

CHALLENGES AND PROSPECTS OF LEGAL EDUCATION IN NIGERIA: AN OVERVIEW*

Abstract

Due to the falling standard of legal education, many people now question the quality and integrity of the legal profession. Many lawyers lack the intellectual skills to deal with simple legal tasks they are briefed to handle; some lack the rudimentary knowledge of basic legal principles and some dabble into unethical conducts such as defrauding clients, bribing judicial officers and embezzlement of funds in their custody etc. Hence, there is clamor for reforms not only in legal education but the entire educational system in Nigeria. This paper examines the problems facing legal education in Nigeria from the early sixties to the present day. It discusses the challenges of legal education such as inadequate funding, too many law faculties, and explosion in student population, conservative curriculum, and uncommitted lecturers among others. To rectify this problem, efforts should be made to harmonize the teaching and learning methods at the Law School and the Law Faculties in such a way that the Law Faculties would teach both the substantive and procedural law. Similarly, the Nigerian Law School should be abolished and turned into an examining body responsible for organizing and conducting bar examinations. If legal education is well funded and appropriate steps taken to remedy the problems highlighted in this paper, legal education and profession in Nigeria will greatly improve.

Key words: *Legal education in Nigeria, Law Faculty, Nigerian Law School, Council of Legal education, Lawyers, Clinical legal education.*

1. Introduction

Law is a dynamic process which regulates human conduct and prescribes the standard of behavior in any given society. Law must be relevant to the social, cultural, health, technology and political life of the society it governs. Hence, the end result of Legal education should be to produce lawyers who will be responsible for the principled application of laws in the society¹. Legal education, simply, is the education of individuals who intend to be lawyers or who intend to use their law degree to some end either related to law (i.e. politics, academia) or business². Legal education is a system of education that produces skillful and ethical lawyers who must have, among other things, a technical competence to analyze legal issues against the background of existing law, the direction the law is or should be developing and the key policy considerations.³ Legal education includes Bachelors, Masters and doctorate degrees in Law, vocational courses which prospective lawyers are required to pass before admission to the Bar, Continuing Legal Education (CLE), pupillage, Legal training in specific areas of law such as Legal drafting, Taxation, Business law, Education Law, Property Law etc. Unfortunately, Legal education in Nigeria has failed in its responsibility to produce quality and reliable lawyers for the nation. This occasions a diminished public confidence in the system of legal education in Nigeria. Ojukwu notes that the learning of Lawyers has deteriorated over the years⁴. Oba concurs that, 'anyone who cares about Lawyers and learning will easily acknowledge that lawyers are now less learned than they used or ought to be.'⁵ Ayua observed that legal education 'cannot escape the general malaise affecting education in the country... it suffers along with the other branches of education because they are all subject to the same factors that undermine the provision of quality education'. According to him,

*By **N.J. MADUBUIKE-EKWE, LL.B (Hons) (UNN) BL, LL.M (Ife) SJD (GGU, San Francisco)**, Senior Lecturer and Formerly HOD, Public Law, Faculty of Law, Benson Idahosa University, Benin, Edo State, Nigeria. Tel: 08108781020; 09055650024. Email: jekwe@biu.edu.ng.

¹A. L. Haruna, et al, 'Legal Education and Social Change in Nigeria' in O. Oyewo, & E. Ojomo (eds.), *Law, Democratization and Social Change*, NALT Conference, University of Lagos, Akoka, 2012, p. 298.

² Ibid.

³ Ibid.

⁴E. Ojukwu, 'Revisiting Legal Training in Nigeria: Wanted a Mandatory Continuing Legal Education Programme', (1998) *Journal of Commercial, Private and Property Law*, p.19; See also, M. P. Okom, & E. E. Udoaka, 'Recruitment of Law Academic Staff in the 21st Century' in, A. O. Muzan (ed), *Legal Education in the 21st Century*, Proceedings of the 43rd Annual Conference of NALT, Kogi State University, Anyigba 571 at p.571.

⁵Oba, A.A., 'Towards Regaining Learning and Correcting Learnings in the Legal Profession in Nigeria', *Review of Nigerian Law and Practice* [vol.1(1)] 14(2007)

‘many employers... have expressed great alarm over the deteriorating standards of Lawyers that are being churned out of the Law faculties today. Many are ill-equipped intellectually and otherwise to deal with the Legal issues they are briefed to handle some lack even a rudimentary grasp of basic legal principles. Sadly, these species of lawyers are now to be found at both ends of the spectrum- the Bench and the Bar...’⁶ The situation has deteriorated steadily and alarmingly over the years such that many now question the quality and the very integrity of the legal profession. The problem obviously stems from the decay in the educational system that has been producing such Lawyers that we have described thus. If the public faith in the legal profession is to be sustained, something both urgent and decisive has to be done to salvage the state of legal education in particular.⁷

This paper focuses on legal education in the Law faculties and in the Nigerian Law School. It will not discuss other types of legal education such as continuing legal education and pupillage in Law offices. The aim of the paper is to examine the factors militating against effective legal education in Nigeria and to proffer solutions to remedy them. The paper is divided into five parts: Part II examines the History of Legal education in Nigeria from the colonial era to the present day. Part III highlights the challenges/problems militating against effective legal education in Nigeria. Part IV discusses the prospects of legal education in Nigeria along with a number of recommendations which if implemented will improve the standard of legal education in Nigeria. The final part is the conclusion of the paper.

