

# Academics' Forum

Vol 8 No 1

June 2000

## FROM THE CHAIR

### Global Trends – The Contribution of the Academics' Forum

Lyndal Taylor

Chair, Academics' Forum; University of Technology Sydney

If there is one change that distinguishes the 20th century from the 21st century, it must be the impact of technology. The Academics' Forum dealt with topics relating to open education at the Barcelona Conference. The power of information technology to enhance communication raises many other opportunities. The Forum is actively involved in improving the ability of law schools to communicate with each other. In cooperation with Martindale-Hubbell, the Forum is producing a directory of law faculties throughout the world. This is a project that will take time to complete, but significant progress is being made. It is important to acknowledge the major contribution of Don Perry in the Faculty of Law, University of Windsor, Canada with thanks to Professor Neil Gold (Vice-Chair, Academics' Forum) and Susie Goldring at Martindale-Hubbell. If you would like to ensure your law faculty is included please e-mail me on [lyndal@law.uts.edu.au](mailto:lyndal@law.uts.edu.au).

The Amsterdam Conference is continuing the theme of global trends. The Forum is considering the topic of transportable law degrees to consider the difficulties and benefits of training in one jurisdiction and practising in another. It is a full-day session on Tuesday 19 September. Please join us.

The Section on Business Law has again agreed to sponsor an Academics' Forum breakfast. This will be held on Wednesday morning 20 September at 8 am in the Meridien Apollo hotel. Much of interest is discussed at the breakfasts. All are welcome.

*Continued overleaf*

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### Contributions

Academics' Forum Newsletter is published by the International Bar Association. The Editor would welcome contributions to the next Newsletter, which should be sent to the International Bar Association at the address below. Requests for further information about the Academics' Forum (e-mails preferred) should be sent to the same address.

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### International Bar Association

271 Regent Street, London W1R 7PA  
Tel: +44 (0)20 7629 1206. Fax: +44 (0)20 7409 0456  
[editor@int-bar.org](mailto:editor@int-bar.org)



International Bar Association  
Section on Business Law

# Decentralisation of the Nigerian Law School: a Flawless Option?

Dr Enefiok Essien

Associate Professor of Law and Acting Dean, Faculty of Law, University of Uyo, Nigeria

The Nigerian Law School was established in 1962. The intention was for it to play a role in Nigeria similar to that of the Inns of Court<sup>1</sup> (together with the General Council of the Bar<sup>2</sup>) and the Law Society of England and Wales in educating and training students to become barristers and solicitors respectively. Incidentally, unlike in England, the legal profession in Nigeria is fused, so that a successful university law graduate is admitted into the Law School to undergo a one-year rigorous practice-oriented training to become both a barrister and a solicitor<sup>3</sup> or, in effect, a legal practitioner. The course of study at the Law School comprises coursework in specified subjects such as legal drafting and conveyancing, professional ethics, solicitors' account, evidence, civil and criminal procedure, law office management and alternate periods of attachment to chambers and the courts (ie pupillage). Additionally, the student also has to 'keep terms', ie attend specified mandatory dinners.

From its inception to date, the Law School has always operated a single campus system. Initially, the School was sited in Lagos then, in 1997, it was moved to the new federal capital territory, Abuja, still as a unitary campus. A combination of reasons, ranging from administrative and academic to political, have led to a decentralisation of the Law School. Accordingly, from the next academic year, campuses of the Law School will open at Lagos State, Enugu (Anambra State) and Kano State. Prior to the opening of the new campuses, two fundamental questions come to mind: (1) is decentralisation of the Law School the best option in the circumstances? (2) What becomes of the benefits of centralised law training?

## Arguments for a unitary Law School

Having a unitary Law School has the undeniable and pivotal merit of uniformity of standard. Students

are recruited by academic staff who then go on to teach them. The same examination is set for all the students and the same examiner, using the same marking scheme, assesses each and every one of the students. This ensures uniformity and consistency, and compares with the practice in England where the legal education of barristers and solicitors is organised and regulated by one body for each arm of the legal profession. It may also be said that a centralised legal education system makes administration easier (although this is arguable where there is a 'shift system' as discussed below) and reduces costs.

## Arguments for decentralisation

In recent times, however, unitary legal training has fallen into disfavour. One argument is that a one-campus law school cannot cater for the ever-growing number of university law graduates who are seeking admission to the only existing Law School and hoping, eventually, to be called to the Bar. This argument is particularly relevant because, recently, the Law School has had to run a shift system<sup>4</sup> in order to accommodate the large numbers of students. The fear here is that the introduction of a shift system may lead to a hurried programme which would compromise educational standards.

Additionally, the Council for Legal Education has had to carry out periodic visits to and accreditation of law faculties, after which it gives a quota to the law faculties of each university. Factors that influence the quota include the strength of the academic staff (ie the lecturer-student ratio, staff qualifications and status), the facilities available (eg size of the library, computing facilities and other information systems) and physical structures such as classroom space, common room, moot court and staff offices. These, incidentally, are also some of the factors which the Quality

Assurance Agency for Higher Education uses in rating universities and faculties in England.<sup>5</sup>

If decentralisation is the panacea for the rapidly increasing demand for admission to the Law School, has it any side effects? This leads to the second fundamental question: that of maintaining the benefits of a centralised law training.

