

## **Legal Education in Nigeria: Rethinking Intellectual Foundations and Policy Paradigms for Best Practices in Legal Training and Law Practice**

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*This article probes into the issue of legal education in Nigeria by taking a look at the history of legal education in Nigeria, the foundational deficiencies in training and their impact on Tertiary and Vocational Legal Education and suggests structural reconstructions that may be necessary to effect a paradigm shift.*

### **1. Introduction**

The idea of legal education refers to organised training of persons through the impartation of knowledge, skills and values, which are cumulative core requisites for admission into the legal profession. Before Nigeria's independence in 1960, there were no Nigerian-based processes for the training of aspirants to the legal profession. The practitioners at that time were either formally trained abroad, or not formally trained but merely

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granted 'licence' to practice on six monthly (renewable) basis. According to J.K. Jegede:<sup>1</sup>

Prior to 1963, two classes of people were allowed by the Supreme Court Ordinance of 1896 to practice law in Nigeria *viz*: those that have been called to the English Bar or admitted as Solicitors in England, Scotland and Ireland and those not qualified as lawyers but were allowed by the Chief Justice of the Federation to practice for six months renewable on application. These laymen were only tested in general education and practice of the law. This privilege to this class of people was to assist in the administration of justice because of the dearth of trained legal personnel. The privilege ended about 1903.

It follows from the foregoing, that the legal profession in Nigeria began from twin foundations, namely, the formal foundation (anchored on the formal training acquired either from England, Scotland or Ireland) and the informal foundation (as was evolved by those unqualified and unskilled personnel who, though laymen, were licensed on periodic basis to complement the justice administration efforts of the formally trained lawyers). In the strict sense, the idea of legal education in Nigeria centres on the tertiary and vocational levels of education, such as the curricula of the universities and the Nigerian Law School. Indeed, the end product of these tertiary and vocational levels are affected by the quality of basic training received by the aspirants to the legal profession at the early stages of their educational development. There have been growing complaints by educational administrators and the Nigerian public about the

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<sup>1</sup> J.K. Jegede, "A Historical Perspective of the Nigerian Law School," in *Nigerian Law School: Four Decades of Service to the Legal Profession*, (Council of Legal Education: 2003), p. 6.

general decline in education,<sup>2</sup> even at the primary levels of education. This paper argues that the quality of basic education in any society invariably affects the end-product of the educational system of that society up to the tertiary and vocational levels. It also argues that the signs of decline in a society's educational system often manifest in the learners (and end-products) in the form of poor verbal communication; desperation and racketeering among the stakeholders in education; emergence of functional illiterates; and, in the sphere of legal education, this decline also manifests in the form of failure by 'new wigs'<sup>3</sup> to observe the time-honoured etiquettes and ethics of the legal profession.

## **2. Foundational Deficiency: Impact on Tertiary and Vocational Legal Education:**

The impact of the decline in the general standard of education has continued to depreciate not only the general educational

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<sup>2</sup> This decline and the general malaise in education may be observed in the form of parents bribing their children's teachers to ensure that their children and wards are rated very high in their school assessment; or in the form of school authorities refusing to ascribe a 'Fail' Grading to their students who failed in their school assessment, so as to create a public impression that their school's high standard is responsible for the 'No Failure' rating. In some cases some school teachers have been indicted for their involvement in examination malpractices in their bid to make their students 'pass' their examinations at all costs.

<sup>3</sup> The expression 'new wigs' is a term used among lawyers when referring to their colleagues who are still young in their professional career as lawyers – usually those who are five years and below from the date of their Call to the Bar. The expression seems to have evolved from the wigs worn by lawyers as part of their professional attires. A lawyer who is still young at the Bar would expectedly wear a new wig, having bought it at the time of, or in preparation for his Call to the Bar. Logically, the wig gets older as the lawyer gets older at the Bar, hence the reference to a young lawyer as a 'new wig.'

development, but also the vocational training of aspiring professionals. In the case of legal education, this decline has continued to manifest in different ways, including the following:

### **2.1 Poor verbal communication in the English language by many students**

In the case of law students, poor expression would affect them both in their status as law students, and also in their future status as lawyers. This is especially lamentable since the English language is the language of the Nigerian courts; also, the bulk of a lawyer's work involves much of drafting of documents which are expected to be accurate and to convey the exact meaning which the client intended while giving his instructions to the lawyer.

