

EXPANDING THE FORTUNES OF LAWYERS: THE ROLE OF BAR ASSOCIATION

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Abstract

A lawyer is a person whose profession is to represent clients in a court of law or to advise or act for clients in other legal matters. It is the desire of every lawyer in the society to have a successful practice which will in return reflect in his/her finances and life style. The Bar Associations provide that veritable ground for the growth of lawyers financially, intellectually and otherwise. It is important to have a holistic look at some associations and how they have assisted their members in networking, exposure to new innovations, and how they have exposed members to new developments in law thereby increasing their fortunes.

Introduction

The Bar association is a recognised institution formed by the union of lawyers and firms at various jurisdictional levels which can be loosely grouped as local, national, regional and international. The existence of bar associations is borne out of the need for unity, cooperation, cohesion and camaraderie among lawyers in order to guarantee the growth and progress of legal professionals, and of the profession across all jurisdictions and the globe. The world over, every jurisdiction where law is practised has some form of bar association, with organised leadership structures, and either voluntary or mandatory membership.

The activities of bar associations are as diverse as their memberships, offering a variety of benefits and services not only to their members but to legal practice in the jurisdiction in question. The organised bar helps to regulate legal practice, stipulating standards for barristers and solicitors; they also train, discipline and cater for the welfare needs of lawyers. Bar associations have for a long time also transcended their traditional roles of the advancement of the bar, and shifted their focus to the broader agenda of nation building through upholding the rule of law and civil rights advocacy.² There have been several

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² The traditional role of the bar is however open to argument since many bar associations were formed to tackle social injustice and uphold the independence and independence of the judiciary. Accordingly, what seems to one lawyer as the traditional role of the bar may be rejected by another. Addressing welfare needs of young lawyers is however an unwritten consensus choice of what the bar's traditional role is, among the young lawyers themselves.

published works about the greater role of lawyers and bar associations in the society. Studies have tried to portray lawyers as important agents of positive social change and the promotion of political values.³ A learned author opined that the lawyer's contribution to democracy and the state isn't borne out of special obligation attached to his profession, but rather, that the lawyer must independently decide to act in the public interest, a decision borne from moral obligation.⁴ The argument is made for the lawyer activist /statesman, and thus, where this is the case, the bar, the association of lawyers, is regarded not merely as an institution concerned only with promoting the interests of its members, but as a fixture of society, owing the populace a duty to preserve the rule of law. Bar associations have also been shown to perform the duty of lobbyist for policy change, driving development of the law and ultimately directing government toward improving laws and policies.⁵

The organised bar also plays a role of promoting an independent and accountable judiciary, through improving judicial selection methods, establishing standardised codes of conduct and ethics, and promoting public confidence in the independence and reliability of the judiciary as the last resort in the quest for justice.⁶

Ironically, less attention is usually given to the more traditional role of the organised bar, the primary reason for its formation or at least the most obvious reason for a lawyer to consider joining, which is to enhance the wellbeing and the practice of lawyers, and promote unity in the legal profession locally, regionally and internationally. The usefulness of bar membership especially for sole practitioners and small firms has been questioned by some lawyers, especially on the grounds that it supposedly doesn't help generate business for them and fails to accommodate them in bar activity.⁷ This paper examines the many ways in which membership of bar associations at various levels can be of benefit to lawyers and firms both big and small. It surveys critical issues on bar membership and makes recommendations for the improvement of the role of the bar in enhancing lawyers' fortunes.

The Voluntary Nature of Bar Membership: A Case Study of the Nigerian Bar

³ Fred Zacharis, "The Lawyer's role in contemporary Democracy, Promoting Social Change and Political Values, True Confessions About the Role of Lawyers in a Democracy, *Fordham Law Review* 77, Issue 4 (2009): 1591

⁴ Supra

⁵ Greg Simpson, "The role of Bar Associations in Advocating for Public Policy Change," *The Hennepin Lawyer* 2012 : 4

⁶Dudley Oldham and Seth S. Andersen, "Commentary: The Role of the Organised Bar in Promoting an Independent and Accountable Judiciary", *Ohio State Law Journal* 64, no. 341 (2003): 1-4

⁷ Carolyn Elefant

It is typically the case that membership of the bar is voluntary. Lawyers are often given the option to partake in bar activities of their own accord, and their choosing otherwise does not obstruct or impair their practice. The legitimacy of one's practice does not derive from bar membership, or participation in bar activities, and technically speaking, one can practise all his life, without being an active member of the bar.

