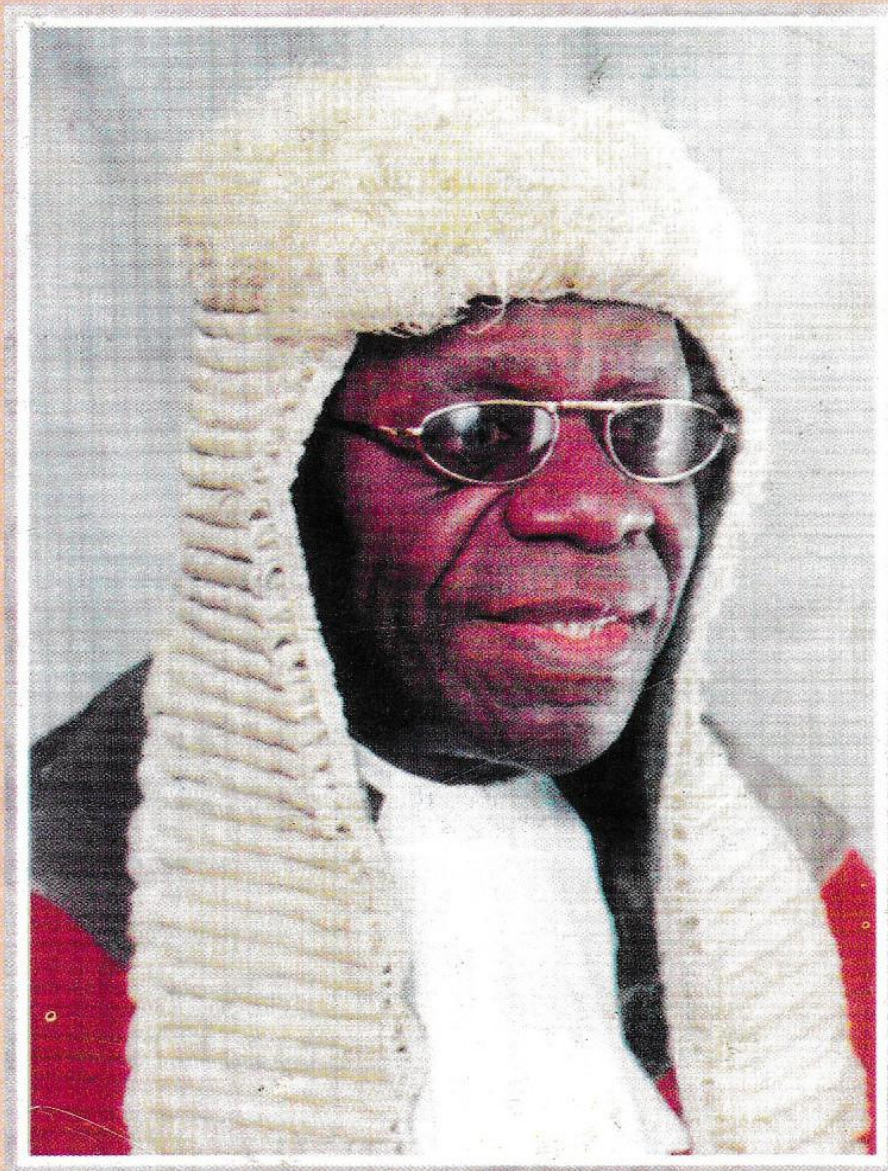


THE BEAUTY *of* JUSTICE



**ESSAYS IN HONOUR OF HON. JUSTICE E. D. U. IDIONG
CHIEF JUDGE OF AKWA IBOM STATE (RTD.)**



Chapter 8

LEGAL EDUCATION, PROFESSIONALISM AND LEGAL PRACTICE IN NIGERIA: REFORM IMPERATIVES

*By Prof. Enefiok Essien
Dean of Law, University of Uyo, Nigeria*

Definition of Terms

We all know what is meant by the word “legal”. We also know the meaning of “education”. It is therefore to be assumed that we know the meaning of the conjunctive term, “legal education”. This assumption explains why the term is not defined in any Nigerian statute, not even in the Legal Education Act 1962 which later metamorphosed into the Legal Education (Consolidation, etc) Act, Cap. 206 Laws of the Federation of Nigeria 1990, which is designed to regulate practical legal education in Nigeria. For our present purpose, it suffices to define legal education simply as the acquisition or impartation of knowledge of or experience in law. Education in this sense moves from elite to mass systems and from an emphasis on teaching to a focus on learning. The lawyers, as the more important actors, are the primary clients, consumers, and learners. This is in realization that legal education must be able not only to survive changes but to influence it. This is in line with the reasoning of Charles Darwin, that it is not the strongest of species that survive, nor the most intelligent, but the one most responsive to change.

