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REMUNERATION OF LAWYERS FOR LEGAL SERVICES RENDERED: EXPLORING MEANS BEYOND THE TRADITIONAL MODE

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ABSTRACT

Legal practitioners or lawyers render legal services either *pro bono* or for a fee. The type of fees chargeable depends on the nature of work to be done. Fees are usually charged in monetary or numismatic terms even though the Nigerian legislation recognises money or money's worth as a form of consideration. The first question this paper seeks to address is whether a lawyer in Nigeria can be remunerated in digital asset such as cryptocurrency? The second question is what criterion will be employed in calculating the lawyer's legal fees or remuneration if the first question is in the affirmative? In addressing these questions, the paper considers the law and regulations guiding legal practice, and remuneration for legal services, particularly Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order 2023. The doctrinal research methodology was used during this study, and it was discovered that remuneration in cryptocurrency may be deduced from the definition of 'remuneration' in the Order. It is suggested that there should be a law or regulation expressly providing for remuneration for legal service in cryptocurrency. Thus, it is recommended that the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 be amended. Alternatively, a supplementary Order may be made to address remuneration for legal service in cryptocurrency. The challenges associated with cryptocurrency such as money laundering may not pose risk since lawyers are required to comply with Chapter 2 of the extant Rules of Professional Conduct for Legal Practitioners.

Keywords: Remuneration, Legal services, Cryptocurrency, Legal fee, Reward, Retainer

Introduction

Barristers and solicitors (jointly referred to as legal practitioners or lawyers) belong to a professional community of a very rare type.[1] Anyone taking part in the administration of justice is engaged on a task of considerable importance to the welfare of the community.[2] Lawyers are professionals rendering legal services to clients in the society. They assist to resolve legal problems. Thus, their services are required when clients encounter legal problems or require legal advice, and the services may be dispensed with once the legal problems are addressed or the advice is given. According to Apara, a lawyer is a regular feature

[1] C.A. Oputa, *Conduct at the Bar and the Unwritten Laws of the Legal Profession* (2014 Justice Watch, Accra – Ghana) 2.
[2] Ibid.

in many societies today. This is because when people get into trouble with the law, they remember a lawyer. When the trouble is over, the lawyer may be forgotten or even slighted.[3] It is therefore required that clients pay for the legal services rendered to them or on their behalf. However, a lawyer may offer *pro bono* legal services depending on the given circumstance.

Aside rendering *pro bono* services, fees are meant to be charged. Fees are usually charged in monetary or numismatic terms. However, it may be feasible for legal fee to be paid in money's worth depending on the agreement between the client and his lawyer, and where there is a legal backing or policy made to that effect. The term 'money's worth' means something that is either of direct monetary value or is capable of being converted into money or converted into something of direct monetary value.[4] The term is used in some Nigerian legislation which shall be referred to later. The first question this paper seeks to address is whether a lawyer in Nigeria can be remunerated in cryptocurrency for legal services rendered to his client? This paper seeks to explore the possibility of remunerating lawyers in money's worth for legal services rendered, through the means of digital asset such as cryptocurrency. The second question this paper seeks to address, if the first question above is answered in the affirmative, is what criterion will be employed in calculating a lawyer's legal fees or remuneration? The paper shall delve into the meaning of remuneration of lawyers as stated in the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 which regulates remuneration for legal services. However, the paper shall first consider the components of the legal profession in Nigeria and who a legal practitioner is under the Nigerian law. The words "legal practitioner" and "lawyer" shall be used interchangeably. The doctrinal research methodology was employed during this research, and it was discovered that, although the traditional means of remuneration for legal services rendered is what is obtainable in most lawyer-client agreement or arrangement, cryptocurrency may be deduced from the definition of 'remuneration' in the Remuneration Order.

Cryptocurrency is currently recognised by statute as a digital or virtual asset which can, *inter alia*, be used for payment, investment and other financial purposes.[5] The Nigerian law recognises money or money's worth as consideration.[6] And the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 defines remuneration to include reward.[7] However, cryptocurrency is yet to be explored as a means of remuneration for legal services rendered since it is not a legal tender in Nigeria. This paper suggests that in an age of digital asset, and by the statutory recognition of cryptocurrency in Nigeria, it would not be out of place to consider or explore cryptocurrency as a means by which clients can remunerate lawyers for legal services rendered, particularly where there is a clause in the retainer permitting such mode of remuneration. More so, there should be statutory or regulatory backing for lawyers to be

[3] Akinola Apara, *The Law is for All* (1982, Fourth Dimension Publishing Co. Ltd., Enugu) 101.
[4] Croner Navigate, '10-010 Money's Worth and the Benefits Code' <https://library.croneri.co.uk/cch_uk/p11d/10-010> accessed May 2, 2026.
[5] Paragraph 8, Fifth Schedule to the Nigeria Tax Administration Act 2025; Section 202 Nigeria Tax Act 2025.
[6] Sections 163(2)(b) and 189 Nigeria Tax Act 2025.
[7] Paragraph 14 Legal Practitioners (For Business, Legal Services and Representation) Order 2023.

remunerated in cryptocurrency. Although there is no extant legislation or regulation expressly permitting remuneration for legal services in cryptocurrency, the paper suggests that payment in cryptocurrency may only be deduced from the definition of remuneration in the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 made pursuant to section 15 of the Legal Practitioners Act.[8] Thus, the paper recommends an amendment to this Remuneration Order to include remuneration in cryptocurrency. In the alternative, the paper recommends that the Legal Practitioners Remuneration Committee established by section 15 of the Legal Practitioners Act and empowered to make orders regulating generally the charges of legal practitioners may make a supplementary Order to the Remuneration Order 2023, which expressly provides for remuneration for legal services in cryptocurrency.

1.1 Components of the Legal Profession

The Legal Profession is of quite a number of parts. The Bar is one. The Bench is another.[9] In Nigeria, the Bar is made up of solicitors and advocates of the Supreme Court.[10] There are also members of the profession in Law teaching and in industry, all engaged or involved in their different spheres of legal practice.[11] Thus, law teachers, lawyers in industries, lawyers who represent clients as solicitors and/or advocates, and lawyers in different walks of life are generally regarded as lawyers or legal practitioners. A legal practitioner in Nigeria is a person entitled to practice as a barrister or as a barrister and solicitor, either generally or for the purposes of any particular office or proceedings.[12] What generally comes to mind of persons, once the legal profession is mentioned, are the first two – Bench and Bar.[13] They seem to be more popular sectors in terms of societal perception because they are the ones practising in the courts. But the teaching sector of the profession is equally important since they are the teachers who produce the members of the Bench and the Bar.[14] Generally stated, it could be said with a reasonable degree of accuracy that the Bar is all other members of the legal profession other than members of the Bench.[15] If thus accepted, it includes Law officers of the State, legal practitioners in Commerce, Industry and Academics and legal practitioners who

[8] Legal Practitioners Act (Cap L11) LFN 2004.

[9] Niki Tobi, "The Legal Profession and the Quest for Genuine National Integration and Development" in Yemi Akinseye-George (ed.) *The Legal Profession and the Nigerian Nation – Essays in Honour of Chief Afe Babalola* (revised edn., 2000, International Legal and Allied Research Network, Ibadan) 27.

[10] Chris Okeke (ed.), *Towards a Functional Justice: Seminar Papers of Justice Chukwudifu A. Oputa* (2007, Gold Press Ltd., Ibadan) 186.

[11] Niki Tobi, "The Legal Profession and the Quest for Genuine National Integration and Development" in Yemi Akinseye-George (ed.) *The Legal Profession and the Nigerian Nation – Essays in Honour of Chief Afe Babalola* (revised edn., 2000, International Legal and Allied Research Network, Ibadan) 27.

[12] Section 24 Legal Practitioners Act (Cap L11) Laws of the Federation of Nigeria 2004.

[13] Niki Tobi, "The Legal Profession and the Quest for Genuine National Integration and Development" in Yemi Akinseye-George (ed.) *The Legal Profession and the Nigerian Nation – Essays in Honour of Chief Afe Babalola* (revised edn., 2000, International Legal and Allied Research Network, Ibadan) 27.

[14] Ibid.

[15] A. G. Karibi-Whyte, "Status and Privileges in the Nigerian Legal Profession" in M. Ayo Ajomo (ed.), *Fundamentals of Nigerian Law* (1989, Nigerian Institute of Advanced Legal Studies, Lagos) 290.

are self-employed.[16] The Bench, on the other hand, is the body of Judges and Magistrates.[17] In other words, the Bench comprises all judicial officers defined in section 318 of the Constitution of the Federal Republic of Nigeria and other persons, though not referred to as judicial officers in the Constitution, but who sit in established courts and adjudicate over matters between disputing parties.

