

**THE QUALITY OF LEGL EDUCATION IN NIGERIA: REFLECTIONS
ON THE IMPACT ON STANDANTDS OF OUR LEGAL PROFESSION
OVER THE LAST 50 YEARS**

BY

**OLANREWAJU ADESOLA ONADEKO,
DIRECTOR-GENERAL
NIGERIAN LAW SCHOOL, ABUJA**

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Protocol

Introduction

The history of the legal profession falls naturally into two periods: the medieval period and the beginning of the sixteenth century. However, the structure of the modern organization of the legal profession did not begin to be discernible until much later¹ and no teaching of law anywhere. The education of the Common Law lawyers was for a long time left in the hands of the Court, which provided little lectures, moots and discussions. The Judges gave instructions to young men².

In 1402 after much lamentation of the fact that many attorneys were ungrounded and not learned in the law, it became a requirement (especially as they wanted their names to be on the Roll) that aspirants be examined by the Judges. After this, the successful, older and abler attorneys formed themselves into a small exclusive class called as of then; **sergeant-at-law** and the rest formed themselves into another class which we know as the Inns of Court (Lincoln's Inn, Inner Temple etc). The former class became strong, eminent and wealthy and gained patent from the king³. They lived a corporate life together and wore a special dress with exclusive right of audience in the Court of Common Plea. Later the king started to appoint the Judges for his Court exclusively from this class.

The Inns of Court became centres of Legal education as leaders drawn from among the benchers, gave the students instructions on law. Other students who wanted to practice in the courts were examined by the benchers, and if found fit for the profession, they were called to the bar by their Inns. It was not based on study rather; the earlier teaching of the Common Law was by **apprenticeship**. Till 1840, the requirement was attendance at dinner, payment of fees and membership of Inns. The proper teaching of law started in 1758 by **Blackstone** in **Oxford University** who later became the first professor of English Law⁴. It was a cultural curriculum and not a vocational training.⁵

¹ See generally L.B Cur, *English Legal History* (1979) at pg 200-210

² See Geoffrey Wilson, *Cases and Materials on the English Legal System* (1973) Sweet and Maxwell pp 153 - 160

³ E. O. Olowononi, 'Law Lecturer in Private practice: A Critical Appraisal' (2003) a project submitted to Faculty of Law, University of Ilorin in partial fulfillment of the requirement for the award of LL.B

⁴ E. O. Olowononi, 'Law Lecturer in Private practice: A critical appraisal' (2003)

⁵ James E. Bredem: '*Bar Exams: Appraises of the Bar*' 1603-164

LEGAL PROFESSION IN NIGERIA

The historical background of the legal profession in Nigeria is an expedient precursor to this discussion and will be succinctly considered⁶. Some commentaries actually hold that the legal profession (and not actually the legal training) in Nigeria could be discernible in to three phases: 1876 – 1914, 1914 – 1962 and 1962 – to date.⁷At the advent of colonialism, there was in existence trading activities between the British and Nigeria especially along the coasts of old Calabar, Bonny, Opobo etc. The Consulate, established a Court of Equity to deal with trade disputes between the European and African merchants; these courts were established only in Lagos⁸.

Between 1862 and 1874 about ten courts were already established. The subsequent amalgamation of the Southern and northern protectorates brought the English courts into other parts of Nigeria alongside native courts, which were allowed to administer native law and customs. Lawyers were needed to occupy the courts, to give legal advice to Colonial Officials, draft agreements and other documents for applicable transactions and to finally plead litigants' cases in the English courts. However, there were very few qualified legal personnel in the colonial administration⁹ According to a learned writer:¹⁰

of the seven men who served as chiefs magistrates for Lagos between 1862 and 1905, only three had legal qualification. Of the remaining four, two were writing clerks, one was a merchant and the four were commanders of the West Indian garrison stationed in Lagos. Also, fourteen served as police magistrates and four were merchants, six were military officers two were colonial surgeons and one was a retired naval officer and one a deputy collector of customs. There was no legally qualified private practitioner to render services to the business communities at large

To fill this vacuum, the Chief Justice was empowered¹¹ to appoint fit and proper persons with basic education and some knowledge of English law to practice as Attorneys under license for

⁶ See for instance P.O. Idornigie 'Training to Become a Lawyer in Nigeria' (2013) Institute of Advanced Legal Studies p 12

⁷ *Ibid* p 12. See also, Obilade, A.O. *The Nigerian Legal System* (London: Sweet and Maxwell, 1979)

⁸ O. Doherty *Legal Practice and Management in Nigeria* (London: Cavendish Publishing ltd. 1998) P 5-10

⁹ O. Adewoye *The Legal Profession in Nigeria 1865-1962* (Nigeria: Longman 1977) p7

¹⁰ *Nigeria 1865-1962* (Nigeria:Longman, 1977) p 15.

