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THE 2023 REMUNERATION ORDER AND THE "STARVING" YOUNG LAWYER; AN EXAMINATION OF THE GAPS AND ENFORCEMENT LACUNAE

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Abstract

The Legal Practitioners (Remuneration for Business, Legal Services and Representation) Order 2023 represents a significant regulatory shift in the Nigerian Legal profession. It is aimed at curbing undercharging and ensuring fair compensation for legal services. The Order introduced a structured scale of charges and a geographical banding system. However, its implementation is fraught with conceptual gaps and enforcement hurdles. This article examines the core provisions of the order, identifies critical gaps particularly concerning the" state bands" in a digitalised practice environment and analyses the practical challenges of enforcement within the Nigerian Legal Landscape. The analysis is doctrinal, focusing on provisions such as Paragraphs 1(2) and 8(1), which prohibit below-minimum fees. Findings suggest that while the Order offers a solid legal framework for higher costs, its enforcement is weak, with over 95% of non-compliance nationwide. Challenges include monitoring gaps, client resistance, and lenient disciplinary referrals; young lawyers are the most affected, especially in complex cases. To achieve the Order's goals, stricter NBA monitoring, digital fee-tracking, and tiered sanctions are crucial. Additionally, the NBA should go

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beyond merely legislating fees to actively enforce compliance by requiring mandatory billing certificates for land transactions and by establishing a robust whistleblowing framework to protect junior lawyers who report firms bypassing the minimum scales.

Keywords: 2023 Legal Practitioner Remuneration Order, Undercharging, Minimum Fee Scale, Legal Billing, Nigerian Bar Association, Access to Justice

1.0. INTRODUCTION

For more than 30 years, the Nigerian legal profession has been governed by the 1991 Remuneration Order,[1] a rule that has become outdated amid economic changes. By 2023, this Order, which set fees that had been severely eroded by hyperinflation and currency devaluation, left professional charges largely flexible and arguably less dignified. Y.C. Maikyau, SAN, then President of the Nigerian Bar Association, observed in 2023 that the lack of a modern pay structure fostered a "race to the bottom," undervaluing legal services and forcing lawyers to compete mainly on price rather than skill. The new 2023 Remuneration Order,[2] established under section 15(3) of the Legal Practitioners Act,[3] marks a dramatic move away from this free-market approach toward a regulated, scale-based fee system.[4] It sets minimum fee levels for legal services to prevent exploitation amid Nigeria's economic difficulties, such as inflation and currency devaluation. The heart of the regulatory intervention is the survival of young lawyers, practitioners within their

[1] Legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order 1991.

[2] Legal Practitioners Remuneration (for Business, Legal Service and Representation) Order, 2023 S.I. No. 31

[3] Legal Practitioners Act 2004

[4] Legal Practitioners Remuneration (for Business, Legal Service and Representation) Order 2023, paragraph 1 (1)(2).

first seven years of call. Despite the prestige associated with the wig and gown, a significant segment of the junior Bar suffers from "economic anaemia." Research by the Nigerian Bar Association in 2022 found that a vast majority of junior associates earn salaries below the national living wage. This situation is exacerbated by the fact that many principals undercharge to remain competitive. This "starving lawyer" syndrome is not merely a welfare issue: it is a threat to the rule of law. When a lawyer cannot afford basic sustenance, the temptation to engage in "sharp practices," professional misconduct, or "charge-and-bail" racketeering becomes a systemic risk.

The 2023 Remuneration Order establishes a mandatory minimum fee structure[5] and defines 'undercharging' as professional misconduct.[6] Nonetheless, Nigeria's legal market operates as a "buyers' market" with abundant supply and limited institutional oversight. The core issue of this study is the apparent gap between the Order's formal legal provisions and Nigeria's actual economic conditions. While the law aims to ensure a "living fee," it lacks effective enforcement to curb secret rebates between lawyers and clients. Additionally, the mandatory fee requirement raises a vital question: in an economy where access to justice is already a privilege, does a strict minimum fee system help young lawyers or push them out of the market, favouring unregulated "land agents' and non-lawyers?

To address these issues, this research seeks to answer the following questions: the extent to which the 2023 Remuneration Order specifically targets the welfare and economic sustainability of junior legal

[5] Ibid, paragraph 1 & 8(1).
[6] Ibid, paragraph 13 of the Rules to Scale 4.

practitioners, and the effectiveness of the current enforcement mechanisms in detecting and penalising "undercharging" in private legal transactions. The institutional reforms the NBA can implement to ensure that the minimum fee translates to a "minimum wage" for associates. Despite replacing the outdated 1991 Remuneration Order,[7] Legal practitioners continue to grapple with persistent underpayment, particularly affecting young lawyers who handle routine matters at entry-level pay below living wages.[8]

It is found that the enforcement of minimum fees under the 2023 Remuneration Order.[9] remains ineffective, with over 95% non-compliance due to weak monitoring, client resistance, and intra-firm fee-splitting.[10] This research seeks to analyse the 2023 Remuneration Order's[11] fee structures and enforcement provisions; assess its impact on young lawyers' remuneration; and propose reforms to ensure robust compliance. This research investigates the effectiveness of the enforcement mechanisms in the 2023 Remuneration Order, such as paragraph 11.[12] It

[7] Legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order 1991

[8], Chioma Unini, 'NBA Issues Compliance Directive to Banks on Lawyers' Minimum Fees Under Legal Practitioners' Remuneration Order 2023' (TheNigeriaLawyer, 13 March 2025) < https://thenigerialawyer.com/nba-issues-compliance-directive-to-banks-on-lawyers-minimum-fees-under-legal-practitioners-remuneration-order-2023/> accessed 18 August 2025.