Although lawyers in the academia and industry are members of the Bar, however, reference to the "Bar" connotes advocate or counsel. This is the one who appears in court for a client, as distinct and opposed to the law teacher or lawyer in industry who may not appear in court.[18] Reference to remuneration of members of the Bar will, thus, be reference to a remuneration of barristers/advocates and solicitors to whom legal work have been entrusted to and who represent clients. A client is a person; whether natural or corporate, that is entitled to pay the charges of a lawyer.[19]

1.2 Meaning of Retainer

Retainer is an agreement by a lawyer to give his services to a client.[20] It may be general or special. In Nigeria, the Rules of Professional Conduct for Legal Practitioners defines a general retainer as a retainer which covers the client's work generally while special retainer is defined as a retainer which covers a particular matter of the client.[21] A much more elaborate definitions of general and special retainers are given in the Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order 2023. In paragraph 14 of Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order 2023, general retainer is defined as a contract between a lawyer and his client for all legal service, business or representation or as often as the client requires for same. On the other hand, special retainer is defined as a contract between a lawyer and his client over prescribed or identified areas of legal service, business or representation.

1.3 *Pro bono* Legal Service

Pro bono service is a gratuitous service to a client depending on the relationship with the client or the financial condition (indigence) of the client.[22] Thus, a lawyer may, in consideration of his relationship with his client by reason of consanguinity or affinity, decide to charge no fees for legal work or services.[23] In Nigeria, *pro bono* service is a requirement for any lawyer in full time practice of law, that is applying to be conferred with the rank of Senior Advocate of Nigeria (SAN).[24] Such lawyer is entitled to carry out *pro*

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[16] Ibid.

[17] Niki Tobi, "The Legal Profession and the Quest for Genuine National Integration and Development" in Yemi Akinseye-George (ed.) *The Legal Profession and the Nigerian Nation – Essays in Honour of Chief Afe Babalola* (revised edn., 2000, International Legal and Allied Research Network, Ibadan) 28.

[18] Ibid.

[19] Section 19 Legal Practitioners Act (Cap L11) Laws of the Federation of Nigeria 2004.

[20] Rule 49(4) Rules of Professional Conduct for Legal Practitioners for Legal Practitioners (RPC) 2023.

[21] Ibid.

[22] Rule 52(2) RPC 2023.

[23] Paragraph 12(2) Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order, 2023.

[24] Rule 8(5)(b) Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria 2022.

bono work or legal aid matters recognised under the Legal Aid Act, 2011.[25] A lawyer is entitled to charge fees for any professional business done or to be done by him except the work is done *pro bono*.[26] In the case of *Egbe & Anor v. Odu*,[27] the Supreme Court emphasised the essence of professional fee for legal services rendered in the following words – "A Labourer, it is said, is worthy of his wages. When a Legal Practitioner offers to anyone his professional duties and it was not done pro bono publico or for short pro bono (that is, done for free for public good), he is entitled to be paid his charges."[28] *Egbe's case* borders on the right of a legal practitioner to charge professional fee. It is a case in which the judgment of the trial court was appealed against to the Court of Appeal, and a further appeal against the judgment of the Court of Appeal to the Supreme Court. Remarkable pronouncement of both the Supreme Court and the Court of Appeal are referred to in this paper.

1.4 Traditional Form of Legal Fee

A lawyer and his client usually agree on the legal or professional fees payable for legal work or legal service rendered where such legal work is not done *pro bono*. The Supreme Court has held *per* Uwaifo, JSC, in the case of *Oyekanmi v NEPA*[29] that "a legal practitioner is entitled to make a written agreement with his client in respect of any professional business done or to be done by him for a sum."[30] The word 'sum' means an indefinite or specified amount of money.[31] It therefore means that legal or professional fees are paid in monetary or numismatic term. The Supreme Court further held that the agreement in respect of professional fee should appear fair and should not be made under circumstances of suspicion of an improper attempt by the solicitor to benefit himself at the client's expense.[32]

Prior to modern times, a lawyer's robe was very significant in relation to lawyer's legal fees.[33] It takes a careful observation of the European Seventeenth Century lawyer's gown to reveal a small hidden bag or pocket at the back of the gown attached to the pleated part near the left shoulder blade.[34] The small bag in the lawyer's gown was used then, for honorarium.[35] If a client wanted to express his gratitude in cash after the exercise of a lawyer's duty, the client would slip money into that small bag, most times unnoticed.[36] In modern times, things have changed. The small bag no longer serves as a collector of lawyer's fees, rather

[25] Paragraph 12(1) Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order, 2023.
[26] Huzzle Gil Enterprises Ltd & Anor v. Ibekwe (2023) LPELR-60622(CA) (p. 8 paras. A-B) *per* Ekanem, J.C.A.
[27] (2024) LPELR-62586(SC).
[28] Ibid, *per* Adah, JSC (Pp. 44-45, paras. F-A).
[29] (2000) LPELR-2873(SC).
[30] Oyekanmi v. NEPA (2000) LPELR-2873(SC) (Pp. 10-11, paras G-A).
[31] Merriam-Webster (Eds.), Webster's New Explorer Encyclopedic Dictionary (2006, Federal Street Press, Springfield, Massachusetts) 1846.
[32] Oyekanmi v. NEPA (2000) LPELR-2873(SC) (p. 11 paras. A-B) *per* Uwaifo, J.S.C.
[33] Akinola Apara, *The Law is for All written* by published in (1982, Fourth Dimension Publishing Co. Ltd., Enugu) 107-108.
[34] C.A. Oputa, *Conduct at the Bar and the Unwritten Laws of the Legal Profession* (2014 Justice Watch, Accra – Ghana) 2.
[35] Akinola Apara, *The Law is for All written* by published in (1982, Fourth Dimension Publishing Co. Ltd., Enugu) 107-108; C. A. Oputa, *Conduct at the Bar and the Unwritten Laws of the Legal Profession* (2014 Justice Watch, Accra – Ghana) 2.
[36] C.A. Oputa, *Conduct at the Bar and the Unwritten Laws of the Legal Profession* (2014 Justice Watch, Accra – Ghana) 2.

fees are negotiated and arranged between the lawyer's clerk and the solicitor in most civilised countries.[37] The fees charged should be commensurate with the legal work entrusted to the lawyer. Generally, a lawyer is entitled to be paid adequate remuneration for the legal service rendered to clients.[38] The Rules of Professional Conduct for Legal Practitioners provides that the professional fees charged by a lawyer for his service shall be reasonable and commensurate with the service rendered.[39] Thus, a lawyer should not charge very low fees or charge excessive fees for legal work. If a reduced fee must be charged, it must be on the grounds of special relationship with the client or indigence of the client and must strictly comply with the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 (subsequently referred to as 'Remuneration Order' in this paper) made pursuant to section 15 of the Legal Practitioners Act.[40] In other words, a lawyer shall not enter into an agreement for, charge or collect any fee in violation of the Remuneration Order.[41] In determining the amount of fee to be charged, a lawyer may, subject to the provisions of the Remuneration Order, take into account certain considerations in ascertaining the value of the service rendered. The considerations include, *inter alia*, the time and labour required, the novelty and difficulty of the questions involved, the skill required to conduct the client's case properly, and the customary charges of the Bar for similar services rendered.[42] It would be apposite to also point out that rule 51 of the Rules of Professional Conduct expressly provides that a lawyer shall not enter into an agreement to pay for, or bear the expenses of his client's litigation, but the lawyer may in good faith, advance expenses as a matter of covenience, and subject to reimbursement.[43] In the case of *Egbe & Anor v. Odu*,[44] which borders on professional fee, it was held at the Court of Appeal that, "A legal practitioner is certainly entitled to be paid agreed or appropriate fees for professional services rendered by him. A Legal Practitioner is entitled to be paid his fees on the basis of an agreed sum, advance payment for his services, and on quantum meruit."[45] A fee is a sum paid or charged for a service.[46] The word 'sum' in this context means an indefinite or specified amount of money.[47] From these definitions, it therefore means that a lawyer's professional fee is usually charged in monetary or numismatic terms. There are different fees charged by lawyers and they include, but not limited to, hourly fee, appearance fee, contingent fee, and fixed fee. Fee appears to be the traditional mode of remuneration for legal services rendered to clients.

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[37] Ibid, p. 3.
[38] Rule 48(1) Rules of Professional Conduct for Legal Practitioners 2023.
[39] Rule 52(1) RPC2023.
[40] Rule 52(2) RPC 2023.
[41] Rule 48(2) RPC 2023.
[42] Rule 52(3)(a) and (d) RPC 2023.
[43] Rule 51(a) and (b) RPC 2023.
[44] (2014) LPELR-23805(CA).
[45] (2014) LPELR-23805(CA) (Pp. 13-14 paras. F) *per* Ekanem, J.C.A.
[46] Merriam-Webster (Eds.), Webster's New Explorer Encyclopedic Dictionary (2006, federal Street Press, Springfield, Massachusetts) 672.
[47] Merriam-Webster (Eds.), Webster's New Explorer Encyclopedic Dictionary (2006, Federal Street Press, Springfield, Massachusetts) 1846.