It follows necessarily that formal legal education does not end with the University, or with the Law School. It continues in the form of continuing legal education for the practicing lawyer (be it private, public or corporate practice) who must move with the time or lose relevance; he must gain daily practice experience,

attend conferences, seminars, workshops and symposia to sharpen his skills, imbibe best practices, and improve professionalism. There is also formal judicial education under the auspices of the National Judicial Institute¹ which is mandated to conduct courses for all categories of Judicial officers and their supporting staff with a view to expanding and improving their overall knowledge and performance in their different sections of service². More specifically, the institute provides continuing education for all categories of judicial officers by undertaking, organizing, conducting and facilitating study courses, lectures, seminars, workshops, conferences and other programmes related to judicial education³. The statute also authorizes the institute to organize, once in two years, a conference for all Nigerian Judges of Superior and inferior Courts⁴.

This is as it should be because as underscored in the Report of the Royal Commission on Legal Services in England⁵, “a profession [like law] which deals with a complete and rapidly changing subject matter” needs effective continuing legal education. The essence of all legal education, particularly continuing legal education, is the attainment of *professionalism*, which is another word for competence. There is no denying, that “competence begins with a lawyer's early education; his legal education and his early practical training. But it continues throughout his life at law, learning and relearning in the form of continuing legal education. This is as important as his original training and admission”⁶. What this means is simply that legal education is, for the lawyer, a lifelong activity, just as is the quest for professionalism. Kayode Eso JSC made much the same point with regard to continuing informal legal education when he said:

Law is a profession where you continue to learn, whatever might be your position

and status. A junior learns from the senior and so it is also vice versa. A judge learns every day from the lawyer (appearing) before him, as the lawyer learns from the judge. The interaction in learning is infinite. Too much learning never makes a lawyer mad⁷.

The modern lawyer has an obligation to continue his all-round education as long as he continues to hold himself out as a lawyer, knowing that “a little learning is a dangerous thing”⁸. To remain largely sober and avoid intoxication of the brain, he must drink deep or taste not the Pierean Spring⁹. This paper examines how the present day legal education has impacted on professionalism and legal practice in Nigeria. This is done under the following sub-heads: Legal education at the Academic stage (i.e. the University level), the Vocational Stage (i.e. the Nigerian Law School level), and the continuing legal education for both the Bar and the Bench. Reforms are then suggested.

Brief History of Legal Education in Nigeria

It is now a historical fact that Lagos was ceded to the Queen of England in August 1861, thus making Lagos a British Colony, which marked the commencement of British administration. This led to an upsurge in commercial intercourse in the area and the need for functional legal system and institutions. British system of courts was introduced. In 1862 a Police Court was set up at Olowogbowo. On 9th April, 1863 the Supreme Court of Her Majesty's Settlement of Lagos was established. Between 1863 and 1874 nine other courts were constituted, among these were the Petty Debts Court, the Court of Civil and Criminal

Justice, and the Court of Requests. There were no legally trained lawyers. Nor were there legally qualified judges. As recounted by the famous legal historian, Dr. O. Adewoye,¹⁰ of the seven men who served as Chief Magistrates for Lagos between 1861 and 1905, only three were qualified barristers or solicitors. Of the remaining four two were Writing Clerks, one was a merchant and the fourth was commander of the West India Garrison at Lagos. Of the fourteen who served as Police Magistrates in the same period, four were merchants, six were military officers, two were colonial surgeons, one was retired naval officer and one a Deputy Collector of Customs. These men were variously referred to as local made solicitors, self-taught attorneys, colonial solicitors or simply as attorneys. They were not professionally qualified but had met some level of education and familiarity with the law either as court clerks or solicitor's clerks.¹¹ The first legally qualified barrister, Christopher Sapara Williams, a Nigerian, made his first appearance at the Supreme Court in August 1880.

While still awaiting the training of better legally qualified hands, the Supreme Court Ordinance of 1876 was passed and it made flexible alternative provisions with regard to persons qualified to act as lawyers. By the Ordinance, the Chief Justice was empowered to approve, admit and enroll to practice as barristers and solicitors in the court, such persons as shall possess the legal qualifications normally obtainable from the Council of Legal Education in England through membership of one of the four Inns of Court, namely, Lincoln's Inn, Gray's Inn, Inner Temple and Middle Temple. This means that a University degree was not necessary, because it was also not necessary then in England. One merely had to join one of the four Inns of Court, keep terms by dinning for a specified number of times and pass the Bar Parts I and II examinations, and then be formally called to Bar. A person

who wished to be a solicitor too did not need a University degree. He simply had to enroll with the Law Society, serve a period of articles with a practicing solicitor and pass parts I and II of the Law Society qualifying exams.

