

RECRUITMENT AND RETENTION IN THE LEGAL PROFESSION, ANALYSIS AND SOLUTIONS – Being A Paper Presented By Adesina Adegbite, FICMC (General Secretary, Nigerian Bar Association) at the 23rd Commonwealth Lawyers Conference (CLC) in Goa, India.

1. INTRODUCTION

It is my greatest delight to be with you today, discussing the emerging yet very challenging issue of recruitment and retention in the Legal Profession. Let me start by saying that the Legal Profession is one of the oldest and noblest professions in the world with an established and formidable structure for the sustenance of administration of justice, which imparts on the growth and development of any country¹. The legal profession is glorified all over the world for several factors, ranging from the rigorous learning experience, to the special rules that apply to its practice².

The legal profession is and remains an important branch of the administration of justice mechanism. One aspect that has increasingly been in the limelight in recent discussions about the profession is recruitment and retention of talents. According to a report by the International Bar Association³, following a survey of 3,000 young lawyers, it was discovered that over half of them intend to leave their current jobs within the next five years. This concern is even more pertinent in Nigeria considering the recent surge in the migration of young, talented legal professionals for greener pastures outside the country. It is therefore timely to examine and analyze the process of recruitment and retention in the legal profession in the Nigerian context.

Without a well-organized legal profession, the courts would not be in a position to administer justice effectively, as the evidence for or against the parties to a lawsuit would not be adequately gathered, the facts would not

¹<https://www.legalserviceindia.com/legal/article-7695-legal-profession-in-india-evolution-historical-development-and-regulations.html>

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³<https://www.ibanet.org/New-IBA-report-reveals-significant-numbers-of-young-lawyers-want-to-leave-their-current-job>

be effectively analyzed, and the best legal arguments in support of or against the case of the parties may not be presented in court. The topic I have been invited to talk about has a lot to do with every connected parts of the legal profession i.e. the Bar and the Bench and in fact including the paralegals, and it is through these connecting parts that we experience smooth administration of justice system in any part of the world. The quality of the justice sector in any part of the world is dependent on the expertise of the legal practitioners available within the system.

This topic is divided into two parts – first is the **recruitment** into the legal profession while second is the **retention** of those already admitted into the legal profession. The recruitment into the legal profession is usually influenced by a lot of factors, chief of which are Competence and quality of the applicants seeking employment; Standard or Policy of law firms or organizations undertaking such recruitment. The number of lawyers and the available job space is an important variable that determines recruitment dimension. Studies have revealed that the Indian legal profession is one of the most widespread in the world, with a little more than 1.4 million registered lawyers across the country. These 1.4million lawyers are positioned to provide legal services for the 1,416,125,842 Indian population (as of Saturday, March 4, 2023)⁴. Speaking from the point of information available to me as the General Secretary of the Nigerian Bar Association, I can reliably state that as at December, 2022 when the last set of lawyers were called to the Bar in Nigeria, the total number of lawyers on the roll of Supreme Court of Nigeria stood at 139, 594 (inclusive of both dead and alive). These numbers less the over 10, 000 deceased ones are positioned to service the population of over 200million people. While the adequacy of the number of lawyers available or otherwise to service the populace either in Nigeria or India is not the focus of this paper, it is important that I mention from the point of view of my informed research that in Nigeria, a lawyer is responsible for approximately 1, 400 person's legal services need. It is therefore a wrong notion to postulate

⁴ <https://www.worldometers.info/world-population/india-population>.

that there are too many lawyers in Nigeria as some persons like to speculate, in view of absence of job opportunities in the Nigerian legal market. The lack of job opportunities as will be seen in this paper is largely due to the state of the economy and cultural practices.