[9] Remuneration Order 2023, n3.

[10] Sylvester Udemezue, 'A Memo to NBA Warri Branch: A Reflection on Your Recent Notice on Enforcement of the Legal Practitioners' Remuneration Order 2023' (The Reality Ministry, 5 October 2025) < https://therealityministry.ngo/an-open-memo-to-nba-warri-branch-a-respectful-reflection-on-your-recent-notice-on-enforcement-of-the-legal-practitioners-remuneration-order-2023/> accessed 04 November 2025.

[11] Remuneration Order 2023, n3.

[12] Ibid

further examines the barriers to adherence to the minimum fee for young lawyers and the reforms that can strengthen the Nigeria Bar Association (NBA) 's oversight.

This study employs a doctrinal approach to examine the 2023 Remuneration Order, NBA directives, and relevant case law, complemented by empirical data from compliance reports and practitioner surveys up to 2025. It supports NBA policy reform, encourages the retention of young lawyers, and enriches discussions on legal ethics within Nigeria's developing economy.

2.0 HISTORICAL AND REGULATORY EVOLUTION

Between the colonial era and post-independence, remuneration for Nigerian legal professional services was primarily governed by the English common law tradition, founded on the principle of “Laissez-Faire”. It viewed the lawyer’s fee as an “honorarium” rather than a commercial debt. At this time, the profession was small and highly localised, and as a result, there was little statutory intervention. The initial framework for the profession was established by the Legal Practitioners Act of 1962,[13] which left the determination of fees primarily to the practitioner's discretion, guided only by the reasonable standard outlined in the Rules of Professional Conduct (RPC).[14] There were no statutory

[13] Legal Practitioners Act 1962, No 106 < https://archive.gazettes.africa/archive/ng/1962/ng-government-gazette-supplement-dated-1962-12-31-no-106-part-a.pdf> accessed 19 December 2025.
[14] Rules of Professional Conduct for Legal Practitioners 2023, Gazette No 103, Vol 110.

scales amid post-independence economic growth; ad hoc state bar scales emerged sporadically but lacked uniformity.[15]

2.1 THE 1991 LEGAL PRACTITIONERS’ REMUNERATION ORDER

The first significant attempt to standardise legal services fees was the Legal Practitioners Remuneration Order 1991.[16] It was enacted under the military regime, pursuant to section 15(3) of the Legal Practitioners Act.[17] It established three minimum fee scales limited to solicitors' work, such as conveyancing, land transactions, and documentation. As noted by Adegoke,[18] the 1991 Order emerged in an “era of relative currency stability”. Still, it was quickly rendered obsolete by the 1990s structural adjustment programs and subsequent inflation and economic strains in Nigeria,[19] which eroded fees.[20] Because the Order had not been updated for 32 years, it created a “regulatory vacuum.” Lawyers routinely ignored the prescribed fees, which ranged into the hundreds of Naira. This led to a culture of unregulated competitive bidding that severely disadvantaged

[15] Hassan Sherif, ‘The Pros, Cons and Challenges of Establishing and Enforcing a Scale of Charges for Legal Services in Nigeria’ (The Nigeria Lawyer, 5 December 2020) < https://thenigerialawyer.com/the-pros-cons-and-challenges-of-establishing-and-enforcing-a-scale-of-charges-for-legal-services-in-nigeria/> accessed 17 December 2025.

[16] Legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order 1991.

[17] Legal Practitioners Act 2004

[18] A Adegoke, 'The Economics of Lawyering: Why the 1991 Remuneration Order Failed the Nigerian Bar' (2022) 14 Nigerian Juridical Rev

[19] Samuel Anyanwu, ‘Federal Ministry of Justice Inaugurates Legal Practitioners Remuneration Committee’ (The Federal Ministry of Justice, 15 May 2023) < https://fmino.gov.ng/fmoj-inaugurates-legal-practitioners-remuneration-committee/> accessed 18 December 2025.

[20] Ibid.

junior practitioners who lacked the brand name to charge premium rates. Hyperinflation over 30 years rendered fixed naira fees valueless (e.g., a ₦500 conveyancing fee is now negligible). The Order had a narrow scope, excluded litigation/consultations, lacked enforcement, leading to 100% disregard, and had no indexation or monitoring body.[21]

The path to the 2023 Remuneration Order began with the NBA's aggressive welfare campaign. In 2022, the NBA inaugurated the Anthony Nwaochei-led Remuneration Committee to conduct a nationwide survey of lawyers' earnings. In its report,[22] The committee found that the absence of a "floor" or minimum fee encouraged "brief-snatching" through undercutting. Senior lawyers would charge below-market rates to secure high-volume work, and consequently, they could not afford to pay junior associates a living wage. The committee recommended that for the "starving lawyer" syndrome to end, the state must move from a "Laissez-Faire" pricing model to a "Price Floor" model. The committee drafted comprehensive scales, submitted amid rising attrition.[23]

3.0 AN OVERVIEW OF THE 2023 LEGAL PRACTITIONERS' REMUNERATION ORDER

The 2023 Remuneration Order, which became effective on 16 May 2023, represents the peak of evolution. It moved the legal profession from discretionary billing to mandatory scale-based billing. The Order punishes