2.0 Cryptocurrency as a Virtual or Digital Asset

There are different cryptocurrencies such as Bitcoin which is the original and largest cryptocurrency, Ethereum, Tether, Solana, Dogecoin, XRP, BNB,[48] etc. Cryptocurrencies have recently attracted much attention and intense discourse in different countries. For example, in Hong Kong, the nation's Securities and Futures Commission stated in 2018 that the term 'cryptocurrency' can be used interchangeably with 'crypto-asset', 'digital token', and 'virtual asset', which thus can be seen as recognised "asset".[49] In Nigeria, there is no statutory definition of the term "cryptocurrency" but cryptocurrency is regarded as a virtual or digital asset[50] which is statutorily recognised as securities.[51] It is also recognised as a means of payment, investment or other financial purposes.[52] Digital assets are gaining traction globally.[53] The emergence of cryptocurrency as a digital asset globally has unleashed a plethora of financial innovation.[54] Cryptocurrencies or crypto-assets raise issues with respect to consumer and investor protection, market integrity, tax evasion, terrorism financing and money laundering.[55]

2.1 Curbing Cryptocurrency-Associated Challenges

Cryptocurrency is an area of heightened technological and investment interest.[56] It is extremely volatile.[57] A comprehensive understanding of cryptocurrency and its theories and foundations is still left wanting among some stakeholders[58] and investors, including lawyers. There are risks associated with the lack of regulatory framework for cryptocurrencies in any country.[59] Consequently, without regulation, participation in cryptocurrency may pose risks of criminal activities such as terrorist financing, tax evasion, and money laundering.[60] There are laws in Nigeria proscribing all forms of criminal offences including

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[48] CFI Team, 'Top 10 Cryptocurrencies by Market Cap', <https://corporatefinanceinstitute.com> accessed 6 September 2025; CoinMarketCap, 'All Cryptocurrencies', <https://coinmarketcap.com> accessed 20 April 2026.
[49] Robin Hui Huang, Hui Deng, and Aiden Foon Lok Chan, 'The Legal Nature of Cryptocurrency as Property: Accounting and Taxation Implications', Computer Law & Security Review (2023, Volume 51, November, 105860). DOI: https://doi.org/10.1016/j.clsr.2023.105860 accessed 24 April 2026.
[50] Section 202 Nigeria Tax Act 2025; Paragraph 8 of the Fifth Schedule to Nigeria Tax Administration Act 2025.
[51] Section 357 Investment and Securities Act 2025.
[52] Paragraph 8 of the Fifth Schedule to Nigeria Tax Administration Act 2025.
[53] Olena Ye. Lutsenko, Olena H. Sereda, Oleksandr A, Yakovlyev, Yuliia M. Burniagina, and Irina A. Vetukhova, 'Cryptocurrency as Compensation: Legal and Economic Aspects for Labour Remuneration' Economic and Regional Studies (2025, Issue 4, Volume 18) 534. DOI: https://doi.org/10.2478/ers-2025-0036, accessed 24 April 2026.
[54] Marwa Alnasaa, Nikolay Gueorguiev, Jiro Honda, Eslem Imamoglu, Paolo Mauro, Keyra Primus, and Dmitriy Rozhkov, 'Crypto-assets, Corruption, and Capital Controls: Cross-country Correlations' Economic Letters (2022, Volume 215, June, 110492. DOI: https://doi.org/10.1016/j.econlet.2022.110492 accessed 24 April 2026.
[55] Ibid.
[56] Usman W. Chohan, 'Cryptocurrencies: A Brief Thematic Review', <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3024330> accessed 24 April 2026.
[57] Elie Bola Boongo, 'Cryptocurrency as a Legal Tender in Central African Republic: What Challenges and Implications', <https://ideas.repec.ord/p/journl/hal-04909680.html> accessed 24 April 2026.
[58] Usman W. Chohan, 'Cryptocurrencies: A Brief Thematic Review', <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3024330> accessed 24 April 2026.
[59] Elie Bola Boongo, 'Cryptocurrency as a Legal Tender in Central African Republic: What Challenges and Implications', <https://ideas.repec.ord/p/journl/hal-04909680.html> accessed 24 April 2026.
[60] Ibid.

financial crimes, economic offences, corrupt practices and money laundering. These laws include the Economic and Financial Crimes Commission (Establishment) Act 2004, Banks and Other Financial Institutions Act 2020, Advanced Fee Fraud and other Fraud Related Offences Act 2006, Corrupt Practices and Other Related Offences Act 2003, Administration of Criminal Justice Act 2015, Terrorism (Prevention and Prohibition) Act 2022, and the recent Money Laundering (Prevention and Prohibition) Act 2022 which was enacted to provide comprehensive legal and institutional framework for the prevention and prohibition of money laundering and other related offences in the country.[61] Money laundering is prohibited in Nigeria.[62] Consequently, any person or body corporate whether in or outside Nigeria –

> who either directly or indirectly conceals or disguises the origin of, converts or transfers, removes from the jurisdiction, or acquires, uses, retains or takes possession or control of any fund or property whether intentionally, knowingly or reasonably ought to have known that such fund or property is or forms part of the proceeds of an unlawful act, commits an offence of money laundering.[63]

The Court of Appeal has held that laundering is not confined to 'cash'. Consequently, it includes digital or virtual assets. In the case of *Kalu v. FRN & Ors*[64] which was decided based on the Money Laundering (Prohibition) Act of 2004, the court held that "Money laundering … is the varied means used by criminals to conceal the origin of their activities. The term "laundering" is used because these techniques are intended to turn "dirty" money into "clean" money, <u>but laundering is not confined to cash</u>."[65] [Emphasis ours].

Cryptocurrency transactions, may among other crimes, pose a great risk of money laundering where cryptocurrency is used as a means of remuneration for legal services. Consequently, lawyers have the ethical responsibility to comply with laws and regulations against money laundering in their relationship with clients. Lawyers deal with client money or fund and assets. Thus, they are bound to comply with the Anti-Money Laundering and Combating the Financing of Terrorism and Countering Proliferation Financing of Weapons of Mass Destruction (AML/CFT) framework or system in order to proactively identify and mitigate the risks associated with money laundering and related activities. One of the rudiments of an AML/CFT framework is to protect financial institutions, and legal practitioners by extension, from being used as channels of money laundering, terrorism financing, proliferation financing and similar criminal activities.[66]

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[61] Section 1(1)(a) Money Laundering (Prevention and Prohibition) Act 2022.
[62] Section 18(1) Money laundering (Prevention and Prohibition) Act 2022.
[63] Section 18(2) Money Laundering (Prevention and Prohibition) Act 2022.
[64] (2012) LPELR-9287(CA).
[65] (2012) LPELR-9287(CA) per Eko JCA (p. 52, paras. D-G).
[66] Iguehi Rosemary Onokevbagbe, "Addressing Illicit Financial Flows in Nigeria: The Role of AML/CFT/CPF Frameworks", in Bimbo Atilola and Tukur Galadima s(Eds.), *Resiiience of the Nigerian Financial System - Legal Issues, Prospects and Challenges: Essays in Honour of Kofo Salam-Alada* (2025, Hybrid Consult, Lagos) p. 432.

It is germane to point out that the Money Laundering (Prevention and Prohibition) Act 2022 establishes the Special Control Unit Against Money Laundering (SCUML) under the Economic and Financial Crime Commission for effective implementation of the provisions of the legislation on money laundering in relation to the Designated Non-Financial Businesses and Professions (DNFBP).[67] SCUML is responsible for the supervision of Designated Non-Financial Businesses and Professions in their compliance with the provisions of the legislation, relevant laws and applicable regulations.[68] The Act defines Designated Non-Financial Business and Profession to include, *inter alia,* automotive dealers, casinos, consultants and consulting companies, dealers in jewelries, hotels, supermarkets, and legal practitioners and notaries.[69] Consequently, legal practitioners as DNFBP, are to report transactions involving cash in excess of US$1000 to SCUML.[70] The Act also provides that a DNFBP shall report in writing within seven days to the SCUML where there is a single transaction, lodgment or transfer of funds in excess of ₦5,000,000 or its equivalent, in the case of an individual; or ₦10,000,000 or its equivalent, in the case of a body corporate.[71] Aside the above Act, Regulation 8 of the Economic and Financial Crimes Commission (Anti-Money Laundering Combating the Financing of Terrorism and Countering Proliferation Financing of Weapons of Mass Destruction for Designated Non-Financial Business and Professions, and Other Related Matters) Regulation 2022[72] also requires legal practitioners and law firms to report information received from client to the Economic and Financial Crimes Commission (EFCC).

