. These roles are multi-faceted and quite demanding. In this capacity, he is expected to teach students, prepare lecture notes, conduct tutorials, conduct tests, prepare examination questions, mark examination and test scripts, attends meetings, perform administrative functions, supervise students' projects, and most importantly, carry out researches on issues relevant to his area of specialisation. An efficient combination of the dual offices will require dedication, industry and intelligence from the holder of both offices.

PROFESSIONAL ASPIRATIONS OF A LAWYER-LECTURER

A legal practitioner in the academic has assumed a dual role as stated earlier. He will therefore have aspirations which he intends to fulfil both as a legal practitioner and as a lecturer. The first aspiration of every lawyer is the rendition of brilliant legal services to his chain of clients. To achieve this, a lawyer will need to be industrious and knowledgeable. He will need to display a skilful mastery of the law on any subject-matter brought before him. His industry will be manifest in his ability to persevere in the face of daunting circumstances, more so when lawyers are usually expected to deliver the bulkiest of briefs within the shortest period of time. Lack of industry and persevering spirit will consequently lead to the downfall of a legal practitioner. A lawyer, to meet his aspiration of providing excellent legal services to his clients, will equally have to have diverse knowledge. That is where the need to know something about everything resurfaces. This becomes more important since a lawyer is expected to possess the kind of savvy that will fault the intelligence of a professional in his own field.

Apart from the aspiration to render sterling legal services to his clients, a legal practitioner will equally be aspiring to get to the apogee of his career. He will therefore have his eyes on the attainment of the status of Senior Advocate of Nigeria (SAN), the achievement of which is not the product of indolence. The first requirement for qualifying for this status is for the aspirer to have been in active legal practice for ten consecutive years, which practice must span virtually all the courts of records in Nigeria: proceeding from High Court to the Supreme Court of Nigeria. The aspirant must also have appeared in landmark cases which make contribution to the development of law precedent. A lot of hard work is therefore needed to realise this aspiration like any other.

Ascension to the Bench is yet another aspiration of a lawyer. It is the dream of some legal practitioners to move to the Bench after meritorious years of practice at the Bar. This too requires lots of efforts and erudition. Some lawyers aspire to go into public services such as becoming an Attorney General in their various States or the federation. One cardinal point relevant to all these aspiration is that none can be achieved without the twin requirements of hard-work and knowledge. Apart from being knowledgeable, a lawyer must be very hard-working to realise his dreams of either providing excellent services to his clients, becoming a SAN, a Judge, or holding public offices as AG or in other capacities.

A lawyer-lecturer, on the other hand, will, in addition to the above ambitions, nurse the achievement of other goals peculiar to his office as a lecturer. He may want to become the Head of its Department, Dean of the Faculty, Professor, or join the membership of notable decision-making committees within the school environment. At the acme of it all is the dream to become the Vice Chancellor of the University. These are no mean achievements, and their realisation is definitely a function of the lecturer's focus and hard work. A perfect and exquisite mastery of his chosen field must be displayed to excel and realise these dreams.

The realisation of these aspirations on the part of a lecturer will no doubt mean more responsibilities for him, and his already saturated academic demands will in turn snowball. Already, as a lecturer he has the onerous tasks of teaching different levels of students, conducting meaningful and resourceful research works, participating in community services and being on different administrative offices. The major issue here is how a lawyer-lecturer can effectively combine all these aspirations with the resultant responsibilities without one affecting the other. Effective time management and the ability to strike a proper balance between the various options are key success factors. These are considered below.

EFFICIENT TIME MANAGEMENT

Time management is essential to all organisations and individuals as it is what makes the difference between people's achievements. To this end, efficient time management by a lawyer-lecturer will go a long way in assisting him attend to his copious official and unofficial assignments. But it need be pointed out that efficient time management is a skill, the techniques of which must be separately learned and imbibed. There is therefore a need

for a lawyer-lecturer to learn this skill. The following are the essential elements of efficient time management:

Task Setting:- For there to be a proper and efficient time management, a lawyer-lecturer must set tasks which he/she intends to accomplish within a given period of time. This is advantageous in the sense that setting goals/tasks motivates the task setter to do better. There is always a spirit of ‘I have to complete these tasks within this time’ where tasks are set before hand. By setting tasks, a lawyer-lecturer will be able to categorise his duties under both offices and attend to them appropriately. However, we must sound a note of warning here: tasks to be set must be realisable ones. We must not set superfluous tasks. In other words, while the tasks must be higher enough to motivate us, it must not be too high to set us on failure.