The voluntary nature of bar membership however remains controversial in some jurisdictions. One of such jurisdictions is the Nigerian Bar, where the question of voluntariness or compulsoriness of membership of the Nigerian Bar association continues to be questioned by lawyers. It would appear the question remains unresolved, although the Supreme court opined in *Chief Gani Fawehinmi v NBA*⁸ that the Nigerian bar association is not a creation of statute,⁹ this statement was interpreted by some circles to imply that compulsory membership could not then be a statutory prescription, but the court's opinion failed to directly address and resolve the question of voluntariness or compulsoriness of membership, leaving the controversy on the nature of membership unresolved.

The right to freedom of association is guaranteed by the Universal declaration on Human rights, the African Charter on Human and Peoples rights and the Nigerian Constitution, under which derogation is to be made in special circumstances such as national security. Yet the legal Practitioners Act which establishes a general council of the bar empowers it to regulate and manage the affairs of the Nigerian Bar association, but not of legal practice in Nigeria Generally.¹⁰ Compulsory membership of the association not having been stated explicitly by the Act has left room for the argument that the NBA be treated under the constitutional right to freedom of association, like any other association. Pursuant to the Rules of Professional Conduct for Legal Practitioners,¹¹ the General Council of the Bar prescribed rules of professional conduct which stipulate a stamp and seal to be approved by the NBA for use by all legal practitioners. The introduction of the seal and stamp in 2015 by the Nigerian General Council of the Bar has since renewed and fuelled the controversy on the voluntariness or otherwise of membership of the NBA, as lawyers who had not been active in the bar were

⁸ (1989), 2 NWLR (Pt. 105)

¹⁰ The Nigerian Bar Association is described on her website as a professional non-profit, umbrella association which is comprised of all lawyers called to the Nigerian Bar. See "About Us", Nigerian Bar Association, Accessed June 4, 2018, www.nigerianbar.org.ng/index.php/aboutus

¹¹ 2007 the ethical code applicable to Nigerian Lawyers

forced to participate at least for the benefit of having their seals issued to them.¹² Analysis of the possible ramifications of the judicial opinion in Fawehinmi's case when taken alongside extant Nigerian law, as well as the practice and policy of the Nigerian Bar Association also fails to give a definitive answer to our question.¹³ However, it is now taken for granted that membership of the NBA is indeed compulsory, as technically speaking, with the latest regulatory policies put in place by the association, it would be merely academic to state that membership isn't compulsory, since it is virtually impossible to practice law without accredited membership and the payment of practice dues and stamp and seal fees to the national bar and the branches.

In comparison, the Canadian bar Association has voluntary membership in all provinces but new Brunswick, where participation is mandatory.¹⁴ The United States has a mixture of voluntary and compulsory bars as the states differ in their approaches to bar membership. The American Bar association itself is voluntary, and mandatory membership to bar association is equally controversial in the United States.¹⁵ The Law Society of Kenya is described as having "membership of all practicing advocates."¹⁶

Membership of the organised bar in my opinion need not be mandatory at all. Bars with voluntary membership have been known to thrive and grow as a result of evidence that they add value to their members and their practice. There are limitless benefits to bar association, and it is those benefits that should serve to pull in members, instead of relying on law and regulation to push lawyers to associate against their will.

Benefits of Bar Membership

While sometimes lawyers have the choice to decide whether or not to join the bar association, there are countless ways in which the organised bar helps build up the lawyer and enhance his fortunes in terms the quality of his practice, and by extension, his socio-economic wellbeing.