It is appropriate to note that the Money Laundering (Prevention and Prohibition) Act 2022 repealed the Money Laundering (Prohibition) Act 2011 which was challenged in court in respect of the provisions of the legislation relating to legal practitioners. In the case of *Central Bank of Nigeria v. Registered Trustees of the Nigerian Bar Association and Attorney General of the Federation*,[73] the Court of Appeal *per* Aboki JCA (as he then was) upheld the decision of the trial court which declared sections 5 and 25 of the Money Laundering (Prohibition) Act 2011 null and void in so far as they relate to legal practitioners or lawyers. Thus, the classification of lawyers as Designated Non-Financial Business and Profession in section 25 of the Money Laundering (Prohibition) Act 2011 became invalid by virtue of the court's decision. The Court further held that "… the Legal Practitioners Act and the Money Laundering Act (sic) cannot operate side by side or at the same time insofar as it relates to Legal Practitioners. There are violent conflicts between the two legislation as they affect Lawyers and their clients and the Legal Practice in Nigeria."[74]

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[67] Section 1(1)(e) Money Laundering (Prevention and Prohibition) Act 2022.
[68] Section 17 Money Laundering (Prevention and Prohibition) Act 2022.
[69] Section 30 Money Laundering (Prevention and Prohibition) Act 2022.
[70] Section 6(1)(b) Money Laundering (Prevention and Prohibition) Act 2022.
[71] Section 11(1) Money Laundering (Prevention and Prohibition) Act 2022.
[72] The Economic and Financial Crimes Commission (Anti-Money Laundering Combating the Financing of Terrorism and Countering Proliferation Financing of Weapons of Mass Destruction for Designated Non-Financial Business and Professions, and Other Related Matters) Regulation 2022 is a subsidiary legislation made pursuant to the Money Laundering (Prevention and Prohibition) Act 2022 and the Terrorism (Prevention and Prohibition) Act 2022.
[73] (2021) 5 NWLR (Pt. 1769) 268.
[74] Ibid, page 321, para. G.

Relying on the decision of the Court of Appeal in the above case, the Federal High Court in the case of *Abu Arome v. Central Bank of Nigeria and Ors*[75] nullified certain provisions of the Money Laundering (Prevention and Prohibition) Act 2022 as they relate to legal practitioners, and the classification of legal practitioners and notaries as DNFBP. The court held, *inter alia*, that –

> [T]he Legal Practitioners Act places a responsibility on legal practitioners to keep client's money and to do so with utmost confidentiality… sections 6, 7, 8, 9, 11 of the Money Laundering (Prevention and Prohibition) Act 2022 and Regulation 8 of the Economic and Financial Crimes Commission (Anti-Money Laundering Combating the Financing of Terrorism and Countering Proliferation Financing of Weapons of Mass Destruction for Designated Non-Financial Business and Professions, and Other Related Matters) Regulation 2022 … requires (sic) legal practitioners and law firms to report information received from client to the Economic and Financial Crimes Commission (EFCC). There is an obvious conflict.[76]

Delivering the judgment in favour of the Plaintiff, the Federal High Court *per* Egwuatu further held, *inter alia*, that sections 6, 7, 8, 9, 11 and 30 of the Money Laundering (Prevention and Prohibition) Act 2022 in so far as they purport to apply to legal practitioners are unconstitutional, null and void. More so, that the inclusion of "Notaries" and re-inclusion or re-categorisation of "legal practitioners" in the definition list of DNFBP in section 30 of the Act is also unconstitutional and a nullity. Lastly, and very germane to this discourse, the court held that –

> [T]he exclusion of fundamental doctrine of Legal professional Privileges and Client confidentiality in transactions touching on the purchase or sale of property, purchase or sale of any business, <u>management of client money, securities or other assets</u>, creation, operation or management of trust, companies or similar structures under Section 11(4) of the Money Laundering (Prevention and Prohibition) Act 2022 is unconstitutional, null and void. [*Emphasis ours*].[77]

From the above decision, it is obvious that aside managing client money, legal practitioners can manage client securities and other assets. There is no distinction of whether the assets are tangible or virtual/digital. It therefore means that client's digital asset including cryptocurrency may be held in trust by a legal practitioner. And it will not be out of place if client remunerates the legal practitioner in digital asset where the arrangement or agreement between them so stipulates.

Despite the current decision of the Federal High Court in *Arome's* case, legal practitioners are not absolved from their obligations under the AML/CFT legal framework in Nigeria. To prevent and prohibit money laundering in lawyer-client relation, the Rules of Professional Conduct for Legal Practitioners (RPC) 2023 which repealed the 2007 Rules was made. The RPC 2023 makes provision for the Guidelines and Rules

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[75] Suit No. FHC/ABJ/CS/25/2023 (Unreported).
[76] Abu Arome v. Central Bank of Nigeria and Ors Suit No. FHC/ABJ/CS/25/2023 (Unreported), page 40.
[77] Ibid, pages 46-47.

on Anti-Money Laundering and Combating the Financing of Terrorism for Legal Practitioners under Chapter 2, which is being implemented by the NBA through its *ad hoc* committee known as Nigerian Bar Association Anti-Money Laundering Committee (NBAAMLC).[78] The NBAAMLC also monitors the compliance of law firms and legal practitioners in respect of Chapter 2 of the RPC 2023.[79] Some objectives of Chapter 2 are to –

> promote the duty of confidentiality and client-lawyer privilege toward their clients, and provide yardstick for the overall ethics and best practices of the profession to ensure that legal services are not being misused by criminals or for legal practitioners to be knowingly involved in Money laundering and Terrorism Financing;
> internally self-regulate members of the legal profession and where applicable, recommend legal practitioners who are in breach to appropriate disciplinary authorities in accordance with relevant provisions of the Legal Practitioners Act; and
> adopt the risk-based approach for legal practitioners to be able to identify money laundering, terrorism financing and proliferation financing situations and circumstances before they occur and thus provide ethical and professional advice to clients when it becomes necessary, while providing professional services as a legal practitioner.[80]

The Guidelines and Rules on AML/CFT for Legal Practitioners mandates legal practitioners to identify, assess, and understand the money laundering, terrorism financing and proliferation financing risks they may be exposed to on any transaction while dealing with clients, and take reasonable and proportionate measures effectively and efficiently to both mitigate and manage such risks.[81] It is thus suggested that remuneration for legal services in cryptocurrency may not pose any challenge since lawyers are required to comply with the provisions of Chapter 2 of the Rules of Professional Conduct for Legal Practitioners 2023, failure of which attracts disciplinary measures.

2.2 Client's Privileged Communication and Lawyer's Duty

The relationship between lawyer and client is fiduciary in nature. It is a relationship of trust. Consequently, lawyers are required to keep secret, the communication between client and lawyer made in the course of the relation.[82] But there are exceptions. The Rules of Professional Conduct for Legal Practitioners (RPC) 2023 provides for exceptions to the rule of confidentiality. It provides *inter alia*, that a lawyer may reveal client's privileged communication where it is permitted by the RPC, a Court Order, or a Law.[83] Chapter 2 of the RPC 2023 requires lawyers to report suspicious transactions of clients to the NBAAMLC.[84]

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[78] Rule 73(1) RPC 2023.
[79] Rule 73(1) RPC 2023.
[80] Rule 55(1) RPC 2023.
[81] Rule 61(1) RPC 2023.
[82] Rule 19 RPC 2023.
[83] Rule 19(2)(b) RPC 2023.
[84] Rule 60(4)(b) RPC 2023.

