



LEGAL EDUCATION IN THE 21ST CENTURY

PROCEEDINGS OF THE

43RD

ANNUAL

CONFERENCE

OF THE

**NIGERIAN ASSOCIATION OF
LAW TEACHERS (NALT)**

Held 17th – 20th May, 2010

AT

KOGI STATE UNIVERSITY, ANYIGBA

EDITED BY

PROFESSOR ALLSWELL O. MUZAN

President, NALT

Legal Education in the 21st Century

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International Law, Faculty of Law, Olabisi
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**APPROPRIATE CURRICULUM FOR TRAINING 21ST
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Jadesola Lokulo-Sodipe

Omolade Olomola

FACULTY OF LAW UNIVERSITY OF IBADAN

**BEING A PAPER PRESENTED AT THE 43RD ANNUAL
CONFERENCE OF THE NIGERIAN ASSOCIATION OF
LAW TEACHERS HELD AT KOGI STATE UNIVERSITY,
ANYIGBA, KOGI STATE FROM 17TH TO 20TH MAY 2010**

ABSTRACT

For close to five decades, law faculties and the Nigerian Law School teaching has relied on an education model that focuses on theory, providing minimal opportunity for students to learn and apply the practical problem-solving skills critical to becoming a competent lawyer in real world settings. Modern learning theory provides direction, and the tools are available for improving the legal education system to prepare students for the practice of law.

The perspectives and recommendations in this article are presented with the intent of encouraging discussion about the future of legal education in Nigeria.

This article is broadly divided into five sections i.e. concept analysis, history of legal education, Pre-NUC; the era of NUC; era of Clinical legal cum NUC and finally proposals for developing an ideal

curriculum for legal education in Nigeria. The first section provides an overview of the history and status of legal education. The second section discusses the learning theory and how the profession has fared. It provides answers to criticism as it addresses curriculum, teaching, faculty, and affordability.

With high optimism for the future of the profession and the legal education system, I invite you to consider and deliberate on the issues raised in this paper. It is not only possible, but essential, to create a Legal Education for the 21st Century.

It is remarkable to state that traditionally, lawyers and law teachers have been resistant to change, arguing that the profession is a noble and conservative one thus not allowing for any inference whatsoever. The dynamic reality and the challenges of 21st century legal practice require an equally dynamic and timely response. This paper has outlined one such response: i.e. proposing a workable curriculum for training 21st Century lawyers.

Keywords: Curriculum, 21st Century, Legal profession, Legal Education.

Introduction

The last century of the last millennium was characterized by improvement and development in the field of science and technology including communication and information technology and law. In that century we witnessed the emergence of new technologies and globalization which have simultaneously on the one hand generated opportunities for expanded world commerce, communication, and cultural interchange. On the other hand, they have also generated world-wide concern over environmental, financial, commercial, and human rights issues accompanied by creation of regional and global political and economic organizations, and a plethora of public and private transnational legal issues, treaties, legal guidelines, standard form contracts, alternative dispute mechanisms and domestic

legislation attempting to respond to new problems and new opportunities for their creative resolution.

Globalization has changed dynamism of entire polity and society¹. Broadly speaking the phenomenon of globalization can be understood in the economic interdependence of countries around the world due to the large scale increase in volume and diversification of international investment activities, easy and rapid deployment of funds facilitated by technology. It is now a common feature of investment arrangements to have global concerns with manufacturing operations domiciled in one jurisdiction, information technology facilities and support services in another with yet the headquarters and regional offices elsewhere. E-commerce, communication and transport have shrunk physical space and mode of doing business. In this changing scene of the world order, the law and legal practice play an important facilitative role. The law provides a framework which guides global system. Bilateral and multilateral arrangements such as WTO, NAFTA, EU, and ECOWAS among countries are underpinned by legal frameworks which regulate international trade and investment and relationships. This necessarily means the availability of legal services to provide for the legal needs of these entities and activities - requiring significant adjustment in the nature of legal practice and legal education and training that feeds it².

Now the whole world is giving importance to knowledge economy³. Since the development of knowledge economy remains an important goal of the developed and developing countries, the establishment of educational institutions of global excellence along with changed new curriculum of global standard ought to become the priority of a developing country.

¹ "Curriculum of Legal Education to Meet Challenges of Globalisation", retrieved from www.legalservice.india.com on 10th May, 2010.

² Tahir Mamman., "Globalisation and Challenges for Legal Education in Nigeria", The Punch, 21st December, 2009.

³ "Legal Education to meet Challenges of Globalisation", ibid.

As the dynamic global environment for legal services continues to evolve, outside demands are adding more pressure on legal educators to reevaluate core practices of the educational programmes. To this end, the legal education has to train lawyers with a level of competence in international law, both private and public. Universities worldwide are preparing them to face the challenges of globalization.

