

## **Making Legal Aid Attractive for Lawyers in Nigeria: A Call for Reform**

The Legal Aid Council of Nigeria was established to ensure that poor and vulnerable Nigerians have equal access to justice, regardless of their financial standing. This is a critical mandate, as access to justice is a fundamental pillar of any democratic society. The Legal Aid Council operates through its offices in all 36 states of Nigeria, with its headquarters in Abuja. However, despite its far-reaching network, the agency faces significant challenges, making legal aid work unattractive to many Nigerian lawyers.

### **The Challenges Facing Legal Aid in Nigeria**

One of the most pressing issues is the **chronic underfunding** of the Legal Aid Council. The agency's offices across the country are often poorly resourced, lacking the necessary financial support to adequately handle the cases of indigent Nigerians. This creates a significant burden on the lawyers who choose to work there, as they are frequently overworked and underpaid.

Lawyers working for the Council are expected to manage large caseloads with little or no financial incentive. In many cases, the resources needed to pursue these cases effectively—such as funds for transportation, court fees, or even basic office supplies—are not provided. As a result, many talented and motivated lawyers shy away from working for the Legal Aid Council, knowing the difficulties and frustrations they may face.

In 2023, the Federal Government allocated **₦1.49 billion** to the Legal Aid Council. Despite this sum, no funding was earmarked for collaborations with private lawyers—a critical opportunity that could expand the Council's reach by involving external legal professionals to supplement its grossly understaffed offices. By 2024, the Council's budget increased to **₦2.14 billion**, yet once again, there were no provisions for compensating private lawyers willing to take on cases for a stipend. This oversight means that despite having a legal framework that allows private lawyers to assist the Council, this opportunity remains largely untapped, leaving indigent clients underrepresented and overburdening the Council's in-house lawyers.

The lack of funding for private lawyer collaborations is a significant gap in the Legal Aid Council's execution of its mandate. With insufficient funds to compensate external lawyers, the Council's reach remains limited, and the overall system is under-resourced. Consequently, many lawyers are discouraged from contributing their services, as the financial burden of handling complex legal cases without adequate compensation is unsustainable.

### **Legal Aid and Private Lawyers: Untapped Opportunity**

Many countries rely on a hybrid legal aid system that involves both public defenders and private lawyers who handle legal aid cases. In Nigeria, the Legal Aid Council has the authority to assign cases to private lawyers, paying them a stipend to cover their costs. However, due to the lack of budget allocation for this collaboration, the agency has been unable to engage private lawyers effectively, leaving its in-house team overwhelmed and limiting the number of cases it can handle.

In contrast, countries such as the **United Kingdom, Canada, and the United States** have developed legal aid systems that actively involve private lawyers in representing indigent clients, offering competitive compensation to ensure quality representation. These systems

recognize that involving private practitioners not only relieves pressure on government-funded public defenders but also provides clients with access to a broader pool of legal expertise.

For example, in the **United Kingdom**, the Legal Aid Agency contracts private lawyers and compensates them based on a tiered fee structure that reflects the complexity of the case. Similarly, **Canada** employs a voucher system where private lawyers are paid for taking on legal aid cases, ensuring that even complex cases are adequately funded. **The United States** follows a similar model, allowing private lawyers to participate in legal aid cases through government contracts, ensuring fair remuneration and sustained involvement.

## **The Current Government's Promise**

Recognizing these issues, on the **24th of August, 2024**, the Minister of Justice and Attorney-General of the Federation, **Lateef Fagbemi**, announced that the **Federal Ministry of Budget and Economic Planning** is reviewing the allocation to the Legal Aid Council for the 2025 budget. The objective is to address the agency's long-standing funding challenges, with the hope of expanding its ability to collaborate with private lawyers, provide better resources to in-house staff, and increase overall access to justice for indigent Nigerians.

This acknowledgment by the current administration is a step in the right direction, as a well-funded legal aid system is essential to the fairness and efficiency of any judicial system. However, funding alone is not enough; it is crucial to design a system that motivates lawyers to participate actively in providing legal aid.

## **Recommendations for Nigeria**

To make legal aid more attractive for Nigerian lawyers and improve access to justice for the nation's most vulnerable, the following steps should be considered:

1. **Increase Funding for Private Lawyer Collaborations:** The Nigerian government must prioritize funding for the Legal Aid Council's collaboration with private lawyers. By allocating a portion of the budget to compensate private lawyers, the agency can expand its reach and improve its service delivery to indigent clients. This would alleviate the pressure on in-house staff and ensure that more cases are handled efficiently.
2. **Create Competitive Stipends:** A competitive stipend structure should be introduced to attract private lawyers. This structure should be based on the complexity of the case, ensuring that lawyers are fairly compensated for their time and effort. This model can be drawn from developed systems where private lawyers receive remuneration that covers expenses and ensures quality representation for indigent clients.
3. **Establish Public-Private Partnerships:** The government should explore partnerships with law firms, non-governmental organizations (NGOs), and international donors to support legal aid services. Such partnerships could provide additional funding, training, and resources to enhance the Council's operations and make legal aid more attractive to lawyers.
4. **Professional Incentives:** Offering professional development opportunities, tax incentives, or continuous professional development (CPD) credits for lawyers who take on legal aid cases could encourage more participation. Recognizing the contribution of these lawyers through awards or certifications could further boost their willingness to

serve. Tax incentives to private lawyers who take on legal aid cases could encourage more legal professionals to get involved.

5. **Enhance Operational Efficiency:** Besides increasing budgetary allocation, streamlining the processes within the Legal Aid Council to ensure efficient case management and resource distribution is critical. Lawyers should have access to modern infrastructure, technology, and adequate resources to handle cases effectively.

## **Conclusion**

The Legal Aid Council of Nigeria is a vital institution in ensuring access to justice for all, but without adequate funding and a robust system for engaging private lawyers, it will continue to struggle. By increasing budget allocations, creating attractive stipends for private lawyers, and learning from successful legal aid models in developed countries, Nigeria can build a system that not only attracts legal professionals but also upholds the right to justice for its most vulnerable citizens. With the Federal Government's commitment to improving the Council's budget in 2025, there is hope that the necessary reforms will be made to make legal aid in Nigeria both effective and sustainable.

**Oluyemi Orija.**  
**Executive Director**  
**Headfort Foundation for Justice**