¹² The seal issued by the NBA is a requirement for the proper signing and filing of legal documents under Rule 10 of the Rules of Professional Conduct for Legal Practitioners, 2007, applicable to all members of the Nigerian Bar

¹³ Unini Chioma, "The Right to Freedom of Association and the NBA", *The Nigeria Lawyer*, May 7, 2017, www.thenigerialawyer.com/the-right-to-freedom-of-association-and-the-nba/. The learned author concludes that the insistence that membership dues be paid before one can acquire the statutory stamp is a violation of the Nigerian Constitution, as in her opinion, such precondition violates the right of lawyers to assemble freely

¹⁴ "Who We Are", Canadian Bar Association. Accessed June 6, 2018 www.cba.org/Who-We-Are

¹⁵ See however *Lathrop v Donohue*, 367 U.S. 820 (1961), where the United States Supreme court allowed having a mandatory, Integrated bar. States such as California, Wisconsin, Florida and Washington have mandatory bar associations

¹⁶ "About us," Law Society of Kenya. Accessed June 4th, www.lsk.or.ke/about-lsk/

For the purpose of this paper, we have separated the bar into different levels in which they have come to be organised globally, namely the local bar associations, the national bar associations, the regional bar associations the international bar associations.

Local Bar Associations

These are associations that usually exist at the state, municipal or provincial levels as they are known across jurisdictions. In countries operating a federal system of government, it is common for each federating unit to have one or a number of bar associations depending on the size of accredited lawyers practicing in the area. Larger and more developed states can have several associations existing side by side, having their own distinct identities, leadership structures and accredited membership. Such division of the local bar into even smaller units is done to bring the association much closer to the lawyers and ensure that they can directly benefit from and participate in bar activities.

The local bar and practise specific bar associations tend to be the most involved in terms of direct impact on lawyers' lives and their practice, and are known to offer the richest and most diversified benefits to members. Lawyers needs have evolved with society and the landscape of contemporary legal practice, thus they demand more and more of the organised bar. Many associations have risen to the occasion by continuous innovation in terms of the benefits they offer their members, especially considering the fact that historically, many of such associations were formed as vehicles for civil rights activism and to safeguard the independence of the judiciary as well as fight corruption in the government.¹⁷ The local bar is key to providing pro bono and other public service in the community, but they also serve as a crucial vehicle for the provision of unique programs and services tailored toward the social and economic growth of members.

Local bars are known for example, to provide discounts on legal resources such as books and law reports to meet the voracious research needs of their members, a number of these associations also either have libraries of their own or partner with reputable libraries to provide members with free or discounted access to research material.¹⁸ Many associations

¹⁷ Take for instance the New York City Bar which was founded in 1870 by lawyers in response to corruption in the courts and the government generally.

¹⁸Most of the local bars offer generally offer discounts on books, journals and other legal resources. Most local bars in the United States offer their members free or discounted access to the Fastcase legal research service. Other popular partnerships between bar associations and research software services include partnerships with LexisNexis, with some bars providing special value packages for small firms and sole practitioners, e.g., the Alameda County Bar Association (California). The DC Bar offers benefits such as access to ABA Retirement Funds, Car Rental Services, Career Services, Clio, Conferencing, Fastcase, Group Life, Accident, Disability,

also have partnerships with financial institutions to provide their members flexible loans and discounted interest rates which members can leverage when setting up a law office or paying off their mortgages; credit facilitation remains one of the best and most important ways in which local bars directly improve members' fortunes.¹⁹ Such services prove crucial for lawyers trying to make the transition from sole practitionership to other forms of law office organisation such as partnerships and associateships. Members can also enjoy substantial discounts on Continuing Legal Education.²⁰ Another common partnership for lawyer wellbeing is with insurance companies that can provide professional liability insurance as well as home and auto, health, disability and customized risk management support insurance packages.²¹ Many bar associations also partner with insurance companies to give members pension and life insurance benefits at discounted premiums.

