



Challenges of legal education in Nigeria and the effects on national development

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Abstract

The pivotal role of lawyers and judges in the dispensation of justice in any society is one that demands a higher standard of training. However, members of the Bench and the Bar can only be as good as the system of Legal Education that produced them. Legal education in Nigeria is in two phases, namely: the academic stage in the universities and the professional stage in the law school. This paper examines legal education in Nigeria, its historical origin, challenges and its effect on our national development. The authors adopted historical and analytical methods for conducting this research. Findings show that the current structure where government alone monopolises training of students in Law school has worked great hardship on the system. The paper recommends that the private sector should be brought in as partners to provide requisite facilities and training by establishing private law schools, while government should exclusively retain the powers of regulating standards and quality of Bar examinations through the council of Legal Education.

Keywords: legal education, scholarship standard of training, national development, nigeria

1. Introduction

The role of lawyers is a pervasive one, ranging from the political and economic to the social life of the society. A lawyer can be appointed a Judge; he is involved in private or corporate practice, in the academics or government; he shapes the society and the lives of his fellow human beings^[1]. Some Nigerians cannot do anything without their lawyers' consent. Everything from the preparation of wills, signing of relevant documents and everyday commercial negotiations, now seems to require the services of a lawyer. Legal practice in Nigeria has therefore developed steadily over the years, beyond court appearances. It has become so much more than that. According to Newton D. Baker in an address at the Columbia University as far back as 1933:

One of my deepest convictions is that so far as the institutional progress of a people is concerned, its salvation lies in the hands of the profession of the Bar.

Legal education in terms of academic and vocational training is a vital ingredient that affects the quality of our Justice Delivery System. We see this daily about litigation, where the role of lawyers is most visible. The quality of judicial decisions and the coherence of the reasoning underlying a judgment depend upon the quality of the argument presented to the Court and upon the ability of the judge. All these depend upon the quality of our legal education^[2]. It is therefore of crucial importance that our legal education should be subject to regular evaluation not only to highlight the problems confronting it but also to proffer some solutions to such problems.

2. Historical Origin of Legal Education in Nigeria

The business of training and instructing young Nigerians in the knowledge and practice of the law is one of the few gains attributable to the period of Colonial Administration^[3]. Before then, some form of limited unlearned advocacy had existed in the peoples' local system of administration of

justice^[4], though it did not enjoy any formal structure or lettered training. The origin of the Legal Profession in Nigeria dates back to the period around 1862 when the British government made Lagos a British Colony^[5] and introduced a system of courts patterned after the British legal system. This brought about the first Supreme Court of the Colony which was established by the Supreme Court Ordinance 1863^[6] and followed with the enrolment of the first Nigerian to qualify as a lawyer, Mr Christopher Alexander Sapara-Williams in 1879. A year later, he returned to enrol in Nigeria in 1880^[7]. The Ordinance allowed those who admitted to practice as Barristers or Solicitors in the United Kingdom (UK), to accordingly practice in Nigeria. The Ordinance also granted a licence to laymen^[8], who though not qualified as Barristers or Solicitors, being well acquainted with practising legal practitioners, were deemed sufficiently knowledgeable in the law^[9]. By 1945 however, specific provisions of the Supreme Court (Civil Procedure) Rules brought the practice of law by these laymen to an end^[10]. Unfortunately, the new crop of lawyers, who were mainly foreign-trained and mostly British oriented, despite the high quality and content of their training, yet were inadequate for the practice of Law in Nigeria. The significant lapses of such training were threefold:

1. lack of knowledge of Nigerian statutes since they did not learn Nigerian laws;
2. lack of knowledge of Nigerian Customary Law system and Islamic Laws; 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 Nigeria where lawyers are both solicitors and advocates at once^[11].

To correct these anomalies, in April 1959, the Unsworth Committee^[12] was set up by the Federal Government of Nigeria. The committee terms of reference were, *among other things*,

To consider and make recommendations for the future of the legal profession in Nigeria with particular regard to legal education and admission to practice; the right of audience before the courts and the making of reciprocal arrangements in connection with other countries. The setting up of a General Council of the Nigerian Bar, the powers and functions of such a council, the institution of a code of conduct, the disciplinary control of the profession's members, and the principles to be applied in determining whether a member of the bar should prohibit from practising in Nigeria^[12]

The Committee recommended what is now known as *Gower Model*^[13], a two-stage legal education system: the academic and the professional stages. While it recommended academic pursuit at the University, it called for the establishment of a vocational school to be called Nigerian Law School, where all graduates of Law from Nigerian Universities are mandated to undergo a compulsory professional training before admission to the Nigerian Bar. The report of the Unsworth Committee forms the basis of the Legal Education Act of 1962^[14], and the Legal Education (Consolidation) Act LFN 2004^[15]. The objective of legal education in Nigeria, as stated in the approved Minimum Academic Standards in Law for all Nigerian Universities^[16] state thus:

A law graduate must be able to use the law as a tool for the resolution of various social, economic and political conflicts in society. The training in the law programme is especially aimed at producing lawyers whose level of education would equip them properly to serve as advisers to governments and their agencies, companies, business firms, associations, individuals and families etc... therefore, the output or result of the system designed will be fed to such agencies and institution as international organisations and agencies, academic teaching and research institutions, Federal, State and Local government bodies, various industrial, commercial and mercantile associations and operations, various social family and domestic groups and their activities etc. In Government, for instance, the lawyers will fit in well in judicial services, legislative and administrative functions, legal drafting and advising, criminal prosecutions and civil litigation, arbitration and administration of estates etc. *To fulfil this vision, the first Law faculty in Nigeria was established in 1961 at the University of Nigeria, Nsukka. The University of Ibadan, which was recommended for this premier role, could not mount the programme immediately and did not do so until much later*^[18]. *The University of Lagos, which was founded in 1962, also mounted a Law programme in its Law faculty. Thus, by the end of 1963, four universities in all (UNN, Lagos, Ife and ABU) were running Law programmes leading to the award of Bachelor in Law. Currently, there are more than 36 universities offering Law degree programmes in Nigeria, the highest in West African sub-region.*

3. Nigerian Faculties of Law

In Nigeria, the education of a lawyer starts at the university level. Faculties of Law are to be found in some of the universities all over Nigeria and the conditions or qualification for admission to study Law is usually as

published by the Joint Admissions and Matriculation Board Act. A prospective lawyer may also choose to study Law at a foreign University^[18].

A person aspiring to study Law at a university in Nigeria is required to have completed secondary school education and passed the West African Senior Secondary School Certificate Examination or its equivalent with at least 5 'O' level credit passes in Arts and Social Science subjects including English, Mathematics, and Literature-in-English except in the case of Sharia Law where the additional compulsory requirement of credit in Arabic or Islamic Studies is required^[19] Candidates are admitted into the faculty of Law in Nigerian universities either by direct entry or by undergoing the Joint Admissions Matriculation Board (JAMB) conducted examination known as Unified Tertiary Matriculation Examination (UTME) to check and confirm Direct entry candidates are admitted into the second year of the five-year LLB (Bachelor of Laws) degree programme. The qualifications acceptable for direct entry (in addition to the 'O' level subjects) include a university degree in disciplines other than law; a two-year diploma in law; and other qualifications in fields outside law such as a Higher National Diploma in a related course. They also include 'A' level papers in History, Government, Economics, Religious Studies, and Literature-in-English. It takes five years to complete a law degree in a Nigerian University. Upon completion, graduates are awarded an LL. B ('Bachelor of Laws'). The undergraduate curriculum requires Law students to study 12 compulsory core Law courses and 11 optional Law courses. As earlier indicated, there are currently over 36 faculties of Law in Nigeria. They include but are not limited to faculties of Law in: Abia State University, Afe Babalola University, Ahmadu Bello University, Ambrose Alli University, Babcock University, Ben Idahosa University, Benue State University, Delta State University, Ebonyi State University, Ekiti State University, Enugu State University of Science and Technology, Igbinedion University, Imo State University, Lagos State University, Madonna University, Nnamdi Azikiwe University, Obafemi Awolowo University, Ondo State University, Ogun State University, Rivers State University of Science and Technology, University of Abuja, University of Benin, University of Calabar, University of Ibadan, University of Ilorin, University of Jos, University of Lagos, University of Maiduguri, University of Nigeria, Nsukka and University of Uyo^[20].

The typical Nigerian Law student spends five (5) sessions which should ordinarily not exceed five (5) years, subject to unforeseen (or foreseen, depending on which side of the division you belong) circumstances like industrial actions ("ASUU" strikes to the uninitiated) and internal administrative problems. Quite naturally, industrial actions like the now regular Academic Staff Union of Universities' strike are peculiar to government-owned universities. Within these five (5) sessions, Nigerian Law students in these faculties are compulsorily introduced to the following courses one way or the other: Legal Method, Land Law, Jurisprudence, Nigerian Legal System, Criminal Law, Law of Evidence, Law of Torts, Law of Equity, Law of Trusts, Law of Contract, Constitutional Law, Commercial Law and Company Law. The following Law courses are also offered as electives by law students at some point during the said five (5) sessions: Family Law, Environmental Law, Oil and Gas Law, Law of Intellectual Property, Islamic law, Conflict

of Laws, Labour Law, Law of International Trade, Law of Taxation, International Law, Administrative Law, Maritime law, Criminology, Law of Banking, Human Rights, International Humanitarian Law and Medical Law.

Law students in Nigerian faculties of Law, to complete the package, also register for elective courses outside their faculties. The courses are to be found in Faculties of Arts, Social Sciences, Management Sciences, and Sciences. It is expected that by the time a Nigerian Law student completes five sessions at a faculty of Law, he/she is equipped to deal with the rigours of the Nigerian Law school which deal with procedural aspect of Law and what it takes to practice Law.

