

EMPLOYABLE SKILLS THAT LEGAL EDUCATION SHOULD IMPART IN A 21ST CENTURY ATTORNEY*

Abstract

The world has continued to develop and the legal profession is not left behind. There have been innovations in various fields and the services of lawyers are inevitable. Thus, the need for lawyers to become acquainted with matching skills set cannot be overemphasized. Sadly, this has not been the case as Nigerian legal education system has not changed to meet the new demands. The universities and Law School are churning out lawyers who are ill-equipped to handle modern day realities. This paper discusses the current legal education system in Nigeria and also sets out different skills that a 21st century lawyer must possess. It advocates for a paradigm shift in the methodology of training lawyers in Nigeria, including but not limited to the introduction of modern subjects, mentoring of young lawyers by judges and successful lawyers, and mandatory continuing legal education for lawyers.

Keywords: legal education and skills, teaching methodology, modern attorney, Law School, legal services, legal markets

1. Introduction

In the time past, a Nigerian lawyer could only decide to specialise in limited areas of practice which were mainly private practice, government agencies, academia, and being in-house counsel in companies, though some in the academia were able (and some still do) to combine law teaching with private practice¹ at the same time. Luckily, over the years, two other areas of practice have been added - corporate practice and ADR. However, the scope of legal services that a lawyer is now required to render, irrespective of which area of practice a lawyer specialises, has widened and grown exponentially. A 21st century lawyer is therefore faced with emerging areas of law² which require new set of skills to deal with rather than legal practitioners of yesteryears who were schooled in and majored squarely in such areas of law as land law, chieftaincy, torts, criminal law, and the likes. The market has grown phenomenally, and for a contemporary attorney to be relevant, he must possess more skills than the older generation of lawyers. In a similar vein, Y. Ali observes, ‘Young lawyers entering the profession today are facing a vastly different workplace than their predecessors did.’³

However, legal training has received so much bashing in recent years. Many a time employers of lawyers as well as end users of legal services have expressed their disappointment at the low quality of lawyers coming out of the Nigerian Law School. It is disappointing that while the market is growing more competitive, requiring modern lawyers to be more skilful and innovative, the standards of legal education are nose-diving. The implication of this is that when the existing standards are not being sustained, nobody can talk of evolving strategies in response to emerging challenges posed by modernity which call for new skills. Changes in social relations and advancements in

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¹It must be pointed out that such practice is inconsistent with the Constitution. See, Section 2 (b) of the Fifth Schedule, Part I of the 1999 Constitution of the Federal Republic of Nigeria. See also, *Ahmed V. Ahmed* (2013) LPELR-21143. However, it is submitted that this constitutional provision which prohibits a public officer including law teachers from having other sources of income should be amended in such a manner as to exempt law teachers from its ambit because for a law teacher to teach satisfactorily, he needs to possess practical knowledge of the law.

²O. V.C. Ikpeze, ‘Legal Education in the 21st Century Nigeria: Need for Diversity in Content Paradigm’, *Journal of Law, Policy and Globalisation*, Vol. 39, 2015, pp. 63 – 77, expressed similar sentiment thus, ‘The dynamics of globalisation and expansion in commercial transactions constantly demand that law intervenes in political, economic and social interactions. This in turn involves members of the legal profession. Therefore, law and legal education cannot be static...To meet market demands and public expectation from members of the legal profession, a robust curriculum ought to be constantly in place to address practical issues. Obviously, daily economic acts throw up new challenges. Therefore legal education must be dynamic to accommodate and address new issues.’

³Y. Ali, ‘Preparing for a Successful Career in the Legal Profession’, *The Jurist, Law Review on Contemporary Legal Issues in Nigeria in Honour of His Lordship, Hon. Justice Olukayode Ariwoola, JSC*, (may also be cited as (2013) 14 UNIABUJA LAWSAN JURIST), pp. 1 – 13.

science, information and communication technology, among others, have thrown up new concerns that a 21st century attorney cannot afford to wave aside. Virtual relationships and interactions are forged among people who have never met in real life. Science has also found solutions to old-time problems that were hitherto thought insurmountable by man. For instance, fertility clinics have sprung up to the aid of numerous childless couples. Different options such as in-vitro fertilisation (IVF) or surrogate arrangement are now available for those who are interested. With these advancements in science and technology, some legal consequences have also arisen. These are some of the new problems that a contemporary attorney needs to proffer workable solutions to.