2. History of Legal Education in Nigeria

During the colonial period, the first lawyers that practiced in Nigeria had no formal education and there was no local facility for legal education in Nigeria⁸. According to Hon. Justice Onalaja, ‘throughout the colonial period, there was no institution for the formal training of lawyers in Nigeria. To fill the vacuum, the Chief Justice was empowered to appoint fit and proper persons with basic education and some knowledge of English law and practice as attorneys. With this, court clerks who had acquired knowledge of the rudiments of English law were appointed attorneys and granted license to practice for six months’⁹. The legal infrastructure was built to provide appropriate legal framework for the needs of the colonial administration, local administration and a system of commerce that was a mixture of British mercantilism and diverse customs of Nigerians.¹⁰ Thus according to Hon. Justice Niki Tobi, ‘...all Nigerians wishing to become Lawyers proceeded to England... to receive their legal education. This was a relic of colonialism. The British were our colonial masters... We stayed with their education, and their legal system which was based and still based on the common law’.¹¹ This led to the wholesale importation of alien Westminster legal education into Nigeria without regard to our social, economic, educational and cultural peculiarities. However, before independence in 1960, a need had already been recognized in the United Kingdom for a system of legal education of Africans within Africa to provide manpower for its system of administration of justice and also as administrators and legislators.¹² Consequently, in 1959, the Federal Government of Nigeria set up a committee on the future of legal profession headed by the then Attorney-General of the Federation, Mr. E.I.G. Unsworth.¹³ The Committee was mandated to, among other things, consider and make recommendations for the future of the legal profession in Nigeria with specific concern for legal education, admission to practice, right

⁶I. A. Ayua, ‘The Objectives of Legal Education in Nigeria,’ in I.A. Ayua & D.A. Guobadia (eds.) *Legal education for Twenty-First Century Nigeria* (Lagos; Nigeria Institute of Advanced legal Studies, 2000)

⁷ *Ibid.*; see O. Oliyide, *et al.*, ‘ICT in the Twenty-First Century Legal Education’ in A. O. Muzan, 2012 NALT Conference, *supra* note 2, p. 361; W. Igbintade, ‘Bar exams: SAN’s, top Lawyers decry falling Standard of Legal Education’, *National Mirror*, November 03, 2014, available at <http://nationalmirroronline.net/new/bar-exams-sans-top-lawyers-decry-> Accessed 20th March, 2016.

⁸S. Erugo, *et al.*, ‘Legal education and Social Change in Nigeria’ in *Law, Democratisation and Social Change*, NALT Conference papers, 205 (2012).

⁹*Ibid.*

¹⁰T. Mamman, A Review of The Legal Framework of Legal Education in Nigerian Universities, paper delivered at the Justice M.M. Akanbi Annual Lecture, at the University of Ilorin, Kwara State, Nigeria on 8th November, 2010, p.2.

¹¹N. Tobi, ‘Legal Education and the Role of the Universities and other Professional bodies’, Keynote address at the 1st Nigerian Clinical Legal Education Colloquium, Abuja, 12 February 2004, p.2.; See also S. Erugo, *et al.*, *supra*, note 8.

¹²C. O. Okonkwo, ‘A Historical Overview of legal Education in Nigeria’ in Ayua & Guobadia, *supra*, note 6; Nwogugu, E., A Quarter Century of Legal Education in Nigeria: An Appraisal (Lagos; Nigerian Institute of Advanced Legal Studies, Occasional Paper No. 10, 1985); See also Mamman, *supra* note 10.

¹³Mamman, T., *supra* note 10, p. 2;

of audience before the courts, reciprocal arrangements with other countries, conduct, control and discipline of members of the Bar. The Unsworth Committee Report¹⁴ recommended, *inter alia*, that:

- a. Legal education should be provided locally and adapted to the needs of Nigeria.
- b. Law faculties should be established at University of Ibadan and any other subsequent universities to offer degrees in law.
- c. A law School should be established in Lagos to provide practical training for law graduates.
- d. A law degree should be a requirement for practice of law in Nigeria.

The Federal government accepted the recommendations and enacted them into two Acts of the National Assembly namely, the Legal Education Act 1962 and the Legal Practitioners Act 1962 now replaced by the Legal Education (Consolidated, etc.) Act.¹⁵ While the former regulates legal education, the latter regulates the practice of law in Nigeria. The recommendations and follow-up legislation put in place a modified two tier system of legal education and training which like, in the United Kingdom separated the academic from vocational stages. Unlike in the United Kingdom, however, a law degree became the basis for qualification.¹⁶ This provided for a single point of entry to the profession as against the United Kingdom, which has multiple entry and exit points for the legal profession. More significantly, the framework provided for the possibility of a thorough and in-depth study of Law in the University through a law degree in contrast to the United Kingdom which permits other non-degree qualifications for entry to the profession.¹⁷

The Legal Education Act established the Council of Legal Education 'with general responsibility for the legal education of persons seeking to become members of the legal profession.'¹⁸ The Council established the Nigerian Law School in Lagos in 1962 to run a one-year course of practical law degrees of approved Universities or who had passed the English, Irish or Scottish Bar examinations or the School examination of Great Britain or Ireland.¹⁹ Unfortunately, the recommendation of the Unsworth Committee for the establishment of a Faculty of Law on the University College, Ibadan did not materialize. It was however in 1961 that the University of Nigeria, Nsukka established the premier Faculty of Law in Nigeria.²⁰ Thus, Legal Education in Nigeria is divided into the academic and professional aspects. The academic aspects are done in the law faculties in the Universities while the professional education is done at the Nigerian Law School. The Universities are regulated and supervised by the National Universities Commission (NUC),²¹ while the Law School is under the supervision of the Council of legal education. The NUC has the power to approve or disprove new academic units/programmes and to lay down minimum Academic Standards and conduct accreditation for all universities in the Federation.²² Erugo²³ notes that although the NUC sets the Minimum Academic Standards, the Universities to a large extent dictate the course content of the Academic law degrees. The general regulation of legal education in Nigeria rests with the Council of Legal education. While the Council participates actively in legal training at the law school, its participation at the law faculties are more of oversight- through accreditation of faculties that meet set standards for the relevant academic training and periodic visits to ensure maintenance of standard.²⁴ Since 1961 to date there has been a phenomenal increase in the faculties of law in Nigeria with a corresponding growth in the student population. Even the Nigerian Law School has been decentralized with six different campuses at Abuja,

¹⁴ *ibid.*

¹⁵ The Legal Education (Consolidated, etc.) Act. Cap L10, Laws of the Federation of Nigeria 2004.