^[21] To ensure high academic standards, a uniform curriculum approved by both the Council of Legal Education (CLE) ^[22] and the Nigerian Universities Commission (NUC) ^[23] is strictly adhered to by all the Nigerian Universities ^[24], and the content of the course of study leading to the award of a Law degree from a university in Nigeria or a university abroad ^[25] must have gained the approval of the Council of Legal Education.

4. The Nigerian Law School

The Nigerian Law School is the institution responsible for the training of Law graduates from the various accredited faculties of Law. The Institution has been in existence for roughly half a century. It was established under the Legal Education Act ^[26] with its location at Igbosere in Lagos, and its first Director was an Englishman, Mr G. Rudd who served from 1962 to 1967. He was followed in succession by Dr Olakunle Orojo from 1968 to 1976, a period during which the Law School Campus was also moved from Igbosere to Victoria Island (in 1969). Mr Justice J.O. Sofolahan served as Director from 1976 to 1978 and Babatunde Ibronke, SAN, from 1979 to 1993. Mr Ibronke was succeeded by Chief John Kayode Jegede, SAN who headed the Nigerian Law School with the new title of Director-General. Chief Dr Kole Abayomi, SAN became Director-General after Chief Jegede and ran the Law School from October 2004 to November 2005 when Dr Maman Tahir succeeded him. In between these administrative changes, the Nigerian Law School's main campus was moved from Victoria Island to Bwari, Abuja in the Federal Capital Territory in 1997. The Campus on Victoria Island thus ceased to be the main campus of the Law School ^[27] but is now the Lagos Campus.

Subsequently, other campuses were added such as the Enugu and Kano Campus in 2005 and the Yola and Yenogoa Campuses in 2010. The six (6) Campuses, except for the Abuja Campus which is the Headquarters, are headed by Deputy Directors-General. The Director-General heads the Headquarters and is the overall administrative head of the Nigerian Law School.

The Nigerian Law School plays a fundamental role in the development of a lawyer in Nigeria, although it must be stated from the start that the education of a lawyer starts properly at the university. There are over 30 faculties of Law in Nigeria from which students are admitted by the Nigerian Law School, annually. The contents of the course of study leading to the award of a law degree whether from a Nigerian or foreign university must be approved by the Council of Legal Education which runs the Nigerian Law School. Only foreign universities in common law countries or teaching common law courses are approved by the Council which usually insists that the subjects taken must

include Constitutional Law, Criminal Law, Law of Contract, Tort, Land Law, Equity and Trust, Commercial Law and Law of Evidence.

Admission into the Nigerian 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. Today, persons educated in foreign countries can only practice Law in Nigeria after being trained at the Nigerian Law School. For this purpose, the course is divided into two parts. The first part, Bar Part I, is designed for persons educated in foreign countries. The courses taken include Constitutional Law, Criminal Law, Nigerian Legal System, and Nigerian Land Law. The second part, Bar Part II, is for all students, whether trained in Nigeria or not. The courses taken include Civil Litigation, Corporate Law Practice, Criminal Procedure, Law in Practice and Property Law Practice.

Students trained outside Nigeria must first take and pass Bar Part I examinations before they can join the students trained in Nigeria for the Bar Part II courses. These courses are taught by the academic staff of the Nigerian Law School, and outside experts (Judges, Senior Lawyers, and Accountants) are called in to deliver lectures from time to time. Persons who have completed the professional training offered by the Nigerian Law School are entitled by Section 4 of the Legal Practitioners Act to be formally called to the Nigerian Bar and are issued a certificate authorising them to practice law in the country by the Body of Benchers. This certificate can be withdrawn by the same Body for reasons usually related to gross misconduct and fraud ^[28].

The Nigerian Law School is unique in the sense that a student's lowest grade is what is used as that student's final assessment. In other words, if a Law student gets 4 A's and one C in his Bar Finals, his lowest grade becomes his overall grade. The idea is for the student to be good at all subjects, thus potentially making him a good lawyer. Overall, the Law school's primary objective is to ensure that lawyers in Nigeria are properly trained in the highest standards of the Bar.

5. Challenges of Legal Education in Nigeria

The challenges of Legal Education in Nigeria are many and varied. However, for this paper, the challenges will be discussed with regard to the two institutions that make up Legal Education in Nigeria, to wit, (i) challenges of Nigerian faculties of Law and (ii) challenges of the Nigerian Law School.

(i) Challenges of Nigerian Faculties of Law

Faculties of Law in Nigeria suffer from the following challenges, among others:

- (i) **Too many Students:** There is no gainsaying that some Nigerian faculties of Law admit too many students. It is quite understandable that faculties of Law seek to make Legal Education available to all and sundry but the downside of this desire is that the Nigerian faculties of Law end up exceeding their quota at the Nigerian Law School (each faculty of Law is allowed to sell Law School forms to a particular number of its students). Some Universities are allowed to sell over one hundred (100) Law School forms to their students, while others do not get more than 50 forms. The availability of these forms is dependent on how highly the said Faculty of

Law is rated by the Council of Legal Education and National Universities Commission.