2. Current State of Legal Education in Nigeria

Up to the early 1960s, Nigerians who were interested in studying Law had to go outside⁴ the country. They were trained in foreign laws which failed to take into account certain peculiarities of the Nigerian legal values and needs. For instance, the foreign-trained Nigerian lawyers were not conversant with Customary and Islamic laws⁵ to which most Nigerians held their allegiance at that time. It was not until 1961 that the first Faculty of Law was established at the University of Nigeria, Nsukka.⁶ A year later, the Nigerian Law School was also established in Lagos, pursuant to the promulgation of the Legal Education Act of 1962⁷ which set up the Council of Legal Education⁸ as the regulatory body for the training of lawyers in Nigeria. As part of the legal framework governing legal education in Nigeria, the Legal Practitioners Act was passed also in 1962⁹ and it was this legislation that created the Body of Benchers¹⁰ which, in conjunction with the Council of Legal Education, determines if a person is qualified in learning and character to be called to the Nigerian Bar as a Barrister and Solicitor of the Supreme Court of Nigeria.

For a person to become a lawyer in Nigeria, there are two hurdles to be crossed. First, the person needs to obtain an LL.B (Bachelor of Laws) from a law faculty, duly accredited by the National Universities Commission and the Council of Legal Education,¹¹ after such person must have spent five years of academic sessions at the university and passed all the required subjects. The required subjects are classified into two: compulsory and elective ones.¹² The compulsory ones include Legal Methods, Land Law, Jurisprudence, Nigerian Legal System, Criminal Law, Law of Evidence, Law of Torts, Equity & Trusts, Law of Contract, Constitutional Law, Commercial Law, and Company Law. A law student must take and pass all these subjects before graduation. Elective subjects, on the other hand, include Family Law, Environmental Law, Oil and Gas Law, Intellectual Property Law, Islamic Law, Conflict of Laws, Labour Law, Law of International Trade, Law of Taxation, International Law, Administrative Law, Maritime law, Criminology, Customary Law, Banking Law, Human Rights Law, International Humanitarian Law, Health Law, Revenue Law, etc. Though a student must pass any of the subjects offered, he is at liberty to decide which one to choose or not to choose among those elective (optional) courses. In addition, a student is expected to offer some subjects in faculties of arts, social sciences, and sciences. While the National University

⁴J. B. Daudu states this in a lecture titled, 'Repositioning the Nigerian Lawyer for 21st Century Legal Practice', *Voice of the Bar – A Compendium of Speeches and Presentation of Joseph B. Daudu, Vol. 3, 2011*, 'It must be stated that between 1914 and 1962, only qualified legal practitioners were allowed to practice law in Nigeria. There were those who had been called as Barristers in any of the four Inns of Court in England or had been admitted as solicitors in Great Britain and Ireland.' pp.25 – 38.

⁵J. Gadzama, SAN, '50 years of legal education in Nigeria: A Critique' available online at <http://thenationonline.net/50-years-of-legal-education-in-nigeria-a-critique/> (accessed on 28th August, 2018). J. B. Daudu, *op. cit.*, no. 4, writes, 'Legal historians are in agreement that this group of trained lawyers were deficient in two major regards. (i) They were either strictly (a) Barristers or (b) solicitors in the established bifurcated manner of the English legal system and (ii) They were ignorant or viewed with disdain and an air of superiority on matters of native law and custom (otherwise known as customary law). These anomalies persisted until 1962 when the Federal government set up the Unsworth Commission in recognition of these fundamental lapses in the training of lawyers for the Nigerian legal system and which Commission recommended the setting up of the Nigerian Law School and the Council of Legal Education.'

⁶*Ibid.*, J. B. Daudu

⁷The Act was re-enacted as the Legal Education (Consolidation, etc) Act, 1976 now found in Vol. 8, Cap. L.10, Laws of the Federation of Nigeria, 2004.

⁸See, Section 1 (1) & (2) of the Legal Education (Consolidation, etc) Act.

⁹The Act was re-enacted as the Legal Practitioners Act, 1976 now found at Vol. 8, Cap. L.11, Laws of the Federation of Nigeria, 2004.

¹⁰Section 3 (1) of the Legal Practitioners Act.

¹¹Section 2 (5) of the Legal Education (Consolidation, etc) Act. The provision empowers the Council to make regulations for its proper functioning.

¹²*Op. cit.*, J. K. Gadzama at no. 2.

Commission (NUC) has to accredit a law faculty before it can be allowed to admit students for Law degree, it must also satisfy the conditions and standards set by the Council of Legal Education before its Law graduates can be admitted to the Law School. In short, the two bodies¹³ jointly regulate the curriculum of law faculties and training of Law students.