Beyond offering countless networking opportunities and serving as the foundation upon which many legal alliances are built, local associations also take lawyers' relationships with each other beyond networking to long lasting friendships.²² They are also the best in terms of offering career opportunities to lawyers.²³ Local bars have also been known to build up lawyers and firms' reputations and credibility, especially outside of one's jurisdiction. In such cases, active bar membership in another jurisdiction can help boost a lawyer's credibility.²⁴ Active participation in the local bar also exposes lawyers to publication opportunities both in the local and national bar journal as well as in reputable academic journals.²⁵

The local bar also plays a major role as lobbyist for favourable legislation and policy on issues affecting lawyers and the profession. The associations have come to be recognised as

Long Term Care, Professional, Health and Auto Insurance, Discounted Magazine Subscriptions, Office Supplies, Furnished and Virtual Offices and Shipping Discounts see "Member Benefits," DC Bar, Accessed June 6, 2018, www.dcbar.org/membership/member-benefits.cfm

¹⁹ Another innovative way in which local bars make credit facilities available to members is by providing direct access to a multi lender marketplace, allowing lawyers to receive competitive loan offers from lenders vetted by the Association. An instance of this is the Massachusetts Bar Association's Credible credit initiative.

²⁰ The Lackawanna Bar (Pennsylvania) offers CLE to non-members at \$60 per hour while members are charged 25\$ per hour.

²¹ An example is the Pennsylvania Bar. See "Lackawanna Bar Association Membership Benefits," Lackawanna Bar Association, June 10, 2018, www.lackawannabar.org/index.php?id=52

²² Josh Camson, "Can Solos and Small Firms Benefit From Bar Associations?", *Lawyerist*, March 6th, 2013, www.lawyerist.com/solos-and-small-firms-benefit-from-bar-associations/

²³ The Massachusetts bar offers members access to their Massbar Mentor Match Service which they describe as a "virtual career development tool which provides [you] with an opportunity to share and receive leadership and management skills, guidance, advice, and valuable life lessons from MBA members" the service also allows members "learn different perspectives from various practice and begin to build strong relationships and referral networks with program participants" see "Membership Advantages", Massachusetts Bar, Accessed June 10, 2018, www.massbar.org/membership-advantages.

²⁴ Supra note 19

²⁵ Supra note 19

powerful interest groups whose support is often sought by the government in formulating policies and laws. The associations are well known for forcing the government to act in the interest of its members and the general public by leveraging the network of connections of their members and the associations themselves.²⁶

The National Bar

National Associations serve mostly as umbrella bodies under which the more active local associations can unite and interact with each other. National bars help to unify policy among the local bars and as well serve as a strong footing for the bar association to better address national issues affecting legal practice in a state. The nature of membership to the national bar varies, however in many jurisdictions, membership is automatic. Jurisdictions which have adopted this leadership model are able to more tightly control the practise landscape, ethics and discipline, with the downside that members are subjected to compulsory financial commitments.

At the national level, the organised bar is able to offer the most protection to its members from oppression or the violation of their human rights. The bar is also better positioned to lobby federal executives and legislators for favourable legislation and policy to protect the interest of their members. The national associations also use their stronger financial and political power to negotiate better welfare packages with corporate bodies, for the benefit of all lawyers within their coverage. The national bar also plays a crucial role in giving more lawyers access to conferences and conference materials by attracting sponsorship and funding from external bodies and channelling grants towards providing subsidies for conferences and conference materials.²⁷

²⁶ The Ikeja Branch of the Nigerian bar association was instrumental in compelling the Lagos State Government to reduce land use taxes shortly after they were imposed in early 2018. The association echoed the views of residents of the state who found that the taxes were excessive and did not account for the economic realities at play in the state.

²⁷ The Nigerian Bar Association for its 2017 conference was able to attract enough sponsorship to subsidize the 2017 Annual general Conference and provide all conference attendees with tablets with free and discounted premium legal research software preinstalled as well as discounted cellular and data plans. The local bars complemented their efforts by providing subsidized flight and accommodation for lawyers attending the conference, which greatly facilitated the overall success of the conference. The conference itself was hugely successful and offered lawyers courses on career development including Emerging Trends in Global Legal Practice, Essence of a Strong Legal Brand, Rise of the Digital Economy and the law firm it needs, Building A Successful Legal Practice using Social Media, Emerging Trends in Global Legal Practice- Liberalization of Legal Services.

