

**LEGAL EDUCATION IN NIGERIA AND THE LAW
TEACHER: THE MISSING DIMENSIONS**

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Abstract:

A survey of the legal Education in Nigeria from the Nigerian independence to date is not only interesting, exciting but instructive. Therefore in the light of the present anxiety, dread and despair resulting from the upsurge of Legal Education in Nigeria, this paper comes therefore to bring to light some of the teething problems facing the Legal Education in Nigeria and thereafter proffers solutions to ameliorating them.

KEY WORDS: *Education, The Law Teacher, Missing Dimensions*

Introduction:

Education in this context may be defined as a complex system involving a political, cultural and economic context especially of the learner's environment¹. Be that as it may, Legal Education in Nigeria has been so problematic since Nigeria attained its independence status as a sovereign nation in October 1, 1960. Before then, those learned in the law in Nigeria were being trained in the United Kingdom. The issue of having a first degree (LLB) in law as a prerequisite for admission into a legal institution in England then known as the Inns of Court; for the professional course (B.L) was absolutely unnecessarily and each Inn of Court was autonomous in admitting a student to read law for the B.L (utter) degree. While all the students of the Inns of Courts were to pass a central examination of the Counsel of Legal Education. Examination was in two parts. Part 1 is for those who hold no first

¹ UNICEF (2000) *Defining QUALITY IN Education, United Nation's Children's Fund, New York, USA, p.2*

degree in law and those who have University degree in law are exempted from it. Part 2 is for those who have completed their Part 1 examinations and passed and the University degree holders. Qualification for sitting for any of the examinations is subject to the number of terms one has kept and the terms (three terms in a each has a number of dinners that a student has to eat to keep the terms." ²One might wonder what dinners have to do with writing an examination. The essence of Law dinner is to afford the students at the law school the opportunity of meeting eminent members of the Profession from the Bar and the Bench and to learn from them at first hand those intangible things about the Profession, its traditions and demands such as table manners³, and inculcation of the Legal professional discipline in the students, to have them refined as learned gentlemen of the Bar. Almost if not all our pre-independence judges and practicing lawyers passed through this system. With the attainment of independence, the dimension changed. There was a rethinking about Legal Education in Nigeria, apparently to reflect our attainment to National Sovereignty, and to reduce the number of lawyers in the country, a number which then was thought to be on the upsurge. A first degree therefore was made a prerequisite to be eligible to read for the B.L (Utter) degree on admission to the Nigerian Law School which has been set up by the Legal Education Act of 1962. The main reason for this paper is to examine how the Post Colonial Era arrangement has helped to enhance Legal Education as well as reduce the number of lawyers in the Country, and maintain the ethnics of the Legal Profession that makes lawyers proud of the appellation -"Learned Gentlemen".

The paper will also focus on the establishment of the Law School and its adequacy or otherwise to cope with the number of those aspiring to be Lawyers in the county and the law teacher who impacts this knowledge. Suggestions will be made where possible or necessary to bridge any missing gap or to improve on the existing condition and remove inadequacies.

THE LEGAL EDUCATION ACT 1962.

In 1962, the Legal Education Act was enacted in Nigeria, and the Act saw to the establishment of the Council of Legal Education whose responsibility is to train persons waiting to become legal

² See the course Handbook on Professional Ethics Bar Part II (2008/2009) Edition. Council of Legal

Education Nigerian Law School, Bvari, P.M.B. 170, Gorki, Abuja, Nigeria, P.2 ³

³ Ibid.p.2

professionals, or practice law in Nigeria. Prior to the passing of the Legal Education Act, a Committee known as the Lungwort's Committee was constituted in 1959 to review the future of Legal Profession in Nigeria, particularly to examine the legal education and admission of persons to Supreme Court Nigeria to practice as Barristers and Solicitors in Nigeria. It was following the Committee's report that the Legal Education Act was passed.⁴

The Nigerian Law School was established in Lagos which was then the capital of Nigeria. All persons desirous of belonging to the Legal Profession must compulsorily be admitted to the Nigeria Law School, and pass the Council of Legal Education Examinations before call to the Bar.

The practice and conditions of Law training at the Law School was almost same as what obtained in the for Inns of Court in England. However the main differences being the Court attachment and the Chamber attachment of students of the Nigerian Law School for a period of their studies before their final examinations and call to be Bar, and the fact that the first degree in law became a prerequisite for admission to the law School. It is this dimension of obtaining first degree in law to qualify for admission that has rendered the Legal Education in Nigeria problematic.

The issue of curtailing the number of lawyers produced in Nigeria which was the sole aim has completely been defeated by the upsurge of those seeking to belong to the Legal Profession. The issue is compounded by the number of Universities in Nigeria teaching law where students obtain their first degree in law to enable them gain admission to the Law School. It is true that the National Universities Commission is trying to checkmate this by allotting quotas to the Law Faculties of every University concerned and the Law School abides by the quotas but rather than solve the problem the quota system presents further problems of its own apart from its discriminatory application.