Some Nigerian faculties of Law, despite the said rating, still admit more than their prescribed quota, so we have instances where a particular faculty of Law is entitled to say, 50 Law School Forms every year, but it ends up graduating 250 students! Invariably, there is a backlog of students who eagerly await their respective turns to obtain Law School Forms. We, therefore, have instances where some students wait for as long as five years after graduation before they are allowed to go on to the Law School. These are fallouts from the initial problem of admitting far more students than the faculty can cater for or is entitled to.

- (ii) **Lack of synergy with the Law School:** Following closely on the heels of the problem of too many students is the lack of synergy with the Nigerian Law School. The bulk of what is taught in Nigerian faculties of Law is substantive law which tells us what Law ought to be (*de lege ferenda*) instead of procedural Law which deals with what Law is (*lex lata*). When students arrive at the Nigerian Law School, from Nigerian Universities, they are immediately faced with the remarkable difference between what is taught by both institutions of learning. This makes for an awkward transition for the Law students. In some cases, a good number of them never quite grasp the complexity of what they are facing since it all seems so surreal. It is, therefore, a common sight to see students who had excelled in the university, have problems at the Nigerian Law School. It could, at first glance, be attributed to the intelligence (or lack of it) of the students involved but when an exceptional student's academic career takes a sudden and inexplicable downturn, one would be advised to lay the blame where it belongs, at the feet of the faculties themselves^[29]. The truth is that while the Council of Legal Education, in a bid to build a synergy between the Nigerian Law School and Nigerian faculties of Law, has stipulated the courses to be offered and taught in Nigerian universities, a couple of Nigerian faculties of Law still offer some decidedly strange Law courses which are not approved by the Council of Legal Education and which do not positively influence the making of a Nigerian lawyer. A lot of Nigerian universities have no room in their curriculum for the practical aspect of the law, which is what is taught at the Nigerian Law School. Indeed, many Nigerian law students graduate from the university without having visited any Nigerian court. It is even far-fetched in some cases to assume that they would have seen some practice-related documents like *motions, certificates of incorporation, writ of summons, charge sheets*, etc. For such students, the Law School represents a different brand of education. This is a primary reason for the mass failure that usually characterizes the results of the Nigerian Law School. This is in addition to the fact that a good number of those who pass the Bar examinations still struggle to adapt to the demands of legal practice, despite the best efforts of the Law School, this number is very high.

- (a) **Lack of adequate Funding:** It is no secret that despite concerted efforts by the State and Federal governments, our universities and by extension, our faculties of Law

still suffer from lack of adequate funding, a situation that has led to the various Unions (Academic and Non-Academic Staff) going on strike intermittently to lodge their protests. The universities require funds to make available basic facilities and cater for the large population they harbor^[30].

Inadequate funding is the bane of the Nigerian education system legal education and training inclusive. This has been on the front burner of all the industrial actions embarked upon by the Academic Staff Union of Universities (ASUU), the recently suspended strike action not being an exception.^[31] Of course, funding for legal education necessarily comes from the overall annual budgetary allocation devoted to education, and with hundreds of other academic institutions competing for this less than 10% allocation, legal education necessarily suffers a major. Ajogwu Fabian, SAN, has contended that even where education is said to be "free", the reality is that someone essentially has to bear the cost so that it would appear free to the beneficiary^[32]. Accordingly, the allocation for education (including legal education) in the last twenty (20) years has been thoroughly abysmal. The consequence is that Nigerian lawyers are trained under some of the worst conditions of learning^[33], backed up by a huge infrastructural deficit in learning tools^[34]. However, different considerations appear to govern the issue of funding. Part of the question asked, is whether funding for legal education should solely be tied to budgetary allocations that the universities and the Nigerian Law School get from the government, or whether there should be alternative sources of funding. To answer this question, stakeholders in the system have argued that there is no way the current decay can be reversed unless those in charge seek alternative means of funding and one area that has been commonly canvassed is the charging of fees. This, however, has been met with stiff opposition. Those who oppose this hinge their argument on the economic state of the country and the attendant hardship such would further impose on already impoverished parents. They argue that merely increasing the fees as a source of improved funding would lead to commercialisation of legal education, with the effect that it would with time take it out of the reach of the poor.