[21] Tunde Solebo, 'Legal Practitioners Remuneration Order 2023' (Ekikhalo Chambers, 21 October 2024) < https://ekikhalochambers.com/legal-practitioners-remuneration-order-2023/> accessed 19 December 2025.
[22] Nigeria Bar Association (NBA), (n6).
[23] Tobiloba Oresanya, 'Nigerian Bar Association Remuneration Committee Report 2022' (SCRIBD, 2022) < https://www.scribd.com/document/652591305/NBA-Remuneration-Committee-Report-2022> accessed 17 December 2025.

the tradition of "charging what the client can afford" if that amount falls below the prescribed scale.[24] It was made pursuant to the powers under section 15(3) of the Legal Practitioners Act.[25]

Section 15 of the Legal Practitioners Act provides as follows:

> (1) There shall be a committee, to be called the Legal Practitioners Remuneration Committee… 3) The Committee shall have power to make orders regulating generally the charges of legal practitioners and, without prejudice to the generality of that power, any such order may include provision as to all or any of the following matters, that is to say-
>
> (a) the maximum charges which may be made in respect of any transaction or activity of a description specified by the order;
>
> (b) the ascertainment of the charges appropriate for any transaction or activity by reference to such considerations as may be so specified;
>
> (c) the taking by practitioners of security for the payment of their charges and the allowance of interest with respect to the security; and
>
> (d) agreements between practitioners and clients regarding charges.[26]

[24] Legal Practitioners Remuneration (for Business, Legal Service and Representation) Order 2023, Paragraph 2.
[25] Cap. L11, Laws of the Federation of Nigeria, 2004.
[26] Ibid.

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The Remuneration Order was established to resolve inconsistencies in how legal practitioners set their fees and to create a standard fee structure that accurately reflects their expertise, knowledge, and effort. The fee scale also became necessary due to sharp inflation, which has dramatically increased the cost of living in Nigeria.

The Remuneration Order aims to accomplish the following objectives:

i. To guarantee just compensation for legal practitioners.
ii. To establish consistency and foreseeability in legal service charges.
iii. To improve access to justice through the prevention of exploitative pricing.[27]

The remuneration covered in the Order encompasses:

iv. Consultation and legal opinion (scale 1);
v. Incorporations, or registration of companies and business names (scale 2);
vi. Litigation (scale 3);
vii. Property transactions, which include mortgages and related transactions (scale 4), while scale 5 deals with commercial or other transactions.[28]

It further stated that the scale of charges for any business or service not listed in the Order will be decided based on the following considerations:

I. The complexity of the matter, referring to how complex or novel the issue is.

[27] Legal Practitioners Remuneration (for Business, Legal Service and Representation) Order 2023, Paragraph 1(1).
[28] Paragraph 4.

II. Skill, labour, experience, specialised knowledge, and responsibility required on the part of the legal practitioner;
III. Number, diversity, technicality, and importance of the documents prepared or perused;
IV. Time expended by the legal practitioner on the business or service;
V. Location and circumstances in which the business or service, or a part of it, is transacted or performed;
VI. Turnaround time required by a client for completion of the business;
VII. Amount of money or value of property involved; and
VIII. Importance attached to the business by the client.[29]

The remuneration to be earned by a legal practitioner within the scale of charges, excludes costs of 'stamp, auctioneer's or valuer's charges, traveling expenses, fees paid on searches or paid to government or its agencies on registrations, costs of extracts or certified true copies from any register, cost of application for consent as required under the Land Use Act or any other registration fees. [30]Copies of documents that were made in the course of business provided under the Order belong to the client.[31]A lawyer may, in writing to the client, elect to charge remuneration that is not lower than the charges stipulated in scale 1 to scale 5.[32]

A legal practitioner and his client may reach an agreement under which the client gives the legal practitioner security for the amount that will become due to the legal practitioner for business or services to be

[29] Ibid, Paragraph 2.
[30] Ibid, Paragraph 3(1).

[32] Ibid, Paragraph 7(5)

transacted by the legal practitioner.[33] A legal practitioner shall, before the commencement of work on any business or service or within 14 days of receipt of instruction, issue the client written terms of engagement which shall set out the scope of work and fees. Where the legal practitioner is under a specific retainer, the retainership agreement will suffice as the written terms of engagement.[34] Where the legal practitioner performs any work outside the scope of work, he may issue another term of engagement to the client.[35]

Where the legal practitioner fails to prepare terms of engagement, the remuneration prescribed in the appropriate scale of charges shall apply to the transaction.[36] Charges as stipulated in the respective scale of charges are not negotiable, and all legal practitioners are to adhere to the fees prescribed in each of the scales of charges except as agreed upon by the legal practitioner and the client and in strict compliance with the provisions of the Order.[37]

If a legal practitioner plans to charge less than the amount specified in the applicable fee scale, they must apply to the Nigeria Bar Association's Remuneration Committee within two days of receiving the client's instruction, providing the reasons for their intention to charge a lower fee. The Committee shall investigate these facts within seven days, and the legal practitioner shall be informed of the Committee's approval or refusal of the application to charge lower fees.[38]

[33] Ibid, Paragraph 6.
[34] Ibid, Paragraph 7(1)(2)(3).
[35] Ibid, Paragraph 7(4).
[36] Ibid, Paragraph 7(5).

[38] Ibid, Paragraph 10(1)(2)(3).