2. RECRUITMENT PROCESS IN THE LEGAL PROFESSION

The recruitment process in the legal profession largely depends on the hiring organizations. Lawyers have the choice to work in a law firm or work as in-house counsel or solicitors in other organizations or institutions. However, whether a lawyer chooses to practice in a private law firm or decides to work as an in-house counsel at a financial institution, government owned corporations or agencies, oil and gas companies or other organizations, the following basic requirements must be fulfilled before anyone can qualify to be recruited as a lawyer in Nigeria:

a. Obtain a Law Degree from an Accredited University

One of the prerequisites to become a lawyer in Nigeria is a Degree in Law from a University duly recognized or accredited by the National Universities Commission and the Nigerian Law School. The Nigerian University system requires that the holder of a Law Degree must have studied and passed twelve compulsory courses- Legal Methods, Nigerian Legal System, Contract Law, Constitutional Law, Company Law, Law of Torts, Commercial Law, Law of Equity and Trusts, Criminal Law, Land Law, Evidence Law and Jurisprudence to be awarded an LL.B degree. Individuals who obtain their law degree from foreign universities are thus required to undertake the Bar Part 1 program where these important courses are taught to bring them in tune with the Nigerian legal system.

b. Training at the Nigerian Law School for the Bar Finals Examination

The Nigerian Law School is the only body with the statutory mandate to train law graduates in procedural and practical knowledge of law. Law students are expected to have at least a pass grade in the following

subjects- Criminal litigation, Civil Litigation, Corporate Law Practice, Property and Conveyances Law and Professional Ethics and Skills. Besides passing these subjects, bar aspirants are also expected to attend three dinners and complete two externships in a law firm and in a court. It is after successfully fulfilling these requirements that an aspirant deemed fit and proper can get called to the Nigerian bar.

c. Call To Bar/Enrollment and the Supreme Court of Nigeria

All successful candidates at the Bar Final Exams who have been found fit and proper to be admitted into the legal practice in Nigeria are upon recommendation of the Nigerian Law School acting through the Chairman of the Council of Legal Education and the Director General of the Nigerian Law School, called to the Nigerian Bar by the Body of Benchers which is the only body responsible to call all aspirants into the Nigerian Bar. This is in line with the provisions of the *Legal Practitioners Act, 2004*.

After fulfilling the above-mentioned requirements, the new entrant is then eligible to practice and work as a lawyer in any firm or organization in Nigeria.

2.1. Analysis of The Recruitment Process In Nigeria

The recruitment process is not usually a walk in the park. Getting employed as a lawyer by top firms can be very competitive and strenuous. It must be mentioned that after admittance into the Bar, a whole lot of lawyers find it difficult to secure employment in not only good law firms but even in corporate organizations and government establishments. Besides the mandatory requirements prescribed in the applicable laws and rules, several law firms and organizations have their requirements in terms of academic performances at the university and law school, and the aptitude tests set by the firms before being granted the opportunity to be interviewed by the managers and partners of the firm as the case may be.

It is not uncommon for most top law firms in Nigeria to run ***Trainee*** programs for fresh lawyers. The recruitment process sometimes requires

applicants to have graduated with a minimum of a Second Class Upper Degree at the University and Law School. Other organizations recruiting young wigs also have similar recruiting processes.

It is noteworthy that some exceptional candidates do not have to go through the rigorous application process; top firms usually look out for such candidates and provide them with offers. Similarly, firms also acquire talents by poaching from other firms. It is not uncommon for lawyers to move from one firm to another in pursuit of better offers and more conducive working environment.

2.2. Recruitment At Law Firms – What Should Be Considered?

There are certain relevant questions/factors that should be of interest to Law Firms at the point of recruiting young lawyers, such questions include;

- a. What makes them happy and makes them miserable?
- b. What are their wants and needs?
- c. What part(s) of the job specification they find most interesting and inspiring?
- d. What aspect of the job they find challenging?
- e. Ensure you recruit a great talent while focusing on retaining your top talent at the same time.

The Big Question however is, despite the efforts some firms put into recruiting the best talents, 'are they able to retain them?' This leads us to the issue of retention of talents in the Legal Profession.