Also, those who possessed qualifications awarded by the Scottish, Irish or Commonwealth country's Bar were eligible for enrolment at the Nigerian Bar. The Ordinance further provided that a barrister could practise not just as a barrister but as a barrister and solicitor, and *vice versa*. Also, the Ordinance gave power to the Chief Justice to prescribe some form of examination as a condition precedent to enrolment either in addition to or in substitution for one of the qualifications. However, there is no record of an instance where the Chief Justice exercised this power.¹² Section 73 of the Ordinance approved the admission as solicitors persons who had served articles: persons who had been articulated 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 Justice. Local Attorneys were still to be admitted. Section 74 provided:

In case there shall not be sufficient number of barristers, solicitors and proctors within the colony qualified in the manner hereinafter prescribed, it shall be lawful for the Chief Justice to admit temporarily so many fit and proper persons to appear and act in the capacity of barristers, solicitors and proctors as may appear necessary, subject to such conditions and regulations as may be prescribed by rules of court.

Based on the 1876 Ordinance, persons who were trained in England and thereafter called to the English Bar returned home and had their names enrolled as legal practitioners in Nigeria and practised law both as barrister and solicitor in line with Section 76 of the 1876 Ordinance that “Every barrister shall be entitled to practise also as a solicitor and proctor, and, every solicitor shall be entitled to practise also as an advocate”.

The Supreme Court Ordinance 1876 was later repealed and replaced with the Supreme Court Ordinance, 1943. However, this later ordinance had no provision on legal practitioners. Rather, such provision became embedded in Order 16 rule I of Supreme Court (Civil Procedure) Rules, thus:

The Chief Justice may, in his discretion, approve, admit and enroll to practise as a barrister and solicitor in the court:

- (a) any person who is entitled to practise as a barrister in England or Ireland or as an advocate in Scotland and who-
 - (i) produces testimonials sufficient to satisfy the Chief Justice that he is a man of good character; and
 - (ii) has read in the chambers of a practising barrister or advocate of more than five years standing for at least one year, or has practised in the courts of the country in which he has been called or admitted for, at least, two years subsequent to his call or admission; or
 - (iii) has subsequent to his call to the Bar or admission as an advocate read in Nigeria in Chambers of a practising barrister of more than ten year's standing for, at least, two years; or

- (iv) has practised as a barrister or solicitor in the court of a British Colony or Protectorate for, at least, two years.

These conditions for admission to practice prevailed until 1962.

Up to 1960 there was yet no systematic mode of training lawyers. During the tenure of Mr. E.T.C. Unsworth as Attorney General of the Federation, the Federal Government set up a Committee on the Future of the Nigerian Legal Profession in April 1959, with himself as Chairman. The Unsworth Committee finished its work and in its report, published in October, 1959, recommended, *inter alia*:

- (i) legal education should be provided locally and adapted to Nigerian needs
- (ii) Law Faculties should be established at the University of Ibadan (then a University College) and in other subsequent universities to award degrees in law.
- (iii) a law school which would provide vocational training for law graduates should be set up in Lagos.
- (iv) a University degree in law should be an essential requirement for legal practice in Nigeria.¹³

The Federal Government accepted these recommendations and consequently enacted the Legal Education Act 1962 to regulate practical legal education in Nigeria. It also passed the Legal Practitioners Act 1962¹⁴ for the regulation of the legal profession and legal practice in Nigeria. The Legal Education Act 1962 later became the Legal Education (Consolidation, etc.) Act¹⁵ The Nigerian Law School was established by the Council of Legal Education for the vocational training of lawyers, under the Legal Education Act 1962¹⁶. Similarly, following the publication of the Ashby Report on higher education, Universities were set up, with the establishment of law faculties getting prominent attention. The

first law faculty in Nigeria was set up in 1961 at the University of Nigeria, Nsukka, which was established a year earlier. Today the law programme is run in almost all the universities in Nigeria.

THE ACADEMIC STAGE: THE UNIVERSITY LEVEL

Legal education at the university level presently takes either four or five years, depending on the mode of entry. Those who enter with General Certificate in Education (GCE) or its equivalent, do a five-year programme, while direct entrants, i.e. those with first degree or other acceptable post-GCE academic qualification are into a four-year programme. In both cases however, admission into the University is through the Joint Admissions and Matriculation Board (JAMB), with the difference that those with GCE (or equivalent) have to sit for an entrance examination set by JAMB and pass above a specified cut-off mark, whereas the direct entrants just have their admission forms processed through JAMB and do not take any examination. Universities have now devised a system of post-JAMB aptitude test as a further step to ensure that only those who are intellectually fit and proper are admitted into legal education.