The quota system goes against the fundamental rights guaranteed to the individual by the Federal Constitution of Nigeria⁵. It denies an aspirant to the Legal Profession the right to belong/associate

⁴ Ogwunike, C. (2001) *Contcinporaiy Legal Education in Nigeria: Problems and solutions in search of Legal scholarship*. Abia State Univeniiv Lim- Centre. Uturu p.6.

⁵ See Chapter 4 of the Constitution, section 35 of Constitution of the Federal Republic of Nigeria 1999 as amended. 2011.

with the Legal Profession. The other problems created is the encouragement or entronement of corruption at University Level, mainly among Lecturers, Deans of Faculties of Laws and other groups within the University saddled with responsibility of compiling the list of applicants for the law School following the successful completion of their Bachelor of Law (LLB) studies at the University.

THE LAW SCHOOL CAMPUSES.

At present, there are about five campuses of the Law School set up to ease off the congestion at Bwari Abuja centre while Bwari for the purpose of admission to the Law School remains the first port of call and the admission centre. None of the other campuses can admit unlike the four Inns of Court (Inner Temple, Middle Temple, Lincoln's Inn and Gray's Inn) in England. Rather, students who have been given admission by the centre are then located to the various campuses presumably following the accommodation possible at campuses.

To the best of our knowledge the Universities in Britain have been teaching law from time immemorial so also are their Inns of court. There has been no problem of accommodation not talk of quota system. One would ask the question why? In a well organized society, accommodation into any institute of Higher Learning or Profession never poses a problem. The hostel or dormitory (for secondary schools) is now outmoded. Unless for special reason, students should be allowed to find their own accommodation and attend lectures. So also the above condition should apply to those qualified for admission into schools or institutions of higher learning. Most institutions are concerned with being well equipped for teaching and learning. Therefore, admission onto the Law School should not be a problem to them at this level.

In our view, the Law School campuses should be given autonomy to admit qualified students to read for the professional B.L with those admitted taking care of their accommodation, while the bar examination remains a matter for the central body known as the Council of Legal Education. Another worrying issue is the question of limiting students to the time they will pass their examination and be called to the bar. We believe that this is another denial of one's natural right. We are of the considered view that once a student fulfills the conditions for taking an examination, he cannot be barred from taking it. To do otherwise will be illegal. We cannot think of any law that statutorily bars a student from taking an examination because he or she has not

passed it within a period from the first attempt. We humbly ask for a rethinking on the issue raised above.

QUALITY LEARNING ENVIRONMENT

Though learning can occur anywhere, nevertheless the positive learning outcomes generally sought by educational system must of course happen in quality learning environments. Learning environment according to UNICEF is made up of physical, psychosocial and services delivery elements⁶.

PHYSICAL ELEMENTS. These involve such things like modern buildings well-equipped with open air gathering places. The empirical relation to learning environment was strongly correlated with some student learners in some countries like Latin America and Hindu, it was found that learners whose school lacked classroom material and had an inadequate library were significantly more likely to show lower test scores and higher grade repetition than those whose schools were well equipped. Other studies carried out in Botswana, Nigeria, Papua, and New Guinea, occur with these findings⁷. Therefore the issue of 26% of budgetary allocation of a country's annual and the Council of Legal Education should assist in actualizing this dream in order to enhance learning.

Interaction between school infrastructure and other quality dimension.

The quality of school building may be related to other school quality issues, such as the presence of adequate instructional materials and textbooks, working condition for students and ability of teachers to undertake certain instructional approaches and availability of things like conveniences always add to conducive leaning environment⁸

Psychosocial Elements

Issue like peaceful and safe environments, especially for female students, good teacher behavior, and effective school discipline policies, inclusive environments like reducing all terms of discrimination is also critical to quality improvement in learning environments⁹. Another issue of importance includes service delivery- provision of good health services also contribute to

⁶ *Op dip.2*

⁷ *UNICEF (no. 6) per Pennvcuick (1993)*

⁸ *Ibid p.7*

⁹ *Op. cit UNICEF p. 10-11*

learning and this is an important fact. A situation where students who fall sick are not adequately treated inhibit learning because more absenteeism may be recorded which in turn may result to poor performance in examination and low grade

Quality Content

Quality content refers to the intended and taught curriculum of schools. National goal for education, and outcome statement that translate those goals into measurable objectives should provide the starting point to the development of curriculum as provided by the UNICEF in 2000¹⁰.

The Council of Legal Education often times indulge in one short examination. This most often does not encourage quality learning rather most often what is experienced is rote learning. This is a situation where majority of the students just study for the purpose of passing the examination and where possible cram or memorize the difficult areas.

