



Challenges Of Legal Education In Nigeria

¹Mujibu Yahaya, LL.B, LL.M, BL.; ²Ishaq Muhammad Jimoh, LL.B, LL.M, BL. & Tijjani Sani, LL.B, BL.

^{1,2}Department Of Civil Law

College Of Education And Legal Studies Nguru, Yobe State, Nigeria

³Department of General Studies (GST)

Galtima Mai Kyari, College of Health Sciences And Technology, P.M.B 1028, Nguru, Yobe State, Nigeria

¹Phone No: 08065577510/Email: mujibyaya33@gmail.com

²Phone No. 08062065755/Email: ishaqmjimoh@yahoo.com

³Phone No. 08060806688/ Email: tijjanisani58@gmail.com

ABSTRACT

Legal education provides a foundation for development on which much of our economic and social well-being is built. It is the key to increasing economic efficiency and social consistency. With the huge turnout of law graduates yearly and the challenges confronting legal education, the sector as it is today needs to be restructured in order to preserve standards. This paper traces the historical development of legal education in Nigeria, it examines the legal education regulatory bodies and the Nigerian law school. It also explores the challenges of legal education. The paper highlights legal education curriculum in preparing law students for a successful law practice in this age of globalisation and ICT, then it proffered some solutions to address certain problems concerning challenges of legal education and Nigerian law school.

Keywords: Challenges; Legal Education and Nigeria.

1.1 INTRODUCTION

Legal education has been viewed as a potent instrument of change for any nation, it is a tool that avails people with knowledge, skills, and information which empowers them to know their rights and duties toward the family, society and the nation. Legal education has helped in no small measure to improve the quality of life in any society. Therefore, it is a very important key that can be used to unlock many closed doors in a country. When a nation understands the imperative of legal education as catalyst to development, such a nation would experience enormous socio-economic growth in a short time. However, for a developing country like Nigeria, there is the need to realize how legal education can be used to improve the economy.

Legal Practice in Nigeria has therefore developed steadily over the years, beyond appearances in a court of law. Everything from the preparation of Will, signing of relevant documents and every commercial negotiation, now appears to require the services of a lawyer.

A lawyer can be appointed as 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 some Nigerian cannot do anything without their lawyer's consent. It is therefore a 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 problem.

2.1 Historical Development of Legal Education in Nigeria

The development of legal education in Nigeria has been very much associated with the advent of the British colonial rule in the country. The history of the legal education in Nigeria dates back to the period around 1862 when the British government made Lagos a British colony, and introduced a system of courts. This brought about the Supreme Court of the Colony which was established by the Supreme Court Ordinance 1863. 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 license to laymen, who though not qualified as Barristers or Solicitors, being well acquainted with practicing legal practitioners, were deemed sufficiently knowledgeable in the law.

By 1913, the Chief Justice stopped granting licenses to local attorneys to practice as lawyers. Therefore, anyone who wanted to practice as a lawyer in Nigeria must have undergone training in England, qualifying to practice as a Barrister or Solicitor, enrolled at the Supreme Court of Nigeria. There is a distinction between the legal profession in England and Nigeria. The profession is fused in Nigeria (a lawyer practice as both a Barrister and Solicitor).

By 1945 however, specific provisions of the Supreme Court (Civil Procedure) Rules brought the practice of law by these laymen to an end. In April 1959, the government of Nigeria decided to set up the Unsworth committee to address certain issues regarding the legal profession. 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, the setting up of a general council of the Nigerian Bar and the powers and functions of such a council. The committee recommended a two-stage legal education system i.e., the academic and 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 (call) to the Nigerian Bar.

The report of the Unsworth committee forms the basis of the Legal Education Act of 1962, and the legal education (consolidation) Act LFN 2004, and since 1962 legal education became systemized in Nigeria leading to the establishment of faculties of law in various universities. 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 do so until much later. The University of Lagos which was founded in 1962, also mounted a law program in its law faculty. Therefore, by the end of 1963 four universities, i.e., UNN, Lagos, Ife and ABU were running law programs leading to the award of Bachelor of laws. Currently, there are more than 36 universities offering law degree programs in Nigeria, the highest in West African sub-region.