This paper seeks to evaluate the condition of existing legal education and the effectiveness of the existing curriculum for legal education in Nigeria, vis- a- vis globalization. It will highlight suggestions as to the appropriate curriculum for the 21st Century lawyer. Thus this article is divided into 8 segments- the totality of which represents current legal education in Nigeria and what should make it compliant with 21st century.

2.0 LEGAL EDUCATION AND GLOBALIZATION

Education stands for development and Legal education makes men law – abiding and socially conscious. Legal education promotes the establishment of socio-economic justice. Change is the law of nature and law is the regulator of social change⁴. Legal education is therefore the key to administering rule of law in a democratic society.

In a democratic country like Nigeria, where the rule of law is the driving force of the government, legal education assumes great significance⁵. Under such a system, it is a great responsibility to teach and to train students to be competent lawyers.

The legal profession in this era of globalization is at a transformative stage in its history. We live and work in an increasingly

⁴ "Legal Education to Meet the Challenges of Globalisation", retrieved from www.legalservicesindia.com on 10th May, 2010.

⁵ Ibid, p.1.

borderless world. The profession of law, today to a large extent, requires lawyers to represent clients not only within but also outside national frontiers. Technologies used by lawyers and their clients and the cross-border nature of today's business fuel globalization and challenge our place-based system of ethics and professional regulation. It is essential to impart quality legal education taking into consideration the changing needs of the society and in the changing era of globalization. Legal education should be such that it meets the ever growing demands of the society and should be thoroughly equipped to meet the demands of the complexities of different situations.

3.0 LEGAL EDUCATION IN NIGERIA

From time immemorial the three original professions are law, medicine and religion⁶; perhaps we could also add prostitution which is in fact referred to as the oldest profession. Lawyers are always referred to as learned whilst all other professions are educated.

Legal education in Nigeria is fashioned after the position in England with the exceptions that whereas lawyers in England are either trained as solicitors or barristers, all lawyers in Nigeria are trained and get qualified to practice as barristers and solicitors of the supreme court of Nigeria. This is a major reason why the same advocate in court would be seen at the land registry or stamp duties office.

3.1 History of Legal Education (Pre 1962)

At the inception of the British systems of court into Nigeria in 1962, there were no trained legal experts to assist litigants in presenting their cases to the court thus a lacuna was created. The first major attempt to regulate the profession was in 1876 via Section 1 of

⁶ Oba A.A. "Towards Regaining Learning and Correcting Leanings In The Legal Profession In Nigeria. CALS Review of Nigerian Law and Practice Vol. 1(1) 2007.

the Supreme Court Ordinance 1876⁷. This section of the law empowered the Chief Justice to approve, admit and enroll, to practice as barristers and solicitors in the Court, such persons as shall have been admitted as legal practitioners in the United Kingdom. Section 71- 74 of the Supreme Court Ordinance provided for three categories of persons qualified to practice law in Nigeria in those days in order to fill the gap created by non-qualified lawyers⁸. The three broad categories are:-

- Persons who were entitled to practice law in Great Britain as barristers or solicitors. They could practice in both capacities in Nigeria⁹.
- Persons who had been articled for five consecutive years in the office of a practicing barrister or solicitor residing within the jurisdiction of the court and who had passed examinations on the principles and practice of law prescribed by the Chief Justice¹⁰.
- Persons of good character who had acquired some working knowledge of English law. They were temporarily admitted for a renewable period of six months to practice as barristers, solicitors or proctors¹¹. Accordingly¹² this category of people was referred to as 'local attorneys'.

It is noteworthy to state that the local attorney were not trained and what the Council of Legal Education did to improve their lot is

⁷ See generally Ayua I.A. & Guobadia D.A. *Legal Education for Twenty – First Century Nigeria* NIALS 2000.

⁸ Section 71, 73, and 74 of SCO 1876.

⁹ Section 71 SCO 1876.

¹⁰ Section 73 SCO 1876.

¹¹ Section 74 SCO 1876.

¹² Okonkwo C.O. SA. "A Historical Overview of Legal Education in Nigeria" in Ayua I.A. & Guobadia D.A. *Legal Education for Twenty – First Century Nigeria* NIALS 2000. Page 1.

to give them regular training which in fact was not detailed and in-depth, thus makes it adequate¹³. In 1914 the local attorneys were phased out and only qualified practitioners¹⁴ were allowed to practice between 1914 and 1962. These qualified practitioners had a patent deficiency. The content and quality of such training was high but inadequate for the practice of law in Nigeria. The major lapses of such training were threefold and included:

1. Lack of knowledge of Nigerian statutes since they did not learn Nigerian laws
2. Lack of knowledge of Nigerian customary law system and
3. The bicameral structure of legal education in England which trained and qualified students only either as a Solicitor or Advocate. This made them insufficiently equipped for the practice of law in Nigerian where lawyers are both solicitors and advocates at once¹⁵.