### **2.2 Desperation and Racketeering in some tertiary and vocational institutions**

Flowing from their foundational deficiencies, students whose academic grades were 'procured' for them by their parents or guardians may feel inadequate and unable to cope with the intellectual demands of higher education. This feeling of inadequacy would invariably lead to desperation to gain unearned high academic grades, without possessing requisite knowledge, skills and values comparative to the high academic grades they flaunt. In their desperate bid to gain such unearned grades, they (sometimes with support from their parents and sponsors) get involved in racketeering for academic scores and grades, enlisting the 'corrupt assistance' of the vulnerable staff and thereby corrupting their school system.

### 2.3 Emergence of functional illiterates in the Professions

Foundational deficiency also leads to end-product deficiency in the form of functional illiteracy<sup>4</sup> across the professions. For instance, the quest for certificates as evidence of qualifications may lead to cases whereby some holders of certificates of training may sometimes be unable to identify the core tenets of their work,<sup>5</sup> let alone perform the relevant core functions. This may lead to disastrous consequences.<sup>6</sup>

### 2.4 Lack of proper etiquette at the Bar especially among new wigs

The falling standards of etiquette at the Bar is an indication of the lacklustre attitude of modern lawyers, especially the new wigs, towards the observance of general etiquette and ethics of the legal profession.<sup>7</sup>

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<sup>4</sup> Functional illiteracy may be defined as partial or total inability of a person to perform a given function or task for which he claims to possess knowledge or skill, or for which he holds a certificate of training.

<sup>5</sup> See for instance, 'Drama in Edo as Teacher can't read own Certificate' in *Saturday Vanguard*, (Nigeria) Vol. 17, No. 863, Saturday, August 17, 2013, also available at [www.vanguardngr.com](http://www.vanguardngr.com)

<sup>6</sup> Functional illiteracy may result in more dire situations in the professions. For instance, if an inadequately trained doctor carries forth his inadequacy into his professional practice, his consulting room and surgical theatre rather than offering hope of recovery, may pose threat of deaths from his professional incompetence. Similarly, if an inadequately trained lawyer carries forth his inadequacy into his profession, he may lose cases that may have otherwise been won with good defences. The implications may be worse for his clients where the cases carry the death penalty; in such cases the accused who might have lived, might face the hangman's noose due to the lawyer's incompetence.

<sup>7</sup> For instance, it is now a common sight to see young lawyers being carried on commercial motorcycles as they go to or return from the courts, with their collars and bibs fitted on. This is an aspect of the

### **3. Re-working the Foundations for Training and Practice: Need for Paradigm Shift:**

Unarguably, the training of lawyers (just like the training of other professionals), and their subsequent professional practice should be founded on strong knowledge base, thorough skills training and society-friendly values. In order to raise formidable crop of knowledgeable, skilled and value-oriented legal practitioners for the modern age and the future, it is submitted that stakeholders in education should work towards a paradigm shift in the training of the upcoming generation of aspirants to the legal profession. The paradigm shift should extend to all aspects of the training – foundational, tertiary and vocational – with a view to re-working the curricula of the various training organs, re-orientating the values- psyche of the learners and re-channelling the focus of training.

In this context, the stakeholders include (but are not limited to) the following: (1) Parents; (2) Teachers; (3) Learners; (4) Non-teaching school administrators; (5) Law enforcement agents; and (6) the Government. Stakeholders can achieve a paradigm shift through strategic re-thinking and re-working of intellectual foundations, specification of admission criteria, enforcement of admission quota, curricula (re-)design and development, re-packaging knowledge and skills training and re-directing the values-content and focus of legal education in Nigeria. It is submitted that the required paradigm shift may be achieved through the implementation of utilitarian strategies, including the following:

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erosion of the profession pride – a thing that was unthinkable in the past. It is more befitting to a lawyer's professional pride to walk down the road than to be carried on a motorcycle with his professional attire fitted on.