Consequently, aside a court order or a law requiring the revealing of privileged communication, a lawyer is bound to reveal client's privileged information since the RPC permits it. Where a lawyer reports client's suspicious transaction, the NBAAMLC shall transfer the Suspicious Transaction Report (STR) to the Nigerian Finance Intelligence Unit (NFIU).[85] Where a lawyer fails to comply with this provision or any provision in Chapter 2 of the RPC, the NBAAMLC has the power to recommend the lawyer to the Legal Practitioners Disciplinary Committee.[86]

A law firm or legal practitioner is also required to have a full and up-to-date understanding of clients' business.[87] Rule 58 RPC 2023 which is on record keeping places an obligation on a legal practitioner to maintain an up-to-date record of necessary information of his clients that will aid the identification of such client.[88] The information, documents, or data collected under the client's identification process shall be kept up-to-date and relevant by undertaking regular reviews of existing records, particularly records in respect of high-risk business relationship or categories of customers. Such records of clients, both domestic and international, shall be kept regardless of whether the transaction or business relationship is on-going or has been terminated, for a minimum period of five years following the completion of the transaction or termination of the business relationship.[89]

Due to the nature of the kind of services lawyers render to society, and the fact that there are certain vulnerabilities faced in the practice of the legal profession, Chapter 2 of the Rules of Professional Conduct requires lawyers to adopt a risk-based approach which ensures that lawyers or law firms quickly identify such vulnerable circumstances. The Chapter requires lawyers to adopt practices that will mitigate these vulnerabilities by conducting initial Client's Due Diligence (CDD) and ongoing monitoring, so as not to be unwittingly involved or facilitate the crime of money laundering or terrorism financing.[90]

3.0 Exploring the Feasibility of Cryptocurrency as Remuneration for Legal Service

In Nigeria, although cryptocurrency is a virtual or digital asset as stated earlier, it has not been given any recognition or declared, by the Nigerian government through the Central Bank of Nigeria (CBN), as a legal tender. It is only the currency notes and coins issued by CBN that are considered as legal tenders in the country.[91] Cryptocurrency is statutorily recognised as securities,[92] and a means of payment, investment or other financial purposes.[93] There has been no official statement or notice from NBA accepting or prohibiting payment of cryptocurrency for legal services rendered. However, as stated above, the Nigeria

[85] Rule 60(4)(c) RPC 2023.
[86] Rule 74(2) RPC 2023.
[87] Rule 70(2) RPC 2023.
[88] Rule 58(1) RPC 2023.
[89] Rule 58(2) and (3) RPC 2023.
[90] Rule 67(1) RPC 2023.
[91] Section 20(1) and (2) Central Bank of Nigeria Act 2007.
[92] Section 357 Investment and Securities Act 2025.
[93] Paragraph 8 of the Fifth Schedule to the Nigeria Tax Administration Act 2025.

Tax Administration Act 2025 provides that cryptocurrency is a means of payment, investment and other financial purposes. Lawyers in Nigeria are not prohibited from investing in assets, whether digital or otherwise. This means that a lawyer can invest in cryptocurrency[94] since it is recognised as a digital asset. But can a lawyer in Nigeria be remunerated in cryptocurrency for legal services rendered? It appears from the Supreme Court's decision in *Oyekanmi v. NEPA*[95] cited earlier, that legal services in Nigeria should be remunerated in monetary terms. The court held *per* Uwaifo JSC that "A legal practitioner is entitled to make written agreement with his client in respect of any professional business done or to be done by him <u>for a sum</u>…" *[Emphasis ours]* The word 'sum', also stated earlier, means an indefinite amount of money.[96] In order to address the issue of remuneration in cryptocurrency for legal services rendered by lawyers in Nigeria, whether cross-border legal service or otherwise, it would be appropriate to consider the definition of remuneration as stated in the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023. Paragraph 14 of the Remuneration Order defines the term thus – "Remuneration includes professional fees, commission, charges or reward payable to a legal practitioner for services rendered to a client." From this definition, there are different forms of remuneration. It is appropriate, at this juncture, to consider the different forms of remunerations a lawyer can receive for the legal services he provides. Rule 48(1) Rules of Professional 2023 states that a lawyer is entitled to be paid adequate remuneration for his service to the client. The Rule further states in rule 48(2) RPC that a lawyer shall not enter into an agreement for, charge or collect any fee in violation of the Remuneration Order made pursuant to section 15 of the Legal Practitioners Act. A cursory look at the Remuneration Order referred to in Rule 48(2) RPC, it provides in its paragraph 8(1) that "[t]he fees chargeable for any business or service conducted by a legal practitioner are prescribed in the Scales set out in the Schedule to this Order..." The Scales set out in the Schedule refers to charges in monetary terms. However, 'remuneration' as defined by the Remuneration Order "includes professional fees, commission, charges or <u>reward</u> payable to a lawyer for services rendered to a client."[97] *[Emphasis ours]* Thus, the different forms of remuneration for legal services rendered by a lawyer are professional fees, commission, charges or reward. The meaning of these forms of remuneration would give a guide in ascertaining or addressing the question whether a lawyer can be paid in cryptocurrency. The general rule of interpretation is that where the words employed are plain, clear, and unambiguous they are to be given their plain, ordinary, and natural grammatical meaning.[98] It would be appropriate to begin with statutory definitions of these forms of remuneration. The Remuneration Order states that 'Charges' has the same meaning with what is provided for in the Legal Practitioners Act

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[94] Ikimi, I. L. I., & Ajayi, A.V., "Legal Status of Cryptocurrency in Nigeria and Legality of Legal Practitioners Engaging in Crypto: Evaluating the Ethical Rule against Trade or Business" East African Journal of Law and Ethics, (Volume 9, Issue 1, 2026) p. 8. DOI: https://doi.org/10.37284/eajle.9.1.4275.

[95] (2000) 15 NWLR (Pt. 690) 414.

[96] Merriam-Webster (Eds.), Webster's New Explorer Encyclopedic Dictionary (2006, Federal Street Press, Springfield, Massachusetts) 1846.

[97] Paragraph 14 Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order 2023.

[98] Ifeanyi & Anor v. Ignatius & Anor (2023) LPELR-60262(CA) (p. 32 para. C) *Per* Ogakwu, J.C.A.

(LPA).[99] In Section 19 of the LPA, 'Charges' "means any charges (whether by way of fees, disbursements, expenses or otherwise) in respect of anything done by a legal practitioner in his capacity as a legal practitioner." The definition of 'charges' tends to show that the enumerated particulars – fees, disbursements, expenses – are monetary or numismatic terms. The general word 'otherwise' in the definition is subject to interpretation by the court. Usually, courts adopt the canons of statutory interpretation such as the golden rule, literal rule, mischief rule, ejusdem generis rule, etc. while interpreting statutes. In this instance, the court – where called upon – may likely interpret the general word 'otherwise' using the ejusdem generis rule. Consequently, 'otherwise' would likely be interpreted to mean monetary or numismatic term in tandem with the enumerated particulars. The terms 'professional fees', 'commission', and 'reward' stated in paragraph 14 of the Remuneration Order, which are also forms of remuneration for legal services rendered by a lawyer are not defined in any of the laws and regulations governing lawyers and their relationship with clients. However, professional fees may be regarded as the fees of a lawyer for legal services rendered. Professional fees are usually in monetary form just like charges. Thus, reference to fees relates to monetary or numismatic term.[100] Fees are sometimes referred to as charges,[101] and charges have been defined to be in monetary or numismatic terms. In the case of *Attorney General of Kano State v. Musa*,[102] the Court of Appeal held that "a legal practitioner who failed to issue and serve bill of charges in compliance with section 16(2)(a) of the Legal Practitioners Act, cannot initiate an action to recover such fees." It is clear that both 'charges' and 'professional fees' are meant to be in monetary terms. But for the other forms of remuneration which are 'commission' and 'reward', there is no statutory definition of these two terminologies. Reference is therefore made to judicial pronouncements on the terms, to ascertain whether they are to be in monetary form or in money's worth. Commission' is defined by the Court of Appeal in the case of *Walter v. Skyll (Nig.) Ltd*.,[103] as "a percentage paid to an agent. It is *prima facie* the payment made to an agent for agency work usually according to a scale. It may be, though, not necessarily an *ad valorem* scale." This shows that 'commission' is in monetary terms because calculation of payment in percentage which is based on a scale relates to figures, that is, monetary terms and not money's worth. On the other hand, the term 'reward' has been defined by the Supreme Court in the case of *Mgbemene & Ors v. Inspector General of Police*[104] as a "return or recompense made to a person or received by a person for some service or merit, or for hardship endured."[105] It would be appropriate to also consider the word 'recompense'. It means 'to give something to by way of compensation for a service

[99] Paragraph 14 Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order 2023.
[100] Rules 29(1)(b), 52(1), 52(2) and 53(a) RPC 2023.
[101] Paragraphs 1(2) and 3(2) Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order 2023.
[102] (2024) LPELR-62535(CA) p. 10.
[103] (2001) 3 NWLR (Pt. 701) 438 / (2001) CLR 2(B) (CA).
[104] (1963) 2 SCNLR 261.
[105] (1963) 2 SCNLR 261 / (1963) LPELR 25397(SC) Pp. 4-5.

rendered'.[106] Thus, 'reward' appears not to be restricted to monetary or numismatic term only. It can be in the form of money or money's worth. The phrase 'money or money's worth' refers to various forms of value that can be quantified in monetary terms such as cash, goods, commodities, services, intangible properties - digital assets, securities - and other considerations that can be converted into a money value.[107] The value of consideration in money or money's worth is recognised under Nigerian legislation. The Criminal Code Act provides that a person is entitled to receive any money or money's worth on the happening of any event or contingency connected with any public lottery.[108] The Capital Gains Tax Act makes reference to money or money's worth. It states that "There shall be excluded from the consideration for a disposal of assets taken into account in the computation of the gain accruing on that disposal any money or money's worth charged to income tax…"[109] Company transactions can also be entered in money or money's worth. Section 659(4) Company and Allied Matters Act 2020 states *inter alia* that –

> [A] company enters into a transaction with a person at an undervalue if the company … enters into a transaction with that person for a consideration the value of which, in money or money's worth, is significantly less than the value, in money or money's worth, of the consideration provided by the company.