It is important to state at this juncture that Christopher Sapara Williams becoming the first qualified Nigerian Lawyer with his enrollment in 1880, it follows then that the non-qualified legal practitioners were the first locally produced lawyers. These and some other reasons necessitated the forming of the Unsworth Committee by the Federal government in 1962. Their term of reference was to make recommendations on how the anomalies could be rectified. The recommendations were expected to point the way forward for the legal profession in Nigeria particularly regarding legal education,

¹³ Supra at page 4.

¹⁴ These were those who had been called as Barristers in any of the four Inns of Court in England or had been admitted as solicitors in Great Britain and Ireland

¹⁵ Wokocha Aduche R. "The Challenges of Legal Education in Nigeria: The Way Forward 2008 3 Web Journal of Current Legal Issues. 3 Web JCLI. See also Nwogugu, E.: (1985). *A Quarter Century of Legal Education in Nigeria: An Appraisal*. Occasional Paper No. 10, 1985, NIALS Lagos page 2.

admission to practice in Nigeria, the right of audience before the court and the making of reciprocal arrangements with other countries. It is no gain saying that the work of the Unsworth Committee and its recommendations thereon marked a new beginning in the history of the legal profession in Nigeria. The Unsworth Committee's recommendations gave birth to the establishment of a purely Nigerian system of legal education, a Council of legal education and the Nigerian Law School, among others.

3.2 Legal Education in Nigeria Post 1962

Legal education in Nigeria consists of serious academic study of substantive law for four to five years (depending on the mode of entry) in a Law faculty and a rigorous year studying procedures in the Law School followed by call to the Nigerian bar and enrollment as a legal practitioner at the Supreme court¹⁶. It is a well known fact that Faculties of Law and Nigerian Law School jointly produce the talent that will support Nigeria's economy, sustain labour market and become future legal service providers thus Education is necessarily future-focused¹⁷. Many of today's law students will likely still be practicing well into the last half of the 21st century. It goes without saying that law schools face a daunting challenge as they try to estimate the demand for their graduates and then help those graduates adapt to the realities they are likely to face. It is not an exaggeration to say that the crops of lawyers being produced now are of lesser standard and quality. In recent times, the leaders of the profession have repeatedly pointed out the falling standards in the performance of

¹⁶ Ojukwu E., "Revisiting Legal Training in Nigeria: Wanted a Mandatory Continuing Legal Education Programme" 1 (1998) *Journal of Commercial Private and Property Law*, pp. 19 – 39.

¹⁷ Morgan D. Thomas, *The Future Training of Lawyers: The ABA and the Law Schools*. March 1st, 2010

new wigs and some want the law school program extended from one year to two years. We are of the view that we have left the real issue unsolved and dealing with shadows. There was a time in this country when students spent only 3 months in the law school¹⁸ and this did not make them to be a lesser lawyer, the problem is not with the period of learning but with the quality and scope of the learning¹⁹. The legislation regulating the legal education since 1962 is the Legal Practitioners Act which was first enacted in 1962 with series of amendments i.e. 1962 No. 12; 1966 No. 23, 1967 No. 29, 1976 No 13, 1977 No.10, 1985 No. 34 and has since been amended²⁰. It provides for qualification to engage in legal practice in Nigeria, it also provides for the establishment of controlling bodies in the legal profession as well as professional discipline of legal practitioners.

The conditions or qualification for admission to study law are usually as published by the Joint Admissions and Matriculation Board²¹. A prospective lawyer may also choose to study in a foreign University.

The content of the course of study leading to the award of a law degree, whether from a Nigeria or foreign University, must be approved by the Council of Legal Education²². The core subjects of study include, Constitutional Law, Criminal Law, Law of Contract, Tort, Land Law, Equity & Trust, Commercial Law, Law of Evidence, Jurisprudence and Legal Theory, and Company Law.

¹⁸ It is noteworthy that the very first set of students in the law school spent only three months and they were called to this same 'bar'.

¹⁹ Oba A.A. "Towards Regaining Learning And Correcting Leanings In The Legal Profession In Nigeria. CALS Review of Nigerian Law and Practice Vol. 1(1) 2007.

²⁰ The most recent amendment being Legal Education (Consolidation, Etc.) Act Cap L10

²¹ See Section 5 Joint Admissions and Matriculation Board Act, Cap J1 LFN 2004.

²² Section 1(2) Legal Education (Consolidation, etc) Act, Cap L10 LFN 2004.