The legal practitioner may continue or resume work on their client's instructions while awaiting the Committee's decision. If the Committee denies the request to reduce fees, the practitioner must provide the client with a written terms of engagement that clearly states the applicable fees based on the current scale of charges, and attach the Committee's decision to the letter.[39] Where the Remuneration Committee fails to convey to the legal practitioner a decision on an application, it shall be deemed that they have accepted the application.

Paragraph 11 of the Order requires anyone with knowledge that a legal practitioner has charged or agreed to a fee in violation of the Order to report such practitioner to the Remuneration Committee.[40]

When this report is submitted to the Committee, it will investigate the matter. If the report is justified, the Committee will then refer the infraction to the Legal Practitioners Disciplinary Committee (LPDC).[41] The Remuneration Committee may assign the investigation of any report to either the branch, the legal practitioner involved, or a team of at least 3 but not more than 5 legal practitioners.[42]

Paragraph 12 of the Order exempts pro bono work or legal aid cases from its scope. It also allows legal practitioners to provide free services to clients based on blood or family ties. In such cases, the lawyer must submit an affidavit to the Remuneration Committee within 7 days of

[39] Ibid, Paragraph 10(4)(5).
[40] *Ibid*, Paragraph 11(1).
[41] *Ibid*, Paragraph 11(2).
[42] *Ibid*, Paragraph 11(3).

receiving the client's instruction, explaining the facts and reasons that justify the free service.

The Order revoked the Legal Practitioners' (Remuneration for Legal Documentation and other Land Matters) Order, 1991.[43] The 1991 Remuneration Order was limited in scope, focusing solely on legal documents and land matters, whereas the current Order covers businesses, legal services, and legal representation.[44]

4.0 THE "STARVING" YOUNG LAWYER AND THE 2023 REMUNERATION ORDER

Several authors and scholars have provided different definitions of what constitutes a lawyer. One definition describes a lawyer as 'someone trained and licensed to prepare, manage, and either prosecute or defend a court case on behalf of another, as well as offering legal advice that may or may not involve court proceedings.'[45] A lawyer is a person trained in law who helps people solve legal problems. A lawyer provides legal advice, represents clients in court, and drafts legal documents such as contracts.[46] A lawyer is a licensed professional who advises and represents others in legal matters.[47] The above definitions highlight some of the

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[43] Ibid, Paragraph 13.

[44] QM Jim-Ogbolo, *An Overview of the Legal Practitioners (Remuneration for Businesses, Legal Services and Representation) Order, 2023* <https://mjnuma.com/newsletter/pdf/31.pdf> accessed 14 October 2025.

[45] Britannica Editors, 'lawyer' *Britannica* 30 August 2025 <https://britannica.com/topic/lawyer>accessed 7 October 2025.

[46] Ibid.

[47] "What is a Lawyer" American Bar Association 10 September 2019 <https://americanbar.org/groups/public_education/ resources/public-information/what-is-a-lawyer-/> accessed 7 October 2025 [5](2021) LPELR-55793(CA).

attributes of a lawyer; however, they are not exhaustive. In addition to providing legal representations, preparing and franking title and other legal documents, and offering legal advice, lawyers also play crucial roles in legislative drafting, corporate activities such as registering business names and incorporating companies, real estate practices, and more.

In carrying out his duties, a lawyer is expected to represent his client's interests, but more importantly, the interests of justice, and to do so in a manner that does not violate the rules of professional conduct for legal practitioners. The Court of Appeal echoed this thought in the case of *Muhammed v State.*[48] in the following words:

> All that the Counsel to the Appellant did in this appeal was to manipulate the facts and contents of the records of appeal in order to hoodwink this Court into delivering injustice. As stated earlier, this is neither a good nor an ethical way to practice law. In *Billie Vs State* (2016) 15 NWLR (Pt 1536) 363, the Supreme Court, per Ngwuta, JSC, made the point thus: "As a result of the conduct of learned Counsel for the appellant in his brief, I need to sound a note of warning. Lawyers all over the world take sides for money. Though a lawyer owes a \duty to the client who hires him, he must always bear in mind that he owes a higher duty to a cause higher than that of his client, the cause of justice. A lawyer who distorts or massages the facts in the record may win his clients' case, but such an apparent victory would amount to a betrayal of justice.[49]

[48] (2021) LPELR-55793(CA).
[49] Per Abiru JCA, PP. 44-45, paras B-A.

A lawyer in Nigeria is a person qualified to practice law, i.e., a legal practitioner. To qualify, one must first earn a Bachelor's Degree in Law from a university either within Nigeria or abroad. Those who earn their law degrees outside Nigeria are required to complete what is commonly known as Bar Part I, comprising classes and examinations covering the Nigerian Legal System, Nigerian Land Law, Nigerian Criminal Law, and Nigerian Constitutional Law.[50] After passing the Bar Part I exams, candidates who studied law outside Nigeria join those with a Bachelor's Degree in Law for the Bar II programme. To be eligible for call to the Nigerian Bar, an aspirant can be either a Nigerian citizen or a non-citizen; they must present a qualifying certificate to the Benchers and demonstrate good character to be admitted.[51]

4.1 Who is a Young Lawyer?

A young lawyer in Nigeria is someone who has just been called to the Nigerian Bar, up to someone who is seven years post-call as a legal practitioner.[52] Law Insider also defined a young lawyer as " a member of the Association who is between 0-7 years post-call.[53] A young lawyer in Nigeria faces numerous challenges, including inadequate pay from law firms.

[50] 'Learn Nigerian Law' *The Profession* <https://learnnigerianlaw.com/learn/legal-system/profession> accessed 7 October 2025.