3. RETENTION IN THE LEGAL PROFESSION

I must warn from the outset that there is no strategy for retention in the legal profession that is perfect for all purposes. Certain individuals have their psyche set in such a way that they are perpetually mobile and insatiable. Therefore, such persons may still leave an employment, even if provided with the very best working condition and opportunities.

This should however not discourage any employer from making the best efforts towards retention.

3.1. Causes of Disruptive Mobility In the Legal Profession

A number of factors are responsible for the apparent lack of retention value in the legal profession. Some of them are highlighted below:

- a. **Poor Remuneration** – It is natural for new entrants to anticipate good job and decent salaries upon being called to the bar. However, most of the times the reality that confronted these young legal practitioners are contrary to their expectations. It is therefore natural for such lawyer who is dissatisfied with level of his or her income to explore better prospects. Several factors are often responsible for poor remuneration or rather the inability of law firms to pay decent remuneration. While the focus of this paper is meant to analyze the reason for the lack of retention, it is imperative that I identify a few factors that will necessarily hinder an employer in the legal profession from paying decent or competitive salary in Nigeria specifically. A few of such factors include:
 - i. **Poor Economy** – Most African countries are not strong economically, therefore are unable to engender a prosperous legal practice as it is obtainable in Europe, United States and other developed parts of the world. Nigeria despite being the largest economy in Africa could only manage a GDP of a little over \$2000, far below what is obtainable in smaller economies with lesser populations like Kenya, Ghana, South Africa and host of others. A low GDP necessarily means lower spending power and with low spending power, there is limited capacity to fund legal services by those in need of such services (the clients). Invariably, a firm can only structure its remuneration scale based on the size of its income. The natural consequence therefore, is that any lawyer who feels dissatisfied with a firm's salary standard will most likely jump at a better offer elsewhere.

ii. **Lack of Proper Structure/Law Office Management** – Majority of the law firms in Nigeria are sole proprietorships and most of those law firms pay very ridiculous amount of money as salaries to their associates. Substantial percentage of the firms that pay poor salaries are deficient in their practice structure. For any firm to survive in the 21st century, it must be able to attract considerable income and this can only be achieved through a well structured practice. A law firm must therefore be compliant with minimum law office management standard to attract respectable and high paying clientele. It is advisable that struggling Law firms must jettison sole proprietorship for partnership, if they must flourish and be able to retain the services of great lawyers.

iii. **Unethical Practices** – Some lawyers earned negative reputation on the account of their penchant for misconduct. Such unethical acts may include failure to efficiently service clients, mismanagement of income, dishonesty among others.

iv. **Incompetence** – If a firm is populated or managed by incompetent practitioners, the chances of such firm attracting good clients is nearly zero. Consequently, a firm that is not earning good income would certainly not be in a position to pay good salaries.

b. **Workplace Abuse** – Some principals or senior lawyers can be very harsh and irrational in their work relationship with their employees. This high handedness often creates hostile working environment for the lawyers and this could be demoralizing and consequently lead to their leaving the job.

c. **Sexual Abuse** – Cases of workplace harassment and sexual abuses of young female lawyers have been on the increase in recent years. Sexual exploitation of female lawyers and even in some cases male young lawyers by bi-sexual bosses and prospective employers are rampant, even though they rarely get reported. Some were offered employment with the condition that they will act as the principal's

mistress. Such exploitation can only last for a limited period of time. Most often, the victim will have to quit and walk away eventually.