Regional Bar: The African Bar Association in Focus

Regional Bar associations such as the African Bar Association (AFBA) are most useful in terms of the endless networking opportunities which they offer their members,²⁸ and the roles they play in growing and developing national bars across jurisdictions within the region. The AFBA conference for instance, presents a forum for professionals within the continent to interact with themselves thereby exchanging ideas about current trends affecting the business landscape in our region and innovations which can help keep firms and lawyers better adjust and position themselves to take advantage of such trends in growing their business. The regional bars are also better positioned to address human rights issues and concerns about judicial independence, and law and policy development through the interaction of bar leaders within the continent. Regional bar memberships have also enabled law firms take their practice across other jurisdictions with similar laws and great opportunities for business growth. The regional bar conferences present a great opportunity for lawyers to keep themselves abreast of advancements in regional laws which may affect the direction of their practice going forward. They also present lawyers the opportunity to meet their professional development goals and requirements by expanding their knowledge and growing their Continuous Legal Education points.

The AFBA's theme for 2018 is Africa's socio-economic and political future: African union's Agenda 2063 in perspective. It is important to say that the African Union's Agenda 2063 is a strategic framework for the socio-economic transformation of the continent over the next 50 years. It builds on, and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development. Considering the fact that the African continent has so many issues bedevilling it, which include bad leadership, corruption and gross violation of the rule of law, this is the best time and opportunity to focus on the theme so that the African continent can have accelerated development. This year's conference stands to equip lawyers with information on what can be done expand the fortunes of lawyers/participants. AFBA with this year's theme provides the greatest opportunity for African lawyers to participate to guarantee the expansion of their knowledge of the continent's problems and prospects which will in turn secure their practices in their various

²⁸ The African Bar Association gives members access to a network of over 55,000 lawyers in over 60 jurisdictions. See "Membership Benefits", African Bar Association, Accessed June 6, 2018, www.afribar.org/join-the-afba/membership-benefits

countries and in turn increase their fortunes geometrically. Ultimately, firms that want to stay ahead of the curve in the current disrupted legal industry need to be willing to adjust their mind-sets accordingly so that they can adapt to change and break away from limitations often synonymous with the traditional practice of law, and find a way to continually deliver value to clients. The AFBA fulfils that role admirably.

International Bar: The International Bar Association (IBA)

The International Bar Association describes itself as “the world’s leading international organisation of legal practitioners, bar associations and law societies.”²⁹The association currently has a membership of over 80,000 lawyers, over 190 bar associations and law societies in over 170 countries.³⁰ The association also states its principal objectives to include the promotion of exchange of information between legal associations worldwide, giving support to the judiciary and upholding the right of lawyers to practice their profession without interference, and supporting lawyers’ human right through its human rights institute.³¹

Despite the international bar’s global status, it’s membership is relatively small compared to the number of lawyers who stand to benefit from its membership. There are numerous advantages for joining the IBA which members of the association will readily testify to.³² The IBA positions itself as the “global voice of the legal profession,” and its activities try to reflect this ideal. The IBA has established a number of institutions to aid it deliver assistance to lawyers worldwide in order to improve their practice, and aid them deliver greater social impact especially in the area of human rights law. Institutions of the IBA include the IBA Human Rights Institute (IBAHRI), the Southern Africa Litigation Center³³ and the International Legal Assistance Consortium.³⁴

²⁹“About the IBA”, International Bar Association, Accessed June 7, 2018 www.ibanet.org/About_the_IBA/About_the_IBA.aspx

³⁰ *ibid*

³¹ *Ibid*

³² The IBA publishes testimonials from members in order to attract delegates to their conferences. Some of the testimonials have described the annual conference as “the best conference that a global attorney could attend for their practice”- Luciana Tornovsky, Demarest, Brazil; as providing a global network of connections, friends and colleagues for business – Thomas Kaiser Stockmann, tkslegal Berlin, Germany ; as “a great platform for sharing experiences and how legal problems are resolved in different countries”- Ewa Butkeiwicz, Wardynski & Partners, Poland; as forging personal relationships with smart, capable lawyers from around the world”- Harvey Cohen, Dinsmore and SHohi, USA; as a unique occasion to improve one’s professional knowledge, network, and make business contacts – Claudio Visco, Macchi Di Cellere Gangemi, Italy.