[51] Legal Practitioners Act Cap L11, Laws of the Federation of Nigeria 2004 (as amended in 2014), section 4.

[52] N Anyasi, 'Young Lawyers in Litigation: Future or Fulcrum of the Profession?' *Lawyard* 11 January 2022 <https://lawyard.org/opinions/young-lawyers-in-litigation-future-or-fulcrum-of-the-profession/> accessed 9 October 2025. [10]Law Insider, *Younger Lawyer Definition*<https://lawinsider.com/dictionary/young-lawyer> accessed 9 October 2025.

[53] Law Insider, Younger Lawyer Definition accessed 9 October 2025.

Some young lawyers lack proper employment letters; instead of a regular salary, they receive stipends for court appearances or other tasks for the law firm. This situation prompted the March 2018 National Executive Committee Meeting of the Nigerian Bar Association in Ilorin, Kwara State, to recommend a minimum salary of ₦50,000 for young lawyers and at least ₦25,000 for those doing their compulsory National Youth Service.[54]

The issue of young Nigerian lawyers, often described as 'starving', earning below a living wage despite handling heavy workloads such as drafting, consultations, and research, is exacerbated by Nigeria's 34.2% inflation rate of 2025 and a minimum salary of ₦70,000.[55] Young lawyers encounter systemic underpayment in chambers, where senior lawyers take client fees through intra-firm splitting. This issue worsened due to economic shocks, such as the removal of fuel subsidies in May 2023, which raised operational costs by 300%. NBA surveys show that 78% of lawyers with less than five years of experience earn less than ₦100,000 per month, compared to Abuja's ₦250,000 living wage. As a result, about 40% of these young lawyers leave within three years.[56] Justice Mabel Segun-Bello noted that the exodus of young lawyers into corporate and

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[54] AO Salami, 'Young Lawyers: Our Grievances and Hope for A Better Tomorrow', LinkedIn, 28 August 2018.

[55] Nigerian Bar Association (NBA), 'Remuneration Committee, *Report of the Remuneration Committee on the Standardization of Fees and Levies in the Legal Profession'* (7 February 2022) https://www.scribd.com/document/652591305/NBA-Remuneration-Committee-Report-2022 accessed 18 December 2025.

[56] Tobiloba Oresanya, 'Nigerian Bar Association Remuneration Committee Report 2022' (SCRIBD,) < https://www.scribd.com/document/652591305/NBA-Remuneration-Committee-Report-2022> accessed 17 December 2025.

entrepreneurship roles is driven by a "culture of short-term survival." Before 2023, the lack of a comprehensive remuneration scale created a market in which legal services were often undervalued. Junior lawyers, in a bid to secure briefs, engaged in "under-cutting", which directly impacted their ability to earn a living wage. The Remuneration Order 2023 attempts to halt this by making undercharging a matter of professional misconduct.[57] However, the "starving-lawyer" syndrome remains pervasive because the Remuneration Order 2023 regulates what the client pays the firm, but not necessarily what the firm pays the associate.

The effectiveness of the minimum fee rule is undermined by a reporting paradox, in which lawyers are encouraged to report peers who undercharge.[58]

In practice, young lawyers are the least likely to whistleblow against senior principals or competing firms because of fear of professional blacklisting. Recent reports from 2025 show that although investigations into fee breaches have begun, the number of petitions remains low compared to the suspected rate of non-compliance.[59]

The introduction of State Bands (Bands 1, 2, and 3) recognises regional economic differences but also risks trapping young lawyers in Band 1

[57]Legal Practitioners Remuneration (for Business, Legal Service and Representation) Order 2023, Paragraph 2. See also Rules of Professional Conduct 2023 Rule 48.
[58] Paragraph 11
[59] NBA Blog, 'NBA Remuneration Committee Probes Five Petitions Over Alleged Breach of 2023 Remuneration Order' (3 December 2025) https://blog.nigerianbar.org.ng/2025/12/03/nba-remuneration-committee-probes-five-petitions-over-alleged-breach-of-2023-remuneration-order/ accessed 20 December 2025.

States. For example, a lawyer in Abuja (Band 3) might charge at least N200,000 for a legal opinion. In contrast, a young lawyer in a Band 1 State like Kano faces a legally set minimum fee that is lower, potentially not reflecting the current national inflation rate, which impacts both regions equally.[60] Furthermore, "New Wigs" expanding into private practices in Band 1 (rural or semi-urban areas) creates a notable market obstacle under the 2023 Remuneration Order. Although the Order sets a minimum fee to uphold professional dignity, it overlooks the competition from "Quasi-Legal" providers, including land agents, "charge-and-bail" intermediaries, and paralegals.

In jurisdictions such as the United Kingdom, legal work is safeguarded by strict "reserved activities." Conversely, in Nigeria, property transactions (Scale 4) are frequently managed by non-lawyers. The Order's requirement of a high minimum fee could potentially exclude young lawyers from the market. As Umegboro[61] argues, expecting a client in a rural community to pay a high standardised fee is "unrealistic" when a local agent provides the same service at a much lower cost.[62] This puts the young lawyer in a position where they must choose between ethical compliance (and risking hunger) and professional misconduct (and risking their survival).

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[60] Aetoslegal, 'Exploring the New Scale of Charges: Legal Practitioners Remuneration Order, 2023' (Aetoslegal, 2023) https://www.aetoslegal.com/exploring-the-new-scale-of-charges-legal-practitioners-remuneration-order-2023/ accessed 20 December 2025.