Having obtained LL.B, a student is eligible¹⁴, except otherwise decided by the Council of Legal Education, to be admitted to the Nigerian Law School for a period of nine months. At the Law School, a student must offer and pass Property Law Practice, Civil Litigation, Criminal Litigation, Corporate Law Practice, and Law in Practice (Ethics and Skills). However, in the case of persons who obtained their Law degree outside the country, they must first offer and pass the following subjects in Bar Part I- Constitutional Law, Nigerian Legal System, Criminal Law, and Nigerian Land Law before proceeding to Bar Part II where they will also offer all the five compulsory subjects earlier mentioned, that is, Property Law Practice, Civil Litigation, Criminal Litigation, Corporate Law Practice, and Law in Practice (Ethics and Skills) Those who obtain their Law degree within the country are exempted from Bar Part I. The philosophy behind the concept of the Law School is to impart practical skills on Law students in order to prepare them for the tasks of a professional legal practitioner, while the university is to impart academic training. However, it is observed that this system has resulted in so much disconnection between the university and the Law School that, at the end, a young lawyer is ill-equipped and bereft of the expected professional skills to a considerable extent. This is, of course, inevitable in a situation where a student who has spent good five years at the university learning largely substantive principles of law is expected to acquire the practical skills that will sustain him through his professional life only within a space of nine months at the Law School. Even though the design of the Law School is to impart practical skills, it is an open secret that most of what is taught is still rooted, disappointingly, in theoretical training. Though court and chambers attachment, moot/mock trials, and group discussions take place at the Law School, the time spent cumulatively on these activities is too insignificant to produce the desired result. In fact, the share of time allotted between the practical activities and academic training at the Law School is at the ratio of twenty and eighty percent.

For a Nigerian lawyer, especially the young ones, to meet up with the challenges of the modern world, armed with the requisite skills, there must be a paradigm shift in the methodology of his training. Practical training of lawyers must start at the university level as opposed to the present method of rote learning and abstract analysis of reported cases without the students having the opportunity of 'learning by doing'. In the teaching of Law of Contract and Commercial Law, for instance, Law students should not only be given notes stating legal principles and decided cases on Offer, Acceptance, Hire Purchase Agreements, etc.; they should also be taught how to draft Letters of Offer, Acceptance, and Hire Purchase Agreements and be demanded to draft them accordingly. The teaching of letter writings on different legal issues and problems should begin from the university. With the current method of teaching law in Nigeria, an average young lawyer still continues to battle with how to master letter writing for the first two years of practice. As recent as 2012, T. Mamman advocated this point in a lecture delivered by him:

Transaction or experiential learning process is a learning tool which involves students' active participation that ultimately gives them first-hand experience and nurtures them in professional capabilities such as personal responsibility, team work, ethics, client care and risk management. In essence, legal theory is integrated with practice to harmonise Law School activities with practitioners' skills, social needs and values... The problems are further compounded by the continued use of the conventional lecture and teaching methodology which do not require students' active participation. Students are still seen as empty vessels which need to be fed with knowledge.¹⁵

In the bid to address this structural loophole and equip Law students with practical skills, Clinical Legal Education (CLE) was introduced in 2003¹⁶ as part of the ingredients of legal training in Nigeria. Originally introduced as a

¹³M. T. Ladan, 'Future of legal education in Nigeria', available online at <http://www.dailytrust.com.ng/news/law/future-of-legal-education-in-nigeria/114645.html> (accessed on 29th August, 2018).

¹⁴Section 2 (5) of the Legal Education (Consolidation, etc) Act.

¹⁵T. Mamman, 'Rethinking Essential Toolkits of Legal Education in Nigeria', available online at <http://founder.abuad.edu.ng/10069/> (accessed on 30th August, 2018).