The second category is made up of any other subject approved by the university concerned. These include International law, Oil and Gas Law, Environmental Law, Conflict of Laws, and Intellectual Property Law.

It is expected that the student of law in Nigeria exhibits knowledge of:

- * the jurisdiction, authority and procedures of the legal institutions and the professions that initiate, develop, interpret and apply the law of Nigeria, including knowledge of constitutional law and judicial review;
- * the law of contract and tort and of parties' obligations, rights and remedies;
- * criminal law;
- * the legal concept of property and the protection, disposal, acquisition and transmission of proprietary interests;
- * equitable rights, titles and interests;
- * the range of legal protections available to the individual in society in civil and criminal matters and with regard to their human rights;
- * legal personality and business structures;

Subjects taught in both the public and private law schools relate mostly to domestic laws. The most common method of instruction is the lecture followed by tutorials. Tutorials are used for the lecturer and the students to have a discussion on the lecture topic. At both mass lectures and tutorials, the lecturer will sometimes use the modified Socratic Method, or the case method, where the lecturer guides the students in the analysis of cases.

The seminar method is also used. The students prepare the given topic before the class begins and most of the time in class is devoted to presentations by students followed by a discussion of the topic in question.

The curriculum of legal education in Africa, Nigeria inclusive, shows that limited efforts seem to have been made towards integrating information literacy into legal education²³. Integrating information literacy in the curriculum of legal education has a direct bearing on the legal system and the quality of legal practitioners produced. It enhances the competence of lawyers by developing their ability to analyze and evaluate issues and complex facts from a legal perspective, respect principles of copyright and intellectual property and identify legal principles applicable to a given situation for problem-solving.

The Council of Legal Education runs the Nigeria Law School and all persons who have obtained a University degree in law and want to practice as lawyers in Nigeria, must attend the Nigerian Law School.

Admission into the Nigeria law School is also open to persons who have passed the final Bar Examinations of the English, Scottish or Irish Bar or the Solicitor's Final Examinations of England, Scotland or Ireland. After a course of study at the Nigeria Law School, the student who passes the final - Bar Part II - examinations receives a certificate from the Council of Legal Education and is then called to the Bar by the Body of Benchers as provided by the Legal Practitioners Act²⁴. This is followed by enrolment as a Legal Practitioner at the Supreme Court of Nigeria²⁵.

It is important to state at this juncture that Christopher Sapara Williams becoming the first qualified Nigerian Lawyer with his enrollment in 1880, it follows then that the non-qualified legal

²³ Vicki Lawal., "Legal Research and Legal Education in Africa: the Challenge for Information Literacy", retrieved from http://scholarship.law.cornell.edu/sws_paper/5 on 9th May, 2010.

²⁴ See Section 4 Legal Practitioners Act, Cap L11 LFN 2004.

²⁵ See Section 7(1) Legal Practitioners Act, Cap L11 LFN 2004.

practitioners were the first locally produced lawyers. These and some other reasons necessitated the forming of the Unsworth Committee by the Federal government in 1962. Their term of reference was to make recommendations on how the anomalies could be rectified. The recommendations were expected to point the way forward for the legal profession in Nigeria particularly regarding legal education, admission to practice in Nigeria, the right of audience before the court and the making of reciprocal arrangements with other countries. It is no gain saying that the work of the Unsworth Committee and its recommendations thereon marked a new beginning in the history of the legal profession in Nigeria. The Unsworth Committee's recommendations gave birth to the establishment of a purely Nigerian system of legal education, a Council of legal education and the Nigerian Law School, among others.

3.3 Curriculum and the Learned Profession – As it is now....

The legal education curriculum remains the same but for the advent of NUC's accreditation which has gone a long way in improving standards. To be a lawyer in Nigeria, the person will go through of the Law faculties before spending one full year at the Nigerian Law School.

In Nigeria, the education of a lawyer starts properly at the University. The National Universities Commission (NUC) is saddled with the responsibility of approving all academic programmes run in Nigerian universities²⁶

The NUC was established in 1962 as an advisory agency in the Cabinet Office. In 1974, it became a statutory body. Its main

Section 4 of National Universities Commission Act, Cap N81 LFN 2004.

functions includes granting approval for all academic programmes run in Nigerian Universities; granting approval for the establishment of all higher educational institutions offering degree programmes in Nigerian universities; ensuring quality assurance of all academic programmes offered in Nigerian universities; and acting as a channel for all external support to the Nigerian universities²⁷.

