

THE NIGERIAN LAW SCHOOL AND THE IMPROVEMENT OF THE QUALITY OF NEW WIGS*

Introduction

Changing times at home and abroad has necessitated a reconsideration of the quality of legal education in Nigeria. This is exemplified by international practice,¹ globalization of legal services, thinning of the division between common law and civil law jurisdictions under the umbrella of the European Union, specialization and transcendental character of modern legal practice;² have individually and collectively pushed for a reevaluation of the nature of skills, competencies, attributes, and values that must be inculcated in aspirants to the Bar in Nigeria.

Another facet of the problem is that the Bar, the Bench, and legal academics have raised concern about the declining quality of new wigs in Nigeria. The skills of a lawyer require proper education and experience as noted in *J.M. Aina and Co. Ltd v. Commissioner for Lands and Housing, Oyo State*³ where the court denigrated the practice whereby young or new wigs are assigned "difficult cases beyond their capacity and experience". The fact remains that upon call to the Bar, a new wig is legally presumed to be competent⁴ to appear in any court in Nigeria, including the Supreme Court.

However, senior members of the Bar and the Bench now increasingly come into contact with some new wigs who are unable to draft even an application letter for employment, announce appearances, move motions, or undertake mundane aspects of legal practice. In short, some new wigs have been found to lack the basic skills and attributes of a good lawyer.

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¹ See generally O. Egboamaen, SAN "Emergence of the Global Lawyer and the Nigerian Legal Education" in O. Onadeko, et. al. (eds.) *Fifty Years of Legal Education in Nigeria-Challenges and Next Steps* (Abuja: Council of Legal Education, 2014) pp 137-150; see also J.B. Daudu SAN, "Thoughts on Nigerian Legal Education, Globalisation and the Standard of Legal Services: Overcoming the Challenges" in O. Onadeko, et. al. (eds.) *Fifty Years of Legal Education in Nigeria-Challenges and Next Steps*, ibid pp 277-290.

² E. Onyeina "Some Thoughts on the Training of Nigeria Lawyers for International Legal Practice" ibid pp 235-244; O. Shokyi "Legal Education in the Context of Mixed Jurisdiction: The Nigerian Experience" in O. Onadeko, et. al. (eds.) *Fifty Years of Legal Education in Nigeria-Challenges and Next Steps*, ibid pp 245-261.

³ (1982) 3 FNLR 113.

⁴ The wig and gown does not, however, make a good lawyer. See A. Ekundayo, *Hints on Legal Practice* (Lagos: NIALS, 1998) p.1.

Another disturbing trend is the increasing cases of violation of the Rules of Professional Conduct as manifested by recent proceedings of Legal Practitioners' Disciplinary Committee. The cases of *Okike v. L.P.D.C*⁵ and *N.B.A. v. Kunle Kalejaiye*⁶, are stark reminders of the imperative of reinforcing the teaching of professional ethics at the Nigerian Law School. This is now being done with requisite emphasis.

Every legal practitioner who performs admirably either in character, advocacy or general practice is a product of the Nigerian Law School. Sadly, those that fell short of expectation among the new wigs or those who are unable to deploy the skills to which they were exposed at the Nigerian Law School, and those who fail to demonstrate keen sense of professional responsibility and values, had also at one time or the other passed through the Nigerian Law School. This is in no way self indictment. It is simply the truth.

Against above background, the Nigerian Law School as a responsive and responsible institution has continued to introduce significant reforms to enhance the skills, professional responsibility and values of aspirants to the Bar. This paper briefly outlines the response of the Nigerian Law School towards sustaining the standards expected of new wigs. It is captured in five parts consisting of: (i) introduction; (ii) statutory role of the Nigerian Law School; (iii) the curriculum of the Nigeria Law School; (iv) the way forward; and (v) conclusion. The key feature of this response is a shift in the mode of instructions from the lecture pedagogy to a curriculum that focuses on the inculcation of requisite lawyering skills, values and attributes to equip aspirants to the Bar through practical applications. The shift is consistent with global best practices and it is aimed at ensuring that law graduates are "equipped with a broad range of lawyering skills when they enter the profession,"⁷ to meet local and international challenges.

Statutory Role of the Nigerian Law School

Section 1(2) of the Legal Education (Consolidation, etc.) Act provides that the CLE "shall have responsibility for the legal education of persons seeking to become members of the legal profession." The Nigerian Law School⁸ is the vehicle by which the Council of Legal Education executes her statutory mandate.⁹ The School has been training lawyers for 52 years, starting with one Campus in Lagos, and now with other Campuses in Enugu, Kano, Yenagoa, Yola and Abuja. The headquarters is in Bwari, Abuja.

⁵ (2005) 15 NWLR (Pt. 949) 471.

⁶ (Unreported) Complaint No. BB/LPDC/115, Final Direction of the L.P.D.C delivered on Thursday 21st May, 2015.

⁷ J. E. Schukoske, "Legal Education Reform in India: Dialogue Among Indian Law Teachers" (2009) 1 *Jindal Global Law Rev.* pp251-279 at p.258. available at <http://ssrn.com/abstract=1452888>.

⁸ For a brief history of the Nigerian Law School see in O. Onadeko, et. al. (eds.) *Fifty Years of Legal Education in Nigeria- Challenges and Next Steps*, ibid pp 7-39.

⁹ Legal education in Nigeria is regulated by the *Legal Education (Consolidation, etc) Act* and the *Legal Practitioners Act, (As Amended)*. For comments on these legislations see T. Mamman "A Review of the Framework of Legal Education in Nigerian Universities" (2010) being a paper delivered at the Justice M.M.Akanbi Annual Lecture at the University of Ilorin, Monday 8th November, 2010, pp2-3.