¹⁶See, C. O. Adekoya, 'Meeting the Required Reforms in Legal Clinical Education in Nigeria: Clinical Legal Education – Ten Years After', *International Journal of Clinical Legal Education*, Issue 20, pp. 603 – 614

pilot programme in four law faculties in the country in 2004, as at 2013, a total of sixteen legal clinics had been established in law faculties including the Law School. At the Faculty of Law, University of Ibadan, for example, there is a Women's Clinic where women and indigent persons, both within the university community and outside, can bring their matters bordering on marital disputes, inheritance, domestic, and other conflicts for resolution. Law students actively participate in the process, while lecturers provide necessary supervision and guidance. While this remains a good and thoughtful initiative¹⁷, there are still rooms for improvement¹⁸ and the quest to introduce more new techniques to bring about active students' participation in their own training must be kept alive. To sustain this initiative and strengthen it, it is important to let students' performance at the clinics count as part of their academic assessment¹⁹ in order to make it sustainable and increase students' commitment and seriousness. Legal profession, like the medical profession, is practice-oriented, and making it essentially theoretical with a mind-set that, on graduation, students will acquire the skills from practice is a great disservice to the legal profession. From the third year of a medical student in school, he moves to the Teaching Hospital from where he begins to observe senior doctors treating patients, and if anything is unclear to him, he asks the doctors. At the end of his training, he goes for internship/house-manship as a house officer for a year where he practises, under the supervision of a senior doctor, all he has learnt as a medical student in the previous six years. Likewise, the vocational training of lawyers must begin from the university. Procedural subjects such as Criminal Procedure Law and Civil Procedure Law, even if minimally, should be taught at the university level. National Universities Commission must be flexible enough to give the Council of Legal Education the latitude to effect changes in the academic curriculum of law faculties in any way necessary so as to bring it in line with global standards and also to enhance the capacity of young lawyers to meet current societal needs. Apart from the medical profession, other science and technology oriented courses send the students on industrial attachment, whilst those in the faculty of education engage in teaching practice. This is to enable the students gain practical knowledge of what they have been taught as theory. It is therefore, opined that law students should start attachment from 3rd – 5th year, and not just in the Law School as is currently obtainable.

3. Key Skills Expected of Lawyers by Employers and End Users of Legal Services

The Dictionary of Contemporary English defines skill as 'an ability to do something well, especially because you have learned and practised it...'²⁰ Memory and recollection are helped better when a student participates in the process of learning, and ability to put what is learnt in such situation into practice is more guaranteed. What skills are young lawyers expected to have learnt and practised after having received both academic and professional trainings for a number of years? As a participant observant, experience has shown that for a lawyer to survive and be optimally useful in meeting varied needs of clients, a today's lawyer needs to possess a wide spectrum of skills. It must however be said that, while many young lawyers (including some old lawyers who have failed to learn on the job or to develop themselves over time) are unemployable, some of them are good and few actually stand out. Research has also shown that, irrespective of which sector a lawyer finds himself, certain skills are required by an average lawyer, and any lawyer who possesses these skills would function well in any sector. It is against this

¹⁷Commending the initiative, Adekoya, *ibid*, wrote- 'With the deficits in Nigerian legal education and clamour for reforms, the introduction of clinical education by NULAI was timely and could not have come at a better time when desired reforms in legal education by concerned authorities/stakeholders were coming too slowly. CLE has as its core content, the establishment of live clinics. Some law faculties have established law clinics only, while some have in addition to that incorporated clinical education into their curricula. In addition, CLE brought a new teaching pedagogy which is clinical, thus changing the face of legal education in Nigeria.'

¹⁸. Students' involvement in legal clinics should not be viewed as if less important than their academic activities. Opportunities should be created for them to meet with clients one on one, instead of merely asking them to read files without hearing directly from the clients.

¹⁹. Adekoya, *op.cit*, made similar remarks in his paper at page 612 thus, 'The status of law clinics in law faculties that have not integrated clinics into the curriculum is murky, in the sense that, clinical work will not be graded and will merely be taken as an extracurricular activity. This has the tendency for clinics not to be seen as part of the faculty programme and thus not to be taken seriously by students, with the consequence that students will not like to devote their time to clinical work that would not earn them any credit and might ultimately affect clinical services or its survival.'

²⁰. *Longman Dictionary of Contemporary English*, New Edition, (2003), page 1547.

background that the requisite skills²¹ will be discussed in this paper one after the other. However, the list below is by no means exhaustive.

Knowledge – the value of a lawyer is as good as what he knows. A lawyer’s knowledge of legal principles and procedure is intrinsically connected to his capacity to effectively discharge assigned responsibilities. However, a lawyer is also expected to know beyond the scope of his immediate calling. He should read and know a bit of Philosophy, History, Religion, Ethics, Political Science, Literature, Sociology, etc. It was Walter Scott in *Guy Mannering* who said ‘A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect.’²²

Drafting skill – writing of letters, court processes, demand letters, quit notices, contract agreements, among others, are common tasks that an average lawyer (whether in a private law office, academics, government institutions, or corporate bodies) performs on a regular basis. A skilful legal draftsman can protect the interests of a client to a great extent at the stage of drafting. A good draftsman may save his clients a lot of headache and avoidable litigation.