³³ Established in 2005 as a joint initiative of the IBA and the Open Society of South Africa, its goal is to train and support lawyers litigating human rights and rule of law issues in Southern African countries. It accomplishes this goal through public interest litigation, research and advocacy. See “Overview and History,”

Besides what the IBA says about itself, membership of the association proves to be very beneficial to lawyers, law firms and law societies mostly through the endless networking opportunities that are made available by participating in their conferences and activities. Such networking on the global stage does have the likelihood of growing a lawyer's practice than otherwise. The ability to interact and connect with lawyers from other jurisdictions and get first-hand perspectives about the legal terrain in their parts of the world, better equips one with the information and the connections to serve their clientele. This allows lawyers and firms to branch out their practice beyond their own borders with less fear of the uncertainties attached to doing business outside one's jurisdiction and "safe zone". Likewise, we are also able to better advise our clientele about the risks and benefits to doing business in other jurisdictions and can easily leverage the legal connections formed through IBA membership to provide services to our clients from anywhere in the world.

Again, in response to the argument that bar membership and bar activities do not attract clients, the career opportunities the international bar provides are just as valuable as clientele. There is no gainsaying that IBA membership and participation in conferences and institute activities provides lawyers seeking career opportunities with a treasure trove of choices, a selection of the best and brightest legal minds and the most exclusive and prestigious law firms to apply to.

IBA conferences also help educate lawyers on advancements in various aspects of law, especially Business and Human rights law, two key areas which continue to witness substantial degrees of convergence and globalisation. The IBA gives lawyers access to training from highly skilled professionals across key practice areas and also exposes them to the latest literature to keep them up to speed with advancements in their practice areas.

One of the more fundamental roles which the IBA plays is the protection of lawyers and judicial officers from human rights violations attached to the carrying out of their duties.

The IBA also provides benefits for law societies and other member organisations through its Bar Issues Commission. The commission concerns itself with setting global ethical and regulatory standards for the legal profession and guiding its member societies and

Southern African Litigation Centre, Accessed June 7, 2018, southernafricalitigationcentre.org/about/overview-and-history/

³⁴ The Consortium describes itself as "a Swedish non-Profit organisation that gathers legal expertise and competences from around the world to help rebuild justice systems in countries that are in conflict, post conflict, or in transition toward peace and democracy" see "About Us," International Bar Association, Accessed June 6, 2018, www.ilacnet.org/about-us/

organisations on key issues which define the future of the profession. The commission provides an avenue for the international bar to present a more unified and globally acceptable image for the legal profession. The commission through regular conferences of its member organisation provides policies which in turn give direction to its member organisations. These policies and ideas trickle down through the organisational chain with the globally visible effect of having a more robustly regulated and managed legal profession. This in turn improves the image of the lawyer as an exemplar of outstanding moral and ethical conduct.

Obstacles to Membership and Growth of Bar Associations

In spite of the discussed benefits to bar association membership, there are a number of challenges which hinder membership and active participation in bar activities by lawyers.