- (b) **Inadequate facilities:** This problem, a fallout of the earlier stated "lack of adequate funding" is one that pervades Nigerian universities collectively and by extension their faculties of Law. There is the need for Nigerian faculties of Law to conform to the ever-increasing standards of legal practice. Setbacks like poor funding, lack of basic infrastructure, poor power supply, lack of standard lecture halls, lack of Information Technology equipment, poorly equipped libraries, inadequate accommodation and transport system, and in some cases, management problems, tend to crop up now and then. This is a rather disturbing trend as faculties of Law in other parts of the world (even in nearby Ghana and the Benin Republic) have somehow managed to present an appreciable solution to these challenges. Many Nigerian faculties of Law, however, helplessly accept these conditions and have somehow attuned themselves to them instead of

thinking outside the box. Thus, we have Law students who are not IT compliant due to no fault of theirs, but because the system has not allowed them so to be. It is generally believed that learning in a conducive environment enables a student to assimilate much faster. When a student is taught in an environment where he has no access to information, relevant books, good lecture halls, basic amenities like electricity and water, he inevitably spends more time attending to issues well outside the ambit of what he is taught in school. Sadly, this is the lot of a good number of Law students, particularly those who attend public schools. The effect such poor facilities have on Nigerian Law students can be better imagined when one considers how well they perform when they travel abroad for further studies. It is obvious that Nigerian Law students are held back from fully developing their potentials by poor facilities.

(e) **Incessant Industrial Actions:** It is inevitable that Nigerian Universities would experience industrial actions once in a while but what we have in Nigeria is a situation in which industrial actions have become the norm rather than the exception. A cursory look at the history of strikes embarked upon by the Academic Staff Union of universities (ASUU) would reveal some appalling statistics. In 1999, Nigerian universities were closed for five months; in 2001, for three months, in 2003, for six months, in 2007 for three months, in 2009 for four months, in 2010 for five months, in 2011 for three months and currently as we speak, Nigerian universities have just resumed from strike which lasted for 2 weeks. The negative effects of these strike actions are better imagined than stated but suffice it to state that it has become acceptable for parents to mentally add a couple of extra years to the number of years their wards are expected to spend in the university upon admission.

(f) **The Lecturers and Faculties of Law:** The rising trend of some misfits among the academic members of Law faculties is very disturbing. This trend cuts across all sections of the Nigerian educational system and does not promote legal education in Nigeria. Teachers of Law must be sound, efficient and proficient, both in learning and character, which is also a product of sound minds [35].

Besides, in many of our Law faculties, significant changes brought about by the technological revolution in the late 20th and early 21st centuries have not been fully incorporated in the curriculum. Some law graduates cannot successfully move with the computers, a situation which in turn affects their level of preparation for the challenges of legal practice in the 21st century. What some Law faculties do is to teach the core courses. Students are taught with little concentration on how technology can be incorporated into the study of Law.

(g) **The Politics of University Administration/Management**

This is also a challenge of legal education in Nigeria. This can be seen in terms of gross interference of the

university administration with the admission process in Law faculties.

For instance, in some schools, and judging from experience as a student, the Vice-Chancellor's admission list at times forms the bulk of the main admission list and constitutes up to one-third of total admission into the Law faculty without recourse to merit [36].

The consequence is that merit is relegated to the background. Also, the intra-faculty and department control by the University Management in the Law faculty is alarming! This is seen in appointment to key posts. For instance, the appointment of heads of department sometimes is not based on merit as a result of excessive interference by the university management.

(h) **Poor Remuneration**

Law teachers are faced with the challenge of poor remuneration. They are sometimes tempted to abandon the classroom and chase big briefs which are lurking outside. Should the Law teacher be better paid, it is not unlikely that he/she would be more committed to the jobs he/she is called to do. One may wonder how it is that those in the oil industries are committed to their jobs and resume early enough daily it is not unconnected with the fact that their remuneration gives them enough motivation to sustain their interest in service delivery.

(ii). **Challenges of the Nigerian Law School**

The Nigerian Law School, which represents the pinnacle of legal education in Nigeria, suffers from the following challenges:

a) **The disparity in the Sale of Forms:** The Nigerian Law School issues Law School forms to Nigerian faculties of Law depending on their standing with the Council of Legal Education. It is not uncommon for established faculties of Law to have twice as many forms as less established faculties of Law. In the past, this disparity in the sale of Law School forms was justifiable, but in recent times these "less prestigious" faculties have also recorded outstanding performances at the Nigerian Law School. It is therefore no longer tenable for a faculty of Law to rest on past laurels; the disparity needs to be revisited because the Law School owes the public the duty of ensuring that the best students are admitted at all times. If one of the not-so-illustrious faculties of Law has been performing well over a period of time, then it goes without saying that the number of forms available to such a faculty must be increased while those of low or non-performing faculties of Law should be reduced to prevent a situation whereby the Law School would have too many Law graduates to manage. That way, a student with good potential would not be sidelined simply because he is from a less prestigious university while one who is less endowed intellectually gets to attend the Law School because he is from a prestigious university.

b) **Too Many Students to Manage:**

While it is, on the face of it, a good idea to have as many lawyers as possible, it should not translate into

the Law School being inundated with too many students. It is not uncommon for a campus to have as many as 1, 500 (one thousand five hundred) students. This does not allow for efficient teaching as students get to engage in other activities beside listening in class due to the sheer number of Law graduates in the lecture hall. This, in turn, is reflected in the overall performance of the students in their Bar Final examinations. The fact that the Nigerian Law School is the only institution allowed to admit students from faculties of Law also contributes to this problem. There are clamours for private Law schools adoption of the American model where each university has its Law school.