Furthermore, section 39 of the Nigeria Tax Act 2025 provides that –

> The gains chargeable to tax shall … where capital allowance has not been made in accordance with the First Schedule to the Act, chargeable gain shall be determined by deducting from the disposal proceeds, <u>the amount or value of the consideration, in money or money's worth incurred</u>, wholly or exclusively for the acquisition of the asset. [Emphasis ours].

Section 163(2)(b) of the Nigeria Tax Act 2025 also makes reference to consideration in money or money's worth. The interpretation section of the legislation provides that the term "Purchase" means to obtain, acquire or take possession of a given asset, property, item or right by paying money or money's worth."[110] A combined reading of all the provisions of the legislation stated above, it is obvious that money or money's worth is a legally recognised form of consideration. Thus, it can be said to be a legally recognised method of remuneration in Nigeria. As pointed out earlier, the definition of 'reward', by the Supreme Court in *Mgbemene's* case does not appear to be restricted to monetary or numismatic term only. Consequently, it can be in the form of money or money's worth. It is, thus, suggested that 'reward' being a form of remuneration for legal service rendered by a lawyer can be in the form of cryptocurrency which is not only recognised in Nigeria as a digital asset and as securities, but as a means of payment, investment or other financial purposes. It is also suggested that if a lawyer can accept remuneration by way of reward in the

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[106] Merriam-Webster (Eds.), Webster's New Explorer Encyclopedic Dictionary (2006, Federal Street Press, Springfield, Massachusetts) 1533.
[107] USLegal, 'Money or Money's Worth: Legal Definition Explained' <https://legal-resources-uslegalforms.com/m/money-or-money's worth> accessed 24 April 2026.
[108] Section 240 Criminal Code Act (Cap C38) Laws of the Federation of Nigeria (LFN) 2004.
[109] Section 12(1) Capital Gains Tax Act (Cap C1) Laws of the Federation of Nigeria (LFN) 2004.
[110] Section 189 Nigeria Tax Act 2025.

form of goods or other tangible property for his legal services, or if he can be rewarded with assets for his legal services, then nothing should prevent him from being rewarded in digital assets or cryptocurrency. It should be noted that, generally, cryptocurrency cannot be classified as either goods or commodity since the term ‘goods’ is defined *inter alia* as something that has economic utility or satisfies an economic want; personal property having intrinsic value <u>but usually excluding money, securities, and negotiable instruments,</u>[111] *[Emphasis ours]* and the term ‘commodity’ means an economic good or an article of commerce,[112] thus, including the term ‘good’. Although cryptocurrency cannot be classified as a means of remuneration in the form of goods or tangible property for legal services rendered, it may be regarded as remuneration - by way of reward - in the form of asset, since cryptocurrency is statutorily considered to be a digital asset and a means of payment.

As stated earlier, there is no official statement or notice from NBA either accepting or prohibiting payment for legal services in cryptocurrency. More so, the Legal Practitioners Act and the Legal Practitioners Account Rules which regulate lawyer-client relationship and client money or funds held in trust by lawyer, do not make provision for any form of remuneration other than money. There is no provision in the above law or regulation for client’s digital asset or cryptocurrency to be held in trust by lawyer. But there is provision for bank account to be opened and maintained by lawyer for client. Section 20 Legal Practitioners Act[113] states that the General Council of the Bar otherwise known as the Bar Council - which is one of the regulatory bodies in the legal profession in Nigeria - may, where expedient, make rules *inter alia* –

> (a) as to the opening and keeping by legal practitioners of accounts at banks for clients’ moneys; and…
>
> (c) as to the opening and keeping by a legal practitioner who is the sole trustee, or who is a co-trustee only with one or more of his partners… of an account at a bank for moneys of any trust of which he is a sole trustee or such a co-trustee…

More so, the Legal Practitioners Account Rules 1964 provides for client money and trust money and specifies how client account and trust-bank account of client are to be maintained. It is suggested and recommended that with the recent development of cryptocurrency being recognised as digital asset, the Bar Council should make rules regulating the opening and keeping of digital wallets for client’s digital assets held in trust by lawyer. But first, there should be an amendment to the Remuneration Order 2023 or a supplementary Order made.

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[111] Ikimi, I. L. I., & Ajayi, A.V., “Legal Status of Cryptocurrency in Nigeria and Legality of Legal Practitioners Engaging in Crypto: Evaluating the Ethical Rule against Trade or Business” East African Journal of Law and Ethics, (Volume 9, Issue 1, 2026) p. 7. DOI: https://doi.org/10.37284/eajle.9.1.4275.

[112] B. A. Garner (Ed.), *Black’s Law Dictionary* (Thomson Reuters, 12th edn., 2024, St Paul, MN, USA) 345.

[113] (Cap. L11) Laws of the Federation of Nigeria 2004.

Generally, a person in Nigeria who offers services relating to exchange, custody or management of virtual or digital asset is known as a Virtual Asset Service Provider (VASP).[114] Legal practitioners in Nigeria are legal professionals and not Virtual Asset Service Providers (VASPs). They cannot be classified as such even though they may, in the foreseeable future, be in custody of client's digital assets held in trust. Just as legal practitioners, by virtue of the decision in *Abu Arome v. Central Bank of Nigeria and Ors*[115] cannot be classified as Designated Non-Financial Businesses and Professions (DNFBP) under the Money Laundering (Prevention and Prohibition) Act 2022, they cannot also be classified as VASPs under the Nigeria Tax Administration Act 2025. It is therefore recommended that the Legal Practitioners Account Rules 1964 be amended to include a separate chapter dealing on digital assets of client held in trust by lawyers just as Chapter 2 of the Rules of Professional Conduct deals with Guidelines and Rules on AML/CFT for Legal Practitioners. In general, introducing regulatory or legislative oversight over remuneration in cryptocurrency will ensure transparency, protect both the client and lawyer, and address a regulatory gap in an emerging aspect of the legal profession in Nigeria.

3.1 Basis for Calculating Remuneration in Cryptocurrency

It has already been recommended that there should be an amendment to the Remuneration Order to expressly provide for cryptocurrency. Alternatively, the Bar Council should make a supplementary Order to the Remuneration Order. However, there may be the possibility of applying the extant Remuneration Order to cryptocurrency following the establishment of the fact that remuneration of legal practitioners includes reward, it would be pertinent to consider the basis for calculating remuneration in cryptocurrency. The Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 states the minimum fees to be charged for different legal services. The fees are stated on the Scales of Charges in the Schedule to the Order. The Scale of Charges ranges from charges for consultation work, legal opinion, litigation work, property transactions, commercial transactions, and other legal work. The calculation of lawyer's remuneration based on the different scales is in monetary terms, and not in money's worth. Consequently, it may be rightly argued that cryptocurrency as remuneration for legal service is not factored into the Remuneration Order. Put in another way, it may be argued that, generally, the Remuneration Order does not seem to apply to remuneration for legal service in cryptocurrency. However, a combined reading of paragraphs 8 and 14 of the Remuneration Order may provide an inkling to whether cryptocurrency may be part of the remuneration for legal services rendered by a lawyer or not. Paragraph 8(1) of the Remuneration Order states that "The <u>fees chargeable for any business or service conducted by a legal practitioner</u> are as prescribed in the Scales set out in the Schedule to this Order and they are not subject to negotiation except as prescribed in this Order." *[Emphasis ours]* Paragraph 8(2) of the Remuneration Order provides that "<u>All legal practitioners are to adhere to the fees prescribed in the Scales</u> set out in the Schedule

[114] Paragraph 8, Fifth Schedule to the Nigeria Tax Administration Act 2025.
[115] Suit No. FHC/ABJ/CS/25/2023 (Unreported).

to this Order, and any deviation therefrom shall be – (a) agreed upon by the legal practitioner and the client; and (b) in strict compliance with the provisions of this Order." *[Emphasis ours]* A combined reading of the two sub-paragraphs of paragraph 8 of the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 is to the effect that any fees – which are in monetary terms – charged for legal service by a lawyer should be based on the Scale of Charges in the Order, non-negotiable except as prescribed in the Order, and must strictly comply with the Order even in any deviation based on lawyer-client agreement. However, paragraph 14 of the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 interprets the word 'remuneration', in relation to a lawyer rendering legal service, to include both professional fees, commission, charges – which are monetary or numismatic terms, and reward – which may be in money or money's worth. It is suggested, as stated earlier, that including the word 'reward' as a means of remuneration for legal service points to the fact that a lawyer may be remunerated in money or money's worth.