The advent of the NUC in accrediting courses being taught by Nigerian universities has been a blessing to the country though a lot still need to be done by this body. A National Universities Commission (N.U.C) was established in 1974 by the National Universities Commission Act of 1974²⁸ with the function of advising the Federal Government on the creation of new Universities and all aspects of University education. The universities are funded through the N.U.C. which also ensures that faculties of law maintain minimum acceptable standards. The N.U.C achieve this by paying occasional visits to the faculties. Thus new Law Faculties must obtain the approval of the N.U.C.

The prescription of minimum academic standard which was described as “a milestone in the development of university education in this country”²⁹ was necessitated by compelling circumstances of the period in history³⁰. The Minimum Academic Standards were approved in 1989 by the then Federal Military Government on the recommendation of the N.U.C for all disciplines/courses taught in the Nigerian Universities.

In pursuance of Section 10 of Decree No. 16 of 1985³¹ which states:

²⁷ Ibid.

²⁸ Ibid.

²⁹ By the Executive Secretary of the N.U.C in the N.U.C Approved Academic Standards In Law for All Nigerian Universities at page iii.

³⁰ Ayua & Guobadia *ibid* at page 9

³¹ As incorporated in the NUC Amendment Decree No. 49 of 1988.

“to lay down minimum standards for all Universities in the Federation and to accredit their degrees and other academic awards after obtaining prior approval therefore through the Minister from the President, Commander-in-Chief of the Armed Forces; provided that the accreditation of degrees and other academic awards shall be in accordance with such guidelines as may be laid down and approved by the Commission from time to time.”

One of the major intents of accreditation by NUC is to regularize the standard and to have a well- rounded curriculum. This purpose did not take into consideration the individuals that will go through the training, thus it is not a balanced academic pursuit. With the NUC’s approved minimum academic standards, there is a workable frame work which should be used to prepare a comprehensive curriculum. It is necessary to state at this point that the University System in Nigeria has over the years fared well and well respected internationally because of the high quality of teaching and learning; however the Curriculum must be able to adjust to recent development globally. According to the Prof Okonkwo³² the present programme differs very substantially from what existed before. Thus the N.U.C.’s philosophy of the Curriculum development states as follows:

“The Programme herein approved is designed to ensure that the graduate of Law will have a clear understanding of the place and importance of Law in society. Because all human activities – social, economic, political, e.t.c. take place within legal framework, it is necessary that the student of law should have a broad general knowledge and exposure to other discipline in the process of acquiring legal education. Legal education should therefore, act, first as a

³² Okonkwo C.O. SA. “A Historical Overview of Legal Education in Nigeria” in Ayua I.A. & Guobadia D.A. Legal Education for Twenty – First Century Nigeria NIALS 2000. Page 10

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”.

Thus, from the extract above it is glaring that the study of law should not only be the imbibing of general principles rather it must involve law in action and with relevance to the of the society. The curriculum of the N.U.C is a good working document on which legal education can develop. It is important to note that pre-N.U.C. Law faculties decided what would be a compulsory course and what is not. The N.U.C. Approved minimum standard prescribed 12 compulsory core courses and a compulsory essay in the final year. The list of the optional courses is not closed so that it would be easy for new relevant addition. The compulsory courses form the basis of the curriculum of Law faculties.

3.4 Curriculum and the Learned Profession – The Clinical Education

The fact that Legal education in Nigeria today operates under unified standard curriculum and regulations prescribed by the National Universities Commission (NUC) is not an overstatement; somehow we all do same thing. According to Clinical Legal Education Curriculum for Nigerian Universities’ Law Faculties / Clinics, the objectives of NUC Approved standard are laudable but in reality those objectives have not been met because of the actual content and teaching methods adopted. The faculties have continued to function with strict traditional and conservative attitudes towards the training programme. It is believed that the law faculties only teach purely the theories of law/substantive law without the application skills/procedure.

The Law School where it is assumed that the students will learn the practical approach only teaches what can be referred to as 'theory of practical'. This leaves the young practitioner less equipped for the work ahead. There is a popular adage that says "the best way to learn is through constant practice" - this is not the same for aspirants to the bar. In fact there is now the re-teaching of the Law of Evidence, if there is going to be any repetition, it should be for practical aspect where the students can practice how to tender documents in court, cross examination e.t.c. The same anomaly going on in the law faculty is thus further perpetrated in the law school. It is important to state that it is not how long but how well. Moot/ Mock trial take place probably once in a session and that is if the session is not disrupted because of Strike. When mock trials take place it is only a handful that take part thus loosing the value. Aspirants to the Bar are loaded with lecture notes and materials which majority of them just read to pass and not to practice. The realities of these issues always come into limelight at the onset of a Practicing Career, and so the young will then start learning the practicalities of what he had learnt. It was in view of all these shortcomings that made the Network of University Legal Aid Institutions (NULAI NIGERIA) in collaboration with Open Society Justice Initiative to come up with a Clinical Legal Education Curriculum for Nigerian Universities' Law Faculties/Clinics.