Prioritizing:- Another indispensable time management skill is prioritisation of tasks. After the tasks meant for a particular period have been set, it is equally essential to prioritise the order in which the tasks are to be executed. This is because time management is not about getting more done; it is about doing the important things. A lawyer-lecturer therefore needs to recognise the difference between important tasks and tasks that can be left for another time both in his chambers and office as a lecturer. To be more effective, prioritisation may cover tasks meant for a day or week or month or the whole semester. Works relating to the examination of students may be prioritized over and above works relating to a client’s land agreement in his chambers. In addition, such lawyer-lecturer may set short and long-range goals and allocate specific blocks of time to each. In doing this, prioritised tasks must be further subdivided into essential, important and optional tasks. The manager (in this case the lawyer-lecturer) should embark on the execution of the tasks in the order outlined. A complementary factor here is revision. It is advisable to review tasks continuously to make sure one has the most important tasks taken care of first.

Planning:- This covers the whole process; starting from task-setting to task execution. After setting the tasks, a good time manager must visualise the end results; break large tasks into weekly and daily priorities; detail the steps to completion; and be prepared for barriers which must be dealt with in a calm and mature manner. For a lawyer-lecturer, this will mean that he/she must plan how to distribute his time between the various tasks ahead of him/her, doing the important ones first while leaving out the less important ones.

Proper Time Scheduling:- Good time management involves keeping a schedule of the tasks and activities that are important. It is not in doubt that keeping a calendar, daily

planner, weekly planner, or the use of electronic devices such as Personal Digital Assistant (PDA) and other sophisticated phones to itemise tasks meant for each day/week/month are all helpful means of staying on the tasks. Personal Time Analysis Charts (PTAC) may also be used. This will show the various activities on which a lawyer-lecturer spends his times. It will also help individuals to study the use of their time and on the basis, prepare a more useful personal time tables for their activities during the day and each week. Proper time scheduling will help a lawyer-lecturer to eliminate dead hours. In scheduling time, it will be to the advantage of a lawyer-lecturer to put more tasks during the daylight hours. It is equally helpful to plan in blocks of one hour, differentiating between time meant for work and time meant for break within the one hour block.

Dealing with time wasters:- These are activities which unnecessarily occupy our time, and everybody is guilty of this. It is important to first identify those time wasters, avoid them (if possible) or reduce them. Time waster is something that occurs during lawyer-lecturers' corporate time that is not necessary to the day or an activity that consumes more than necessary time. Time wasters in every formal organisations include the following: disorganisation, unclear goals, conversation in the office, too many personal phone calls, disjointed processes, no routine, poor planning, junk emails, drop-in visitors, unscheduled meeting with super-ordinates, inability to say 'No', spending unregulated time on social networks such as facebook, twitter, youtube, etc. Since time wasters are barrier to effective time management, it is essential that each lawyer-lecturer identifies his/her time wasters with a view to eliminating or reducing them.

The cluster-desk syndrome:- A common phenomenon among lecturers and lawyers alike is a clustered desk. A lot of time is wasted many a time in looking for materials on such a desk. Where a desk is neatly and properly arranged, a lot of time will be saved and this, invariably, will impact on the efficiency of time management for such person.

Procrastination:- Procrastination is the thief of time. It involves putting off work, postponing decisions, and not starting or finishing tasks. Statements common to procrastinators include: 'I work best under pressure'; 'the day is still young'; 'there is still more time to do the job' etc. Procrastination may occur as a result of poor utilisation, lack of concentration, fear and anxiety, personal problems, among several others. For there to be efficient time management, lawyer-lecturers should avoid procrastination as it robs them of precious time needed to accomplish the performance of the various tasks lying before them.

These factors will no doubt help a lawyer in the academics to effectively manage his busy schedules both in his firm and in the school. They also will help him in striking a balance between his duties/aspirations as a lawyer and his duties/aspirations as a lecturer. Other relevant factors to striking a balance are discussed below.

STRIKING A BALANCE BETWEEN ACADEMIC AND PROFESSIONAL LEGAL PRACTICES

It is necessary for a lawyer who doubles as a lecturer to strike a balance between his duties and responsibilities as a lawyer and his roles and responsibilities as a lecturer. As earlier pointed out, a lawyer properly so-called must be able to work assiduously and steadfastly towards the achievement of his numerous aspirations both as a lawyer and as a lecturer. While working towards this end, he must always be mindful of conflicts of interests that are likely to arise, and must work out a way to strike a balance in such situations. The following techniques are suggested:

Spirituality: - This has been defined as the state or quality of being dedicated to God, religion, or spiritual things or values, especially as contrasted with material or temporal ones. It is the condition or quality of being spiritual. This definition encapsulates one's ability to make the right judgment with the fear of God in mind. In other words, the relevance of the concept of spirituality to striking a balance is that with the fear of God in mind, and a belief that everything comes from and belong to Him, one will be able to make the right decision without allowing his decision with respect to one office to affect his duties in the other office all because of the material gains that may accrue to him therefrom. More specifically, when a lecturer in the University, who is equally a lawyer in a reputable law firm or a law firm in which he is the principal, has to attend to his personal clients in his office, and at the same time has to attend meeting in the University environment or give lectures to his students, without giving consideration to the issue of spirituality, he is more likely to abandon his duties as a lecturer and attend to his personal clients. This is more so since the mentality with government jobs, such as lecturing is whether you attend class or not you will still be paid your salary at the end of the month. Thus with the concept of spirituality properly understood, a lawyer who doubles as a lecturer will be able to practically, and with the fear of God, make decision when there is a clash between his numerous roles in his different capacities. It all revolves round the

concept: it is only God that can make someone rich. You do not rob Peter to pay Paul and expect a meaningful outcome. There is therefore a need to respect this principle whenever we are faced with clash of interests in the two capacities.