- d. **Lack of Attention to the Wellbeing and Mental health of Lawyers** – Excessive workload and failure to cushion the effect of same on the lawyers would most likely affect their mental health and ultimately drive them towards better job search. Any firm that operates an inconsiderably populated work dockets without space for leisure will certainly record exodus of talents.
- e. **Migration** – The instability of the economy, insecurity, political uncertainties and generally the desire for a better life has pushed several young Nigerians into migrating to Europe, United States and mostly Canada in recent time. This is now called the '**Japa**' syndrome in Nigeria. As the General Secretary of the Nigerian Bar Association, I am responsible for signing of letter of good standing for Nigerian lawyers studying abroad for LLM or for Qualifying Bar or Solicitors Exams as the case may be. The uncertainties back home has made crave for extraterritorial qualification more rampant. Despite the competitive recruitment process to get the best and interested legal talents, many senior lawyers and law firms have expressed their concerns on the issue of lawyers leaving the country or leaving the practice of law altogether for something else. The issue of retention of legal talent was raised at the 15th yearly SPA Ajibade Business Luncheon⁵ where lawyers in attendance attributed this problem to several factors, particularly factors like mismatch in some skill sets, unattractive salaries, the challenging nature of the work environment, relationship with senior partners and the structure of the firm amongst others.

3.2 Workable Strategies To Ensure Retention

⁵<https://guardian.ng/features/law/firms-urged-to-attract-retain-young-lawyers/>

Here are a few key tactics that a firm should consider to retain lawyers and keep them happy⁶:

a. Attractive Remuneration and Bonuses

For any firm to retain the services of a young talent, the remuneration policy of the firm must be attractive and competitive. Aside from paying a robust salary, a law firm should cultivate the culture of payment of special allowances and bonuses. Most big law firms in Nigeria pay *relatively decent* salaries and yearly bonuses. Some share profits while only a few pay allowances such as overtime allowances, robbing allowances. Any firm that intends to avoid high flight rate of its best associates or even partners must pay competitive salaries and bonuses. There is no doubt that the top law firms in Nigeria enjoy greater fiduciary from their associates than the struggling and medium level firms. This is majorly due to the amount of salaries they pay.

b. Work Flexibility and Arrangement

Until recently, remote work policy was never fancied by law firms and most employers in the legal profession. This narrative has however changed since the outbreak of COVID-19 pandemic in 2020. It is no longer news that covid-19 has re-moulded and reshaped most employers' thinking and perspective with respect to remote working arrangement. The millennials by virtue of the forced work from home policy adopted globally by most firms and corporations proved that they could do nearly everything from home that they could at the office, provided that they had access to the right tools and technology. According to a **2022 survey**⁷ conducted by the American Bar Association and published in the ABA's 2022 Practice Forward Report, titled, Where Does The Legal Profession Go From Here?, edited by Roberta D. Liebenberg and Stephanie A. Scharf, 44% of lawyers surveyed would leave their place of employment for a greater ability to work remotely elsewhere.

⁶<https://www.thomsonreuters.com/en-us/posts/legal/legal-talent-deep-dives-retention-strategies/>

⁷ www.americanbar.org/content/dam/aba/administrative/law-practice-division/practice-forward/2022-practice-forward-report.pdf

The reality that the young lawyers could work effectively and seemingly more productively in a remote environment has created an expectation among them that this kind of flexibility will become permanent. According to the **2022 Thomson Reuters Law Firm Business Leaders Report**,⁸ in the United Kingdom, 42% of respondents will definitely support remote work to improve performance.

According to a report by Business Day Nigeria⁹, “more than 4 in 10 legal hiring managers said that inflated workloads and burnout are the primary reasons for their retention struggles. And although money still talks, work-life balance is an important part of the conversation.” Employees usually boost their productivity and decrease their stress levels when given at least some degree of control over their work arrangements. Some of the benefits and perks that are most in demand are flexible scheduling, remote work possibilities, and compressed work schedule since they directly promote work-life balance.

