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A PROMISE OF A NEW DAWN

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We sat down with the partners of the new law firm ALP (Africa Law Practice) to ask them a few questions about their partnership, their vision and their views on the African legal landscape. It was an exciting afternoon. The energy in the room was palpable and we came away with the feeling that this was a synergy that has been waiting to happen. There are exciting days for ALP. Olasupo Shasore, SAN, Uyi Giwa-Osagie; Aisha Rimi and Oyinkan Badejo-Okunsanya spoke to Lere Fashola and Nkem Taiye-Ulebor.

The Legal profession is evolving globally and lots of activities have been going on for a while. How active do you think African Lawyers have been on the global stage?

Our experience has been that leading African lawyers have hands-on, in-depth and specialised local knowledge of the legal landscape, the terrain and the solutions that only African practitioners can truly possess. This is the basis upon which African lawyers should first be assessed- our ability, our knowledge base, our responsiveness and our


propensity for team work. African lawyers have developed a track record of performance and good judgement and the global market is becoming aware that scalable capacity exists within the continent for big ticket transactions and disputes. African lawyers have had a significant impact on the global stage and we want to lead African firms on a well-deserved ascendancy.

What efforts must the bar make to bring Nigerian Lawyers up to date with the global realities of the way law is practised?

The Bar is well positioned to do this but it is useful to point out that there is a distinction between the 'Bar Association' and the 'Bar'. While one is an association, the latter is the institution that lawyers are called to, and to which they are bound, once called, in conduct, ethics, regulation and standards. The 'Bar' is led by the Federal Attorney General, the General Council of the Bar and the Body of Benchers. The Association is ably led by the President of the Association. The Association should continue to enlighten and inform members about

developments in the industry, paving the way for them to equip themselves for the dynamic developments in the legal industry across the world but particularly in Africa. We believe the theme of the forthcoming Annual General Conference - "African Business: Penetrating through Institution Building" - is a step in that direction.

International Law firms have continued to show strong interest in the African Legal market. However it appears many African lawyers are not at ease with this romance.



Competition or cooperation? Which would you describe as the best approach for African law firms in dealing with the incursions by International Law firms?

European and US International Firms clearly, at least for now, hold global leadership positions and a huge chunk of the world legal market. In order to further stamp that position and enter new markets Africa is a 'no-brainer' for them, as the saying goes. In their various domestic markets, African Law firms will be experiencing different impacts depending on the jurisdiction. However we must presuppose that we cannot but have African International firms – i.e. leading independent law practices across the continent

Lawyers in both the private and public sectors have a crucial role to play in supporting this. In the private sector, by insisting on international standards in the formation and activities of companies and in the public sector, by encouraging and promoting transparency and openness in public administration.

coming together by alliances and strategic integration, to create African grown International firms – such as ours. Therefore the choice between co-operation on the one hand and competition on the other disappears. Both options are welcome because firms like ours already have a footprint across Africa and will give either African competition or cooperation to European and US firms where necessary.

In a recent survey, Nigeria was rated as the 19th best place to invest in Africa. However, with the recently launched "Ease of Doing Business

in Nigeria" initiative of the Federal Government of Nigeria, many people believe Nigeria is already taking a bold step towards regaining her leadership position in Africa. What role do you think Nigerian lawyers should play or are playing to assist the government in realising this objective?

Going by your data, 19th out of 53 for a country like Nigeria still leaves a lot to be desired. But it is very pleasing to see that for the first time in Nigeria, this Administration is crafting government policy deliberately targeted at addressing the problem of 'doing business'. Lawyers in both the private and public sectors have

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In resolving commercial disputes especially in Africa where the court system has been a little challenging, Arbitration was considered a viable and attractive alternative to litigation. However with the rising costs of arbitration and the increasing complexity and depth of its rules, will this argument still be a viable one to investors?

Despite contrary narrative, Arbitration remains the lead component of the Private dispute resolution system and for this reason it will always remain viable for investors in resolving disputes particularly in Africa where the challenges in the Public dispute resolution system are significant, though neither unique to Africa nor insurmountable. Arbitration will endure and remain viable because of its unique features – autonomy, effectiveness and finality.

There is now a push (in which some of our partners are leading figures) to make more African jurisdictions 'safe seats' for arbitration. Locally, along with the Nigerian arbitration community, we are helping to push a formidable bill presently before the National Assembly to reform the national legislation on Arbitration and ADR.