In the UK, from the original four Inns of Court, there are now ten institutions that run the Bar Vocational Course. According to Idornigie ^[37],

Legal Training in the United Kingdom from which that of Nigeria evolved has changed. Today, to become a Barrister in the UK, an aspirant undertakes the Bar Professional Training Course (Bar Vocational Course or BVC) ^[38]. The BVC is a graduate course that is completed by those wishing to be called to the Bar, i.e. practice as a barrister in England and Wales. The ten institutes that run the BVC ^[39] along with the four Inns of Court are often collectively referred to as 'Bar School'. This vocational stage is the second of the three stages of legal education, the first being the academic stage and the third being the practical stage, i.e., pupillage.

The Nigerian law school must not be burdened with the sole responsibility of training Law students to reduce the number of students that it has to manage. Private Law Schools can, therefore, be established for this purpose.

c) **High Tuition Fees:** This is one of the challenges that some critics have complained of, although it must be established from the start that it is not considered a problem. Recently, Bamidele Aturu, a Human Rights Lawyer, sued the Council of Legal Education over what he termed "excessive and oppressive" tuition fees ^[40]. The suit, which was filed at the Federal High Court, was dismissed on October 18, 2013. As earlier stated, Law School fees are not too high. Nothing good comes easy, and one must be prepared to pay for a sound education, particularly, Legal Education.

d) **Lack of Synergy with the Faculties of Law**
As earlier stated, there appears to be a slight disconnect between what the Law School wants and what it is given by Nigerian universities. On the surface, it looks as though the provision of a strict curriculum for Nigerian faculties of Law by the Council of Legal Education suffices, but some of the Nigerian faculties of Law take liberties with this curriculum, offering courses that could only be described as distractions. By the time the students, having graduated, get to the Nigerian Law School, they meet a whole new world, one that they had never imagined. This lack of synergy between the Nigerian Law School and faculties could also be identified as one of the reasons for which Nigerian Law graduates fail at the Law School, as the transition is not smooth enough. It is therefore

important that the institutions of legal education cooperate and arrive at a meeting point.

e) **Lack of Corporation Between the Council of Legal Education and National Universities Commission**

When legal education started in Nigeria, it was envisaged as a system in which the two training institutions would work jointly as two parts of the same body, but that has not been the case, and this has thrown up a myriad of issues. First is the issue of standards and quality assurance in training. Quality assurance is the bedrock of any system of manpower training, and the underlying purpose is to ensure that Institutions produce high quality and competent graduates ^[41]. Council of Legal Education (CLE) is the statutory body that regulates the Nigerian Law School while National Universities Commission (NUC) ^[42] regulates the universities. Equally, Law faculties, as centres for training lawyers, come under a form of specialized regulation by the Council, by which it conducts periodic accreditation of these faculties, but how far-reaching are these exercises? What is usually the mandate of the accreditation teams sent to the Law Faculties and what mechanism is put in place to verify their final reports? For the purpose of accreditation, what are the benchmarks and are they the same across the board, i.e. for Federal, State, and private universities? How often are these requirements reviewed to ensure they are in line with global best practices and what is the weight of punitive sanctions on those who fail accreditation test? These are few of the many questions occasionally attending these exercises. We expect answers to these questions from the two bodies.

f) **Lack of Effective Clinical Legal Education in Law School**

This test of lack of clinical legal education was rightly observed by the then Chief Justice of the United States, Justice Burger ^[43] in his article, "The Special Skills of Advocacy: *Are Specialized Training and Certification of Advocates Essential to Our System of Justice*, when he stated:

...The medical profession does not try to teach surgery simply with the books; more than 80 percent of all medical teaching is done by practising physicians and surgeons. Similarly, trial advocacy must be learned from trial advocates.

The above statement is apt when it comes to clinical legal education and the vocational training at the Nigerian Law School. It will, therefore, be foolhardy to expect Law students to learn the necessary advocacy and other skills from those who do not have them. Clinical education must go beyond teaching with the books.

The amendment to the Legal Aid Council Act ^[44] which recognizes University Law Clinics as centres for provision of legal aid presupposes the existence of trial advocates who can represent those eligible for legal aid by the Legal Aid (Amendment) Act. Otherwise, how else can the lecturer/ clinician render legal assistance to the indigent or those on remand without bail for minor offences? This then brings us to experiential legal education, which is what the Law clinic and the Law

School should be involved in for most of the students' training.