¹¹ See Section 74 Supreme Court Ordinance 1876

six months subject to good behaviour¹². Their licenses were renewable¹³. The first Nigerian to qualify and enrolled as a lawyer was Mr. Christopher Alexander Sapara William who was called to the English Bar in November and enrolled in Nigeria on 30 January, 1886¹⁴. By 1913, the number of oversea-trained lawyers in Nigeria had risen to twenty-five and the Chief Justice stopped the grant of licenses to unqualified persons to practice as Attorneys¹⁵. From 1913, all those who practiced before the English courts had legal qualifications but most of them had no law degrees. In addition, lawyers trained in England were either trained as Solicitors or Barristers but on their return practiced as both in spite of the inadequacies of their training. Having trained in a jurisdiction with unwritten Constitution, studying English textbooks and cases, it was obvious that overseas-trained lawyers were grossly deficient in terms of the peculiarities of the evolving Nigerian legal system.

BEGINNING OF LEGAL EDUCATION IN NIGERIA

To rectify these inadequacies, the Unsworth Committee headed by EIG Unsworth, (the then Attorney General of the Federation) was set up to consider and make recommendations inter alia for the future of the legal profession in Nigeria with particular reference to legal education, admission to practice and the right of audience before the courts¹⁶. The committee recommended the establishment of a law school to provide for the vocational training of Legal Practitioners. The recommendations of the committee led to the enactment of Council of Legal Education Act of 1962 and the Legal Practitioners Act of 1962.¹⁷ The Nigerian Law School was established and commenced training of Nigerian Lawyers for call to the Nigerian Bar in January 1963. Faculties of Law were established in University of Nigeria 1961, University of Ife (now, Obafemi Awolowo University, Ile-Ife) University of Lagos and Ahmadu Bello University, Zaria as the pioneering Nigerian Universities. More Faculties of Law were to be established also in the second generation of universities, third generation, the state and private universities to the present situation of not less than 30 Faculties of Law in Nigeria.

¹² See Jegede J.K. "Legal Education and Professional Development in Nigeria and the United Kingdom: A Comparison" paper presented at the British-Nigerian Law Week organized by the British Council from 23rd April to 27th April, 2001 at Sheraton Hotel and Towers, Abuja

¹³ See Jegede J.K. 'A Historical Perspective of the Nigerian Law School: Four Decades of Service to the Legal Profession (2003) (Council of Legal Education) p 6

¹⁴ There was also Mr. Nash Hamilton Williams who was said to have enrolled 20th February, 1886

¹⁵ Elias O. *Makers of Nigerian Law* (London: Sweet and Maxwell 1965) p.30

¹⁶ Report of the Committee on the Future of the Nigerian Legal Profession, (Lagos: Federal Government Printers 1959) paragraph 1 p.1

¹⁷ CAP L10 Laws of the Federation, 2004. See also Ernest Ojukwu, "Entitlement to practice as a Legal Practitioner in Nigeria: A Comment" (1994) *Nigerian Current Law Review* Cap L11, Laws of the Federation of Nigeria, 2004. Ernest Ojukwu, 'Legal Education in Nigeria: A Chronicle of Reforms and Transformation under Tahir Mamman' (2013) Abuja, Council of Legal Education, pg IX Doherty O. op cit. p 9 and O. Adewoye Op Cit pg 108

The primary function of the Council is the provision of Legal Education for persons seeking to become members of the legal profession. To this end, the Council established the Nigerian Law School in the year 1962 to provide for practical training in the work of a Barrister and of a Solicitor and to have local content in the preparation of applicants for call to the Nigeria Bar. The School admitted its first set of eight students in January 1963. The Nigerian legal education was made to model after the British system that is essentially based on analytical, traditional and self-contained discipline¹⁸.

Today, every aspiring lawyer apart from possessing a law degree from a recognized university in Nigeria or any common law jurisdiction must also pass the Bar Final examination conducted by the Nigerian Law School before being eligible for call to the Nigerian bar. The Nigerian Law School has produced over 45,000 lawyers. From the humble start in 1963, the Nigerian Law School has moved on to become prodigious breeding brainery for the Nigerian legal profession with six campuses.

LEGAL EDUCATION IN NIGERIA TODAY

The profession today must also be considered from the educational perspective, not only was the inadequacies of foreign education solved by the establishment of indigenous law programs and the Nigerian Law School but also, it is mandatory for Nigerians who trained abroad and foreign students seeking admission to the Nigerian Bar, to first undergo the Bar part 1 which is designed to instruct students of Nigerians local peculiarities. The Law School after its 50 years of commendable record is growing incredibly, producing tested lawyers not only for Nigeria but also for many West African countries. The Nigerian Law School in pursuit of excellence, has in the past seven years been on a crusade of legal reforms which have seen the overhaul of its curriculum in order to bring it in tandem with international legal best practices and to equip the Nigerian Lawyer to effectively compete with their counter parts in the international sphere with regards to emerging global opportunities.