[61] C. Umegboro, '*Neglect of Junior Lawyers: A Threat to Professional Continuity'*. Press Statement to PUNCH Online (Punch, 23 August 2025.

[62] Ibid.

Scholars have argued that the 2023 Remuneration Order is "a paper-tiger" for the young lawyer because it lacks a direct remuneration link.[63] Unlike the medical profession, where house officers have a standardised scale, the Nigerian legal profession allows principals to collect "Scale 3" litigation fees while paying associates "stipends" that fall below the national minimum wage.[64]

5.0. EXAMINATION OF THE GAPS AND ENFORCEMENT LACUNAE OF THE 2023 REMUNERATION ORDER

The Legal Practitioners Remuneration Order 2023 (LPRO 2023) marks a significant step forward from the outdated 1991 system. It primarily promotes the standardisation of minimum fees. However, several structural and functional gaps weaken its effectiveness.

a.) Office location, the client's location, or the court's location. This ambiguity is especially relevant in today's legal market, where technological advances in virtual conferencing and digital filing have made geographical boundaries less significant. The lack of clarity in the Remuneration Order risks creating a form of "jurisdictional arbitrage.' For instance, if a client in Lagos (Band 3) consults a lawyer in Sokoto (Band 1) virtually, should the lawyer charge the lower Band 1 rates? If that is the case, it could

[63] Damaris C. Nnajiofor, 'The Nigerian Legal Practitioners Remuneration Order 2023 – A Step Towards Fair Compensation or Another Paper Tiger?' (The Nigeria Lawyer, 6 March, 2025) < https://thenigerialawyer.com/the-nigerian-legal-practitioners-remuneration-order-2023-a-step-towards-fair-compensation-or-another-paper-tiger/> accessed 21 December 2025.

[64] The Nation, 'What to Know About 2023 Legal Practitioners Remuneration Order' (*The Nation*, 2023) https://thenationonlineng.net/what-to-know-about-2023-legal-practitioners-remuneration-order/ accessed 20 December 2025.

cause a significant shift of clients from high-fee to lower-fee states, disadvantaging practitioners in urban centres like Lagos and Abuja, which have higher operational costs.

b.) A significant oversight in the 2023 Remuneration Order is the absence of a "pass-through" requirement for young lawyers and associate welfare. The Order was promoted as a benefit for young lawyers, promising them fair pay. However, it only regulates what the firm charges clients, not what principals pay their junior staff. There's no link in the Order between the minimum fees and the salaries of young lawyers and associates. As a result, a Band 3 firm might bill N, 1000 for a litigation case involving three junior associates. However, these associates could still earn only a subsistence salary that doesn't reflect the higher fees collected. This gap risks widening the wealth divide within the profession, as principals retain all fee increases, while young lawyers and associates rely on their employers' goodwill to benefit.

c.) A significant gap in the 2023 Remuneration Order concerns the regulation of retainership. It states that if a specific retainer binds a legal practitioner, the retainer agreement itself will serve as the written record of the engagement terms.[65] The Order does not specify standardised rules for valuing retainer fees. Retainers are often used to underpay clients, who pay a fixed monthly or yearly fee that, compared to the actual work done, is significantly lower than the minimum hourly or scale-based rates set by the Order. Without explicit rules requiring retainer fees to align with these scales, practitioners can bypass price controls by concealing services within opaque retainer fees. This issue is common in

[65] Legal Practitioners Remuneration (for Business, Legal Service and Representation) Order 2023, Paragraph 7(2)

corporate law, where companies retain firms for general advice and litigation support. For example, if a firm handles five litigation cases for a monthly fee of N500,000, but the Scale 3 minimum for those cases is N4,000,000, the firm is technically in violation of the Remuneration Order. However, this breach remains hidden within the retainer's complex contractual structure.

d.) The Remuneration Order was crafted amid rapid growth in Nigeria's digital economy. Nigeria has become a global centre for fintech and cryptocurrency, attracting billions in venture capital and creating complex legal demands, from SEC regulatory incubation to virtual asset licensing. Nevertheless, the Order does not specifically classify these high-growth, high-skill sectors within its categories. Currently, fintech and blockchain services are placed under the broad "Scale 5" or "Scale 1" labels. The expertise needed for these sectors is specialised and commands a premium. Still, the minimum hourly rates in Scale 5 might not entirely reflect the value of specialised knowledge in 4IR (Fourth Industrial Revolution) technologies. Although the Order permits "fair" charges that take innovation and specialised expertise into account,[66] this flexibility can cut both ways. It introduces a "grey area" in which firms might claim that their specialised work falls outside typical scaling, making it challenging for the Remuneration Committee to determine what qualifies as an "adequate" fee without sector-specific guidelines.

e.) The most significant "critical" gap for the "starving lawyer" is the absence of a statutory connection between firm revenue and associate compensation. While the Order guarantees that clients

[66] Ibid, Paragraph 2

adequately pay firms, it does not require that a portion of that income be reflected in associates' salaries. This loophole allows principals to comply with the Remuneration Order during billing while still paying very low wages to junior lawyers who perform the work.

f.) Imposing a mandatory price floor risks pushing price-sensitive clients into the "shadow market" of non-lawyers. In Nigeria, land agents, accountants, and former court clerks often offer legal-adjacent services like property drafting and CAC registration at much lower costs. By drastically increasing the minimum fees for these services, the 2023 Order could unintentionally make professional legal services unaffordable for low-income individuals and SMEs. For example, if a small business owner in Band 1 is required to pay N100,000 for a simple business name registration that a non-lawyer "agent" provides for N10,000, the financial incentive to choose a professional lawyer diminishes greatly. Unless there is an intense crackdown on unauthorised legal practice, the 2023 Remuneration Order might open the market to unqualified practitioners, leaving law-abiding lawyers with fewer clients while unethical operators continue to undercut prices illegally.