All universities in Nigeria have a common syllabus, as embodied in the approved Minimum Academic Standard in Law (MAS) as drawn up by the National Universities Commission in July 1989. As seen even from the title, the standard in MAS is just the minimum, which means that each university can add to the minimum but cannot subtract from it. In the MAS some non-law courses are made compulsory along with some law courses, in realization that “it is necessary that the student of law should have a broad general knowledge and exposure to other disciplines in the process of acquiring legal education”.¹⁷ Apart from a compulsory Essay in the final year, twelve law courses are made compulsory.

These are: Legal Methods, Constitutional Law, Contract Law, Criminal Law, Company Law, Commercial Law, Law of Equity and Trusts, Law of Evidence, Jurisprudence, Land Law, Nigerian Legal System, and Law of Torts. In addition, the seven non-law courses which are thought to “be so important in the life of a lawyer that they should be treated as compulsory for all students on the 5-year programme” are offered. They are:

1. Use of English (General Studies)
2. History and Philosophy of Science (General Studies)
3. Logic and Philosophic Thought
4. Nigerian People and Culture (General Studies)
5. Introduction to Computers and Applications
6. Social Science
7. English Literature

Direct entry students normally get a waiver in the non-law compulsory courses if there show that they had done and passed them in the first degree programme. In addition to the compulsory courses, each faculty of law has its own set of optional or elective courses from which the student may choose. This gives the faculties the leeway to introduce new courses from time to time to meet the needs of the time and society. Universities in Nigeria adopt the semester and the course credit system. Every law course is divided into two parts, part I and part 2. Each part is taught for one semester, i.e. half a session. Examination is taken at the end of the semester. In other words, examination in the course is taken twice in a session, rather than what obtained in the days of “Almighty June” when examination in the course was deferred till/taken at the end of the session. Some people have argued, perhaps out of some nostalgia for the “good old days”, that legal education programme should revert to the Almighty June. Their argument is that to divide a course

into two parts and administer examination after each part is to take examination in piece meal, whereas in the real world legal problems do not come in bits: e.g. one case of contract will involve formation of contract, performance, breach and damages. Thus, if legal education is to properly equip the student for real-world challenges, course examination should be holistic rather than piece meal. Needless to say that there is merit in this argument, but until there is change in the curriculum, we are stuck with piece meal examination, which is inherent in the semester system that Nigeria has borrowed from the United States of America.

The legal education programme as run in the Universities is not solely dependent on examinations. There is also Continuous Assessment in each course which accounts for 30% while examination makes up the remaining 70%. The Continuous Assessment is tutorial-based, so that every student is an active participant and his performance is assessed and scored. This is a lot easier in theory. In practice, large class size and imbalance in students-teacher ratio may reduce the effectiveness of tutorials which really are meant to be practical/discussion sessions for law students. The students-teacher ratio recommended for law by the National Universities Commission (NUC) is 20:1. This ratio is for lecture class size; it is even lower for tutorial class size where the lecturer is expected to have a much more manageable class size for greater interaction. The NUC periodic accreditation exercises show that this ratio is hardly obtained in any Nigerian University. The noncompliance with the recommended ratio is worse in private universities where admission quota is raised for revenue purposes. This of course impacts negatively on the standard of legal education obtained at this level.

The National Universities Commission¹⁸ periodically conducts a visitation of Universities to assess the programmes, including law, as a quality assurance mechanism. Through accreditation visits, deficiencies and inadequacies in complying with the minimum standards are detected and made known to the proprietor who would be expected to take appropriate steps to correct the deficiencies.¹⁹ The law programme has two accreditation bodies: the National Universities Commission (NUC) and the Council of Legal Education (CLE). The CLE is given the statutory responsibility for the legal education of persons seeking to become members of the legal profession.²⁰ The CLE Accreditation Panel periodically visits Law Faculties to examine their facilities. The main things normally examined are the curriculum, teaching and administrative list and their academic qualifications, library holdings, moot court, classroom and common room, lecturers' offices and other facilities.

It must be said that accreditation visits to law faculties play a big role in the maintenance of standard of legal education. The law library is the laboratory of the law student, and yet while tools and expendable chemicals are routinely stockpiled in laboratories, law books, reports and journals are hardly subscribed or purchased for the law library. It is only during accreditation visits that panic one-off purchases are made solely for the purpose of the accreditation. This is the attitude in almost all the universities. Lack of currency in reading materials means that the student is behind time.