### 3.1 Re-thinking and re-working of intellectual foundations:

Stakeholders need to rethink and re-work the intellectual foundations of learners across the nursery, primary, secondary, tertiary and vocational levels of training in all educational institutions in Nigeria.<sup>8</sup> As part of the intellectual re-working mechanism, government regulatory agencies should develop strict regulatory framework prescribing minimum standard qualifications for appointment of personnel into the teaching services across the nation. For instance, there should be separate minimum standard qualifications for employment in the nursery, primary, secondary and tertiary levels of education, respectively. The desirable minimum standards are suggested in the Table below.

	Level of Education	Minimum Qualification of Teaching Staff	Desired Additional Qualification
1.	Nursery School	National Cert. in Education (NCE)	-----
2.	Primary School	National Cert. in Education (NCE)	Bachelor of Education (B. Ed.)
3.	Secondary School	Bachelor of Education (B. Ed.)	Master of Education (M. Ed.)
4.	Tertiary institutions (Polytechnics, Colleges of Education <sup>9</sup> and Universities)	Master Degree in the Subject Taught, plus at least Bachelor Degree in Education	Doctor of Philosophy (Ph.D), plus scholarly publications as evidence of research ability

<sup>8</sup> Reference to all educational institutions here includes the public and private educational institutions.

<sup>9</sup> With regard to teaching in the Colleges of Education, it is suggested that the minimum qualification should be a Master Degree in Education with specialization in the subject taught. But with regard to teaching in the Polytechnics and the Universities, it is suggested that the minimum qualification should be a Master Degree in the subject taught, plus at least Bachelor Degree in Education. This suggestion is predicated on the premise that teaching is a profession as well as an art, and accordingly, teachers at all levels must imbibe

5.	Postgraduate Vocational Institution e.g., Nigerian Law School	Master Degree in the Subject Taught, plus at least Bachelor Degree in Education	Doctor of Philosophy (Ph.D), plus scholarly publications as evidence of research ability
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It is submitted that in addition to setting the above minimum standards, the regulatory agencies should embark on strict enforcement of the regulations. But there should be a moratorium period of six (6) years to enable affected teachers to remedy their deficiencies and comply with the regulations. There is no doubt that such re-working of the intellectual foundations will serve as catalyst in the turn-around of our educational system, thus re-defining the dedication to study, grammar, and general perception of the learners at all levels of our educational system, beginning with the basic levels (i.e., nursery and primary) which are the most vulnerable levels.

### **3.2 Motivating Teachers with Special Emolument Scale and Engaging Best Hands**

The teaching workforce across the nation should have a special emolument scale so as to attract the best hands into teaching at all levels of education as well as motivate them to be fully committed to the moulding of generations of learners across the professions, including the legal profession. The institutionalisation of special emolument scale for teachers should go along with necessary check mechanisms such as performance monitoring and evaluation schemes, so as to forestall truancy and conflict of interests among the teachers.

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the art and skills for teaching through adequate training before they begin to teach whatever subject they are inclined to teach.

### **3.3 Periodic Review, Publication and Enforcement of Admission Quota for Universities:**

The Council of Legal Education (being the governmental organ regulating legal education in Nigeria) should liaise with the National Universities Commission (NUC) to conduct periodic review of approved University admission quota into the Law Faculties. This is important as a form of quality control mechanism so as to assess the staff-student-facility ratio of each Faculty of Law; and to monitor and discover when a University's staff-student-facility ratio (especially teacher-student-facility ratio) has either improved or dropped, necessitating remedial attention. Furthermore, it is submitted that the *per Faculty* admission quota of each University should be published<sup>10</sup> in the national newspapers yearly, for the benefit of the public. Added to this is the need to strictly enforce the approved admission quota of each University so as to ensure that the prescribed quota is not breached (for if it is breached, it will lead to the watering down of the standards within the context of bloated teacher-student-facility ratio).