5.1. EXAMINATION OF THE ENFORCEMENT LACUNAE IN THE 2023 REMUNERATION ORDER

The enactment of the 2023 Remuneration Order provides a clear, non-negotiable benchmark for diverse legal services.[67] promising lots of advantages. Many lacunae hamper the practical implementation and

[67] Ibid, Paragraph 8.

enforcement of the Order. Its enforcement framework is its most fragile component.

a) The Remuneration Order places responsibility for reporting violations on all individuals, including lawyers and members of the public.[68] The reliance on "whistleblowing" contradicts the social and professional norms of the Nigerian Bar. There is a strong cultural reluctance within the profession to report colleagues for misconduct, particularly when the offender is a senior lawyer or from a major firm. Young lawyers, often responsible for drafting engagement letters indicating reduced fees, tend to avoid reporting their employers to the Remuneration Committee out of fear of losing their jobs and professional blacklisting. Additionally, because undercharging often benefits clients, it reduces the likelihood that clients will report lawyers for cost savings.

The Order lacks a proactive, independent monitoring unit, such as a "billing inspectorate," resulting in reactive enforcement of the Remuneration Order. Since it cannot perform random audits of law firm billing records, the NBA Remuneration Committee is limited to examining only the few petitions it receives. By December 2025, just five petitions were actively under investigation,[69] a number that almost certainly does not reflect the actual scale of non-compliance in a bar of over 100,000 practitioners. It has been argued that without a "remuneration audit portal" or a requirement to file "free compliance

[68] Ibid, Paragraph 11 (1)

[69] NBA Blog, 'NBA Remuneration Committee Probes Five Petitions Over Alleged Breach of 2023 Remuneration Order' (3 December 2025) https://blog.nigerianbar.org.ng/2025/12/03/nba-remuneration-committee-probes-five-petitions-over-alleged-breach-of-2023-remuneration-order/ accessed 20 December 2025.

certificates" at land registries and courts, the Order remains largely self-policing.[70]

The Order only binds "Legal Practitioners" as defined by the Legal Practitioners Act.[71] It has jurisdiction over land agents, estate surveyors, and accountants who render similar services in property transactions and corporate services, respectively, under scales 4 and 2. By setting mandatory minimums for lawyers without criminalising the same services provided by non-lawyers, the Order may inadvertently drive price-sensitive clients into the hands of unregulated "quacks."

i.) Absence of Statutory Penalties: While para 8(3) enables LPDC referrals (infamous for 5–10 year delays), no specific monetary fines, practising certificate suspensions, or disgorgement orders attach directly to Remuneration Order breaches; LPDC treats violations as "infractions" rather than misconduct under RPC 2023 r 38, yielding zero published sanctions since 2023 despite thousands of affected wigs.

ii.) Institutional Weakness: Committees lack statutory subpoena powers under LPA s 10, which are reserved for LPDC. They cannot compel banks to produce bank records, even though the NBA's March 2025 circular instructs banks to flag sub-scale transfers. They also lack the authority to audit firm accounts or client ledgers, so investigations rely solely on testimonials, which are subject to a "he said/she said" challenge.

iii.) Whistleblower Risks: Para 8 reveals that reporters face retaliation risks without protections such as anonymity, confidentiality, or immunity from defamation claims. RPC 2023 r 38(4) explicitly allows "reasonable sharing arrangements" between principals and associates,

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[70] Ibid.

[71] Legal Practitioners Act, 2004.

providing plausible deniability for intra-firm splits, such as a 90/10 split, in which juniors receive only token payments.

iv.) Monitoring Deficit: No need for yearly firm audits, client fee certifications, or linking with NBA practising fee renewals. Without proactive measures such as AI-driven bank-transaction alerts or random compliance checks, detection relies solely on voluntary whistleblowing within a hierarchy in which 80% of young lawyers work under senior lawyers.

6.0 FINDINGS

1. The 2023 Remuneration Order fails to define the applicable fee band in a modern, technology-driven legal landscape. By not specifying whether the lawyer's location, the client's location, or the court's jurisdiction determines fees, the Order creates an ambiguity that enables "jurisdictional arbitrage." This allows clients and firms to exploit lower fee bands (e.g., Band 1) for complex work, primarily benefiting clients or courts in higher bands (e.g., Band 3), potentially disadvantaging practitioners in high-cost urban centers who are bound by the Band 3 minimums but face competition from Band 1 rates delivered virtually.
2. A critical structural flaw in the 2023 Remuneration Order is the absence of a statutory or regulatory link between the minimum fees charged to clients and the compensation of the young lawyers and associates who perform the bulk of the work. While the Order successfully establishes a revenue floor for law firms, it creates no corresponding "pass-through" requirement for salary benchmarks. This lacuna allows firm principals to charge higher fees without a corresponding obligation to improve the subsistence-level wages

of junior staff, thereby perpetuating and potentially widening the wealth disparity within the profession.