Having looked at the process of legal education in Nigeria, one may then ask, "who is a lawyer and what are the characteristics of the 21st Century lawyer?"

4.0 WHO IS THE 21ST CENTURY LAWYER?

A **lawyer**, according to Black's Law Dictionary is "a person learned in the law; as an attorney, counsel, or solicitor, a person licensed to practice law"³³. A lawyer is a person who, because of his/her high

³³ Black's Law Dictionary, (5th edn)., St. Paul., West Publishing Co. , 1979., p.799

ethical standards and knowledge gained through education and experience, meets the requirements for admission and is admitted into the Bar. A Lawyer interprets the law through actions and words for the protection of an individual, a business concern or an idea. He/she must be widely versed in a great many areas: the law, economics, history, human motivation and behavior, and the practicalities of day to day living. The education of the lawyer never ends because they must constantly be abreast of information which may be of use to the client.

In Nigeria, a lawyer practices as a solicitor and barrister.

Our world in the 21st century is changing rapidly. Populations are more mobile. Economic markets are becoming global. Transactions demand cultural understanding. The Internet and other communication technologies bridge time zones and distances to form new communities not bound by territory. The law, too, is changing to reflect and adapt to these new conditions and circumstances.

In light of advances in technology and globalization, the 21st Century lawyer is one who ethically delivers legal services more efficiently, effectively, and in a manner that helps ensure the continued success of the legal profession.

It has been easy to measure success as a lawyer, attend a law school, obtain a good grade, get employment at any of the popular firms, and become a partner. He or she uses legal skills to get work from (and develop relationships with) the firm's longstanding institutional clients. In the corporate world, the guarantee of uninterrupted employment with a stable and growing company fostered avenues of career diversification.

With the onset of economic growth, this has changed. The shift is now towards individual professional reputations rather than law firm affiliations. Specialized expertise is now in demand, and the 21st century lawyer must now identify and market to clients the

transferability and relevance of his/her experience rather than rest on the accomplishments of his/her firm. This means that he needs to approach his career development as a special enterprise, an effort nurtured by him law firm but created and directed by him individually.

The 21st Century lawyer is more self-reliant as he seeks new skill-building assignments and client interactions. This requires active initiative in mastering necessary skills and taking control of one's own professional development. He and his team will proactively identify and offer a skill set tailored to fit each client's individual needs. Personal and professional accountability to clients, and one's professional growth is a feature of the 21st legal practice³⁴.

An impact of globalization and changing landscape of legal practice is the seeming conversion of the legal profession from a profession to business, with profit rather than principle as the basis for legal practice³⁵. Lawyers must therefore understand that the current economic distress and instability have brought renewed focus on "the numbers." Weak demand for legal services, overcapacity in head count, unpredictable and often declining rate structures, lowered profitability, and personal productivity measured against cost have all affected the bottom line, and firms are focusing on managing costs as clients request lower or outcome-based fee structures³⁶. To remain vibrant, law firms and legal departments must understand their clients' unrelenting business pressures and respond in kind. Lawyers, firms, and corporate counsel who demonstrate flexibility and innovation will be the ones considered "successful" in the 21st century.

³⁴ Martha Ann Sisson and Amy Lea fe Mc Cormack., " Success in 21st Century Private Practice". Retrieved from www.law.virginia.edu on 10th May, 2010.

³⁵ Tahir Mamman., " Globalisation and Challenges for Legal Education in Nigeria"., The Punch Newspaper, 21st December, 2010.

³⁶ Martha Ann Simmon and Amy Lea fe mc Cormack., *ibid*.

The 21st century lawyer, must therefore possess communication (both oral and written), time management, document management and computer (ICT) skills.

Comparing the present curriculum of legal education with the requirements for 21st century law practice reveals a mismatch between the traditional graduate preparation and prevailing workplace demands. The pedagogical solution to this lies in accepting that procedural knowledge – “the how to do”; how to communicate orally, how to write, how to work in teams – is just as important as conceptual knowledge and that a curriculum which successfully integrates and fosters the development of a combination of personal qualities and meta-cognitive functions will produce a highly desirable graduate³⁷.

4.1 Curriculum for the 21st Century Legal Education

“Curriculum” has been defined as a regular or particular course of study, as in a college or all such courses of study collectively³⁸. From these perspectives, Curriculum could be taken to mean the totality of all academic teaching and learning for a particular programme and in this case law/legal profession. According to Morgan; many of today’s law students will likely still be practicing well into the last half of the 21st century and it goes without saying that law schools³⁹ face a daunting challenge as they try to estimate the demand for their graduates and then help those graduates adapt to the realities they are likely to face.