¹⁶ Mamman, *supra*, note 10.

¹⁷ *Ibid.*

¹⁸ Section 1(1) of the Legal Education Act 1962; See also Erugo, *et al*, *supra*, note 8, p. 206

¹⁹ There are currently six campuses of the Nigerian Law School at Abuja, Lagos, Enugu, Kano, Yenegoa and Yola (each located in each of the six geopolitical zones of the country) with headquarters at Abuja.

²⁰ C. A. Omaka *et al*, 'Legal Education in Nigeria: The Prospects and Challenges', in C. A. Omaka, (ed.), *Law in Nigeria at 100: Reviewing the Past Projecting the Future*, Proceedings of the 47th Annual Conference of the Nigerian Association of Law Teachers (NALT), June 2nd-6th 2014 at Ebonyi State University, Abakaliki, Nigeria. 149.

²¹ National Universities Act, cap N81, Laws of the Federation of Nigeria 2004

²² Section 4(b) (iii) of the National Universities Act, Cap N81 LFN 2004; Section 10 of the Education (National Minimum Standards, Etc.) Act, Cap E3, LFN 2004; see also Erugo, *et al*, *supra*, note, 8.

²³ S. Erugo, *et al*, *supra*, note 8, p.207

²⁴ *Ibid.*

Lagos, Enugu, Kano, Yenegoa and Yola. Thus, with the increase in the number of faculties of law and the corresponding increase in law student population alongside other factors to be discussed in this paper, the high standard of legal education fostered by the early generation of law teachers started falling.

3. The Challenges of Legal Education in Nigeria

To understand the challenges of legal education in Nigeria and its effect on the legal profession, it is necessary to look at the attributes and skills expected of a typical lawyer by the society. What are the attributes and skills a lawyer trained in Nigeria must possess to be competent? Mamman²⁵ identifies some basic rudimentary competences required of a typical lawyer as follows: (i) Ability to analyse issues against the background of existing law, the direction the law is or should be developing and key policy considerations; (2) Synthesize facts and situations given that most problems involve multi-dimensional facts and can weave those facts into a coherent narration; (3) Advocate orally or in writing the views of individuals and groups within the context of the Law (Communication Skills); (4) Can effectively negotiate. To produce Lawyers with all these skills require specific and general enabling environment in the law faculty and in the University.²⁶ This includes quality lecturers in sufficient numbers who are aware of their professional responsibilities, appropriate curricula, students who are imbued with suitable academic background and character, adequate facilities etc.²⁷ All these are sorely lacking in the Law faculties and the Nigerian law school hence the falling standard of legal education which produces incompetent Lawyers unable to deal with legal issues they are briefed to handle. Hence, Ojukwu²⁸ and Ayua²⁹ observed that the standard of legal education in Nigeria has deteriorated over the years. Many factors account for this deterioration ranging from lack of funding, too many Law faculties and students, inadequate facilities, uncommitted lecturers etc. All these combine to create a fall in the standard of legal education in Nigeria. These factors will be looked at accordingly:

Lack of adequate funding

There is no doubt that funding of legal education is grossly inadequate. Babalola³⁰ observes ‘that quality education is a very expensive enterprise, ... that when education is not properly funded, institutions of learning will be ill-equipped in terms of teaching facilities and staff while the products of such poorly funded institutions, including those who study law, are bound to be poor materials.’ Funding for legal education for local and foreign studies is on the decline. Omaka³¹ points out that even ‘the TET fund sponsorship programme to overseas studies excludes law programme. This has denied the profession the opportunity for empirical studies of law in other jurisdictions and ultimately makes exchange of studies in international level very difficult in law. The main sources of funding are government allocations to public schools, allocation of money by proprietors of private Universities and students tuition. The allocation by government has been declining over the years while students’ tuition in the Nigerian Law School has increased dramatically in recent years. There is no government guaranteed and subsidized loan to prospective law school students to assist them pay the high tuition fee in the institution.³² This may prevent the poor from acquiring legal education in the Nigerian law schools. Thus, Okonkwo³³ asserts that:

With the present gross underfunding of Universities, it is futile to expect most law Faculties to meet the approved minimum standards with respect to physical and library facilities especially. With many law teachers moving out of Law faculties after a few

²⁵T. Mamman., supra note 10, p.6; ABA-LSAC Official Guide to ABA – Approved Law Schools, produced by the Law School Admission Council and American Bar Association, 2008 edition.

²⁶Mamman, Ibid.

²⁷ibid.

²⁸Ojukwu, supra note 4.

²⁹Ayua, supra note 6.

³⁰Aare Afe Babalola made the remark at the Commencement of the 48th Conference of the Nigerian Association of Law Teachers Conference (NALT) in Afe Babalola University, Ado-Ekiti (ABUAD) www.abuad.edu.ng/babalola-advocates-council-of-legal-education-to-be-examining-body-only/ Assessed 15th June, 2016.

³¹Omaka, et al., supra, note 20.

³²Ibid. at 157

³³ Okonkwo, C.O., supra, note 12, at 14

years service because of inadequate remuneration and poor conditions of service, it is impossible for most law faculties to comply with the prescribed staff/student ratio of 1:20 if they are minded to recruit the right caliber of staff.