### **3.4 Conduct of Entrance Examination to the Nigerian Law School:**

Under the current dispensation, it is the accredited universities that solely draw up the lists of their qualified students and send such lists to the Nigerian Law School for vocational law training. This means that there is no direct mode of vetting such lists by the Nigerian Law School, and thus, whatever lists the Universities forward to the Law School would be deemed as authentic lists for the purposes of admission into the Nigerian Law School. It also follows that under this system, a student who

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<sup>10</sup> The Council of Legal Education recently published such a list: See The *Guardian Newspaper* (Nigeria), Thursday, September 5, 2013, p. 73. It is recommended that such lists should be published annually to update the public on the status of Law Faculties across Nigeria.

is deficient in the English Language or general knowledge of the law may nonetheless be admitted for vocational training at the Law School simply because he or she was *cleared* and *forwarded* by his or her University. It is therefore submitted that there is need to establish a *clearing system* in the form of entrance examination to be conducted by the Nigerian Law School.

The value of such a *clearing system* is that when candidates know beforehand that their admission to the Law School would not be automatic, but that it is dependent on the cumulative factors of their university qualification, general good conduct and success in the entrance examinations, they would be spurred on to be committed to their studies from the onset of their University education. Among the advantages of such entrance examinations are these:

- (a) It would 'weed off' lazy and unserious candidates and ensure that only serious-minded candidates are admitted, thereby raising the performance standards of the students and meeting the expectations of the public from the Law School in particular, and from legal training programmes generally.
- (b) The reality of the entrance examinations would engender healthy competition among prospective candidates even from their respective universities since they would know beforehand that failure in the entrance examinations would disqualify them from admission to the Law School. Therefore, while studying in preparation for their entrance examination to the Law School; their intellect would keep improving in readiness for the vocational legal training which the Nigerian Law School offers.

### **3.5 Blending Practical Teaching Methods with Theoretical Teaching**

Both at the tertiary (University) and the vocational (Law School) levels, there is need for Law teachers to blend both *theoretical*

and *practical* methods of teaching, rather than solely relying on the rote<sup>11</sup> method. The practical teaching methods equip the learners with the requisite knowledge, skills and values to *perform* tasks rather than merely *memorizing* tasks. These practical methods include (but are not limited to) the following:

- (a) Teaching with the use of Case Studies;<sup>12</sup>
- (b) Teaching with the use of Simulations;<sup>13</sup>
- (c) Teaching with the use of Role Plays;<sup>14</sup>
- (d) Teaching with the use of Study Group Tasks;<sup>15</sup>

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<sup>11</sup> Rote method of learning refers to the process of learning in which learners are encouraged or induced to keep repeating each point until they are able to internalize that point in their memory, rather than them being encouraged to understand the point in the lesson. Rote method emphasizes memorizing through repetition, but the fault with this is that memorizing does not mean understanding. Experience in the Nigerian Universities show that most of the Law teachers use only the theoretical method of teaching. This method does not seem to have much positive effect on learners' understanding.

<sup>12</sup> The Case Study method focuses on creating a story with detailed account of a situation or event with intertwined legal issues, and then requesting the learners to first identify the issues in the story, and thereafter to proffer workable solutions to the issues in the story. The value of this method is that encourages the learners to develop skills for inquiry and also to develop problem-solving attitude.

<sup>13</sup> The Simulation method focuses on creating artificial conditions or circumstances in the manner of real life experiences in order to study or experience how such situations occur in reality. This may be in the nature of drama scenes created and acted around situations that would pose legal problems, and then applying relevant laws to them in a bid to resolve them.

<sup>14</sup> In the use of Role Plays each individual learner for the Role Play is assigned a specific role or task in the activity. He or she would then partner with the others as each performs the particular role assigned to him or her. While doing this each participant gains mastery of his specific role and at the same time learn the roles of others by watching them perform.

- (e) Teaching with the use Buzz Groups;<sup>16</sup>
- (f) Teaching with the use of Films and Audio-Visual aids, etc;<sup>17</sup> and
- (g) Establishment of in-house ‘Law Practice Chambers’ and ‘Courtrooms’.<sup>18</sup>

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<sup>15</sup> A Study Group tasks is similar to Role Play method of teaching except that the Study Group tasks are assigned to the learners as a group rather than as individuals. Each Study Group will have a Group Leader to co-ordinate the activities of the Group and report on such activities. The Group performs the assigned tasks together but the Group Leader presents the report of the Group after which the performance of the Group would be subjected to corrective criticism.