3.1 Legal Education Regulatory Bodies

It was earlier stated that the unworthy committee provided the foundation for the systemization of legal education in Nigeria through the enactment of the Legal Education (consolidation, etc.) Act, 1962 and the legal practitioner Act, 1962. There are two (2) bodies saddled with the responsibilities of overseeing legal education in Nigeria. They are the Council of Legal Education (CLE) and the National Universities Commission (NUC). Section 1 of the legal education (consolidation, etc.) Act, 1976 establishes the 'Council of Legal Education' with the responsibility for the legal education of persons seeking to become members of the legal profession. The council of legal education was the only body in charge of the regulation of legal education in Nigeria and was more preoccupied with infrastructural development of law faculties rather than the content of legal education.

Section 10 (1) of the Education (National Minimum Standards and Establishment of Institutions) Act confers the power to lay down minimum standards for all universities and institutions of higher learning in the federation and the accreditation of their degrees on the National universities commission (NUC). The National universities commission Act, 1974 provides *in alia* that the function of the NUC is to advise the Federal and State governments on all aspects of University education and the general development of Universities in Nigeria. The Council of Legal Education comprises a Chairman,

Attorney-General/Solicitors General of States, president of the Nigeria Bar Association, Fifteen (15) Legal Practitioners, etc. While the NUC is made up of a Chairman, a representative from each Federal Ministry and a representative from each academic discipline.

To ensure high academic standard a uniform curriculum approved by both the Council of Legal Education (CLE) and the Nigerian University Commission (NUC) is strictly adhered to by all the Nigerian Universities, 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 must have gained the approval of the Council of legal Education.

4.1 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. with its location at Igboosere in Lagos and its first Director was an Englishman, Mr G. Rudd who served from 1962 to 1967, the Campus was later moved from Igboosere to Victoria Island in 1969, during the Directorship of Dr. Olakunle.

In the year 1997, the Nigerian law school's main campus was moved from Victoria Island to Bwari, Abuja in the Federal Capital Territory. Subsequently, other Campuses were added such as Enugu and Kano in 2005 and the Yola and Yehogoa Campuses in 2010. The Six campuses, except for the Abuja campus which is the Headquarters, are headed by Deputy Director-General. The director-General heads Headquarters and is the overall administrative head of the Nigerian

Law School. The Nigerian law school plays a fundamental role in the development of legal profession in Nigeria, although it must be stated that, the education of a lawyer starts initially at the University. There are over 30 faculties of law in Nigeria from which students are admitted by the Nigerian law school annually.

Admission into the Nigerian law school is also open to persons educated in foreign countries and they can only practice law in Nigeria after being trained at the Nigerian law school. Therefore the courses in Nigerian law school is divided into two (2) 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 land law. The second part, Bar part II, is for all students seeking to be called to the Nigerian Bar. However, students trained outside Nigeria must first take and pass Bar part I examinations before they can join the students trained in Nigerian for the Bar part II courses. The courses taken in Bar part II include Civil litigation Corporate law practice, Criminal litigation, Property law practice and Law in practice. Moreover, 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 authorizing 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.

5.1 Challenges of Legal Education in Nigeria

The challenges of legal education in Nigeria are numerous and varied. However, the challenges will be discussed with regard to the two (2) institutions that make up legal education in Nigeria, namely;

- Challenges of Nigerian Law School
- Challenges of Nigerian Faculties of Law

5.2 Challenges of Nigerian Law School

Basically, the Nigerian Law School suffers from the following challenges:

- **Admitting Excessive Number of Students:**
The attitude of admitting too many students in the Nigerian law school will not allow for efficient teaching due to the large number of the admitted law graduates in the lecture hall. This 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. In the United Kingdom (UK), from which our legal education system was emanated, there are now

ten (10) institutions that run the Bar vocational course. This institution are often collectively referred to as 'Bar School'.