Because of declining revenue, most, if not all, law libraries in Nigeria lack e-learning facilities, current journals, books and other research materials. Internet and intranet facilities are virtually non-existent and where in existence not connected or not in good working condition. Thus these sources of supply of funds discussed above are inadequate to take care of legal education.³⁴

Proliferation of Faculties of Law in Nigerian Universities and Too many students

In 1962, there were four faculties of Law in Nigeria and one Nigerian Law school located in Lagos. Today, over forty Faculties of law-federal, state and private Universities- offer Law as a course of study. This resulted in the increase in the number of students in those universities without a corresponding increase in teachers to meet the students- staff ratio. In such an arrangement, the work load on the teaching staff becomes more and more with little time to research and improve for his interest and the system. For example, in some private Universities, Law lecturers teach an average of four undergraduate Law Courses, supervise seven final year student projects in addition to preparing their examination results and sundry administrative duties. Faculties in the Universities and the Law school are so overstretched to the extent that learning is no more conducive. The few existing facilities and infrastructures have not been upgraded to meet the current realities and demands for learning and research.³⁵ Law lecturers and researchers are frustrated by ill-equipped libraries, lack of e-libraries, and absence of research assistants to Professors, uncertainty or disruption of academic calendar due to industrial unrest arising from workers demand for better and enhanced welfare packages and development of infrastructures among others. The astronomical rise in the number of student enrolment in our Universities led to the establishment of more campuses of the Nigerian Law School.³⁶ The number of candidates each of the Law faculties can present for admission to the Law school in a particular session is limited by quota. Regardless of the quota, Some Faculties of law admit more than their allowed quota. For example where a faculty is allocated a quota of 60 students, you find such faculties admitting 250 students. This results in backlog of candidates to other sessions so much so that sometimes it may take a candidate more than two years after graduation to go to law school.³⁷ It is not uncommon for a campus to have as many as 1,500 students. This does not allow for efficient teaching as students may be distracted with other activities besides listening in class due to the sheer number of Law graduates in the Lecture hall. This is reflected in the overall performance of the students in the Bar final exams. Unfortunately, the Nigerian Law school is the only institution mandated to admit Law graduates from Faculties of law and prepare them for their Bar final examinations. All these affect the standard of legal education in Nigeria.

Conservative Curriculum

The curriculum in law faculties has remained largely uniform and unchanged. On average, the number of course offerings in the entire faculty of law is 40. This sharply contrasts to the U.S.A. whereas at 2002, the average number of course offerings in senior classes only of law is 84.³⁸ This uniformity and limited number of offerings in part emanate from the intervention of the National Universities Commission (NUC) initially providing Minimum Academic Standards (1989) now upgraded to

³⁴The National Universities Commission Act. Cap N81, LFN 2010 established the National Universities Commission with the mandate among others to 'inquire into and advise the Federal Government on the financial needs, both recurrent and capital of the University education in Nigeria, and in particular, to investigate and study the financial needs of University research and ensure that adequate provision is made for this in the Universities.' See Section 4(1)(e) Cap. N81, LFN 2010.

³⁵S. Idris, 'Management of Legal Education in The 21st Century in Nigeria', in Muzan, *Supra*, note 2.; C. N. Ojogwu, & A.N.G. Alutu, 'Analysis of the Learning Environment of University Students on Nigeria: A Case Study of University of Benin', (2009), *J. Soc. Sci.* 19(1): 69-73 (describing that the physical facilities and development in the University of Benin couldn't be matched with the growth in student population... that the Library built when the University had only three thousand (3,000) students is still serving nearly thirty five thousand (35,000) students [Full-time and Part-time]).

³⁶ There are six campuses of the Nigerian Law School in Abuja, Lagos, Kano, Enugu, Yenagoa and Yola.

³⁷Omaka, *supra*, note 20.

³⁸A survey of Law school Curricula Section of Legal Education and Admission to the Bar 1992-2002, p.3136.cited by Mamman, *supra*, note 10, at p.10.

Benchmark Minimum Academic Standards (2004).³⁹ This involves prescribing both law and non-law courses which faculties of Law in the country are required to offer. The Council of Legal Education (CLE) also has its own group of core courses prescribed for law faculties.⁴⁰ The courses are divided into two categories: compulsory and optional. All law faculties must teach compulsory Law courses. These are legal methods, constitutional law, Law of contract, criminal law, commercial law, equity and trust, law of Evidence, Land Law, Nigerian Law of Torts, Nigerian Legal system, Jurisprudence and a compulsory essay. In addition to these core courses are other law courses (the list varies from university to university) that must be taken to make up the credit load in each semester in addition to at least five non-law courses which the student must pass such as computer appreciation and programming, natural science, the use of English, social science, logic and philosophic thought.⁴¹ Clearly, the above curriculum is inadequate given the reason for the introduction of the NUC Benchmark Minimum Academic Standards for curriculum development for Law programs. The NUC philosophy and objectives of the discipline are that:

The Law programme is designed to ensure that the graduate of Law will have good general knowledge of Law including a clear understanding of the place and importance of law in society. All human activities social, economic, political, etc., take place within legal framework. It is therefore necessary that the student of law should also have a broad general knowledge and exposure to other disciplines in the process of acquiring legal education. The programme should introduce students to the general knowledge in law, acquaint them with principles of judicial process and legal development, and equip them with the basic tools of legal analysis and methods.