The first is that bar membership can at times be quite expensive especially for young lawyers and small firms. Bar membership dues and other financial obligations is often discouraging to lawyers who may find themselves unsatisfied with the outcome of their own cost-benefit analysis. But the financial obligations attached to membership pales in comparison to the cost of bar seminars and conferences, which accounts for the poor turnout and participation of young lawyers in international bar activities. Another popular complaint from lawyers is that they are often not included in bar leadership and decision making, and seemingly find themselves under the control of leadership which is far removed from them and which therefore cannot properly determine and cater for their developmental needs. Another obstacle is the lack of innovative well-being initiatives for lawyers in many bars globally, and as a result, the bar associations struggle to have any meaningful impact on the lives of members, eventually making membership unattractive. This is reflected in the fact that bars which continuously innovate and introduce attractive wellbeing initiatives often have more members, especially in the younger demographic, than the more traditional and old fashioned associations.

There is also the problem of the bar being so concerned with external issues that they ignore or fail to adequately address the developmental needs of their members. Sometimes, it is the case that bar leadership especially in the local and national bars, are dominated by the more successful lawyers, who, having moved past concerns about wellbeing and are quite established in their practice, engage the associations with affairs of state and general socio political issues affecting the public. This leaves struggling lawyers who are in need of a career boost disillusioned with the objectives of the bar. Some bar associations have also

been known to become entangled too closely with politics, causing political and ideological differences to exist within their ranks, and ultimately causing some members to shun bar activities. There is also a substantial time cost to active bar membership which is felt mostly by sole practitioners and small firms. Bigger firms can take significant amounts of time off for commitment to bar activity, and make up for the loss in income and productivity quite easily, whereas the smaller firms and sole practitioners feel a harsher economic impact.³⁵

Conclusion and Recommendations

The organised bar proves itself to be a valuable avenue for lawyers to develop themselves and further their practice in a variety of ways. Bar associations through innovation and creativity have adapted themselves to meet the need of an ever changing legal landscape, especially considering the growing number of young lawyers and their peculiar needs for mentorship, education, networking and perhaps most importantly welfare. They have also helped keep lawyers abreast of developments in their areas of specialisation at the local, national, regional and international levels and provided them with a rich network of contacts across other professions which regularly interface with the legal profession.

Membership to bar associations and participation in bar activities must be encouraged among lawyers, thus obstacles to bar membership must be squarely addressed by associations. The issue of mandatory bar dues is perhaps the focal point of the agitation against the mandatory bar. While bar dues may not be an issue for the older wigs, young lawyers who find themselves at the early and oftentimes rocky start of legal practice may find themselves disillusioned with having to keep making payments to the bar association. These protests are resolved when the bar proves itself to be useful to them. This is why the bar must be innovative in catering to the needs of young lawyers. Their developmental needs must be given priority and catered for in ways commensurate and even exceeding their contributions to the bar. Policies must also be developed, which integrate them into bar leadership and accommodate them in all aspects of bar activity. Generally however, the leadership of the bar must strive to balance the financial needs of the bar with the capabilities of the members while fixing mandatory dues and conference fees.

The bar associations need also to be more accountable to their members and more transparent in their dealings to suppress the ideology that the bar belongs to any smaller caucus of lawyers. In the same vein, the interests of sole practitioners and small law firms must be

³⁵ Supra note 19

given priority through their inclusion in bar leadership, programmes and activity. The bar must also develop measures to assist them generate business and grow their clientele.

Finally, there is the less recognised issue of the bar going out of its way and beyond its traditional role to engage in projects which benefit the larger public, while failing to attend to the developmental and welfare needs of its members. The endowment funds of the bar should be used primarily for projects which specifically target the needs of young lawyers and others who may find themselves struggling with legal practice. More resources should be spent on continuous legal education, life and health insurance, provision of loans for start-ups, postgraduate scholarships and subsidising legal resources among other beneficial initiatives. In the same vein, bar associations must constantly innovate and reinvent themselves to suit the present day fast paced landscape of legal practice. More time and effort should be spent by the bar in developing social welfare and lawyer assistance packages for members. In order to better achieve their potential in this regard, bar associations must actively partner with relevant institutions that provide innovative services which promote the wellbeing of their members.

“About the IBA”, International Bar Association, Accessed June 7, 2018, [www.ibanet.org/About the IBA/About the IBA.aspx](http://www.ibanet.org/About%20the%20IBA/About%20the%20IBA.aspx)

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