For good measure, the Council of Legal Education has abolished the part-time LLB programme. The first batch of part-time students in law were admitted in 1963 into the University of Lagos. It was at that time Professor L.C.B. Gower's view that

there were many capable senior level public servants who wanted university education but could not acquire it because they lacked the means to go abroad, and he thought that their performance on their jobs would be significantly better if they had a law degree. The Faculty of Law of the University of Nigeria started their part-time LLB in 1976. Many other universities followed suit much later. Recently, however, with the proliferation of universities in Nigeria the initial argument for starting the part-time LLB programme became untenable. Worse still, with the underfunding of universities by government, the universities now look inward to raise revenue and the part-time law programme became a ready source. This of course meant a lowering of standard of legal education as just about anybody who could pay the “executive” fee gained admission. Apart from the obvious risk of “over-production” of lawyers, most of them were half-baked because their office work did not give them time for any serious academic work. They hardly had the minimum percentage of class attendance which a student must have before he can graduate this could have been easily obvious if attendance in class were taken. It is therefore to be applauded that the CLE could eventually take the bull by the horns by abolishing the programme which had long been a nuisance to the legal profession.

THE VOCATIONAL STAGE (THE LAW SCHOOL LEVEL)

As we stated earlier, the Legal Education Act 1962, now the Legal Education (Consolidation, etc) Act, vol. 8 cap. L10 LFN 2004, established, by Section 1(1), the Council of Legal Education, and by Section 1(2) gave the Council the responsibility for the legal education of persons seeking to become members of the legal profession. The Council then established the Nigerian Law

School in 1962 and the first batch of students were admitted in January 1963. With this began the compulsory institutional training of those to be called to Bar. This is significant because even though our legal system came from England, England itself did not have institutionalized courses with compulsory attendance for Bar examinations. As noted by Ibiroke.²¹

It is an uncontroverted fact that though the Legal Profession had been in existence in England for many centuries, Legal Education was not taken seriously there until the second half of the 19th century. It was not until 1877 that examination was introduced for Solicitors and 1872 for Barristers in England. Even then, there was no institutional training for English solicitors until 1903 and for English Barristers until 1967. All that was required was passing the examinations. How one prepared for the examination was one's business. Lectures were given by the English Council of Legal Education but attendance was voluntary. Some Nigerians took crash courses for three months provided by private bodies while some obtained Nutshells or Questions and Answers in the subjects constituting the examination. No law degree or other degree was required although majority of them were indeed graduates. It was not until 1967 that

institutionalized courses with compulsory attendance was introduced for Bar Examinations in England.

Thus, though the legal profession existed in England long before Nigeria, formal compulsory legal education started in Nigeria before England.

The Law School runs a one-year²² course of practical, vocational training in law for persons who possess a law degree of whatever class from a recognized university. Those who have a pass in the English, Irish or Scottish Bar Final Examination are also eligible for admission into the Nigerian Law School. What makes the Law School vocational is that it is, or is supposed to be, an experiential hands-on training preparatory to call to Bar. This essence was well captured at a Conference of Vocational Legal Training in the United Kingdom and Commonwealth, held at the Faculty of Law, University of Birmingham in April 1975 (The Birmingham Conference Report) that:

A vocational course is one which is as short or as long as the subject demands, assumes knowledge of the substantive law on its subject, deals with that subject by means of realistic simulations as to train students to work in a solicitor's office; therefore concentrates on practice and not on theory; and consists of several exercises and may include lectures, case studies, demonstrations and visits from experts. It is training and not education.

Much the same point was made in the Report of the Committee on Legal Education, usually called The Ormrod Report²³ which, in considering the nature and function of vocational courses pointed out that:²⁴

...the main function of the Vocational course is to bridge the gap between the academic study and the practical application of the law. In other words, these courses should be designed to help the student to adapt his academic knowledge to the conditions of practice, by introducing him to the practical skills and techniques of the law, and to acquaint him with the knowledge in other fields which will be of particular value in practice.

The Law School training therefore has the clear aim of providing young lawyers with practical knowledge of the law and enabling them gather relevant experience of legal practice.²⁵ It has however been said by an insider that the Law School is in fact not much different from an academic institution dominated by lectures where students hurriedly commit notes into memory and “pour” down the same at the examination, and so it is merely paying the institution lip-service to christen it a Vocational School or a Practical Training school.²⁶ The Law School programme itself is divided into two parts: Bar parts I and II. Bar Part I, which is wholly academic, is undergone by lawyers who obtained their law degrees abroad, so that they did not do the basically Nigerian courses, the knowledge of which will be fundamental in their legal practice. They therefore have to take and pass all the courses in the Bar Part I before they are admitted into Bar Part II. The

courses are: Criminal Law, Nigerian Legal System, Constitutional Law, and Nigerian Land Law. Those who had their law degree in Nigeria are admitted straight into Bar Part II. The courses taught in Bar Part II are Civil Procedure, Criminal Procedure, Legal Drafting and Covenanting, Company Law and Commercial Practice - which comprises Professional Ethics, Law Office Management, Legal Skills and Solicitors' Account.