Lawyers value employers who empower them to manage their own time. Like other industries, the Nigerian legal industry is gradually adopting the “work from home” trend. While numerous associates and partners are already allowed to work remotely, it is mostly an implicit arrangement. Having a comprehensive remote working policy which is consistently implemented will enable law firms to retain their top talents. Flexible and remote work improves time management and prioritization of tasks as employees are held accountable for their daily outputs and are thus motivated to deliver tangible and timely results. Also, flexible working arrangements help to avoid the stress and tension usually associated with the workplace. This is because lawyers feel more at ease within their comfort zones or safe spaces. In this sense, it helps to improve the mental and physical wellbeing of employees, creates a healthier work-life balance, and increases overall job satisfaction.

⁸ www.thomsonreuters.com/en-us/posts/legal/2022-law-firm-business-leaders - Thomson Reuters Institute

⁹<https://businessday.ng/news/legal-business/article/2023-hiring-and-salary-trends-for-the-legal-field/>

Whether for work-life balance, wellness, or simple flexibility in working hours, the idea of flexible work is a benefit that many top-performing team members want from their firms. I must however warn that remote working arrangement should not be adopted as an open ended policy to avoid abuses. It should be a qualified model that works for the respective firms.

c. Providing Growth and Development Opportunities Early and Often

Legal professionals who are just beginning their careers are anxious to use what they learned in school as well as experience what it is like to work in the real world. A clearly articulated policy that guarantees opportunities for career progression, advancement, and professional growth will significantly attract talents and encourage them to stay in. It is therefore important that employers should provide not only adequate work tools to inspire the newly recruited legal practitioners, but expose them to trainings and sponsorships to attend seminars and conferences including international conferences. By providing such opportunities, the lawyers get exposed to new trends in the profession and they also get to improve their knowledge of the law in the process.

There are other ways to make new team members' earliest days with the firm more engaging, they include:

- Involving Them In High Profile and Challenging Matters: This gives them the opportunity to learn and makes feel reckoned with in the firm. Perhaps more importantly, it helps them develop a sense of ownership of the matter or project at hand.
- Building formalized development programs: In addition to mentoring, new team members will like to know what career paths are available to them at the firm. Setting up development plans allows them to visualize where they are likely to be in a couple of years. Visualizing a robust future will necessarily encourage lawyers to stay longer at their workplace.
- Identify the skills that will enhance the firm's capabilities and potential for strategic growth, and then design opportunities to upskill or reskill existing talents.

It must be emphasized that capacity development of lawyers working in a firm is actually not a mere favour to the associates, it is ultimately to the greater benefit of the firm as the acquired skill and knowledge will translate into higher capacity and rating for the firm and certainly greater income.

d. Creating a sense of meaning and purpose in their work

The people entering the workforce today share a commitment to making a difference in the world. In addition to giving their time to their favorite organizations, they want their time spent on the job to mean something as well. An employer should learn about what excites them on an individual level and steer them toward work for clients where there is a common interest.¹⁰ New team members should be allowed to use the firm's technology and resources for pro bono activities. Encourage them when they want to pursue a matter that might be a bit outside the firm's regular scope. Lead them to be passionate and embrace their passion. Law firms should prioritize reviewing their allocation of duties to ensure that their workers have achievable workloads. It is important for partners, practice managers, or team leads to regularly interact with staff and associates to find out if they are overworked in order to prevent them from burning out.

e. Understanding The Generational Differences In New Recruits

It is a global trend and reality that the workforce is now dominated by the millennials and zoomers, thus every employer across the board including the legal profession must adopt the key elements that sustain the passion of these mostly youthful workers. The millennials and the zoomers as the new generation workforce are known to have key areas of interest in their work environment. While some of the earliest millennials remember not having cell phones and high-speed internet, they readily embraced the technology once it became available. Zoomers, on the other hand, have never known a time when they didn't have immediate access to the latest

¹⁰[https:// legal.thomsonreuters.com/blog/the-secret-to-keeping-attorneys-happy](https://legal.thomsonreuters.com/blog/the-secret-to-keeping-attorneys-happy)

technology. It is important for an employer to understand the needs of different age group within the workforce.

f. Legal Tech

Procuring and deploying legal tech and softwares in the legal work space is sine qua non to providing efficient and productive legal services. The battle for top talent has become as fierce as the battle for clients' business. A firm must create a culture that is attractive to millennials and zoomers in order to attract talented workforce and retaining them.