3. The 2023 Remuneration Order was drafted without specific provisions for Nigeria's rapidly growing digital economy sectors, such as Fintech, Blockchain, and Artificial Intelligence law. By subsuming these highly specialised, premium-value services under broad categories such as "Scale 5," the Order fails to provide adequate guidance on the minimum fee. Although it allows for "fair" charges based on expertise, this flexibility creates a grey area that is difficult to enforce and does not adequately signal the value of specialised 4IR (Fourth Industrial Revolution) legal expertise to the market.
4. The Order’s treatment of retainership agreements as a substitute for a formal fee note creates a significant loophole. Without a mandatory reconciliation clause, firms can bundle a high volume of work under a fixed monthly retainer that, when assessed against the Order's scale fees, represents a significant undercharge. This practice, particularly prevalent in corporate law, effectively nullifies the price-control mechanism of the Order, as breaches of minimum fees are concealed within the complex and opaque structure of the retainer contract.
5. The enforcement mechanism of the 2023 Remuneration Order is its weakest component. It relies almost exclusively on a voluntary whistleblowing model that is fundamentally at odds with the hierarchical and collegial culture of the Nigerian Bar. The absence of a proactive monitoring unit, coupled with the lack of specific statutory penalties (e.g., administrative fines, automatic suspension) and the Legal Practitioners Disciplinary Committee's (LPDC) slow adjudication process, renders the Order largely a

"paper tiger." The reliance on self-policing and the fear of retaliation among junior lawyers ensures that non-compliance is rampant, yet largely invisible to the regulatory authorities.

7.0 RECOMMENDATIONS AND CONCLUSION

Against the background of the challenges in the use of generative artificial intelligence in litigation in Nigeria, the following is recommended:

a. The Legal Practitioners Remuneration Committee should amend the 2023 Remuneration Order to specify that fees are based on the higher of either the lawyer's physical location, the client's business site, or the court's jurisdiction. This change aims to prevent "Scale 1" lawyers from underpricing "Scale 3" markets virtually. Additionally, the Committee should establish a dedicated scale (Scale 6) for Fintech, Blockchain, and AI Law, reflecting their global scope and setting a higher minimum rate to correspond with the specialised expertise required, thus avoiding their being grouped into the generic Scale 5. Furthermore, it is recommended that all retainer agreements include a reconciliation clause. Firms should, at the end of each year or quarter, demonstrate that the total billable work at Scale rates does not exceed the retainer fee by more than a set margin (such as 20%).

b. The General Council of the Bar, responsible for overseeing the Bar's management and updating the Rules of Professional Conduct, should implement a rule requiring firms to demonstrate that a certain percentage (e.g., 25–35%) of fees from the 2023 Remuneration Order scales is explicitly allocated to the young lawyers or associates who did the work. Additionally, the renewal of the NBA Practising Certificate should depend on a "Young Lawyer/Associate Welfare Declaration."

Firms must verify that their lowest-paid young lawyer or associate receives a "Living Wage" proportional to their firm's Band/Scale.

c. The Nigerian Bar Association should create an independent department empowered to perform random spot checks on firm ledgers. It should also mandate a "Remuneration Compliance Certificate" for the registration of deeds of assignment or mortgages. For corporate filings, a declaration should be required that legal fees paid comply with the 2023 Remuneration Order minimums. Collaboration with the Central Bank of Nigeria (CBN) is necessary to identify "Sub-Scale Transfers." If a "Property Sale" transaction is flagged for an amount well below the Scale 4 minimum for that value, it should automatically prompt an inquiry by the Remuneration Committee. Additionally, the NBA should advocate for amendments to the Legal Practitioners Act (LPA) to criminalise the offering of "Scale-protected" services- such as property drafting and corporate filings- by non-lawyers, with strict penalties for both the "agent" and the client involved. To raise awareness, the NBA should also launch a "Value of the Wig" campaign to educate SMEs and the public on why paying the LPRO minimum ensures professional indemnity and legal security that unqualified "quacks" cannot guarantee.

d. The Legal Practitioners Remuneration Committee should create a secure, third-party reporting portal allowing junior lawyers and associates to report issues like sub-scale billing or wage theft anonymously. Meanwhile, the Legal Practitioners Disciplinary Committee should transition away from the slow LPDC procedures for minor violations and introduce automatic administrative fines—such as

200% of the undercharged fee—that must be settled before license renewal.

7.1 CONCLUSION

The 2023 Legal Practitioners Remuneration Order represents a necessary and well-intentioned reform. However, its current form is incomplete. The identified gaps, jurisdictional ambiguity, the "pass-through" deficit, digital economy obsolescence, the retainer loophole, and a fundamentally weak enforcement framework collectively undermine its potential. Without the swift implementation of these targeted recommendations, the Order risks becoming a symbolic instrument that fails to protect the economic interests of the majority of its practitioners, particularly its youngest members. It may inadvertently fuel the very inequities and shadow market practices it was designed to eliminate.

In conclusion, although the Legal Practitioners Remuneration Order 2023 aims to modernise a stagnant fee system, it currently acts more as a "paper tiger" than a true safeguard. The uncertainties surrounding jurisdictional arbitrage and the lack of specific scales for the digital economy create a confusing marketplace. More importantly, without a "pass-through" requirement, the Order primarily benefits firm principals, leaving young lawyers, who are often underpaid, on the periphery. To close enforcement gaps, the NBA needs to move from a reactive, whistleblower-dependent approach to a proactive, technology-based inspectorate. Without tying firm revenue to associate salaries and criminalising the unregulated "shadow market" of agents, the Order risks increasing the professional wealth gap it was meant to narrow.