The Nigerian Law School as a vocational and skills acquisition centre has sadly abdicated its responsibilities of giving a practical approach to legal training in favour of three months of court and Law office attachment. This may perhaps be the reason for the call for restructuring and reorganisation of the Council of Legal Education and the Nigerian Law School, and by implication, a call for the review of the Legal Education (Consolidation Etc) Act as well as other laws on legal education. Among those making such calls is the Chairman of the Council of Legal Education who is reported to have remarked as follows: It must be noted that the proposals, for restructuring and re-organization of the Council of Legal Education and the Nigerian Law School, are geared towards improving the content and quality of the Legal Education in Nigeria, and ensure that the legal practitioners produced by the Nigerian Law School are duly equipped with requisite character and learning, so that they may be better enabled to discharge their duties and responsibilities in that regard, not just in Nigeria, but throughout the world^[45].

Any proposal for restructuring or review of legal education must entail a substantial amendment to or even outright repeal of the Legal Education Act. Lack of review of laws governing legal education is one of the major challenges confronting legal education in Nigeria. Other challenges which also need to be addressed include the dearth of legal materials and the limited exposure of Law teachers to workshops and conferences.

Conclusion

We have in this presentation examined the historical origin of legal education in Nigeria and the challenges faced by the institution from the time of colonial administration to the present. The rationale is to assess where we are coming from and where we are today. From the laws examined and the views expressed in this paper, it is clear that legal education in Nigeria is currently facing some challenges, which are not insurmountable. Currently, the Legal Education (Consolidation) Act allows only the Federal government to establish and run a law school, while the establishment and running of universities including Faculties of Law in those universities are open to private individuals. Out of the 128 universities in Nigeria, 40 are owned by the Federal government, 38 by State governments and 50 are privately owned. And of this number, 36 run degree programmes in Law with a prospect for more. There is however only one Nigerian Law School with six campuses owned and financed by the Federal government that admits candidates for practical training from all the 36 faculties of Law and Law graduates of foreign universities. The Nigerian Law School cannot cope with the increasing number of applicants, hence, the need for universities to run their Law Schools. After all, it can only be good news when we begin to proudly talk of legal education training institutes under varied nomenclatures such as UNN Law School, LASU Law School, OAU Law School, ABU Law School, UI Law School, ABUAD

Law School, Babcock Law School, UNIUYOLaw School, to mention just a few. Certainly, it is becoming clearer by the day that Nigeria is too large a country and Nigerian too endowed a people to continue to rely on one centralised Law School for the training of thousands of her aspiring lawyers.

The paper submits that if the above-suggested Law School structure is accepted by Policy-makers under a new regime of reforms, many of the problems discussed above may be a thing of the past. The authors are of the view that whether the Nigerian Law School remains as it is or the faculties of Law of Nigerian universities are allowed to run Law Schools as is being advocated, the curriculum of legal education must be restructured. Commerce is not only about trade in goods, but it is also about trade in services; for the Nigerian trained lawyer to be able to compete globally, the education curriculum must be made competitive, purposeful and result oriented.

We conclude that legal education in Nigeria has a bright future but needs to expunge those factors that work against its progress while absorbing those factors that aid in its development. Where there is life, there is hope, and where there is a will, there is away.

7. Recommendations

Arising from the preceding discussions, this paper recommends the following:

1. Standards and quality control

Standards and quality control is an integral part of every training institution that goes to the root of its global acceptability and the value of its certificates. Therefore, the Council of Legal Education, in the exercise of its regulatory powers must review its current accreditation system to ensure that prescribed standards are maintained across the two levels of legal education. Collaborations should also be reached with international Law societies and legal bodies such as the African Bar Association and the International Bar Association, who can help in ensuring the sustenance of global benchmarks. Also, the Council must demonstrate the needed courage in sanctioning errant institutions, and quality assurance must be expressed in the efficient running of the quota-system. On collaborative efforts, it is the view of this paper that collaborations at the two levels of legal education should be resident in matters like periodic joint-curriculum reviews and exchange of examiners under an arrangement in which Lecturers from the Law School are External Examiners for the LL. B examinations, while Lecturers from Law faculties are also External Examiners for the Bar Part II examinations. The opportunities herein are best imagined.

2. Funding

As it concerns funding, the validity of all arguments on both sides cannot be discountenanced. Government's desire to fund legal education is waning, and it is becoming increasingly necessary to create alternative sources of funding to complement whatever government may still be able to provide. This paper, therefore, recommends that through increased fees as a source of funding would not all by itself remove all the challenges confronting legal education, it is a good

place to start, as evidenced by the partial success of Nigerian Law School experiment in the recent past ^[46].

3. A Return of Pupillage for Young Lawyers

On the matter of continuing legal education, this paper canvasses a return of the era of pupillagean apprenticeship during which a young barrister is attached to an experienced practitioner (called his pupil master) to learn the practical aspects of a barrister's calling to try his hand at some of his master's paperwork ^[47].