One of the key barriers to arbitration in Africa is the lack of support from the courts. How can the Courts and Judges Support access to Arbitration in Nigeria? And more importantly, how positively do you think this will affect African bound investments?

As you know the Chief Justice of Nigeria recently made a policy statement during the Third Annual Judges' Conference at the National Judicial Institute in Abuja, to the effect that no investor would want their resources tied down in seemingly endless litigation, especially where there is an arbitration clause in the contract. His Lordship drew the attention of heads of courts to the time saving nature of arbitral proceedings, which encourages and heightens commercial and



The resultant effect is what many of us have canvassed for a number of years both within the Nigerian arbitration community and the larger African community, that anyone who institutes an action in court to enforce the breach of a contract that contains an arbitration clause without first invoking the clause, is himself in breach of the said contract and ought not to be encouraged by the courts.

economic activities as well as foreign investment." His Lordship requested that no court should entertain an action instituted to enforce a contract or claim for damages arising from a breach thereof, in which the parties have by consent included an arbitration clause and without first ensuring that the clause is invoked and enforced. His Lordship also went on to say that courts should insist on the enforcement of the arbitration clause by declining jurisdiction and awarding substantial costs against parties who engage in the practice.

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This policy must be pursued by both the Executive and the Judicature to satisfy the sanctity of enforcement of contract obligations and produce predictable outcomes across Africa. Otherwise Africa will miss out on the investments it is due as an investment destination.

Now to your brand new law firm. You recently launched a new firm, bringing together four people with vast and varied experience. What can you describe as the driving force behind its creation?

ALP is a product of a carefully nurtured vision. Our central mission is to 'build value' at all levels. Value for our people; - lawyers and stakeholders; value for their investment of time and effort; value for our associate firms and the legal industry across Africa; and greater value for African law firms in the legal services market. We believe that only solution-driven services combined with local expertise and regional connections can provide value for transactions and disputes in Africa. And so for the users of legal services, greater value for their legal solutions is the objective. We are 'Building value for the future of legal practice in Africa'.

Succession planning has been one of the greatest challenges of African law firms and many argue that African Law Partnerships are not built to last beyond the founders. How is your firm addressing this challenge?

Succession and continuity are crucial, but interestingly, organisational succession is a business strategy that many businesses fail to faithfully execute or even recognise. It is not peculiar to law firms. 'People' are at the heart of our practice at ALP so we believe

personal and business development must be in lock-step. That way you will always have a crop of well mentored, ready-for-leadership associates to assume partnership and leadership roles. This fundamental belief is entrenched in the firm at all levels and not around one leading person or partner. That is our strategy.

In starting up, law firms must start right and technology will play a big role in ensuring the provision of prompt and efficient legal services to clients comparable to international best practices and standards. Would you say the Nigerian legal profession is ready?

Undoubtedly, the landscape has changed quite rapidly in the last decade, - law reports, electronic resources, digital aids for research and information etc. now abound. Within the law firm, as much technology as is on offer is being embraced. But unless and until the infrastructure in the public sector - at our registries and in the courts, in the constitution and in legislation - changes to meet technologies developing globally, there will always be a gap between the standards and best practices in Nigeria and elsewhere. There are many encouraging signs, in company formation, verbatim recording in some courts, in some digitalisation of registries etc. but the resources

need to be multiplied.

From the way you all speak, you seem to be focused on the future. What advice would you give to new entrants into the profession looking to join a big practice, become a partner and succeed in law practice?

Focus early on developing strong technical skills by carefully selecting the first place you work at to receive the best early training. Your early habits will stay with you forever. Research the law firms that you are applying to or being considered for and make educated decisions about where you want to practice. Each one of us had a solid grounding in the best law firms at the time when we started out in practice. To underscore that point, all the firms we worked in are still standing and are amongst the leading commercial law firms in Nigeria. Get involved in all aspects of legal professional life; remain visible, whether it is in practice-focused societies or specialised associations in different practice areas. The impressions you make will last so make a good impression every time you can. Take the views of your peers as importantly as you take the views of your seniors in the profession because the endorsement of your peers is the ultimate respect. Be guided by the mantra- Hard work, Team work and professional networking. Lots of luck!