<sup>16</sup> In the use of Buzz Groups, the main class is divided into different small groups and assigned a particular topic for discussion. Each small group would discuss and give their opinion about the topic assigned to them. Usually the discussions are done in the class but each small group will separate from the others during the discussion session. At the end of the discussion session the groups merge into one for plenary discussion during which the leaders of the small groups present the report of answers and solutions from their groups. After the presentations by the Group leaders, the facilitator (i.e., teacher) would give opportunity to any person who may have any view that is distinct or contrary to the views already expressed by the Group leaders. The value of this method is that it allows learners who are shy or timid in the general class to showcase their views when they are in a small group; and it also makes room for proactive exchange of ideas among the learners and between the learners and the facilitator.

<sup>17</sup> Audio-visual methods of teaching include the use of projector slides as well as recorded audio and video presentations, including video presentation of dramas on ‘how to’ perform tasks that must have been earlier mentioned or explained. The topics may be taught first and thereafter the ‘*how to do it*’ is presented in audio-visual modes to the learners. It is also recommended that each of the University Law Faculties as well as all the Campuses of the Nigerian Law School should acquire Braille facilities and make them available for use by the visually-impaired students *at no special cost*.

### 3.6 The Need to Create Alternative Vocational Disciplines in the Legal Profession

At the vocational level of training of the aspirants to the legal profession (which training is conducted by the Nigerian Law School), the training is single-channelled. This is because despite the fact that the aspirants had acquired the Bachelor of Laws Degree from their respective Universities prior to their attendance at the Law School, they are nevertheless excluded from all forms of legal practice under the Legal Practitioners' Act<sup>19</sup> unless they are first called to the Nigerian Bar - Call to the Bar is preceded by attendance at the Nigerian Law School<sup>20</sup> and success in the examinations prescribed thereat. There is no known alternative course of study approved by the Council of

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<sup>18</sup> Perhaps one of the most important methods of teaching law as a vocation is by establishing in-house 'Law Chambers' and 'Courtrooms' in the Law Faculties of the Universities. The courtrooms would be set up to resemble the real courtrooms where lawyers eventually practice upon their call to the Nigerian Bar. (This may not necessarily mean building a new courtroom facility, but an existing building or a fairly-sized room may be designated as a courtroom). Following the designation of the courtroom and the drawing up of a list of Law Chambers, the Law students would be assigned to the various Law Chambers for their practical court sessions under the guidance of their facilitators (Lecturers). The value of this is that it would engender healthy competition among the students as they compete regularly in moot court trials and other group exercises and seminars in the various areas of the law. In this way the law students would be personally engaged in more of proactive practical exercises as opposed to merely sitting in the class to listen to lectures from their lecturers.

<sup>19</sup> Cap. L11, Laws of the Federation of Nigeria (LFN), 2004.

<sup>20</sup> Nigerian Law School is a vocational training school for training of persons aspiring to join the legal profession in Nigeria. It is established and operated by the Council of Legal Education pursuant to the Legal Education (Consolidation, etc.) Act, Cap. L10, LFN, 2004.

Legal Education, which can enable a law graduate to work or to engage in 'limited law practice; without being called to the Bar as a Barrister and Solicitor. The effect of this is that the aspirants to the legal profession are often under (psychological and career) pressure; and in their quest to succeed in the 'one and only' Bar Final examinations, some may become desperate and may be tempted to engage in sundry forms of examination malpractices. A further effect of this is that where a law graduate is not called to the Bar due to his inability to pass the Bar Final examinations, he becomes frustrated, and his LL.B. Degree (without a B.L.) would seem to be a liability unto him, rather than being a pride. Such frustrated law graduates often end up as impersonators 'practising' in the courts without being qualified – all to the detriment of the legal profession.