In England, the Consolidated Regulation of the Inns of Court requires that a Barrister who intends to practice must complete at least 12 months pupillage under a pupil master/mistress ^[48]. Though this laudable scheme has since been a subject of abuse in Nigeria based on the idea among senior members of the Bar, who feel junior lawyers are to undergo pupillage as a form of "*Apprenticeship in Slavery*", it is still a system with a lot of merits that can be explored. It should be re-introduced in Nigeria and made mandatory as a part of the Nigerian lawyer's training. This would mean that any lawyer who desires to go into practice as a Legal Practitioner or a Law Teacher of whatever qualification must undergo a period of training under a well-established senior, where such lawyer would be exposed to real cases, courtroom procedures, the rigours of litigation, and ethics of the profession. It is further suggested that this should last for a period not less than one year, which would be similar to the Houseman-ship that new medical doctors undergo, and that such lawyers should be paid remuneration commensurate with their qualification as university graduates.

4. Private Law Schools and Institutions

There is an immediate need for a total overhaul of the current Law school structure. The author believes that the current structure of strict government-monopolised training has worked great hardship on the system. With the huge turn-out of law graduates yearly, the sector as it is today can no longer survive on just one Law school, owned, funded, and run by the government. This, therefore, calls for a more pragmatic approach, an approach consistent with our peculiar socio-legal realities and that will strictly preserve standards.

Without a doubt, the time has come to bring the private sector into the training of lawyers ^[49]. It is time we tried something that has worked excellently in other countries that we share certain similarities with. Just the way the government is currently not the one solely shouldering the training of students in other professions such as Engineering and Accounting, and standards are still preserved, so also should the training of lawyers be structured.

Is, therefore, recommended that while the private sector is brought in as partners to provide requisite facilities and training by establishing private Law schools, the government should exclusively retain the powers of regulating standards and quality through Council of Legal Education and Nigerian Universities Commission, as statutory bodies.

In line with this reform, any faculty of Law that meets the minimum professional teaching requirements, alongside interested but qualified private practitioners should be designated as Law schools, for teaching and

training only. There would still be a central Nigerian Law School, under the authority of Council of Legal Education, with Headquarters at FCT Abuja, that would set the minimum standards and curriculum for teaching across board, preparing the examination questions, conducting the Bar finals examinations, conducting the call to Bar ceremony, and regulating the enrolment of new lawyers. It would operate as a Joint Admissions and Regulatory Board for Legal Education. This is similar to what we have in other statute-backed bodies that regulate other professions such as the Council for the Regulation of Engineering in Nigeria (COREN) and the Institute of Chartered Accountants of Nigeria (ICAN).

5. Separation of Council of Legal Education from the Nigerian Law School

The Nigerian Law School, as presently constituted, is over-centralised in terms of admissions and examinations. Although there is the Secretary to the Council of Legal Education and Chairman of the Council, the Director-General of the Nigerian Law School virtually runs the Council; this should not be the case. It should be the other way round, that is, the Council should be running the Law School. In any case, before the multi-campus system was introduced, there had been no legislation providing for multi-campus. It was merely an administrative fiat. The authors believe that the Legal Education Act of 1962 is overdue for immediate review and amendment to provide for autonomous campuses and separation of the Council from the Law School ^[50].

6. Admissions into the Nigerian Law School

The Vice-Chancellors of the various universities should ensure that the quota determined by the Council of Legal Education and the National Universities Commission (NUC) is not undermined. This calls for robust enforcement no matter whose horse is gored. The authors expect to see modern legal education was once admitted into the university; the student is assured that on successful completion of the university education, there is a seamless transition to the Nigerian Law School. It is recommended that any Vice-Chancellor that exceeds his/her quota should be sanctioned by the NUC. Alternatively, all Law faculties can be allowed to produce as many Law graduates that they want to but on the strict condition that applicants to the Nigerian Law School must face a qualifying or entrance examination or test to gain admission into the Law School based on merit.

7. Clinical Training

It should be mandatory for Law students to go through clinical training during their undergraduate days in their respective universities. This will make their training robust and all-encompassing. Undergraduate Law students must be attached to some selected reputable Law firms during holidays to keep them busy and enable them to acquire relevant experience and familiarise themselves with court processes and procedural Law.

8. Remuneration and Promotion of Law Teachers

In most universities, law teachers are not well paid, and they are not allowed to engage in private practice, if that is the case, this paper recommends that reasonable salaries be paid to such Law teachers for not engaging

inprivate practice of any kind. Corollary to the above, appraisal and promotion of Law Teachers should not depend on published works alone, but should also depend largely on students' response to the Law teachers' efficiency in the delivery of instructions and lectures. This can be done by anonymous filling of questionnaire by students on the Law teachers' performance and impact factors on students.

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34. For instance, the second phase of Hostel Accommodation at the Lagos Campus has been an abandoned project for years, by which the Campus finds it difficult to provide accommodation to many of its students. Equally, at the Kano Campus, the Hostel facilities are known to be so over-crowded and totally unfit for Adults.
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