Legal education should therefore, act, first as a stimulus to stir the student into critical analysis and examination of the prevailing social, economic and political systems of his community and secondly as an intellectual exercise aimed at studying and assessing the operation, efficacy and relevance of various rules of law in the society. The curriculum must also ensure that Law is taught as it exists at any given moment, and that every Law student will be comparative in his approach to Legal studies bearing in mind that there are many systems of Law (Statutory Law, Common Law, Customary Law and Islamic Law) currently in operation.⁴² Thus, the curriculum is deficient to prepare law graduates for the many roles a lawyer plays in the society and to meet diverse challenges. The curriculum is very limited and does not cover emerging fields of law such as Health law, Cyber Law, Legal Writing Skills, Public Interest Law, Sports law, Climate Change law, Media Law etc.⁴³ The curriculum lacks courses that will inculcate practical skills in the students.⁴⁴ It does not incorporate international perspectives in this era of globalization.⁴⁵ Most Law faculties are contented with the minimum standards rather than excellence in Legal education. The Law lecturers have not risen to the challenge of the needs of the market for lawyers in developing a wide range of courses or improving the existing courses. For instance, in environmental Law most lecturers simply teach national and international treaties without any reference to the local legislations on the environment in their States or Local Government Areas. This prevents the students from connecting their studies in class with the outside world. Furthermore, there is an absence of connections between the courses, even among the law courses. Mamman⁴⁶ notes that ‘this is exacerbated in the case of non-law courses which most students see as a nuisance rather than a new

³⁹Ibid; NUC Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities, Law, April 2007, p. 1.

⁴⁰Ibid.

⁴¹E. Ojukwu, ‘Introduction’, in Clinical Legal Education Curriculum for Nigerian Universities’ Law Faculties/Clinic: Network of University Legal Aid Institutions (NULAI, Nigeria) published in collaboration with Open Society Justice Initiative, 3 (October 2006) ; Erugo, et al, supra note 8, at 209.

⁴²NUC Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities Law, 1 (April, 2007)

⁴³C. A. Omaka et al, ‘Managing Legal Education in the 21st Century: The Clinical Legal Education Option’, in A. Muzan., supra note, 4, at 432.

⁴⁴F. Anyogu, et al., ‘Appropriate Curriculum for training 21st Century Lawyers,’ *Unizik Law Journal*, Vol. 7. No. 1, 139(2010).

⁴⁵Mamman., supra note 10, at 12

⁴⁶Ibid.

route to learning the law contextually. The teachers who handle the non-law courses are domiciled outside the law faculty and have little or no particular orientation on the reason law students are offering those courses.’ Most Law students take Use of English and spoken English in their 100 Level but cannot speak or write in English Language effectively. Students are required to take Logic and Philosophic thought, but in the actual classroom, the students are not taught logic at all. In some private Universities, the courses replaced with the philosophy of the Founder of the Church and the Universities. The examinations are by multiple-choice or fill-in-the-blanks type questions rather than questions that require logical arguments. At the end of the Semester, the lecturers inflate the grades and give most students A’s and B’s and everyone is ‘happy’. These adversely affect the graduates of these institutions.

Traditional Teaching Methods

The traditional lecturing method is another impediment to the attainment of the philosophy and goals of NUC’ Benchmark minimum academic Standards in all Universities. The Law faculties adhere strictly to traditional and conservative teaching methods of the curricula. They teach purely theoretical aspect of Law while the Law School teaches the practical aspect in a manner like the traditional lecturing method, where the teacher is the boss.⁴⁷ Generally, in most Law faculties, teaching is through the use of handouts and lectures. It requires dictating notes to students. There is no planning, clearly stated objective of teaching and of course no special skill in the pedagogy of teaching. This traditional approach and understanding views law as mere norms and principles made to apply to defined factual situations and circumstances. It does not see law from the social context and social values perspective.⁴⁸ Thus teaching at the Law faculties to a great extent and at the Law school to an overwhelming extent is a note-taking exercise and passing an examination is determined by the ability of the student to memorize these voluminous notes and reproduce them.⁴⁹ The teaching method is not in line with the modern trend.⁵⁰ Use of power point interactive session, submission of assignments online within a time frame etc. is all strange to the system till date. Certainly, graduates from the above style of teaching may not compete favorably in the global arena because a Lawyer can only be as good as the system of legal education that produced him.⁵¹

Inadequate Facilities

Inadequate facilities are one of the main problems affecting legal education in Nigeria. Facilities are so overstretched that learning is no more conducive. The Classroom facilities are abysmal. It is not uncommon to see decrepit facilities- broken chairs and table, dirty, unlighted classrooms, caved ceilings in our Universities.⁵² It is also not uncommon to see students standing by the windows or sharing seats in the course of lectures. There are no modern instructional materials such as audio visual aids or public address systems in our lecture theatres. Due to the large population of students, the teachers are overstretched such that the salutary culture of tutorials has become history in our faculties.⁵³ Omaka⁵⁴ identifies inadequate facilities to include, ‘poor funding, lack of basic infrastructure, poor power supply, lack of standard lecture halls, lack of information technology equipment and poorly equipped libraries’. All these inadequacies affect the legal education of Nigerian students.

Bifurcated Legal Education

The division of legal education into two-Law faculties and the Nigerian Law School- affects the quality of law graduates in Nigeria. The Law faculties teach Substantive law while the Law School teaches procedural law. Their teaching methods vary: while the Law faculties use the traditional lecture type of teaching method, the Nigerian law school reformed its curriculum to embrace clinical legal education

⁴⁷Anyogu, ‘Appropriate Curriculum for Training 21st Century Lawyers’ in A. Muzan, supra, note 2, at 132.

⁴⁸S. Erugo, et al, supra note 8, at 212.

⁴⁹ibid.

⁵⁰C.A. Omaka, et al., ‘Legal Education in Nigeria: The Prospects and Challenges’ in Omaka, C.A. (ed.), *Law in Nigeria at 100: Reviewing the Past, Projecting the Future*, proceedings of the 47th Annual Conference of the Nigerian Association of Law Teachers (NALT), held June 2nd -6th, at Ebonyi State University, Abakaliki, Nigeria.155.

⁵¹Ibid; See also Hon Justice M.O. Onalaja, Problems of Legal Education in Nigeria.’ <http://www.alimiandco.com/publications/ACCREDITATION%20AND...> Accessed July 17, 2016.

⁵²S. Idris, et al., supra, note 35.