Apart from the periods of Chambers and Court attachments, and perhaps the brief periods of moot and mock trials, the one-year duration of law school is taken up by lectures in the classroom. Even the brief moots, mocks and attachments do not attract any scores in the final grading. There was a time when Law School academic staff used to go round the Chambers to know first-hand how the Law School attachees were performing, but this monitoring appears to have disappeared these days, perhaps due to the seemingly unmanageable student population.²⁷ This means that the student's final performance and grade of pass are based solely on his examination in class. Here, a leaf may be borrowed from England where, to be eligible for call to Bar under Part iv of the Consolidated Regulations of the Honorable Societies of Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn,²⁸ one has to undergo an aptitude test which consists of three parts: written test, case presentation before a video recorder, and a tape-recorded question and answer session before interviewers (oral test)²⁹ Wholesale adoption of this in Nigeria is not possible in view of the unwieldy number of students involved³⁰, but something truly vocational which eventually counts in the student's final grading should be introduced. More will be said on this when we discuss reform imperatives.

A student who has successfully completed his study in the Law School is then called to the Bar by the Body of Benchers,³¹ and his name is then put on the roll of legal practitioners which is kept at the Supreme Court, making him entitled to practise as a barrister and solicitor.³² Before this, the successful student must have kept terms, and would have been sponsored for the call to Bar by two Benchers as a fit and proper person to be called to the Nigerian Bar; in other words, attesting to his good character. After the call to Bar and during legal practice whether in private or official Bar, whether on the Bench or in a company, there is need for continuing legal education so as to prevent rustiness, update the practitioner on best practices and enhance professionalism.

CONTINUING LEGAL EDUCATION

The aim of continuing legal education is to promote professionalism, efficiency and competence within the “rank and file” in the legal profession. Such “further and better” learning is supported on all fronts. The Holy Bible says through the Preacher (Ecclesiastes)³³ that “of learning, there is no end”. Analogically, it is true that every machine needs periodic oiling and lubrication lest it gets rusty. Men can get rusty too, and a rusty legal practitioner is an impediment and a clog in the wheels of justice.³⁴ Legally, it has been agreed that:

...competence begins with a lawyer's early education; his legal education and his early practical training. But it continues throughout his life at law, learning and relearning in the form of continuing legal education. This is as important as his original training and admission.³⁵

In America continuing legal education has long been in place. Each state in America has clear-cut programmes for continuing legal education. In fact in some states attendance is mandatory and is a precondition for next accreditation for legal practice. In Nigeria an early attempt was made in the early sixties by the establishment of the Nigerian Institute of Continuing Legal Education, whose function was later transferred to the Council of Legal Education by section 3 of the Legal Education Act as amended in 1976. Unfortunately, the Bar then opposed the scheme because they erroneously saw it as “a subtle attempt to bring lawyers back to the Law School”.³⁶ With the financial assistance of the Ford Foundation, another body, the Continuing Legal Education Association of Nigeria (CLEAN), was formed in the early eighties and tasked with organizing lectures for members of the legal profession all over the country. Today there are some private bodies which periodically provide some form of continuing legal education to members of the legal profession. Examples include the Law Quest Ltd which organizes Alphajuris Workshop Series and goes ahead to publish its proceedings as Juriscope, the Centre for African Law and Development Studies, and even the Nigerian Bar Association which organizes lectures and conferences during its Annual Bar Conferences. The problem however is that some lawyers regard the conference as an annual jamboree where they meet old friends, or where they only go to buy one needed item or the other, or some go there just on the day of election so as to elect the next Bar officials. They do not go there with the mind of continuing their legal education.

The Bench is also not left out of the need for continuing legal education. Judicial education came much later than that of the Bar. At the All Nigeria Conference of Judges held in Abuja in 1988 the idea was mooted about continuing legal education for

judges. The Continuing Education Committee was set up as a result. The Committee saw to the holding of annual judicial lectures for judges and orientation courses for magistrates. This continued till 1991 when the National Judicial Institute was established.³⁷ The functions of the institute have already been stated. It remains only to add that members of the bench, particularly the newly appointed ones, appear to be benefiting from this scheme.