Articulation – communication²³ is central to the work of a lawyer, whether in writing or verbal. It is extremely important that a lawyer is adept in articulating any position or opinions to be expressed at any point in time without ambiguity. Both as Law students and practising Lawyers, it is a skill that one must continually sharpen as there is no end to its usefulness and importance in the life of a legal practitioner.

Analytical mind and logical reasoning – when facts are presented as problems which need to be resolved, what a lawyer needs to do is to analyse the facts critically and logically, bearing in mind relevant legal principles in order to arrive at a reasonable conclusion capable of meeting a client’s expectations and proffering solutions to the given problem.

Quick settlement – a client presents a problem and wants quick and favourable solution. It is the ability of a lawyer to resolve a given problem as quick as possible that will determine if such lawyer is skilful or not. It is no longer news that some cases last more than 20 years in court and by the time judgment is delivered, some parties are dead or aged and bed-ridden. The reasons for this are not far-fetched: incessant adjournments, delay tactics by some lawyers and their clients, transfer of judges, and the issue of commencing cases *de novo* etc. Therefore, a lawyer should be mindful of alternatives and different ways by which a problem may be resolved without creating a new problem. The ultimate wish of a client is solution, and a lawyer needs to always bear this in mind, though without compromising professional ethics.

Management skill – a lawyer should be a good manager of human, material, and financial resources with all properly harnessed towards the achievement of set goals and objectives.

Research skill – it is commonly said that ‘a lawyer need not know all the laws but where to find the laws’. This is a skill that every lawyer must have acquired to a reasonable degree as a Law student. Ikpeze emphasises the importance of research thus, ‘No doubt legal education must encourage diverse research works so as to ensure that law graduates can be functional in whatever field of endeavour they find themselves.’²⁴ As a practising lawyer, he only needs to improve on it. However, it is disheartening that some young lawyers totally lack this important skill.

²¹. See, K. Jegede, ‘The Legal Profession, Our Noble Heritage’ in J. A. Yakubu (Ed.), *Legal Thoughts – Essays in Honour of Professor Babatunde Oloyede Iluyomade*, 2005, Ibadan: Demyaxs Law Books, pp. 81 – 96.

²². A. T. H. Smith, *Glanville Williams: Learning the Law* (fourteenth Edition), 2010, England: Sweet and Maxwell, p.259. See also, C. A. Oputa, ‘Legal Profession in Nigeria: Quo Vadis?’ in Chris Okeke (Ed.), *Towards Functional Justice: Seminar Papers of Justice Chukwudifu A. Oputa*, 2007, Ibadan: Gold Press Ltd., pp. 185 – 204 and Y. Ali, *op. cit.*, no. 3.

²³. Lord Denning, *The Discipline of Law*, 1979, London: Butterworths, p.5, writes, ‘Words are the lawyer’s tools of trade. When you are called upon to address a judge, it is your words which count most. It is by them that you will hope to persuade the judge of the rightness of your cause. When you have to interpret a section in a Statute or a paragraph in a Regulation, you have to study the very words - one by one - to the very last syllable.’

²⁴. *Op. cit.*, no. 2.

Some older lawyers have refused to improve on this skill. They are not abreast with current judgments and position on some legal issues. Thus, they continue to cite old cases, including cases that have been overruled by the courts or decided based on old laws that have long been repealed. A lawyer must be effective and efficient in using indexes of law reports to find cases. In addition, he must also be able to use the Internet to conduct researches. The volume and currency of research resources available online are unimaginable and a lawyer must know how to utilise them to his advantage.

Sound judgment – a lawyer must be able to guide clients rightly. If a lawyer is unsure about the position of the law in respect of a subject-matter, it is advisable he consults his professional colleagues including professionals in other disciplines outside Law or he checks it up from the law books instead of offering a wrong legal advice.

Broad advisory services – a lawyer should be able to offer a client different alternatives as possible solutions to a legal problem. For instance, if entering of a plea bargaining in respect of a criminal charge will serve a client's interest better, there is no point limiting his option to full trial with a view of employing delay tactics to frustrate the course of justice. Similarly, a lawyer should acquire socio-legal reasoning skills that will facilitate a broad-based approach to legal problems. If, for example, a problem which appears on the surface like a legal problem may be resolved by a social solution, using a socio-legal approach will not only save time but it will also conserve scarce resources.