⁵³Ibid.

⁵⁴Omaka, supra, note 43.

and interactive approaches to teaching and learning.⁵⁵ Clinical Legal education is good on paper and at Law teachers Conferences in Nigeria, but very difficult to implement effectively in the Universities. The Law faculties lack the structural support for clinical legal education. How do you teach University Law students courses such as Public Interest lawyering, Access to justice, Street Law advocacy etc. without teaching them Civil and Criminal procedure, ethics and professional responsibility which are taught at the Law school? Law faculties lack the technology in terms of multimedia, clinical rooms, clinical staff who understand the method, the virtual library and so on.⁵⁶ Some Law faculties assign Clinical legal education to inexperienced Lecturers or lecturers who are weak in classroom teaching. It's a big challenge to adopt clinical Legal education in most Law faculties in Nigeria. Even at the Law school, the problem is heightened by the brevity of the Law school programme. By the time the Law graduates begin to settle down at the Law school, they are sent off for Court attachment, Office attachment etc and when they come back to school, it is time for bar final examinations. Moreover with the explosion in the student population, it will be difficult for law school to effectively serve the students by 'using experiential opportunities such as simulations, role plays, clinics and various forms of externships.'⁵⁷ This is a big challenge to legal education.

Uncommitted Lecturers

Although inadequate funding is one of the biggest problems of our Universities, poor attitude to work by lecturers is equally devastating to students. Many lecturers are underperforming both in the classrooms and at the management level.⁵⁸ In the classrooms, some lecturers do not know the course very well and do not prepare for their lectures. They spent most of their time in private Law practice or business and come to the University once a week regardless of the Time-table. Many law lecturers hardly read students answer scripts let alone assignments due to indolence, over bloated number of students and unrealistic deadlines by university authorities for submission of results. Oftentimes marks are awarded arbitrarily with scant regard for actual knowledge displayed by the student. This explains why a reasonable number of students with second class upper degrees cannot write an ordinary letter of employment without committing grammatical blunders.⁵⁹ At the management level, many Senior Academics and Professors in management positions of Universities i.e Head of departments, deans and Vice Chancellors mismanage the little funds allocated to their faculty instead of using it to improve education.⁶⁰ A few years ago, a dean of a law faculty was given money to equip the faculty for an accreditation visit; he ordered textbooks but could not pay the bookseller. Upon investigation, the University authorities discovered that the Dean had embezzled the money: He used the money to take the most expensive chieftaincy title in his village and bought five Sports Utility Vehicles (SUV) for himself and family. As a result, the Law faculty failed the accreditation.⁶¹ Some Senior Lecturers and Professors connive with the National Universities Commission (NUC) to license new universities and accredit Law programmes without careful planning and thorough consideration of the faculty and facilities required for qualitative university education.⁶² Approving half-baked Universities and faculties just because of the explosion in the number of candidates seeking University admission is a waste of time, money and human resources. Yet, NUC continues to approve such Universities and programmes with the active support of senior academics and Professors who do not care as long as their financial interest is protected.⁶³ Lecturers ethicize key positions in the University such as Head of Departments, Deans and Vice-Chancellors. Some lecturers insist that the occupier of these positions

⁵⁵Erugo, *supra* note 8.

⁵⁶N. Okoli, 'Experts explain Law School Failures', Nigerian Tribune, August 27, 2015 at <http://www.tribuneonlineng.com/experts-explain-law-school-failures-> Accessed May 15, 2016

⁵⁷Mamman, *supra* note 8.

⁵⁸D. Anele, 'How Lecturers Underdeveloped the Universities', Sunday Vanguard, December 9, 2013, at 11.

⁵⁹*Ibid.*

⁶⁰'Unizik Vice Chancellor in Multi-billion Naira Corruption Scandal', <http://www.premiumtimesng.com/news/5920-unizik-vice-chancellor> Accessed February 20, 2016.

⁶¹*id.*; See also, KamarudeenOgundele, 'Fund Mismanagement, bane of Education- Minister', Punch, June 14, 2013, <http://www.punchng.com/education/fund-mismanagement-bane-> (where the Minister of Education, stated that 'there is adequate funding for education in the last few years but the problem bedeviling the sector is improper utilization of funds.')

Accessed February 20, 2016.

⁶²Anele, *supra* note 58.

⁶³*Ibid.*

should come from the ethnic group in which the University is located. In recruitment and promotion, several Head of departments, Deans and provosts sacrifice merit on the altar of ethnicity.⁶⁴ Some lecturers give preferential treatment to students from their ethnic group while grading exams scripts, tests and take home assignments. This explains why some Universities do not hire their first class or second class upper graduates, as lecturers, because they know how the graduates got that class of degree. All these impact negatively on our university graduates.

Excess Work Load

Law lecturers are over worked in some Universities in Nigeria. Some Universities refuse to hire more lecturers in the Faculty of Law despite repeated requests by the Dean. As a result, some lecturers teach five undergraduate law courses in a semester to over 500 students. This means that they teach two or three times every day of the week in addition to supervising about seven to ten final year Law student projects. In this situation, the lecturer will not give his best and the students will not get the best education. The ratio of lecturer to students make it impossible for there to be effective teaching.⁶⁵ In a class of 300 or more students, there is no way a lecturer can effectively communicate with the students or provide them feedback on their tests and assignments. Even after the semester examinations, the lecturer will not be able to read the answer booklets thoroughly before awarding grades in order to meet the University deadline for submission of results. This also explains why some Law graduates cannot write an essay, even though writing is an essential skill in almost every area of legal practice.