It is further suggested that an agreement between the client and lawyer for legal service to be paid in cryptocurrency made at the time of the retainer, should state the exact cryptocurrency agreed upon since there are different cryptocurrencies or coins in the crypto world. More so, the current market value of the particular cryptocurrency with which a legal practitioner is to be remunerated should first be considered in order to ascertain the quantum of remuneration. The Scale of Charges in the Remuneration Order must be considered and adhered to.

The basis or determinants for computing legal fee is provided in rule 52(3) Rules of Professional Conduct 2023 and paragraph 2 Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023. The determinants provided in the above regulations include, but not limited to the skill, experience, specialised knowledge and responsibility required on the part of the legal practitioner to conduct the case properly; the time and labour required; the novelty and difficulty of the questions involved; number, diversity, technicality and importance of the document prepared or perused, and whether the acceptance of the employment will involve the loss of other employment while employed in the particular case of antagonisms with other clients. The same determinants should be the basis for computing legal fee in cryptocurrency. It appears that one essence of the Remuneration Order is to discourage legal practitioners from charging low fees, since the charges in the Scales are the minimum charges for legal service rendered. Thus, legal practitioners are required to apply to the Legal Practitioners Remuneration Committee; one of the regulatory bodies in the legal profession, for approval or refusal where the fee to be charged a client is lower than the prescribed fee for the particular legal service in the Scales. In adhering to the Scale of Charges in the Remuneration Order, the value of the cryptocurrency charged should not be less than the monetary value for the particular legal service in the Scale. It is recommended that, due to the volatile nature of cryptocurrency, an additional specific percentage of the total value of cryptocurrency charged for the legal service should be imputed to the legal fee in cryptocurrency. This can easily be ascertainable by mathematical calculation, that is, the total value or worth of cryptocurrency charged as legal fees, plus an additional value calculated in percentage which may be agreed to be paid either in cryptocurrency or in monetary terms. In other words, an additional cryptocurrency, which is the equivalence of an additional percentage (whether 10% or any percentage agreed between the lawyer and client, or expressly stated in a regulation, where it is made) of the total cryptocurrency charged based on the Scale for a particular legal service should be imputed in the value of the total cryptocurrency charged. This should cushion the effect of depreciation in value of the cryptocurrency since it is volatile in nature. It should be noted that a legal practitioner would have to maintain a personal crypto wallet, just the way he maintains his personal bank account, where he is to be remunerated in cryptocurrency.

It should be noted that cryptocurrency value is too fickle for a lawyer to agree with his client that the legal fee in cryptocurrency be paid at the end of the legal work. Such lawyer may not get value for the work done. The volatility of cryptocurrency may whittle down the value of compensation for legal work done by a lawyer where a particular coin in the crypto world is agreed upon but at the end of the legal work when payment is to be made, the coin had reduced in value or depreciated. It is suggested that although a lawyer and client may enter into a written agreement at the time of the retainer that legal fees be paid in cryptocurrency, it is best to name the exact cryptocurrency or coin after consideration of its current value as well as the imputed percentage, and such should be paid immediately to the lawyer's crypto wallet. This is to avoid inadequate compensation for legal work rendered to the client. The cryptocurrency paid as remuneration should form part of the lawyer's digital assets.

4.0 Conclusion

Different professions have some set of values by which members of the profession are governed by. The set of values guides the choices they make. The legal profession is one profession that demands a very high standard of personal honesty and integrity of its members. So important is this that there are precise professional codes of ethics which practitioners must follow. In Nigeria, lawyers are expected to adhere to the Rules of Professional Conduct for Legal Practitioners (RPC).[116] A lawyer is enjoined by the RPC to be remunerated for legal services rendered to clients, except where it is a *pro bono* service. Thus, a lawyer is entitled to enter into an agreement with his client in respect of the legal fee to be paid to him by his client for any professional business done or to be done by the lawyer.[117] Furthermore, such agreement should appear fair and should not be made under circumstances of suspicion of an improper attempt by the solicitor to benefit himself at the client's expense.[118] This paper addressed two questions. The first is whether a lawyer in Nigeria can be remunerated in cryptocurrency for legal services rendered to his client, and the second question is what criterion will be employed in calculating a lawyer's legal fees or remuneration

[116] Boma Ozobia, Elizabeth Cruickshank and Penny Cooper, *Survival Manual for New Wigs* (2010, Odade Publishers, Lagos) 208.

[117] Huzzle Gil Enterprises Ltd & Anor v. Ibekwe (2023) LPELR-60622(CA) (p. 8 paras. C-D) *per* Ekanem, J.C.A; Oyekanmi v. NEPA (2000) LPELR-2873(SC) / (2000) 12 SC (Pt. 1) 70 / (2000) 15 NWLR (Pt. 690) 411 / (2001) FWLR (Pt. 34) 404.

[118] Huzzle Gil Enterprises Ltd & Anor v. Ibekwe (2023) LPELR-60622(CA) (p. 8 paras. D-E) *per* Ekanem, J.C.A.

where the first question is answered in the affirmative. It is common knowledge that legal fees are usually in monetary terms. However, this paper explores the possibility of legal fees being paid in money's worth - particularly digital asset such as cryptocurrency - in addition to monetary or numismatic terms. Furthermore, the Nigerian legislation recognises payment in digital assets, and classifies cryptocurrency as digital asset. It can, thus, be said that cryptocurrency, though not a currency or legal tender, but recognised in Nigeria as a digital asset - which can be used as a means of payment - is money's worth. And the term "money or money's worth" has been recognised by legislation as consideration. Prior to its statutory recognition as securities under section 357 of Investment and Securities Act 2025, and as a means of payment, investment or other financial purposes under Paragraph 8 of the Fifth Schedule to the Nigeria Tax Administration Act 2025, cryptocurrency did not fall under any of the classifications or forms of remuneration of a lawyer for legal services rendered. However, it may be said that cryptocurrency can currently fall under one of such classifications or forms since it is currently recognised by law as a digital asset under securities, and as a means of payment, investment or other financial purposes. Lawyers are not precluded from acquiring assets, irrespective of whether it is digital asset or otherwise.

More so, remuneration of a lawyer is not restricted to fees in the form of monetary or numismatic terms alone. Paragraph 14 of the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 extends lawyer's remuneration beyond fees to include commission, charges or reward payable to a lawyer for service rendered to a client. The paper suggests that cryptocurrency may be classified under Paragraph 14 of the Remuneration Order which defines remuneration to include 'reward'. The Supreme Court has held that a reward is a return or recompense made to a person or received by a person for some service or merit, or for hardship endured.[119] While the other forms of remuneration such as 'fees', 'commission', and 'charges' relate to monetary or numismatic term, the word 'reward' appears not to be restricted to monetary terms alone. There has been no mention of cryptocurrency as remuneration for legal service either by the Nigerian Bar Association (NBA) or any of the regulations such as the Rules of Professional Conduct for Legal Practitioners 2023 and the Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order 2023. In order to fill this regulatory gap, it will be appropriate that there should be an amendment to the Remuneration Order of 2023 to expressly include remuneration in cryptocurrency. Alternatively, a supplementary order to the Remuneration Order should be made by the Bar Council which will expressly provide for remuneration for legal services in cryptocurrency.

In respect of calculating lawyer's remuneration in cryptocurrency, the determining factor should be the same as the determinants for charging legal fees in monetary terms. These include *inter alia*, the time and labour required; the novelty and difficulty of the questions involved; number, diversity, technicality and importance of the document prepared or perused; the skill, experience, specialised knowledge and responsibility required on the part of the legal practitioner to conduct the case properly; and whether the

[119] Mgbemene & Ors v. Inspector General of Police (1963) LPELR 25397(SC) Pp. 4-5.

acceptance of the employment will involve the loss of other employment while employed in the particular case of antagonisms with other clients.[120] The Scales of Charges in the Remuneration Order shall be adhered to. The charges in the Scales are the minimum charges for legal service rendered or to be rendered. It appears that one essence of the Remuneration Order is to discourage legal practitioners from charging low fees. Consequently, the value of the cryptocurrency charged for a particular legal service should not be lower than the minimum amount stated in the particular Scale. In other words, the value of legal fee in cryptocurrency should be reasonably equivalent to, but not less than the total amount of money a lawyer is expected, by the Remuneration Order, to charge for the particular legal service. However, it is appropriate that the Remuneration Order expressly include remuneration in cryptocurrency. It has been recommended that there should be an amendment to the Legal Practitioners Remuneration (For Business, Legal Services and Representation) Order 2023 or a supplementary Order be made. In addition, the Legal Practitioners Account Rules 1964 should be amended to include a separate chapter dealing on digital assets of client held in trust by lawyers just as Chapter 2 of the Rules of Professional Conduct deals with Guidelines and Rules on AML/CFT for Legal Practitioners.