Prioritization: - Prioritization can be variously defined as: ‘to arrange or deal with in order of importance’ or ‘to put things in order of importance’ or ‘to arrange according to priority’. This concept becomes indispensable since at times it may not be possible for us to do or achieve every of our dreams at one and the same time. To this end, a lawyer who is also a lecturer will have to prioritize both his aspirations and works if he finds out that the realisation of all the aspirations/works will be to the detriment of one of the offices. For instance, it will be highly demanding for a practising lawyer-lecturer to aspire to the status of SAN and that of a Professor at the same time. To become a SAN, the intending aspirant is expected to have practised for ten years. What is required is not ordinary practice, such a person must have participated in a number of cases in the High Court, the Court of Appeal, and the Supreme Court, and the cases in question must be ground-breaking and precedent-setting. What this simply translates into is that the aspirant, in most cases, would have dedicated the whole of his time to the practice of law, without mixing it up with any other profession. But this is not to say in the least that there are no people in the academics that are able to attain the status of SANship and Professorship at the same time. Prof. Itse Sagay and Prof. Taiwo Osipitan, Prof Yemi Osibajo, Prof G. A. Olawoyin to mention a few.

The point being made above is that where it is discovered that we cannot pursue two or several goals without one affecting the other, then we prioritize and ask ourselves: Which one do I prefer more: becoming a Professor or a SAN? Or, in what capacity would I be more useful both to myself and my immediate environment: as a SAN or as a Professor? This question applies to other aspirations. If pursuing the dream of becoming a SAN and a professor will be to the disadvantage of students and other duties in the school, then it is advisable to drop the aspiration to SANship for that of professorship and vice versa. The concept of spirituality above-discussed will further help us in reaching this decision because without the fear of God, a lecturer may devote, as some of us do, the chunk of his time to legal practice at the expense of his students all in the name of working towards becoming a SAN. The right thing to do is therefore to prioritize and go for the aspiration to which we are most qualified and useful.

Administrative Challenges: - Another important point in maintaining a balance is administrative challenges. A lawyer-lecturer should consider in detail the administrative

challenges attached to a particular office to which he is aspiring. For instance, it will be wrong for a lawyer-lecturer who knows he is very busy in his legal practice to submit himself for appointment as HOD or Dean of his Faculty. The reason for this is obvious. These are offices that carry more than the usual responsibilities of a lecturer. Once you are HOD or Dean, then you will have to attend meetings both within and outside the University environs. This will definitely affect legal practice in no small measure as you may be called upon to attend meeting with very short notices.

Delegation of Responsibilities: - This too is very essential in striking an effective balance between the two offices. Where there are other capable hands in the chambers, say junior counsel or other partners, the demand on the lawyer-lecturer will be reduced. His attention will be required only when it is extremely necessary. Appearances in court can be left in the hands of the principal partners and junior counsel while the lawyer-lecturer can contribute in brief writing and other duties not requiring physical presence during working hours. His presence at his chambers during working hours will only be limited to when it is extremely necessary. Thus, conflicts between his duties as a lecturer and his duties as a lawyer will be thereby reduced to the barest minimum.

CONCLUSION

A person in both academic and professional legal practice is expected to meet up with the numerous expectations of these offices. He is expected to perform his duties as a lawyer efficiently and at the same time, his roles as a classroom lecturer must not suffer. He must be able to give his best professional services to his clients while ensuring simultaneously that his students in school are properly catered for and his employer gets commensurate services for its payment. While his aspirations in both offices are not cut short in any way, problem may however arise where his duties and aspirations in one capacity are affecting his duties and aspirations in the other capacity. In such a situation what can he do? All he need do as we have shown is to strike a balance between his responsibilities and aspirations under the two offices. An efficient time management will be of immense use as we have shown. Techniques such as spirituality, prioritising, knowing the administrative challenges attached to an office, and delegation of responsibilities will all go a long way not only in helping him strike a balance between the duties emanating from the two offices, but also to prevent or reduce conflicts that are likely to come into play.

It is our firm belief that a strict adherence to the precepts herein enunciated will help reduce conflict of interests and strike equitable balance for those engaged in academic and professional legal practice.