In the light of the foregoing, it is hereby submitted that the Council of Legal Education should create alternative courses of study which an aspirant (who is unable to qualify as a Barrister and Solicitor) may undertake to enable him engage in 'limited practice' and earn his living lawfully without engaging in illegal 'practice' of the law. Accordingly, it is hereby suggested that the Council of Legal Education should institute some cadre of certificate courses to meet the needs of such group of persons mentioned above. Provided that while they may be employed in companies and institutions (or be self-employed) on the basis of such particular certificates, they SHALL NOT be employed as or hold themselves out as Barristers in courts, or for the purposes of any work of Solicitors. The suggested certificate courses are as follows:

(a) Certificate in Legal Drafting (CLD)<sup>21</sup>

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<sup>21</sup> This can aid its holders to secure employments as Legal Draftsmen in the Legislative Assemblies and other relevant institutions, or even to work as private consultants on Legal Drafting, without necessarily being Barristers and Solicitors.

(b) Certificate in Legal Research and Documentation (CLRD)<sup>22</sup>

It is strongly believed that if the above certificate courses are instituted, the holders of such certificates may secure job appointments from governmental and other institutions as Legal Draftsmen or Legal Research Assistants as the case may be.

### **3.7 Academic Exchange Programmes for Law Teachers**

There is need for all Law Faculties (as well as the Nigerian Law School) to establish contacts with other Law Faculties and Law Schools across the globe (especially those in jurisdictions that share similar legal system with Nigeria) for the purpose of establishing exchange programmes for the Law teachers. Such exchange programmes would keep the Law teachers conversant with latest developments in legal training from time to time, and thus apply up-to-date teaching techniques in legal training in Nigeria. Furthermore, under the exchange programmes, visiting Lecturers from other jurisdictions may be invited to teach special or selected subjects or topics at the Law Faculties and the Law School from time to time, thereby affording the students a comparative view of the practices and procedure employed in the legal profession.

### **3.8 Proper Structuring in the Official Designation of Law Teachers at the Law School**

There is an urgent need for restructuring in the ranking system and official designations of the Law teachers at the Nigerian Law School. The reader may wonder aloud: How does official designation affect the improvement of legal education in Nigeria? Currently, the Law teachers at the Nigerian Law School

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<sup>22</sup> This can aid its holders to secure employments as Legal Research experts in the Legislative Assemblies, educational and other relevant institutions, or even to work in law publishing organisations without necessarily being Barristers and Solicitors.

are designated under an amorphous nomenclature. For instance, the ranking of the Law teachers begin from Assistant Lecturers just as in the University, but once the rank gets to Senior Lecturer the nomenclature changes, and the next ranks are Deputy Director of Academics and Director of Academics, rather than Associate Professor and Professor. The current practice of designating teaching personnel as Deputy Directors and Directors does not portray the Nigerian Law School as an educational institution, rather it erroneously portrays it with the image of a mere Government Ministry. It is absurd for academic personnel to retire as Directors or Deputy Directors, whereas their counterparts in similar educational (and even vocational) institutions retire as Readers (or Associate Professors) and Professors. This has continued to cause the Nigerian Law School serious losses by way of brain drain in favour of other tertiary institutions. Some of the erroneous designations and their effects on the Lecturers' attitude as well as their overall effect on the Nigerian Law School are itemised and analysed as follows:

- (a) The Nigerian Law School is postgraduate in status and vocational in nature. Being a finishing School for law graduates after they have graduated from the University, it follows that the Law School also ranks higher than the University. Accordingly, it is the highest institution where any Law teacher can teach Law in Nigeria. Usually the Law teachers are recruited from the lower ranks such as Assistant Lecturers and Lecturers Grade 2, from which positions they grow through the career ladder. But since there are no window of opportunities for the Law teachers to become Readers (Associate Professors) or Professors of Law at the Law School, the experience has been that soon after they attain the ranks of Senior Lecturers, they withdraw their services from the Law School (the highest institution for legal training) and join the Universities

(which are of lower status) in order to realize their career dreams.

- (b) It follows from (a) above that the Council of Legal Education (acting through the Nigerian Law School) recruits Law teachers mostly in their ‘novice years’ and utilize their services during such ‘novice periods.’ But by the time these Law teachers have gained teaching and other experiences needed for better services to the Law School, they suddenly realize that the most academically viable rank to which they can grow is the rank of Senior Lecturer; and so, many of them leave the Law School and join the Universities in search of further growth. Regrettably, in this way the Law School furnishes her Law teachers with teaching experience while the Universities enjoy the benefits of such experience. This is counter-productive for the Law School.