ICT skills – in the 21st Century, a lawyer can hardly succeed without being skilful in the use of computers, the Internet, mobile devices, and other ICT facilities.²⁵ It is however observed that a lot of young lawyers are adept in the use of ICT. Yet, it is much more important to deploy the facilities for positive and profitable ends.

Ability to think out of the box – a lawyer must be able to proffer new and creative solutions to new challenges without being limited by precedents.

Being a team player – a lawyer must have a team spirit for optimal efficiency and performance. Specialisation among lawyers is increasingly growing these days, and it is important for a lawyer to be flexible enough to recognise when there is need to team up with another lawyer or lawyers who may possess greater expertise in respect of a legal problem. The establishment of one-man law firms has not done much by way of developing legal practice in Nigeria. Instead, it has given rise to an increase in the number of law firms without commensurate financial and other benefits to lawyers. Today, collaboration is the new competition and this has led to expansion in knowledge and clientele base for those who have ventured into it.

Commercial mind-set – in the present highly commercialised world, a lawyer too must have a commercial mind-set in order to be able to help his clients take a commercially viable decision when need be. Litigation is fading out, especially among people involved in commercial transactions, and a lawyer should embrace ADR and use it appropriately in the best interests of his clients. Closely related to this skill is entrepreneurial skill. Like business outfits, law firms are now run as an enterprise. Therefore, lawyers should develop entrepreneurial skill in order to make a success of legal practice. Some schools, especially private universities, now teach entrepreneurial skills and make it compulsory for all students, not minding that a student's course is non-commercial in nature. Law students do need the skill as much as others do, and should be made a compulsory course at the university.

Psychological skills – a lawyer should possess some psychological skill that enables him think proactively. The lawyer must be curious or inquisitive in nature. In the course of discussions with clients or third parties on behalf of

²⁵. Ikpeze, *op.cit.*, no 2, writes, 'The internet represents both a threat and an opportunity to the members of the legal profession... Most lawyers have simply refused to wake up to the challenges thrown up by information technology as a whole. How else can one explain the fact that most lawyers (and Judges) are not computer literate not to talk of Internet literacy... Most countries (Nigeria inclusive) are producing a generation of children for whom information technology holds no fear. They are the Nintendo Generation... No perception of the television as technologies within few years... young people in law firms will use computers, software and the internet as no different from using the phone... Time is not on the side of the technophobic...'

his company, he must be quick to recognise gaping holes in their stories and inquire to know why they are there. This is to forestall any form of unpleasant surprises. Lawyers are trained to listen attentively to clients, but they must also learn to hear what the client has refused to say or has conveniently forgotten. A lawyer can also train himself in the art of reading body languages. Sometimes people say a thing but their body posture says otherwise. The lawyer should be able to recognise this and make inquiries. Finally, a lawyer should hone his investigative skill. Sometimes, a client does or says something and a lawyer is not satisfied with the explanation, he may need to investigate further. This is one skill lawyers have been made to believe that it is the sole preserve of the police. But that is far from the truth. A lawyer can go out and ask questions or set up meetings with people who have knowledge of the facts he needs to know.

4. Need for Reforms in Legal Training in Nigeria

Even ordinary observers²⁶ of the legal profession will readily agree that there is need for serious reforms of legal education in Nigeria. The problems are multifarious and patently palpable for all to see. Without losing the focus of this paper, it must be said that the Nigerian educational system has collapsed and the rot is rooted in the primary and secondary school education. For example, if a lawyer has difficulty in expressing himself in English language (which is not far from what is seen in practice occasionally), can such a flaw be attributed to the rot in the educational structures in the university and the Law School? Of course, it should not be. This, without mincing words, is symptomatic of the fact that the foundation of the Nigerian educational system²⁷ needs a total overhaul. While the Nigerian Government is called upon to address the larger problems in the educational sector as soon as possible, the reforms required in the legal training calls for a far more urgency because of the critical role that law and lawyers play in the political, social, cultural, and economic well-being of a nation.