Adopting contemporary legal tech and tools will certainly excite talents and encourage them to perform better and stay longer on the job. Upskilling in litigation software, online document management, and e-filing systems, for instance, will be welcomed by support personnel, while lawyers will value any tool that helps to expand their practice area knowledge.

Beyond the talent retention benefit, application of technology enables the firm to operate at maximum efficiency, productivity, and profitability.

g. Embrace New Legal Trends

To retain best talents, a firm should in addition to investing in the right tools and latest legal research technology embrace creative and innovative trends to remain competitive within the industry, otherwise, smarter firms will poach their best talents.

firms looking to engage retention strategies to keep their top performing lawyers shouldn't overlook the importance of firm culture and inclusion, research shows

h. Adopt Reward Culture

In the course of preparing this paper, I took time out to personally undertake a survey that involved 15 lawyers who are partners in some of the biggest law firms in Nigeria. The sole question thrown at each of them was – what is the reason for your long stay at your firm? Aside from the

'attractive remuneration and bonuses' that nearly all of them attributed as contributory factor, everyone of the participants made reference to their firm's culture of rewarding excellence and long service with appointment as partners. Upscaling to partnership means more remuneration and greater perks. Some of these perks may include housing, vehicles, vacation allowances, profit sharing or dividends and many more depending on the size and turnover of the firm.

It is advisable that law firms should within the limit of their income adopt the reward culture to retain their services of their best associates.

i. Seek Talent from Non-Traditional Places

One of the factors affecting the law firm talent war is the diversity of options for trained lawyers. Though many law school students still aspire to land jobs at law firms and advance from associate to partner, more alternative opportunities are available now than ever before. Law firms are competing for talent with corporations, law companies and alternative legal service providers, academic institutions, and legal technology product and service companies. This competition makes lawyers all the scarcer and in demand.

On the other hand, law firms can benefit from these other caches of legal talent. Firms may need lawyers or staff with very specific technical expertise, and they can target people currently working in legal tech or at alternative legal service providers. Or, perhaps the firm needs to work on improving efficiency, operations and compliance with corporate client guidelines. By looking outside the law firm and seeking out non-traditional candidates such as technology, project management or legal operations professionals, firms may be rewarded with a talent pool of qualified professionals who are already knowledgeable and can be fully productive in a shorter period.

4.0 CONCLUSION

In many ways, the battle for top talents has become as fierce as the battle for clients' business. It is more important than ever to have a workplace culture that is attractive to not just seniors but also to the new entrants

and young associates in order to build a strong and competitive firm with staff retention capabilities. It is very clear that no law firm can successfully pursue strategies to enhance profitability or ensure stability without an effective and workable strategy to retain their best lawyers and avoid disruptive mobility within their workforce.

Without sounding immodest, I am of the humble view that this paper has revealed that it is not enough to have a competitive recruitment process to get the best talents, it is however more imperative to have very competitive retention strategies to ensure that top talents stay within the firm. To retain the most talented legal professionals, law firms need to foster a positive and exciting work environment.

Examining the recruitment and retention of lawyers in Nigeria has never been more pertinent considering the present clamours for better working conditions and the recent mass migration of young lawyers from the profession into other legal systems outside the country. The country is at risk of losing its best legal talents due to her lack of competitive retention strategies, working conditions and working structure. However, it is my candid yet respectful view that if the models proposed in this paper are adhered to, it will be a great start to making the legal practice in Nigeria an attractive option for young lawyers and even the frustrated seniors, where they can thrive and even compete at the global level.

Finally, I rest this presentation with the words of Richard Branson - "take care of your employees, and they'll take care of your business".

Thank you for your rapt attention.

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