The foregoing submissions are particularly important in view of the fact that the staff of the Council of Legal Education (the operators of the Nigerian Law School) are recognised by the law as entitled to conditions of service comparable with those prevailing in the Nigerian Universities. This is clear from the proviso to Section 6 of the Legal Education (Consolidation, etc.) Act,<sup>23</sup> which provides:

Without prejudice to section 2(5) of this Act, the Council may appoint such officers and servants as are deemed necessary by the Council for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Council may determine:

Provided that the rates and scales of salary and other emoluments relating to any such appointment or employment

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<sup>23</sup> Cap. L10, Laws of the Federation of Nigeria, 2004.

shall be comparable with those prevailing in Nigerian universities.<sup>24</sup>

Considering the proviso to the above statutory provision, it may be rightly argued that ‘appointment or employment ...comparable with those prevailing in Nigerian Universities’ imply that since the Universities appoint Readers (Associate Professors) and Professors, the Law teachers in the Nigerian Law School should also enjoy all the opportunities which the Universities enjoy, including equality of salaries, emoluments and career ranks and designations.

This is especially true as other educational (and vocational) institutions that have similar status with the Nigerian Law School appoint or promote their academic staff to such academic ranks and titles. For example:

- (i) In Nigeria, the Nigerian Institute of Advanced Legal Studies (NIALS) is a law research and training institution of similar status with the Nigerian Law School, and the Lecturers at the Nigerian Institute of Advanced Legal Studies have opportunities to rise to the rank of Professors; and
- (ii) In England, the College of Law in England is a law training institution of similar vocational status with the Nigerian Law School, and the Lecturers at the College of Law have opportunities to rise to the rank of Professors.

In order to stem the tide of withdrawals of experienced Law teachers and retain their experiential services at the Nigerian Law School, it is recommended that the academic rankings and designations of the Law teachers at Law School should be re-designated to conform to the official designations of Law teachers in the Universities, subject to their satisfying the conditions proposed for each rank as shown in the table below:

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<sup>24</sup> Underlining supplied.

No.	Current Designation	Proposed Designation	Proposed Minimum Academic Qualifications	Proposed Minimum Post Call Experience	Minimum Tertiary Teaching Experience	Proposed Minimum Learned Publications
1	Director of Academics	Professor of Law	LLB;LLM; Ph. D	15 Years	12 years	20
2	Deputy Director of Academics	Associate Professor of Law	LLB; LLM; Ph. D	12 Years	10 years	15
3	Senior Lecturer	Senior Lecturer	LLB; LLM; Ph. D	10 Years	8 years	12
4	Lecturer Grade 1	Lecturer Grade 1	LLB; LLM;	7 Years	5 years	7
5	Lecturer Grade 2	Lecturer Grade 2	LLB; LLM	5 Years	3 Years	4
6	Assistant Lecturer	Assistant Lecturer	LLB;	1 Year	---NIL---	---NIL---

### 3.9 Mandatory Pupillage<sup>25</sup> for Lawyers:

The importance of experience to professional persons cannot be over-emphasized. Professional experience is usually acquired through hands-on engagement. In the case of new entrants into a profession, such professional experience may be acquired from the onset through pupillage. It is therefore recommended that mandatory pupillage programme (which was earlier abolished) should be re-introduced for the new wigs for the first two years from the date of their Call to the Nigerian Bar. The pupillage programme should be organised in such a manner that the following issues are properly taken care of, namely:

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<sup>25</sup> Within the context of the legal profession, pupillage is a period when a newly qualified lawyer (known as ‘new wig’) is assigned to an experienced lawyer to understudy the rudiments of law practice as part of his experiential law training programme. Usually during this period the pupil lawyer performs tasks assigned to him by the principal and in return receives stipends for his upkeep. The principal is required to monitor the progress of the pupil lawyer and write periodic and final reports to the sponsoring organisation at the end of the pupillage programme.