³⁷ Sally Kit, “A Tale of Two Sectors: Dynamic Curriculum Change for a Dynamically Changing Profession”, being paper delivered at the 13th Commonwealth Law Conference 2003. Held at Melbourne, Australia., p4.

³⁸ The New International Webster’s Comprehensive Dictionary of the English Language. Encyclopedic Edition 2004 Trident Press International

³⁹ Law Schools refer to American Legal System; this statement of fact is apposite for the situation in Nigeria.

The relationship between curriculum and instruction has been said to be a very close one. Curriculum is essentially a design, or roadmap for learning, and as such focuses on knowledge and skills that are judged important to learn. Instruction is the means by which that learning will be achieved⁴⁰. Thus a relevant curriculum is the premise for a comprehensive learning.

An appropriate curriculum is such that is affordable, gives equal opportunities, with sound quality and at par with competitive market forces⁴¹. The quality of legal education should be of internationally accepted standards and very sound; the issue of affordability must be taken into consideration and there is no point setting a standard that does not reflect what is domestically available. For instance what is the profitability of having internet /online means of instruction without regular power supply? Equality is giving every citizen equal opportunities poor or rich to study law without financial discrimination as the case is with law school now⁴².

Under a system governed by the Rule of Law, it is a great responsibility to teach and to train students to be competent lawyers. It should be the commitment, and the promise of law schools, that upon graduation law students will be prepared to practice law.

The current legal education system does not focus on effective teaching for the adult learner, nor does it require curriculum aimed at teaching the basic skills necessary to practice the law, and it does not communicate the importance of balancing life with the stresses of a legal career. While law schools do manage to produce outstanding

⁴⁰ 2007. Partnership for 21st Century Skills. www.21stcenturyskills.org

⁴¹ Umezuruike Chima, "Reform of Legal Education and the Legal Profession in 21st Century Nigeria. 19th February, 2007 online edition accessed via thenigeriabusiness.com

⁴² It is noteworthy that the fees paid by aspirants to the bar had gradually increased from about #11,000.00 in 1990's to about half a million presently.

lawyers, the system is less than effective for the majority of its graduates.

Lawyers serve the people and organizations they represent through a blend of practical and intellectual activities, with their mind and heart. Effective lawyers need to understand people and organizations to handle the human aspects of resolving legal problems. Lawyers who excel at problem solving become fulfilled leaders – serving their clients and communities by promoting fair processes and just outcomes.

4.2 **How Can Legal Education Help Lawyers Achieve Such Ambitious Aims?**

Under the present curriculum, students learned to think like a lawyer, they did not necessarily learn to act like one. For a change to occur in the system, instead of maintaining universality, legal education will need to contextualize and become a pluralistic enterprise. To obtain positive, adaptive wholesale change, there likely will have to a reframing of the entire educational process, not simply continued incremental development. This will occur with a shift in the text of the education, particularly the addition of contexts to create a different form of interpretative law school culture⁴³.

The approach to learning new and broader legal skills will require intentionality in incorporating different educational methodologies in a sustained fashion, such as using feedback on a regular basis to promote improvement⁴⁴.

⁴³ Steven Friedland, "Reframing American Legal Education in the 21st Century: Modernizing the Legacy of Langdell", Elton University School of Law Legal Studies Research Paper No 2010-04. Retrieved from <http://ssrn.com> on 10th May, 2010. p.6

⁴⁴ Steven Friedland., *ibid.*, p.6

Legal education in the 21st Century would necessitate us to “open up” legal education by creating a range of new pathways. Innovation is not antithetical to adherence to and respect for our profession’s core values. Rather innovation will allow us to carry those values forward into the 21st century and beyond.

The present curriculum could be extended to train lawyers to be problem solvers. Legal education should focus on teaching legal research, critical thinking and writing skills and emphasis should be placed on the ethical responsibilities of lawyers. This could be achieved through a curriculum which contains the following elements:

- * A solid base of core required courses intended to build a strong foundation in a wide variety of fundamental legal concepts;
- * Subject-matter tracks or concentrations which allow students to explore an area of interest and challenge them to build upon the skills and knowledge obtained in their earlier survey courses, intra-sessions devoted to topics such as bankruptcy law, law and the homeless, and end-of-life issues; and in clinical and externship courses should be included in the curriculum.
- * Skills integration throughout curriculum, including a required externship, small-enrollment capstone or clinical course, a pro bono commitment to community programme, reflection on the role of the lawyer in his or her community⁴⁵ and introductory dispute resolution course for every student in addition to traditional skills offerings;

⁴⁵ The Faculty of Law, Univ of Ibadan has a women law clinic which provide clinical and service opportunities for final year students.

