

# THE KYEREMA

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### Special Edition For New Lawyers

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# Private practice versus In-house: The dilemma of the new lawyer.

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## A: Introduction

A few weeks ago, I asked our office manager, Lebene, to do some research work for me. When she finished and presented her report, we had some discussions on it. In the course of our conversation, she intimated that while working on the assignment, she came across some interesting statistics online. She said she found out that the most popular query on Google relating to law in Ghana was 'private practice versus in-house'. I found the information interesting and later in the day, I was wondering to myself what kind of answers such a query will elicit online. As it turned out, not much. Considering that the call to the Bar is almost upon us, and many of our fresh lawyers may be making the same enquiries on Lady Google, we decided to dedicate this special edition of *The Okyerema* to shed some light on the subject. It is our hope that our readers will find it helpful.

## B: To practice or not to practice; that is the headache

For those who are about to be called to the Bar, the lifetime dream of becoming a lawyer is almost a reality now. There are those who knew from the time they were *en ventre sa mere*<sup>1</sup> that they wanted to be lawyers. Some may even swear that their village legend has it that when they were born, strands of lawyers' wig were found in their hair, signifying that their entry into the learned and noble profession had been ordained by the Omnipotent One himself. And there are those who have to become lawyers, not for purposes of their own self-actualisation but mainly to placate their parents whose own dream of becoming lawyers were cut short by their abysmal results at the much-missed GCE 'O' and 'A' Levels. Then there are those of us who veered into law because the Liberal Arts proved to be a more tolerable

endeavour.

I recall when I was in Form 4 at St. Monica's Secondary School ('Munche' for life!), my late father visited me in school on one of his trips from the UK where he lived. After exchanging greetings, he excitedly asked about the subjects I was reading for my GCE O' Levels. I also gleefully started blurting them out with all my might: "I am studying English, Maths, General Science, Literature-in-English, History, Geography...." Without wasting any more of his precious time to listen to whatever rubbish of other subjects I was studying, he cut in swiftly thus: "Oh! Why didn't you choose Science subjects?" For what seemed like a lifetime, I was dazed. Too many queries were forming in my head: What, in my ancestors' name, is this man talking about? Does he know how much I struggled to grasp his beloved Science subjects? At least, Biology was fun; the reproductive system was there to lighten things up a bit and get our youthful imagination running wild. But Chemistry and Physics! In fact, I could only recite a couple of the chemical names of the elements only because I used the poetic sing-song version: "*Hi Hey Little Betty Brown Can Never Open Fanta Neither....*" Or words to that effect. Till date, I remember this 'poem' but not the actual scientific names I was obligated to 'chew and pour' when the time was right. Mathematics was none the more charitable to me. Sine, cosine and tangent - the three little devils. And the horrible ancient 'log book' that one had to pretend to admire and understand. I was, and still am, truly convinced that some of my mates who did Science, such as my very own brilliant sisterhood - Gertrude Acquah-Hagan ('Getty') a medical doctor, and Francisca Kagya-Agyemang ('Fransey, I walk alone') an architect - understood Maths better than the Maths teachers the school foisted on us, the poor Arts students.

It is to Fransey's eternal credit that, on my request, she generously took me through the Maths topics in two days! That ensured I passed O' Level Maths by the skin of my teeth.

And my father wanted – indeed, expected - me to read Science and become a medical doctor like him. Folks, matters didn't end there.

To further press home his point, my father proclaimed in the course of our conversation that Physics was the easiest of all subjects. I nodded in agreement and abandoned the fine gentleman to his reprobate opinion. After all, who was I to challenge a Fellow of the Royal College of Surgeons of the United Kingdom of Great Britain & Ireland? I stuck with my 'unfancied' Arts subjects and I've lived well to tell my story.

No matter the reasons that brought one into law, as soon as the rigours of law school is over and the call to the Bar is done and dusted, the next dilemma is to decide what to do with one's life in the profession. All of a sudden, the lofty ideas about how one was going to use the law to change the world resolve themselves into one big debate: should I go into private law practice or seek employment as an in-house lawyer in a company? Torn between the thrills and treats of private law practice and the peace and pace of corporate life, the debate is not an easy one to settle .

### **C: Bursting the Myths**

The debate between private law practice and in-house lawyer's work is one that many lawyers have had to settle one way or the other in their legal journey. Many have ultimately taken a decision to take one or the other or neither of the two. There are many myths surrounding the debate. Let's look at a few of them.

#### Private law practice: Should I take a plunge?

There is the general perception that private law practice is difficult. Preparing to go to court to handle cases is no walk in the park. If, on any given day, you happen to appear before a Judge who

woke up from the wrong side of their bed, you are done for. Handling clients and their varying emotions, temperaments and expectations is never taught in law school. One cannot have regular working hours like normal human beings do. If you are a female, being a lawyer in private practice will kill your chances of hopping into holy matrimony with your JHS sweetheart, Little Kofi or "Colonel Pompidou" you recently met on match.com. It can cause a state of atrophy in one's ovaries and deprive her of her destiny and mission to fulfil the noble and benign offices of wife and mother.<sup>2</sup> The myths go on and on.

If these myths were true, why will anyone, male or female, be a private practitioner?