- (a) The Council of Legal Education and the Nigerian Bar Association should keep proper records of Ministries of Justice and private Law Offices that are ready to take such lawyers on pupillage;
- (b) Apart from the Ministries of Justice, only legal practitioners of good report in their conduct who have at least seven years post-Call experience in active law practice and having their own Law Offices would be qualified to serve as principals under whom junior colleagues can undergo pupillage;
- (c) Every principal should be required to forward quarterly reports on his pupil associates to the Council of Legal Education and the Nigerian Bar Association;
- (d) The Council of Legal Education in conjunction with the Nigerian Bar Association should set up a joint Committee to handle matters relating to pupillage programmes;
- (e) There should be a legislative framework prescribing minimum monetary allowance payable to a pupil Counsel by his or her principal;
- (f) The legislative framework should also prescribe that no lawyer is allowed to set up private law practice unless he or she shows evidence that he has completed the mandatory period of pupillage. It is submitted that such mandatory pupillage programme would be a method of 'enforcing experience' on the new wigs, and thereby enhancing the quality of their performance which will be carried forward into their future years in law practice.

### **3.10 Continuing Legal Education Programmes for Lawyers**

Generally, professions are dynamic, and this includes the legal profession. This means that the professions have some form of life, and they experience some form of growth and development from time to time. It is this dynamism in the professions that gives rise to developments and changes from older concepts,

theories and procedures to newer ones. The legal profession is not an exception to this dynamism.

As a way of improving the quality of training given to Law students (both in the Universities and the Nigerian Law School) as well as achieving improved quality of Law practice by legal practitioners in general, there is need to institute (or revitalize, as the case may be) continuing legal education in Nigeria. It is hereby proposed that the system of continuing legal education should be of two categories, going on simultaneously with each category complementing the other, namely, (a) in-service continuing legal education for Law teachers on the modern law teaching procedures, and (b) continuing legal education for legal practitioners generally on the international best practices at the Bar. These will be discussed in detail below.

**(a) In-service Continuing Legal Education for Law teachers**

There is need to organize regular in-service training for Law teachers at the Universities and the Nigerian Law School. This in-service training may be in the form of seminars, conferences, symposia, or other interactive models of training. This would serve as a catalyst in training the trainers of lawyers. It is expected that when the trainers (i.e., Law teachers) are equipped with up-to-date skills to train the trainees (i.e., Law students), the quantum and depth of the knowledge, skills and values transferred to the students would add to the desired improvement in legal education.

**(b) Mandatory Continuing Legal Education for Lawyers**

It is hereby recommended that the Council of Legal Education in conjunction with the Nigerian Bar Association should re-activate the Mandatory Continuing Legal Education (MCLE) programme for legal practitioners in Nigeria generally, such that each legal practitioner shall attend a minimum of one MCLE programme per year. However, in

view of the current realities of economic recession in Nigeria it is submitted that the fees chargeable for such legal educational services should be made generally affordable to legal practitioners. The object of the MCLE programme should be professional improvement, as opposed to profit-oriented revenue generation, so as not to deprive any legal practitioner of the opportunity of professional self-development through the imposition of exorbitant MCLE fees.

As a way of enforcing participation of legal practitioners in the MCLE programmes, there should be legal framework prescribing the renewal of their practising licences either annually or biennially, on the condition that non-participation in the prescribed number of MCLE programmes within a prescribed period would disqualify the errant legal practitioner from having his practising license renewed. The advantages of this proposal include the fact that it would help legal practitioners to continue to gain professional development and remain professionally up-to-date in international best practices long after they have left the Law School and throughout their life as legal practitioners.

#### **4. Conclusion**

At the primary and secondary levels of education, there is an urgent need for stakeholders in our educational system to work with synergy toward rebuilding the education sector in general. This would include total re-working of the curricula and attitudinal re-orientation. At the tertiary level, there is also need for commitment of the stakeholders in planning and execution of proactive policies aimed at institutionalising best practices in the education sector. These stakeholders are multifarious and include the students (i.e. learners in general), the teachers, parents and guardians, school authorities as well as government regulatory agencies. At the vocational level, the learners should be assisted

to learn by doing as opposed to mere memorizing without understanding. It is hoped that if the stakeholders are committed to the realization of the numerous issues and suggestions raised in this discourse, there would be remarkable improvement in education generally, and legal education in particular.