The Council of Legal Education can move from one short examination to Continuous Assessment Examination. This will enable students develop their intellect and contribute more meaningfully to the society after attending the Law School. Continuous Assessment will also help those who may fall sick during main examinations to have something to rely on if they did not do well in the main examination. Sequel to the above is that Continuous Assessment will reduce fear and trauma that often grip students in the approach of examination because of many volumes to cover-under a short period.

The Law Teacher

H.B. Hutchins in one of his works reviewed and published in Columbian laws Review Association had this to say about the working of the Law Teacher (Lecture):

"Not only should the law teacher be the master of his subjects from the point of view of the legal scholar the purpose of instruction, but he should be so because it is his duty, as being clearly within the functions of his calling to make permanent contributions too the store of legal knowledge. If he can have the time necessary for thorough investigation no one is more favorably situated than he to do original and affective work in the field of authorship. In the first place, his environment and the demands upon him as a teacher impel him to approach his task in the scholarly

¹⁰ Ibid p.8

spirit and to seek to exhaust all that the authorities have to yield upon the subject"

"Secondly, he is unhampered by professional engagements and by professional ambitions that might at times serve to color conclusions. Furthermore, he is free to criticize judicial precedents and to urge changes and reforms to an extent that might be embarrassing to one occupying a place upon the bench or indeed to one practicing at the bar¹¹

Hutchins acknowledged the immense contribution of the old lawyers and went further to say;

"It would...be a grave mistake to suppose that little was accomplished under the old regime. But for the work of our pre-decision in Law teaching, the extended and growing influence of the law schools of to-day could not have been realized for years to come¹².

We have taken the pains to reproduce here the laudable view of Hutchins because of the current view of the National University Commission and the Council of Legal Educations compliance that our retired Professors of Law now teaching on contract basis at the Universities Faculties of Laws are expired, spent and of no account, it is a notorious fact that most Nigerian lawyers are not academically minded, probably because of the poor remuneration. With the number of Universities now teaching Law and the fact that the recruitment market for law teachers is too poor if not non existent, it will be foolhardily to reject the yet very few Professors we have, who in fact were the first crop of Lawyers that took to law teaching from the onset.

Rome they say was not built in a day. It will take quite some time for the Universities concerned to groom and produce Law teachers of the higher caliber. Rather they should be encouraged to mount programmed of training back with scholarships and grants for the younger law teachers who will invariably take over from the older ones.

¹¹ Hutchins (1908), *The Law Teachers: it's functions and responsibilities*. Vol. 8 No.5 Columbia Law Review Association Inc. URL: [HTTP://WWW.JSTER.ORG/STABLE.1110069](http://WWW.JSTER.ORG/STABLE.1110069) ACCESSED:02:33.

¹² *Ibidp.* 363

The work of a law teacher to the lay man may seem to be simple as it is quiet, but behind that seeming simplicity lies a great research work, and very big responsibility to the students he teaches, thus, he needs encouragement in form of enhanced salary, promotion as at and when due, provision of teacher's quarters, awards to hardworking teachers to reawaken the dormant ones and a serene and conducive atmosphere to do his work. These no doubt will bring out the best in him to the reduced and greater and quality education will be given to students concerned. Also emphasis should be more on the infrastructural facilities for him.

Conclusion.

The Legal Education in Nigeria has actually come to stay. It has among other benefits helped to remedy the problem of those who could not travel abroad to obtain legal education. Therefore what needs to be done is a periodic checks and balances in terms of overhaul to meet the yearnings and aspirations of our great country, Nigeria, taking into consideration our population.

Law is an instrument of social change. Nevertheless if this instrument is distorted or not in the right direction to achieve the desired social change, the law becomes an obstacle to development,¹³ and the achievement of the aspirations of all and sundry be frustrated and this may lead to social unrest.

Consequently, there is an urgent need to reconsider the following issues contributing to the enhancement of Legal Education and practice.

1. Establishment of more law school campuses in all the six geo political zones in Nigeria.
2. Improvement in learning environment, such as physical, psychosocial and service delivery elements.
3. Introduction of continuous assessment to form part of the main examination result.
4. Mounting of scholarship for law teachers and enhancement of law teacher's remuneration to attract better labor.
5. Thorough securitization of character of those to be called to the bar to curb corruption.
6. Allowing those who have retired but are on contract to form part of number of workers in their Universities until such a time the country is deemed to have produced enough law teachers for our number of universities.

¹³ *Op. cit* Ogwurikep.il.

We are of the view that, these issues if well considered will move the Law Education forward. The issue of the end justifies the means often recently being experienced by our Law school students because of fear resulting from volumes to cover under a short period will be drastically reduced. Similarly, more qualified law teachers will be motivated to take up lecturing appointment.