4. Prospects of Legal Education in Nigeria

The discussion so far has revealed some of the challenges facing legal education in Nigeria. They are not exhaustive but will serve as a guide for proffering solutions to remedy the problems. It should be noted that there is no quick and painless solution to the problems facing Legal education which are created by often complex and interrelated forces. The question is, what then remains to be done to improve the standard of Legal education in Nigeria? The ways to remedy the problems are as follows:

Improve Funding

Strengthening our legal education obviously requires putting more money into our legal education. If the government is serious about improving the standards, the funding must be increased significantly. Aare AfeBabalola notes that: 'Nigeria should step up its current allocation of about 7% of its at least 25% of the national budget of every country should be dedicated to education, the fact that it had to grapple with other matters such as healthcare delivery, security and infrastructural development, funding of education must nonetheless be accorded prime of place by any serious government notwithstanding'.⁶⁶ Thus if governments adheres to this advice, every aspect of the education sector will grow to compete favorably with its counterpart in any other country of the world. This is where the National Universities commission and the Council of Legal Education should make their impact more manifest. As Okonkwo⁶⁷ noted, '...The NUC has no moral justification for prescribing minimum standards which must be attained by the very law faculties that are starved of funds necessary for attaining those standards'.⁶⁸ Law faculties should be allowed to generate revenue independent of the University. This could be done by setting up income-generating enterprises such as consultancy services, institutes to run short term programs, fundraising, etc. A situation where the University insists on any funds to a faculty, including faculty dues, must pass through the central University administration is absurd. This means that renewed efforts should be made to ensure that only people who have genuine love of education and who understand the intrinsic nature of the University should

⁶⁴Ibid.

⁶⁵J. Soroye, et al., 'Continuing Legal Education in Nigeria in the Twenty First century' in A. Muzan, *Supra*, note 4, at 231.

⁶⁶Afe Babalola's remarks at the Commencement of the 48th Conference of the Nigerian Association of Law Teachers (NALT) in Afe Babalola University, Ado-Ekiti (ABUAD) at <http://www.abuad.edu.ng/babalola-advocates-council-of-legal-education-to-be-examining-body-only> Accessed May 25, 2016.

⁶⁷C. O. Okonkwo, 'A Historical Overview of Legal Education in Nigeria' in *Legal Education for Twenty-First Century Nigeria* 14 (I. A. Ayua & A. Guobadia, eds., 2000).

⁶⁸H. Umozurike & F. Nlerum, 'National Universities Commission Minimum Standards and Legal Education in Nigeria' in *Proceedings of the 30th Annual Conference of the Nigerian Association of Law Teachers held at Gateway Hotel, Ijebu-Ode, (27th-28th April 1992).*

be appointed University Vice-Chancellors.⁶⁹ Such persons must also show earnest volition for accountability and transparency in addition to the acquisition of requisite administrative skills.⁷⁰ The problem of inadequate funding of legal education is not always one of insufficient funds but often, one of greed and financial indiscipline of the administrative head.⁷¹

Curriculum Review

The main problem with the Law curriculum is that it lacks courses that will inculcate practical skills in the student. Law faculties focus on substantive law does not equip graduates with many of the generic skills needed to perform effectively in modern work place. According to Anyogu:⁷²

This necessitates that skills in other areas, especially those non law courses offered in law faculties of Nigerian Universities be emphasized. The most frequently used skills by law graduates in any type of law related employment are those of communication (both oral and written), time management, and document management and computer skills. Legally specific skills, while important to legal practice, are not frequently used in other law-related employment. The greatest skill deficiencies among new graduates were identified from research as creativity and flair, oral business communications, and problem solving.

To solve this problem, there is need to review the curriculum to include aspects of clinical legal education to among others, provide professional skills instructions in areas such as interviewing, counseling and facts investigation, teach methods of learning from experience etc.⁷³ The curriculum of Law faculties should also be reviewed to include courses on emerging fields of law such as Immigration Law, Energy Law, Cyber Law, communications Law, Anti-trust law, Sports law etc. This will help the students to have a wide array of courses from which to make career choices. Law faculties should strive for excellence by improving on the minimum standards recommended by the NUC. There should be a periodic review of the curriculum and the content of the courses in the faculty. Given that writing is one of the main skills required in every area of legal practice, Legal writing should be a separate course, independent of Legal Methods.⁷⁴ It should introduce students to the way Lawyers, write, analyze and frame legal issues in litigation, conduct legal research, and present their work in writing and oral argument. The course should be assigned to a senior lecturer that has published extensively and has passion for good writing.

Introduction of Clinical Legal Education

Clinical Legal Education and other forms of interactive learning methods should be introduced in all faculties of law. Law lecturers should pattern their lectures in the form of vocational training by ensuring that students 'learn by doing rather than being told what to do'.⁷⁵ This involves a change in the teaching methods from mere note-taking exercise to full participatory learning processes by the students and in a lot of cases in the design of the curricula in the faculty. The point has been made that: 'A practical emphasis to legal education is better served by using experiential opportunities such as simulations, role plays, clinics and various forms of externships. In such circumstances, both teachers and students have ownership of the programme and its vehicle.'⁷⁶ Thus Clinical Legal education should be made a credit carrying course at 400 and 500 levels in our universities to help bridge the gap between theory and practice in the training of students at our law faculties and at the Law school. Legal education would be improved if Clinical Legal education (CLE) is made mandatory in all Faculties of Law and schools.

⁶⁹ See, N. Attoh & S. Anya, Funding Legal Education in the Twenty-First Century' in A. Muzan, A., supra, note 2.

⁷⁰ See *Onokerhoraye v Igbinoia* (2001) 11 N.W.L.R. (pt. 724) p.341.

⁷¹ Attoh, supra, note 61; See also, Ojo J.D., Law and University Administration, 151 (1990).

⁷² F. Anyogu, et al., supra note 44.

⁷³ Ibid at 139.