The need for reforms in legal education is much more imperative in the following areas:

Teaching method – the importance of this factor justifies it being repeated again and again. The teaching of law, from the university level, should be theory combined with practice because problems that students will later have to deal with as lawyers require practical skills and not mere theoretical principles. When a client's employment is wrongfully terminated, the steps that a lawyer needs to take to proffer solution to the client's problem require both theoretical knowledge and its practical application. Adekoya makes this point forcefully,

Clinical education integrates the teaching of theory and practice as a form of instructional pedagogy, by combining substantive law with skills, and also values, while the law clinic serves as the laboratory for practice, on the basis that the primary aim of legal training is to prepare students for practice clinical education exposes students to law practice during legal training, unlike the traditional method, and does not teach theory alone in the belief that students will learn everything else in practice...Students now actively participate in the learning process and are not mere observers as in the traditional method. Law teachers now merely play the role of a facilitator, facilitating the ideas of students, unlike in the traditional method where the teacher gives a lecture and the students listen without their experience/knowledge being used. It is amazing to see students display such high analytical skills during presentations. With the active learning which CLE pedagogy stimulates, law students do not need to force-feed their brains with notes dictated in class or textbooks in order to pass tests/exams because they learn by doing, and remembering comes naturally to them and their success is influenced by their own efforts not by how good the teacher was.²⁸

²⁶. Adekoya, *op.cit.*, no. 3 writes, 'In Nigeria, as it is in other jurisdictions, criticisms against legal education by stakeholders and consumers are severe, focusing on the quality of training, which is regarded as inadequate.'

²⁷. J. B. Daudu, *op. cit.*, no. 4, makes this point, '...the quality of education had become skewed right from the primary and secondary school stages and that the remedy laid in strengthening those tiers of education appears to be self-defeating and contradictory. It is obvious that the standards at both tiers in issue are increasingly and very depressingly deteriorating. Until these tiers are reformed, the best safety valve is to ensure that the period of University training is utilised to cover up most of the lapses that the weak basic education period has thrown up. There has to be a return to the drawing board.'

²⁸. *Op. cit.*

Law teachers – it is said that ‘no one can give what he does not have’ (*nemo dat quod non habet*). A law teacher who has never been involved in legal practice for a reasonable length of time will certainly be ill-fitted to impact theoretical teaching with practical training. It is therefore submitted that the present system which places emphasis on good academic performance as a major criterion for eligibility to teach in the university and the Law School should be relaxed. Rather, it should become a mandatory requirement that, for any person to qualify for teaching appointment, the person must have actively practised law, preferably as an advocate, for a minimum of four or five years. An experienced legal practitioner in advocacy is more likely to be capable to teach law better in the manner it is being proposed in this paper than his counterpart who may parade a first class Law degree but without practice experience.

Legal Practitioners/Judges – the use of experienced and successful legal practitioners and judges of high repute as adjunct lecturers should be made compulsory. Apart from impacting Law students with requisite practical skills, they will also help to mentor them and impact on them the significance of good values and ethical conduct in the legal profession. This may be called ‘catching them young’ technique.

Introduction of modern subjects – Law is dynamic, while the world has become a global village. The Nigerian law cannot be static, and Nigeria, as a country, cannot also afford to be an Island. New subjects in line with contemporary developments should be introduced in the university curriculum in order to increase the employability potentials of the Nigerian lawyer in the modern-day and highly competitive globalised economy. It is high time Entertainment law, Internet Law, Sports Law, etc., were introduced in the Nigerian universities as these subjects have long been in existence in the developed countries. Ikpeze suggests more courses thus,

New horizons are explored in world economics on a daily basis. New research areas are fashioned and new areas of demand by members of the society are made on the legal profession. Therefore, Law Educators, Lawyers and Law Students must all brace up to the challenges of the 21st Century demands. There is an urgent need for new courses such as Forensic law, Immigration law, Poverty law, Regional Bodies’ law and United Nations Organization law.²⁹

Pupillage – many years ago, pupillage for a newly qualified lawyer was compulsory in Nigeria. This is no longer the case; a lawyer called to the bar yesterday can now open a law office the next day and may even appear before the Supreme Court. Experience has shown that this is not good for the legal profession. P. A. Akubo expresses the same view: ‘Considering the declining performance in the legal profession and the imperative need to set standards for best practice, there is an urgent need for lawyers to ensure that those newly called to the bar are properly groomed through pupillage’.³⁰

It is however submitted that the old practice should be brought back. It should become a professional misconduct attracting serious sanction, if a young lawyer opens his own law office without first undergoing pupillage with a senior lawyer for a specified number of years. It should not be expected that, even if the legal education is reformed, a lawyer can learn and master all the requisite skills from the university and the Law School³¹. A lot more can be learnt on the job while undergoing pupillage which will be a well-regulated one that will ensure that an enabling environment is actually put in place for a young lawyer to gain maximally. As a matter of fact, in the UK, a newly qualified barrister must observe pupillage for one year before setting up his own law office. Similarly in Ghana, pupillage is compulsory.³²

²⁹. *Op. cit.*, no. 2.