The school is challenged by a number of problems ranging from underfunding. Some other professional bodies have questioned the rationale for the little fund provided by the federal government for training of lawyers when the same gesture is not extended to other professional training bodies. The ever increasing number of law graduates both home trained and the foreign counterparts is another issue bordering the school. Some universities deliberately flouted the quota system.

18. Mizanur Ralman, "Clinical Legal Education in Bangladesh: Establishing a new Philosophy?" Commonwealth Legal Education Newsletter, No. 90, p.13

REFLECTIONS ON THE IMPACT ON STANDARDS OF OUR LEGAL PROFESSION OVER THE LAST 50 YEARS

In addressing the issues of the impact on standards of our legal profession, this paper shall focus essentially on the last fifty years. A writer once said that

legal education affects the profession in that part of the claim to professionalism lies in the intellectual base that is developed through the law schools and moreover the socialization process that convert lay persons to the legal culture depends heavily on the law schools¹⁹.

Today, the products of the Nigerian Law School as trained lawyers abound in all courts as judges in Nigeria including the Supreme Court of Nigeria, Gambia, International Criminal Court of Justice to mention a few, Court of Appeal to the least court. The international academic community boasts also of sizeable Nigerian trained law lecturer. There is hardly any notable global university without a Nigerian lawyer as a tutor. In term of legal practice, there are so many products excelling in active legal practice all over the world. Many also are pacesetting politics.

LEGAL EDUCATION IN NIGERIA: PROJECTING IN TO THE FUTURE

The current trend in legal education in Nigeria is not without its own challenges. Some of these challenges will be highlighted but it should be borne in mind that the solutions to these challenges are not exhaustive. Key among these challenges, is the over admission practice of Universities in Nigeria in flagrant disobedience to the quota system and their capacities. This trend must be curbed with serious determination as we go in to the future.

Secondly, the current teaching method at the various faculties of law in Nigeria is not helpful for the students, the profession and the entire society at large. Legal education as a vocational training both at the university and importantly at the Nigerian Law School should be delivered through clinical education. The teaching methods for legal education need to be very practical, clinical and capable of developing lawyering skills. We should therefore, place heavy reliance on teaching methods that promote interactive and clinical such as the use of simulations, role

¹⁹ David A.A. & Harry Arthurs *Lawyers in Canada* (Canada: University of Toronto Press 1990) p83

plays, video Clips, law clinics, mock trials, pro bono services, group discussions and seminar presentations.

Thirdly, there is the need to overhaul the present curriculum of faculties of law in Nigeria to bring it in consonance to global trends. Courses should no longer focus on domestic or national law alone but should also take into account international dimensions by examine themes such as human rights and war crimes, environmental issues, Labour Law, technology, intellectual property, terrorism, hostage taking and the role of Lawyer in all these.¹⁵

Fourthly, faculties will have to strongly consider the role of external externship and students and faculty exchanges. These could be inter-faculty exchanges, within the country, exchanges amongst faculties in African and overseas. The gains accruable from this platform cannot be over emphasized in terms of quality of education and a knowledge gained and values.¹⁶

Also, the appropriate and result oriented legal education must be ethically compliant. The legal profession is a profession and not a trade²⁰. It is a calling or a vocation for men of honour, dignity, noble ideals and sublime principles. It is a calling for the finest breed that humankind can offer in terms of training, learning ability, compoment, ideals, discipline and courage. It's an honourable profession, a profession of the utmost dignity, nobility and respect. It is a profession for those who by deliberate reflection, absolute free will, conscious effort, have decided to acquire learning and dedicate themselves to the pursuit of the ideal of justice, public good and who can do the profession proud²¹.

Also, there is the need for the Nigerian students to embrace information technology. The use of computer and technology skills has become integral part of legal education curriculum all over the world. This is a desideratum for good legal research, writing and practice and more so in view of the current globalization of legal profession. Am embrace of information technology will expose the students to distant learning formation, teleconferences, video conferences, online programmes, exchange of ideas, and available human resources anywhere in the world

In the nearest future, the Nigerian law school will also put machinery in motion to actualize another of its mandate to provide continuing legal education. The near absence of continuing legal education is another challenge facing the Nigeria legal profession. Continuing legal education allows lawyers to keep up to date in their own and related fields by refreshing and expanding substantive knowledge, professional skills and by aiding efficient specialization in the legal profession.²²

²⁰ David Weisbroth *Australian Lawyers* (Australia: Longman Cheshire) p12

²¹ Hon M.M.A. Akanbi PCA (as he then was) " Career at the Bar" Nigerian Law & Practice Journal March 1997 p.101

²² David Weisbroth *ibid* 151