- * Intensive intra-session courses to broaden students' horizons, offering a variety of topics and perspectives.

Ethical issues should be integrated into courses far beyond the required Professional Responsibility, including the Introduction to Legal Studies and Professionalism course. Lawyers require a solid grounding in both understanding the law's moral compass and resolving modern-day issues like conflict of interest and trust-fund usage. Lawyers should know their Code of Professional Conduct.

For many law students the externship will provide their first glimpse of the real practice of law. Perhaps the greatest benefit of the externship is the opportunity it provides students to shadow their field supervisor, to serve a form of apprenticeship. Externships can connect students to areas of interest (e.g., intellectual property). For many students, they provide a chance to serve those underserved by our profession in legal aid or government offices⁴⁶.

It should be required of students in their final year participate in stimulating exercises in which they will play the role of clients and practicing lawyers – counsels and senior partners. To pass, students must demonstrate a satisfactory proficiency in a range of legal skills, which include research and writing, interviewing, counseling and negotiation. Where a student fails to earn a satisfactory grade, he/she would repeat the exercise until a satisfactory grade is achieved.

Research generally involves the ability to analyze problems, determine the information needed and effectively communicate results obtained. Black's law dictionary provides a more practical definition when it defines legal research as "the process of identifying and retrieving law related information necessary to support legal decision making...⁴⁷"

⁴⁶ Lisa A Kloppenberg, "Engaging Students to Educate Problem Solving Lawyers for Client and Communities", retrieved from www.aals.org on 11th May, 2010.

⁴⁷ Black's Law Dictionary (2007)

Legal research, whether done in books or electronic databases, is a process of problem-solving involving a careful examination of facts and an understanding and familiarity with the nature and tools of the resources in order to implement an effective research design. Research underpins a lawyers' ability to function competently and provide adequate representation to the client⁴⁸.

However, studies have shown that most students enter into law school with poor or non-existent skills in legal research⁴⁹. Concerns have also been expressed in legal education institutions in Africa, in the past few years, persistent calls have been made for a restructuring of the curriculum of legal education in order to equip graduates with the needed skills to meet up with current challenges of legal practice in the twenty first century.

Woolfrey⁵⁰, noted that most undergraduate law students in Africa seem to lack an adequate theoretical framework within which to comprehend the mass of legal materials at their disposal and lack sufficient problem solving skills needed for making a smooth transition from the academic to the vocational stage. Similarly, Power⁵¹, in a report of his visit to the law faculty of a Nigerian university, noted the poor research skills of the students in accessing legal databases. It is apparent from these indicators that the curriculum of legal education in African universities, Nigerian universities inclusive, seems to pay scanty attention to the importance of legal research. It is within the purview of such expressed concerns that the relevance of the concept of information literacy in legal research has become an important subject of interest.

⁴⁸Vicki Lawal, *ibid*, p.3

⁴⁹ Keefe T, "Teaching Legal Research from the inside out" (2005), referred to by Vicki Lawal, *ibid*, p.3.

⁵⁰ Woolfrey, D "Curriculum development in Legal Education – some reflections" (1995) South African Law Journal, Vol. 112. pp.151-159.

⁵¹ Power, J. "Visit to the Faculty of Law, University of Jos, Nigeria", Legal Inforamtion Management., (2007), 7(1): 17-19. f

The current influx of the legal literature and the rising influence of electronic databases means that the user must be competent in the choices made from various sources, and unlike in the use of print sources, electronic legal research demands a distinctive understanding of the subject matter which often is obscured in the databases.

Information literacy instruction provides the needed skills for devising and implementing a coherent research strategy. Thus, by making information literacy a required part of legal education, African universities recognize that developing competencies in the use of Information and Communication Technology (ICT) and other electronic databases are central to the development of law students in providing them with the needed skills for lifelong learning.

Above all, the curriculum for 21st century legal education, should take into consideration the globalization and its implications on legal field at national and international levels.

5.0 ROADBLOCKS TO INNOVATION

Innovation and reform are hindered by obstacles that include tradition, failure to recognize the cause and effects of stress, outdated curriculum, teaching and assessment practices, faculty resistance, ineffective use of available technology, and the rising costs of legal education.

CONCLUSION

In the era of globalization, attention should be paid to four important factors to improve the standard of legal education. These are global curriculum, global faculty, global degrees and global interactions. Law educators have to think globally but act locally. Law is one of the most dynamic subjects of the world. Dynamism is the life blood of law. A law which is static cannot survive for long and will be rejected by people for whom the law will be implemented.

So, to keep pace with the changing situation of the world we have also to change, by addition, subtraction, or cancellation, of the existing curriculum of the legal education in Nigeria. Otherwise, in future, it will lose its importance and will turn into a relic of the past.

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