REFORM

We have listed legal education processes to entail different stages: The academic stage, vocational stage and the continuing education stage for both the Bench and the Bar. At the academic stage it has been variously suggested that in order to improve professionalism, the duration of the programme should be increased from 4 and 5 years to 5 and 6 years respectively for entrance and direct admission entrants respectively. The argument is that this will allow enough time for classroom education and some practical training, as opposed to the current programme. It is not clear that this would be a solution to the problem. What is needed is a measure of clinical legal training which would make the lawyer more relevant to the society. Agreed that the formal purpose of law is that of ensuring order and stability in the society. This approach however overlooks the social values of law. Law is too important a subject to be kept outside the issues of social justice, development, democratic values and human rights.³⁸ Indeed, why law is a profession is the idea of public service and social justice. As Roscoe Pound put it, “historically, there are three ideas involved in a profession: organization, learning and a spirit of public service. These are essential. The remaining idea, that of gaining a livelihood, is incidental”.³⁹ The syllabus at the academic stage should be

modified if the law student is to play a social engineering role for the transformation of the society in order that justice and equity for all can be ensured. The appropriate legal education should have wider goals in enabling the lawyer understand and assimilate responsibilities as a member of a public service in the administration of the law, in the reform of the law, in the equitable distribution of the legal services in society, in the protection of individual rights and public interests and in upholding the basic elements of professionalism. These aims are attainable by producing public interest lawyers through experiential learning in the form of clinical legal education. The clinical movement has its origins in America in the 1930s and 1940s when the American realists criticized legal education for pursuing elitism to the prejudice of practical training.⁴⁰ Right now four pilot faculties of law in Nigeria are offering clinical legal education.⁴¹ This should greatly make up for the inadequacies of the Law School (vocational) training.

Another area for syllabus review at the academic stage is the need to introduce new courses such as legal aspects of internet, computer and other emerging subjects. Where adequate manpower is an obstacle, this may be overcome by collaboration with other Law faculties and Universities. Inspiration may be drawn from the United States of America. Because of the accelerating nature of economic globalization and integration some of the leading law schools in the US are internationalizing their curricula. In 2003 the Harvard Law School began a double JD/LLM degree with Cambridge University, where Harvard students spend the last of the years of study in Cambridge. The logic of the combination is that in the new three-by-three world (of civil society, business, and government; local, national, international systems) multi-tasked lawyers are required to

function optimally. It is not clear how the Nigerian-trained lawyer will fit into and function optimally in today's world without literacy in information technology. All universities now offer a general course on computer education, but everything is in theory as most of them have no access to computers. Lack of internet connectivity in the universities means that most of the students are ignorant of its operation. This is alarming in this day and age where many texts and journal articles are published electronically.

Students still cue to pass assignments when they could simply post it on the lecturer's website. We still rely on a lot of paper work in an increasingly paperless world. Teaching aids like projectors, slides, and microfish are lacking. To improve legal education and enhance professionalism these things must be provided. This would vastly improve the conditions of work of the lecturers and, correspondingly, the quality of the legal education.

Vocational training also needs some attention. It should be a training, not education, and it should be truly vocational, not just in name. The current practice of having Law Office Attachment just before Bar final examination appears not to work well, as the students spend most of the time reading for the forthcoming Bar Final examination rather than concentrate on practical training in chambers. In any case, since performance during Law Office attachment does not count in the final grading of the student, why not shift the attachment to the end, i.e. after the Bar final examination? It is instructive that in England the compulsory pupillage is at the end of the vocational training.

One would also suggest that the Law School Syllabus should be amended, so that substantive law courses (like Company Law and Evidence) can be taught in the universities rather than duplicate it

at the Law School. Law School should concentrate on real practical and procedural things which the lawyer will encounter on the field. A system should be devised to ensure that students are desirous to participate in mocks and moots, as a foretaste of what they will meet in legal practice. One does not support the view that the duration of vocational training at the Law School should be increased to two years. Such elongation will only succeed in delaying the students in school. Professionalism in legal practice cannot be attained solely by length of training, but by quality of training. It would be recalled that when the Nigerian Law School was first set up, three months sandwich courses were conducted for certain classes of students until December 1965 and the brevity of training did not stop them from performing well in legal practice.