³⁰. P. A. Akubo, SAN, ‘Setting Standards of Best Practice in the Legal Profession as Lawyers’ in Dr. Akin Onigbinde & Seun Ajayi (Ed.), *Contemporary Issues in the Nigerian Legal Landscape: A Compendium in Honour of Prince Lateef Fagbemi*, SAN, pp. 100 – 140.

³¹. Olarenwaju A. Fagbohun in ‘Future of Legal Education in Nigeria’, being a presentation made on the 25th August, 2015 at the Annual General Conference of the Nigeria Bar Association writes, ‘No law school can possibly provide a graduate with everything about being a lawyer or surviving legal practice.’

³². Jemma Smith, ‘How to become a lawyer’, <https://www.prospects.ac.uk/jobs-and-work-experience/job-sectors/law-sector/how-to-become-a-lawyer>, accessed on 4th April, 2018. See also, S. O. Manteaw & Dean E. R. Parker, *Legal Education in Africa: What Type of Lawyers Does Africa Need?*, available online at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewiKgdXC4e70AhXsLMAKHTYHA>

Law degree as a second degree – as much as knowledge is crucial to the legal profession, the place of wisdom and native intelligence which may be acquired over a long period of time or with extensive learning cannot also be over-emphasised. Like the US,³³ Law degree (known as Juris Doctor, J.D) can only be obtained after a person must have first obtained a bachelor's degree in any other discipline. The quality, professionalism, and competence of legal practitioners will certainly rise, if this system is adopted in Nigeria.

Mandatory continuing legal training – for a lawyer, learning is a life-time commitment. The compulsoriness of this training for practising Lawyers should not only be in words; it must be enforced in practice with sanctions imposed on defaulting practitioners.

ICT facilities – the importance and role of the information and communication technology (ICT) can never be over-emphasised in the training of the modern-day lawyer. Adequate provisions must be made for the facilities in the university and the Law School. Apart from the ease of research and the availability of rich resource materials, the facilities also make both internal and external exchange of information and sharing of knowledge much more possible and a lot easier without the territorial distance of different cities and nations constituting any barrier. T. Mamman makes a very strong case for the use of the ICT in the training of lawyers in Nigeria and it is worth quoting him *extenso*,

Developments and advances in Information and Communication Technology (ICT) raise important questions on its impact on education and teaching and how it may be harnessed by law teachers. Elsewhere, the development and deployment of advanced computer assisted learning systems has changed dramatically the way students learn, created vast opportunities and ease for information storage, retrieval and dissemination and collaborative activities. Briefly, some of the ICT platforms and possible uses are ... Electronic Discussion Forums – The forum enables participants pose questions and articulate views and as such are very much suitable for large class academic activity and even beyond the teachers and students.– Legal Data Bases – This is in use in many Law Schools across the world to access legal resources, most common of which are LEXIS and WESTLAW... – Video Conferencing – Holds a lot of promise in teaching and research, especially for the injection of international aid comparative flavour in the curricula as it will enable guest speakers from long distances share resources.³⁴

5. Conclusion

Transiting from the point of being a Law student to becoming a lawyer is, no doubt, an exciting moment for any young lawyer but it is also a challenging and demanding one. The expectations outside are quite high. Prospective employers scamper only for lawyers who possess basic lawyering skills required to perform assigned duties without or with minimal supervision. Consumers of legal services cannot also afford to pay for services poorly performed. Therefore, a young lawyer who wishes to survive in the keenly competitive market of today must not allow defects in the structures of legal education hold him down. Efforts in personal development must ever remain unrelenting. The life of a professional lawyer is that of constant and unending learning and hard work. At no generation has personal development been ever more crucial than this generation given the rate and speed at which new developments are taking place globally in all facets of human lives and activities. Law is dynamic, and the services of a lawyer are always required to address the attendant problems which emerging developments may throw up. Eternal vigilance, it is said, is the price of liberty. All stakeholders in the legal profession must continually engage and scrutinise the standards and ethics of the profession so as to ensure that they are not further compromised. All avenues and platforms must also be explored for the ultimate aim of bringing about the desired changes and reforms that are desperately needed at the moment.

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³³. 'Educational Requirements for Becoming a Lawyer', https://study.com/education_requirements_for_becoming_a_lawyer.html (accessed on 31st August, 2018).

³⁴. *Op. cit.*, no. 12.