- **High Tuition Fees:**

This is one of the challenges that some citizens have complained of, recently, one Bamidele Aturu, a Human Rights Lawyer, sued the council of legal education over what he termed "excessive and oppressive" tuition fees, the suit was filed at the Federal High Court. Although some people did not consider this as a problem; because nothing good comes easy and one must be prepared to pay sound education particularly legal education.

- **Lack of Synergy with the Faculties of Law**

One of the reason the lead to the over admission and too many students in the Nigerian Law School is the lack of synergy with the Nigerian Law School. However, most of the curriculum of our Nigerian faculties of law is based on substantive law which reveals what law ought to be instead of procedural law which deals with what law is. So when student join 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 creates an awkward transition for the law students. It is therefore, a common fact to see student who had excelled in the University but encounter some academic problems at the Nigerian Law School. In addition, a lot of Nigerian Universities lack practical aspect of law in their curriculum, which is taught at the Nigerian Law School. It is obvious that many Nigerian law students graduate from the University without having visited any Nigerian court and also they did not see some practice – related documents such as Motions, Writ of Summons, Charge sheets, Certificate of incorporation etc. for such student, the law school represents a different brand of education. This is one the primary reason for the mass failure that usually characterizes the results of the Nigerian Law School.

- **Lack of Clinical Legal Education in Law School**

This brings us to experiential legal education, which is what the law clinic and the law school should be involved in for most of the student training. The Nigerian Law School as vocational and skills acquisition centre has sadly abdicated its responsibility of giving a practical approach to legal training in favour of three (3) months of court and law office attachment. This may perhaps be the reason for the call for restructuring of the council of legal education and the Nigerian law School, and by implication, a call for the review of the legal education (Consolidation Acts) as well as other laws that are related to the legal education.

Among those making such calls for restructuring is the Chairman of the Council of Legal Education who is reported to have remarked as follows:

"It must be noted that, the proposal(s) 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".

However, lack of review of laws governing legal education is one of the major challenges confronting legal education in Nigeria.

5.3 Challenges of Nigerian Faculties of Law

- Too many student that are admitted in the various Nigerian Faculties of Law:

It is undisputable fact 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. Therefore, some Nigerian faculties of law admit more than their prescribed quota, so we have instances where a particular faculty of law is entitled to 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 form.

We also have instance 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 for more students than the faculty can cater for or is entitled to.

- **Lack of Adequate Funding:**

It seems 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) etc going on strike intermittently to lodge their protests. As a matter of fact, our Universities require funds to make available basic facilities and cater for the large population they harbor. 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 current strike action not being an exception. The consequence is that Nigerian lawyers are trained under some of the worst conditions of learning, backed up by huge infrastructural deficit in learning tools.

- **Incessant Industrial Action**

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 and habitual tradition of our Nigerian universities. 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 (5) months; in 2001, for three (3) months, in 2003, for six (6) months, in 2007, for three (3) months, in 2009 for four (4) months, in 2010, for five (5) months, in 2011 for three (3) months and even currently, Nigerian Universities are on strike.

6.1 Legal Education Curriculum in the Era of Globalization and ICT

Legal education ought to be internationalized to face the challenges of globalization. A law student should not be instructed with the sole objective of fulfilling the requirements for domestic practice, he must be trained with the intention of making him capable of competing with his counterparts from other parts of the world. Curriculum development should therefore revisit the distinction between core/compulsory and optional courses, consider the need to expand the domain of optional courses, to think the syllabus of individual courses, and develop innovative methods. The law curriculum for the future must provide an integrated knowledge biotechnology, information and technology, environmental sciences, Ocean and Marine sciences, Public health and other related fields of human endeavours.

However, our new generation lawyers should be adequately equipped on the legal and social issues that emanate from this phenomenon in a globalized world. Therefore, related courses such as environmental law world trade organization (WTO) law, etc. should be made central features of our legal curriculum. The unmet legal needs of different sections of society and the impact of globalization can be addressed and the students will be equipped to contribute to the society when they leave the environment of the University. Indeed, inter weaving of law with the related issues of the contemporary world will add immunize value to the law degree.