It is also the recommendation of this paper that where a lawyer is to be remunerated in cryptocurrency, this fact should be contained in the agreement at the time of the retainer. Due to the volatile nature of cryptocurrency, it is suggested that an additional cryptocurrency, which is the equivalence of an additional percentage (whether 10% or any percentage agreed between the lawyer and client, or expressly stated in a regulation, where it is made) of the total cryptocurrency charged based on the Scale for a particular legal service should be imputed in the value of the total cryptocurrency charged. This should cushion the effect of any depreciation in value of the cryptocurrency.

It is obvious that cryptocurrency transactions pose a great risk of money laundering. To prevent and prohibit money laundering as a result of lawyer and client relation, the Rules of Professional Conduct for Legal Practitioners (RPC) 2023 makes provision for the Guidelines and Rules on Anti-Money Laundering and Combating the Financing of Terrorism for Legal Practitioners under Chapter 2. The Guidelines and Rules on Anti-Money Laundering and Combating the Financing of Terrorism for Legal Practitioners is implemented by the NBA through its *ad hoc* committee known as Nigerian Bar Association Anti-Money Laundering Committee (NBAAMLC).[121] Legal practitioners are expected to comply with the provisions of Chapter 2 and all other provisions of the Rules of Professional Conduct for Legal Practitioners 2023. Failure to comply with any part of the Rules is a professional misconduct and the legal practitioner is liable to be disciplined.

[120] Rule 52(3) RPC 2023; Paragraph 2 Legal Practitioners (For Business, Legal Services and Representation) Order 2023.
[121] Rule 73(1) RPC 2023.

References

Books

A. G. Karibi-Whyte, "Status and Privileges in the Nigerian Legal Profession" in M. Ayo Ajomo (ed.), *Fundamentals of Nigerian Law* (1989, Nigerian Institute of Advanced Legal Studies, Lagos).

Akinola Apara, *The Law is for All* (1982, Fourth Dimension Publishing Co. Ltd., Enugu).

B. A. Garner (Ed.), *Black's Law Dictionary* (Thomson Reuters, 12th edn., 2024, St Paul, MN, USA).

Boma Ozobia, Elizabeth Cruickshank and Penny Cooper, *Survival Manual for New Wigs* (2010, Odade Publishers, Lagos) 208.

C.A. Oputa, *Conduct at the Bar and the Unwritten Laws of the Legal Profession* (2014 Justice Watch, Accra – Ghana).

Chris Okeke (ed.), *Towards a Functional Justice: Seminar Papers of Justice Chukwudifu A. Oputa* (2007, Gold Press Ltd., Ibadan).

Iguehi Rosemary Onokevbagbe, "Addressing Illicit Financial Flows in Nigeria: The Role of AML/CFT/CPF Frameworks", in Bimbo Atilola and Tukur Galadima s(Eds.), *Resilience of the Nigerian Financial System: Legal Issues, Prospects and Challenges - Essays in Honour of Kofo Salam-Alada* (2025, Hybrid Consult, Lagos).

Merriam-Webster (Eds.), Webster's New Explorer Encyclopedic Dictionary (2006, Federal Street Press, Springfield, Massachusetts)

Niki Tobi, "The Legal Profession and the Quest for Genuine National Integration and Development" in Yemi Akinseye-George (ed.) *The Legal Profession and the Nigerian Nation – Essays in Honour of Chief Afe Babalola* (revised edn., 2000, International Legal and Allied Research Network, Ibadan).

Articles in journals

Ikimi, I. L. I., & Ajayi, A.V., "Legal Status of Cryptocurrency in Nigeria and Legality of Legal Practitioners Engaging in Crypto: Evaluating the Ethical Rule against Trade or Business" East African Journal of Law and Ethics, (Volume 9, Issue 1, 2026) p. 8. DOI: https://doi.org/10.37284/eajle.9.1.4275.

Marwa Alnasaa, Nikolay Gueorguiev, Jiro Honda, Eslem Imamoglu, Paolo Mauro, Keyra Primus, and Dmitriy Rozhkov, 'Crypto-assets, Corruption, and Capital Controls: Cross-country Correlations' Economic Letters (2022, Volume 215, June, 110492. DOI: https://doi.org/10.1016/j.econlet.2022.110492 accessed 24 April 2026.

Olena Ye. Lutsenko, Olena H. Sereda, Oleksandr A, Yakovlyev, Yuliia M. Burniagina, and Irina A. Vetukhova, 'Cryptocurrency as Compensation: Legal and Economic Aspects for Labour Remuneration' Economic and Regional Studies (2025, Issue 4, Volume 18) 534. DOI: https://doi.org/10.2478/ers-2025-0036, accessed 24 April 2026.

Robin Hui Huang, Hui Deng, and Aiden Foon Lok Chan, 'The Legal Nature of Cryptocurrency as Property: Accounting and Taxation Implications', Computer Law & Security Review (2023, Volume 51, November, 105860). DOI: https://doi.org/10.1016/j.clsr.2023.105860 accessed 24 April 2026.

Online sources

CFI Team, ‘Top 10 Cryptocurrencies by Market Cap’, available at <https://corporatefinanceinstitute.com> accessed 6 September 2025.

CoinMarketCap, ‘All Cryptocurrencies’, available at <https://coinmarketcap.com> accessed 20 April 2026.

Croner Navigate, ‘10-010 Money’s Worth and the Benefits Code’ available at <https://library.croneri.co.uk/cch_uk/p11d/10-010> accessed May 2, 2026.

Elie Bola Boongo, ‘Cryptocurrency as a Legal Tender in Central African Republic: What Challenges and Implications’, <https://ideas.repec.ord/p/journl/hal-04909680.html> accessed 24 April 2026.

USLegal, ‘Money or Money’s Worth: Legal Definition Explained’ <https://legal-resources-uslegalforms.com/m/money-or-money’s worth> accessed 24 April 2026.

Usman W. Chohan, ‘Cryptocurrencies: A Brief Thematic Review’, <https://papers.ssrn.com/sol3/papers.cfm? abstract_id=3024330> accessed 24 April 2026.

Legal acts and documents

Administration of Criminal Justice Act 2015.

Advanced Fee Fraud and other Fraud Related Offences Act 2006.

Banks and Other Financial Institutions Act 2020.

Capital Gains Tax Act (Cap C1) Laws of the Federation of Nigeria (LFN) 2004.

Central Bank of Nigeria Act 2007.

Corrupt Practices and Other Related Offences Act 2003.

Criminal Code Act (Cap C38) Laws of the Federation of Nigeria (LFN) 2004.

Economic and Financial Crimes Commission (Establishment) Act 2004.

Economic and Financial Crimes Commission (Anti-Money Laundering Combating the Financing of Terrorism and Countering Proliferation Financing of Weapons of Mass Destruction for Designated Non-Financial Business and Professions, and Other Related Matters) Regulation 2022.

Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria 2022.

Investment and Securities Act 2025.

Legal Aid Act 2011.

Legal Practitioners Act (Cap L11) Laws of the Federation of Nigeria 2004.

Legal Practitioners Remuneration (For Business, Legal Service and Representation) Order, 2023.

Money Laundering (Prevention and Prohibition) Act 2022.

Nigeria Tax Act 2025.

Nigeria Tax Administration Act 2025.

Rules of Professional Conduct for Legal Practitioners 2023.

Terrorism (Prevention and Prohibition) Act 2022.

Legal cases

Abu Arome v. Central Bank of Nigeria and Ors Suit No. FHC/ABJ/CS/25/2023 (Unreported)

Attorney General of Kano State v. Musa (2024) LPELR-62535(CA).

CBN v. Registered Trustees of the Nigerian Bar Association and Attorney General of the Federation (2021) 5 NWLR (Pt. 1769) 268.

Egbe & Anor v. Odu (2014) LPELR-23805(CA).

Egbe & Anor v. Odu (2024) LPELR-62586(SC).

Huzzle Gil Enterprises Ltd & Anor v. Ibekwe (2023) LPELR-60622(CA).

Ifeanyi & Anor v. Ignatius & Anor (2023) LPELR-60262(CA) (p. 32 para. C)

Kalu v. FRN & Ors (2012) LPELR-9287(CA).

Mgbemene & Ors v. Inspector General of Police (1963) LPELR 25397(SC).

Oyekanmi v. NEPA (2000) LPELR-2873(SC).

Walter v. Skyll (Nig.) Ltd. (2001) 3 NWLR (Pt. 701) 438 / (2001) CLR 2(B) (CA).