⁷⁴ On Legal Methods in Nigeria, See N. I. Aniekwu, *Legal Methodology and Research in Nigeria*, 236 (2d ed. 2009); A. Sanni, (ed.) *Introduction to Legal Method*, (2006); E. Malemi, *The Nigerian Legal Method*, (2d ed., Lagos: Princeton Publishing Co., 2012).

⁷⁵ See 'Oditah Advocates PPP in funding legal Education' Vanguard News, June 11, 2013 <http://www.vanguardngr.com/2013/06/oditah-advocates-ppp-in-fu> Accessed February 20, 2016.

⁷⁶ E. Ojukwu, et al, *Compendium of Campus Based Law Clinics in Nigeria* (Abuja; NULAI, Nigeria; 2014)

Clinical Legal education providers such as the Network of University Legal Aid Institutions (NULAI)⁷⁷, unaffiliated with traditional legal institutions will do surprisingly well if all law teachers are trained in basic clinical teaching skills.⁷⁸ This could be done either at the Law Faculty or through online classes.

Abolish the Nigerian Law School

The best way to improve legal education in Nigeria is to abolish the Nigerian Law School because it has outlived its usefulness as a vocational institution for Law graduates in Nigeria. The aim of The Nigerian Law School is to teach students to apply laws and legal principles to real life situations, train them in basic skills of legal practice (such as Drafting, Counseling, Negotiating and the techniques of advocacy) and professional ethics.⁷⁹ Unfortunately, the Law school can no longer effectively perform these functions. According to Oko:

The law school in its present form does not and cannot effectively perform these functions. The idea of the Nigerian Law School as the sole institution for the training of lawyers in the country was conceived when the number of students was very small and legal practice largely unsophisticated. The large and seemingly unmanageable student population, lack of lecturers and absence of adequate infrastructural facilities, have rendered ineffective virtually all practical training devices in the law school, especially moot court trials and court visits. The law school, therefore, relies principally on lectures as the main medium of instruction. The number of students is so large that very few students (less than 5% of the students) have the opportunity to participate in moot court trials organized by the school.⁸⁰

The problem will only get worse because of the multiplicity of law faculties and the explosion in the number of students. The current pressure to admit Law graduates of the National Open University of Nigeria (NOUN) to the Law school will add to the problem.⁸¹ In the circumstances, the system would be better served if the teaching and learning methods at the law school and the Law faculties are harmonized. In which case, the two systems are integrated so that the teaching of both substantive and procedural Law is taken over by the universities. The Council of legal education and the Law school will function as an examining body with responsibility for organizing and conducting bar examinations.⁸² This is the system that all other professional bodies in Nigeria have adopted. It will create the need for private tutorial companies and government involvement would be reduced. The complaints about the Nigerian law school will go down.⁸³ However, some of the supporters of this view agree that it is not all law faculties that can handle the practical programme. Babalola, advocates:

That reputable colleges/faculties of law in Nigerian Universities should henceforth be saddled with the responsibility of training law graduates preparatory for their call to Bar Examinations at the central Nigeria Law school...law graduates from Nigerian universities will proceed to these reputable colleges/faculties of law with up-to-date facilities and faculty members of international repute for their post-LL.B training for 18 months and only go to the Law school to write their call to

⁷⁷Network of University Legal Aid Institutions (NULAI) available at <http://www.nulai.org/>. Accessed July 17, 2016.

⁷⁸C. A. Omaka, et al., 'Managing Legal Education in the 21st Century- The Clinical Legal Education Option' in A. Muzan, supra, note 2, at 454.

⁷⁹C. O. Okonkwo, supra, note 12 at 21.

⁸⁰Ibid See also, O. Oko, 'Legal Education and Training in Nigeria' in *African Journal of International and Comparative Law*, RADIC Vol.6 pt. 2, 288-289 (1994).

⁸¹T. Onojeghen, 'Obasanjo moves to resolve NOUN Law graduates admission dispute', *National Mirror*, September 03, 2015, available at <http://nationalmirroronline.net/new/obasanjo-moves-to-resolve-noun-law-graduates-admission-dispute> Accessed February 20, 2016; R. Okoye, 'Why NOUN Law students should be admitted to Law school' *Daily Sun*, May 14, 2015 available at <http://sunnewsonline.com/new/why-noun-law-students-should-be-admitted-to-law-school> Accessed February 20, 2016.

⁸²Ibid.

⁸³N. Okoli, supra, note 56.

Bar Examinations conducted and moderated without having to be residential students in law school as is currently the case.

In view of the increasing number of applicants for law school admission, it is hoped that the Body of Benchers will give this issue the attention it deserves.⁸⁴

Other Measures

In addition to the measures discussed above, others include provision of suitable, befitting physical infrastructure and comfort, stable academic calendar devoid of incessant strikes, quality peer assessed research and publications, sufficient number of academic staff with appropriate spread across all categories, participation and attendance of International conferences.⁸⁵ Law Professors and Lecturers who connive with NUC to approve or accredit substandard law faculties should be disciplined by both their University and the Nigerian Bar Association (NBA).

5. Conclusion

It is now fifty-three years since formal legal education commenced in Nigeria. It has fared very well over the years having produced so many great lawyers, eminent judges and Law professors. Some Faculties of Law are beginning to embrace changes ranging from the use of technology, Clinical Legal education, Specialization opportunities, and sponsorship of Lecturers for Higher academic degrees and international Conferences. However, there is room for improvement to meet the challenges of the 21st Century. It is hoped that if legal education is well funded and appropriate steps taken to remedy the problems highlighted in the paper, the legal education system and the Legal profession in Nigeria will remain strong and viable to meet the evolving needs of clients and the society in a changing, globalized world.

⁸⁴Okonkwo, *supra*, note 12, at 23

⁸⁵T. Mamman, A Review of the Framework of Legal Education in Nigerian Universities, being a paper delivered at the Justice Akanbi Annual Lecture at the University of Ilorin on Monday 8th November, 2010, p. 16.