There is a dire need for continuing legal education for both the Bar and the Bench. It is said that “the Law will admit of no rival... it is a jealous mistress, and requires *a long and constant* courtship. It is not to be won by trifling favours, but by lavish homage;”⁴² and those who engage in law are guardians of ideals and traditions to which it is right that they should *from time to time dedicate themselves anew*.⁴³ There probably should be a periodic mandatory conference attendance for lawyers so as to refresh and update their knowledge of the law. Some lawyers have never attended any conference, seminar or workshop since they left school. They do not attend an event which is not immediately materially rewarding. They become mentally rusty. Being materialistic is of no good to society, and defeats the essence of law, which is public service. Attendance at seminars and workshops will help to correct this; it will help to promote public interest lawyering and access to justice.⁴⁴ Once we have public interest lawyers, it ceases to matter that the law may be an ass. What matters is who rides it. When a public interest lawyer rides

the law it becomes an emancipative project, it works to open space for social imagination of alternatives, for the society at large and for the individual. Legal education through conferences should produce lawyers who add value to the struggles for social justice, even as the odds weigh highly against social justice

FOOTNOTES

*Professor Enefiok Essien, Dean of Law, University of Uyo

1. Established under the National Judicial Institute Decree No. 28 of 1991 See now vol. 11 Cap. N55 LFN 2004
2. Section 3(2) (a)
3. Section 2(2) (b)
4. Section 3(2) (c)
5. 1979 Cmnd 7648 para 3989
6. Address by L.H. Southwick Q.C. at Commonwealth Legal Bureau, in *Proceedings of the Sixth Commonwealth Law Conference*, Lagos (1980) p. xxvii at xxxiv.
7. An address by Kayode Eso JSC (in his capacity as Chairman, Body of Benchers) to Lawyers called to Bar on 11th May, 1989 at page 4.
8. Alexander Pope, "Essays on Criticisms", *Stevens Book of Quotations*, 9th edn. at p. 1098.
9. Ibid
10. *Prelude to the Legal Profession in Lagos: 1831-1880* at Page 99 see also: Omoniyi Adewoye, *The Judicial System in Southern Nigeria*, London, Longman, 1977.
11. Omoniyi Adewoye, *The Legal Profession in Nigeria (1865-1962)* Longman, Nigeria, 1997. See also: A.F.O. Dabiri Esq.; "Local Attorneys as Pioneers of the Legal Profession in Nigeria" Vol ix NBJ (1971) page 35
12. Elias, T.O.: "Legal Education in Nigeria" [1962] 6JAL 116
13. See generally, Report of the Committee (Federal Government Printers, Lagos)
14. Later Cap. 207 Laws of Federation of Nigeria 1990. See now Vol. 8 Cap. L11, Laws of the Federation of Nigeria 2004

15. Cap. 206 Laws of the Federation of Nigeria 1990. See now Vol 8, Cap. L10 LFN 2004
16. Section 1(2) of the legal Education Act Cap. 206 LFN 1990
17. MAS at page 2, para 1.1 The MAS document provides for minimum course contents in each degree programme, minimum floor space for lecture, minimum amount of library space and facilities per student as well as minimum student-staff ratio for effective teaching and learning
18. Established under the National Universities Commission Act Vo. 11, Cap. N81 LFN 2004
19. See MAS page vi
20. S.I(2) of Legal Education (Consolidation, etc.) Act, Vol. 8 Cap. L10 LFN 2004
21. Babatunde A. Ibrinke: "Mission Statement as Director-General of Nigerian Law School, December 1979 to December 1993, in *Nigerian Law School: Four Decades of Service to the Legal Profession*, CLE, 2003 pp. 59-70 at p. 60
22. There have been speculations that the duration of the course of study may soon be increased to two years. However between 1963 and 1965 three months sandwich courses were mounted for certain categories of students.
23. Cmnd. 4595, London, 1971
24. Para 133
25. See also para 39-26 of the Royal Commission on Legal Services (Benson Report) Cmnd. 7648, October 1979
26. Dr. Kole Abayomi, "A Critical Appraisal of Practical Legal Training in Nigeria", a public lecture delivered on Thursday 19th July, 1990, at the Lagos State University, under the University Seminar Series, at page 24
27. See further: O.C.Oko, "Legal Education and Training in Nigeria," *The Africa Journal of international and*

Comparative Law, RADIC, vol. 6 Pt2 (1994) 277 at 288-289

28. Effective from 1st October 1000996.
29. See Schedule 13A regulation 2 at page 56, *ibid*.
30. The Law School started with only 9 students in 1963, but today there are over 6,000 students
31. Under section 3(1) of the Legal Practitioners Act, cap. L11, vol. 8 LFN 2004
32. Section 2(1), *ibid*
33. Ecclesiastes 12:12
34. C.A. Oputa JSC (rtd), “The 40th Anniversary of the Nigerian Law School Commemorative Publication”, in *Nigerian Law School: Four Decades of Service to the*