It is probable that a decentralised, multi-campus Law School will lead to a noticeable increase in the admission vacancies for candidates. This would, in turn, enable the law faculties to correspondingly increase their admission quota. The ripple effect would be a dramatic increase in the number of university law graduates who require admission into law schools.

Ultimately, there would be a significant upsurge in the number of barristers in the country. This is particularly worrying because in Nigeria, a freshly qualified barrister is free and entitled to immediately set up as a sole practitioner in independent practice.<sup>6</sup> This is in contrast with the practice in England, where 'in the case of a barrister who has engaged in independent practice for less than three years since the conclusion of twelve months' pupillage he does so from Chambers of which he is not the sole member and of which at least one member has engaged in independent practice for not less than five years since conclusion of twelve months' pupillage'.<sup>7</sup>

An influx of a large number of 'new wigs' into independent practice can only reduce the standard of legal practice and bring about increased unhealthy competition for briefs. Indiscipline, sharp and unprofessional practices such as champerty and ambulance-chasing (specialising in bringing cases seeking damages for personal injury) will be the order of the day. Even in 1990, indiscipline at the Bar was already very visible. Prince Bola Ajibola, the then Attorney-General and Minister of Justice stated:<sup>8</sup>

'The entire legal profession is worried about discipline at the Bar. This has engaged the attention of the Disciplinary Committee of the Bar which at the moment is seised of many cases of allegation of misconduct and unprofessional misbehaviour (sic) against some of our colleagues . . .'<sup>9</sup>

It can only be expected that declining professional standards will abound in the legal profession as many more lawyers are called to the Bar. It would not be surprising if this eventually leads to a situation where barristers are no longer believed by the Court, even when they assert that they are 'speaking from the Bar'. This, sadly, could be the unintended side effect of a decentralised, multi-campus law school. There is a need to keep the number of legal practitioners (and therefore the number of law students) in check if only to avoid the legal profession falling into disrepute. In England, the judge still believes a barrister when the latter is 'speaking from the Bar'. The integrity of the English Bar has been maintained largely because, compared to solicitors and the entire population, there are fewer barristers due to the stringent and prohibitive conditions whereby barristers are called to the Bar.

#### Notes

- 1 There are four Inns: Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn. The Inns alone have the power to call a student to the Bar. Unlike the Nigerian Law School, however, the Inns are non-academic societies which provide a social environment for members of the profession. Where examinations or aptitude tests (ie the academic stage) are necessary, they are normally catered for by the General Council of the Bar. However, the Vocational Course is provided by the Council at the Inns of Court School of Law, under Schedule 12 to the Consolidated Regulations (see n 2).
- 2 On 3 July 1996, the General Council of the Bar assumed responsibility for the regulation of education and training from the Council of Legal Education. This was effected by Regulation 62 of the Consolidated Regulations of the Honourable Societies of Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn (effective from 1 October 1996).
- 3 Even in England, the gap between barristers and solicitors is being increasingly narrowed. There is now increased right of audience for solicitors following the Courts and Legal Services Act 1990. The result is the emergence of Solicitor-Advocates, with some solicitors having a right of audience even in the superior courts. See 'Solicitors wear down barristers' monopoly' (1995) 21 *Commonwealth Law Bulletin* 1216; *The Times*, 6 June 1995.
- 4 By the shift system, students are divided into groups or batches so that one group attends classes in the mornings while the other attends in the afternoons. In some

cases, one group remains in session and attends lectures while the other group is on court/chambers attachment alternately.

- 5 See 'Where to get the best degree', *The Sunday Times* (Education Guide), 8 November 1998, p 17.
- 6 Under section 6(2)(a) of the Regulated and Other Professions (Private Practice Prohibition) Decree (No 34) of 1984. This Decree repealed section 1(1) of the Regulated and Other Professions (Miscellaneous Provisions) Decree (No 5) of 1978, which prohibited the newly enrolled legal practitioner from setting up in independent practice for five years.
- 7 Article 301(d) of the Code of Conduct of the Bar of England and Wales (adopted by the Bar Council on 27 January 1990 and effective from 31 March 1990).
- 8 Currently the Nigerian Ambassador to the United Kingdom.
- 9 An address delivered in his capacity as the Chairman, Body of Benchers, at the Call to the Bar Ceremony held at the Nigerian Law School, Victoria Island, Lagos, on Thursday 7 June 1990, at pp 4-5. For other allegations of 'unscrupulous lawyers', see *The Guardian*, 18 June 1991, p 1. As to the prevalence of some 'lazy or incompetent' lawyers who relish in 'adjourning the case from quarter to quarter to the point of never being heard', see Itse Sagay, 'Adjourning Justice', *The Guardian*, 23 June 1991, p A8.