ICT is a central feature of this generation, it is impossible to separate most transactions from ICT as all sectors utilize ICT in the execution of daily activities e.g. banks, government, education, etc. All aspects of human endeavours have been affected by technology one way or the other. Therefore, just as the law changes within time and space, the legal profession must respond to these changes, and by extension, if technology influences the practice of law, as a matter of necessity, it must affect legal education.

The interplay between ICT and legal education is quite evident in some jurisdictions where ICT has been assimilated into the teaching methods employed by lecturers and the contents of various law course. In the United States for example, ICT has been utilized for the benefit of the members of the faculty for research purposes and has been helpful to students for study purposes. As early as the 1960s, technologies such as the computer assisted legal research (CALR) and computer assisted legal instruction, had been

introduced into law faculties in the United States to facilitate the legal training process, helping law lecturers and students as well.

However, the development of virtual classrooms is another immense contribution by ICT to legal education, therefore, the practice of compulsorily having lectures within walls of the classroom is gradually fading out. And with the utilization of electronic platforms for communication and the internet. Books which are the tools of a lawyer's trade are being converted into electronic formats. Thus, with the introduction of legal databases such as Lexis Nexis and Westlaw for law lecturers and student's research have been indeed made easier.

Although the committee set up by the council of legal education (CLE) recommended some changes to the LL.B curriculum and programme of Nigerian Universities which embrace ICT, the report of this committee has not been adopted till date. Some of the recommendations made by the committee include the amendment of the course contents, abolition of dictation of lecture notes by lecturers which is rampant in Nigeria Universities, the use of electronic teaching aids, and provision of electronic course materials. This recommendation of CLE committee is a great development to our Nigeria law faculties and if implemented by the NUC will be a step in the right direction for legal education in Nigeria.

7.1 CONCLUSION

From what we have discussed, the paper traces the historical origin of legal education in Nigeria and the challenges faced by the legal education in the Nigerian Universities and Nigerian law school. Legal education is indeed an instrument if wisely made will accelerate the pace of development. It is an undeniable fact of experience that, legal education in terms of academic and vocational training is a vital ingredient that affect the quality of our justice delivery system, we see this daily about litigation, where the role of lawyers is most visible. The current framework of the Nigerian legal education system is inadequate to cater for the intricacies surrounding the practice of law in this era of globalization and ICT. Hence, there is need for restructuring and revolutionizing the legal education curriculum so that young generation Nigerian trained lawyers will compete globally. Therefore, the exercise of its regulatory powers must review its current accreditation system to ensure that prescribed standards are maintained across the two (2) levels of legal education.

We conclude that legal education in Nigeria has a bright future but needs to expunge those factors that aid in its low quality. It is quite sad that the educational sector has not been a matter of priority to the government over the years, and the yearly budget of the government reveals this.

8.1 RECOMMENDATIONS

From the foregoing, the following recommendations are made:

- There is an immediate need for a total overhaul of the current law school structure. The sector as it is today can no longer survive on just one law school, owned, funded and run by the government. Without doubt, the time has come to bring the private sector into the training of lawyers.
- While the private sector is brought in as partners to provide requisite facilities and training, the government should exclusively retain the power of regulating standards and quality through Council of Legal Education and Nigerian Universities Commission as statutory bodies.
- The Vice – Chancellors of the various Universities should ensure that, the quota determined by the Council of Legal Education (CLE) and the National Universities Commission (NUC) is not undermined. Therefore, any Vice – Chancellor that exceeds his/her quota should be sanctioned by the NUC.
- It is recommended that clinical training should be mandatory for law students during their undergraduate days in their respective Universities. This will make their training robust and encompassing.
- Undergraduate law students must be attached to some selected reputable law firms during their University break in order to keep them busy and enable them to acquire relevant experience and familiarize themselves with court processes.

- 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.

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