#### In house or corporate lawyer: Is it easier?

There is another perception that working as a lawyer for a company, bank, university or any other institution is much easier. There are set times for work; typically, the proverbial 9 to 5. One is assured of consistent and regular income. Since the 'client' is a company, there are no individual human clients to vex one with their conundrums. There is enough time to spend with family and friends and funerals. One is assured of SSNIT pension on retirement. And something from Tier 2 fund manager, too. If your employer is the traditional type, you will never go to court to handle a case. You can refer all cases to the company's external lawyers to worry about so you can sleep soundly at night. If you are smart, you can even get a cut on the legal fees on cases you refer to the external lawyers.

If these were not myths, I bet everyone will be an in- house lawyer.

### **D: Fifty shades of lawyers**

So, what should I do as a fresh or young lawyer about to enter the noblest of all professions? I can imagine any young reader putting this question to me since I have not provided a straightforward, choose-one-and-not-the-other answer.

The reality is that, the best answer to the debate question - private practice versus in-house – can only be provided by you, the lawyer, and no one else.

The reason is simply this: we are all different. We have different personalities, interests, aspirations, work ethics, expectations in life, personal and familial obligations, etc. Whiles some people have lived all their lives as lawyers in private practice, others get the chill just by the mere thought of doing so. Speaking for myself, apart from my one year National Service at CHRAJ<sup>3</sup> (which I did alongside my pupillage at Hencil Chambers) and one year's work with the National Academies of Sciences, Engineering & Medicine<sup>4</sup>, I have been in private law practice for 24 years now. I once toyed with the idea of getting some public sector experience. After attending two interviews at Ghana Stock Exchange and Tema Oil Refinery in the early 2000s, I didn't need anyone to tell me to stop the foolishness and concentrate on my private practice. And I am very happy I did.

In the same vein, I know many lawyers who spent their entire careers as in-house lawyers till their retirement, with honours. They worked in institutions such as banks, insurance companies, Government ministries/departments/agencies, manufacturing companies, private companies, etc. There are many more lawyers who still work happily in these institutions. By all accounts, they enjoy what they do and they are happy.

So, as stated earlier, the choice of picking one (private practice versus in-house) over the other is personal.

Once the choice made is personal, no matter what myths have been churned out about it – whether positively or negatively – one is most likely to enjoy the journey. If you get bored, you can always change over. In any event, there are so many other things one can do with law apart from the private practice versus in-house dichotomy. Teaching is a veritable alternative; there are about 14 institutions offering law courses in Ghana, to the best of my information. Joining the foreign service or other international organization is

fine. The Attorney-General's Department is an awesome place. The most important thing is to enter the profession with an open mind and follow your heart. Doing pupillage in a private law firm, a company's legal department, the Attorney-General's Department, a Government ministry/department or agency is fine so far as you put in your maximum effort. It will help shape your interests and direct you as to where your strengths and best interests lie in the profession.

## **E: Conclusion**

One major difficulty for a new lawyer is to decide whether to go into private practice or to work as an in-house lawyer. We usually search for answers from those already working as lawyers or we search online, in case a genie has dropped the magic answer on Lady Google. Unfortunately, the avenue for finding the answer to that question does not lie outside the new lawyer. The answer lies with him or her. It is for each one to start the journey in any sphere we prefer; private practice or in-house. With diligence, hard work and focus, one will know where their interest and strengths lie and pursue that course.

Enjoy the journey.

## *Footnotes*

- 1.) French expression meaning 'in the mother's womb'
- 2.) See the opinion of Justice Bradley of the US Supreme Court in the old case of *Bradwell v Illinois* 83 U.S. (16 Wall.) 130, L.Ed. 442 (1872). In that case, Myra Bradwell, a woman, applied for a license to practice as a lawyer in Illinois. She was refused. She appealed to the U.S Supreme Court and she lost the case. The Court's reason was that, a married woman was incompetent to fully perform the duties and trusts that belong to the offices of an attorney and counsellor. Justice Bradley said: "...The paramount destiny and mission of women are to fulfil the noble and benign offices of wife and mother. This is the law of the Creator." As U.S. Supreme Court judges held such obnoxious views about women in the latter part of the 19<sup>th</sup> Century, Nana Yaa Asantewaa was leading men to war in the Gold Coast against the might of the British Imperial Army.
- 3.) Commission on Human Rights and Administrative Justice, Head Office, Accra
- 4.) Washington, DC, United States



# FSB NEWS: Team FSB storms GBA Conference, '22

AVAILABLE: GBA CONFERENCE 2022



On 12<sup>th</sup> – 15<sup>th</sup> September, 2022, our office manager, Ms. Lebene Gbebleou-Sleem and law clerk/

office support, Mr. Richmond Asare, were in the Volta Regional capital, Ho. They were there to sell our Managing Counsel, Francisca Serwaa Boateng, Esq's trending book, PERSPECTIVES at the Ghana Bar Association's Annual General Conference.

We are very thankful to all the attendees, lawyers and non-lawyers alike, who bought copies of the book or signed up for delivery to their regions.

To grab your copy of PERSPECTIVES, the trending book everyone is talking about, please visit:

- University of Ghana Bookshop, Legon, Accra
- Vidya Bookstore, Osu, Accra
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