Curriculum of the Nigerian Law School

The courses taught under the now tagged old curriculum of the Nigerian Law School, were: Criminal Procedure, Civil Procedure, Company Law and Practice, Legal Drafting and Conveyancing, Law of Evidence, and General Paper (Professional Ethics and Allied Subjects). The courses were taught via the lecture pedagogy. Current global best practices are, however, decidedly in favour of clinical or practical and not pedagogical legal education. In the United Kingdom and the United States of America, *The Cramton Report of 1979*, *The MacCrate Report of 1992*, *The Best Practice Report of 2007* and *The Carnegie Report of 2007* all stress the importance of inculcating fundamental values and professionalism in aspirants to the Bar. These reports identified the benchmark of "professionalism to include honesty, integrity, civility, ethics, reliability, judgment, diligence, respect for the rule of law, courts, lawyers, clients, witnesses and unrepresented parties."¹⁰ The Law Society of England and Wales also prescribes that the core values and skills that should be taught to and imbibed by aspirants to the legal profession include the following:

- (a) Demonstration of proper behaviour and integrity in a range of situations;
- (b) Capacity to deal sensitively and effectively with client, colleagues and others from a range of social, economic and ethnic backgrounds, identifying and responding positively and appropriately to issues of culture and disability that might affect communication techniques and influences client's objectives;
- (c) Application of techniques to communicate effectively with clients, colleagues and members of other professions;
- (d) Recognising clients' financial, commercial, and personal constraints and priorities;
- (e) Effectively approaching problem solving;
- (f) Effectively using current technologies to store, retrieve and analyze information and to undertake factual and legal research;
- (g) Demonstration and appreciation of commercial environment of legal practice, including the market for legal services;

¹⁰ Cited by E. Martin & G. Hess" Developing Skills and Professionalism Curriculum-Process and Product" (2010) 41 University of Toledo Law Rev., pp327-353 at p.330 available at <http://ssrn.com/abstract=1795606>.

- (h) Ability to recognize and resolve ethical dilemmas;
- (i) The use of risk management skills;
- (j) Recognising personal and professional strengths and weaknesses to identify the limits of personal knowledge and skills and to develop strategies that will enhance their personal performance;
- (k) Ability to manage their personal workload and manage efficiently and concurrently a number of client matters; and
- (l) Working as part of a team.¹¹

The Council of Legal Education approved a new curriculum for the Nigerian Law School in the 2008/2009 School Year,¹² to align with global best practices in the training of new wigs. The courses taught under the new curriculum are: Criminal Litigation, Civil Litigation, Property Law Practice, Corporate Law Practice and Law in Practice (Skills and Ethics), now made a substantive department in the 2013/2014 and appropriately named Professional Ethics and Skills. This is to underscore the importance of ethics and skills to good lawyering.

A cursory glance at the **2014/2015 Curriculum, Lesson Plans and Case Studies** reveals that the lesson plans and case studies are designed to achieve the primary outcome of knowledge and skills acquisition in the context of proper conduct and etiquette. This is reinforced by "The Vision Statement" and "Mission Statement". The Vision Statement is as follows:

1. To be a model Institution that aims to attain the highest standards of legal education and vocational training in the world;
2. To train lawyers grounded in the ethics of the profession, who can respond to current national and international legal challenges in a diverse society, providing leadership in many different works of life; and
3. To maintain vocational training and capacity building for lawyers to be intellectually and professionally effective for meeting global challenges and ethical values.

¹¹ Quoted by J.E. Schukoske, above n.7 at pp. 260-261.

¹² T. Mamman, "The Globalisation of Legal Practice: The Challenges for Legal Education in Nigeria" being a Paper Delivered at the 2nd Annual Business Luncheon of S.P.A. Ajibade & Co-Legal Practitioners on Thursday, 19th November, 2009.

The **Mission Statement** of the curriculum is to:

1. Educate and train law graduates in vocational skills that would enable them function optimally as Barristers and Solicitors;
2. Adopt skills-based, interactive and clinical methods of learning that would adequately prepare the graduates for their roles as lawyers to function as teachers, advocates, and solicitors, advisers, leaders in private enterprise and public service;
3. Train students to conform to the ethics and traditions of the legal profession and exhibit the highest sense of integrity and candour in the discharge of their professional calling; and
4. Inculcate in its graduates the ideals of the rule of law, social justice and community service such as providing free legal services to the indigent and encouraging the development of opportunities for access to justice.

The current curriculum is set out for the achievement of a set of outcomes at the end of training at the Nigerian Law School, to prepare aspirants for Call to Bar and career at the Bar. Students are the centre of the learning process. That is, they are expected to participate in assignments, exercises, tasks, role plays, etc.

The **duration of the Bar Part II vocational programme** consists of the following:

- i. 2 weeks induction (including a week of case studies and mock trials)
- ii. 20 weeks lectures;
- iii. 1 week mock trials;
- iv. 12 weeks of Court and Law Firm attachment (Externship Programme);
- v. 3 weeks of debriefing, tagged: "portfolio assessment and evaluation";
- vi. 1 week of private revision; and
- vii. 1 week of Bar Final examinations.

An example of a typical lecture under the curriculum at the Nigerian Law School is apposite. Let us consider Criminal Litigation, Week 15 as an example. The "WEEK" deals with TRIAL 3 (EXAMINATION OF WITNESSES). There is an "OUTCOME" for the lesson followed by "CONTENTS" and "ACTIVITIES". The Activities are as follows:

ACTIVITIES

1. In class, the tutor gives an overview-30 minutes.
2. Students are grouped to discuss the meaning of examination-in-chief and the role it plays in a trial-10 minutes.
3. Students are grouped to discuss the type of questions that are not allowed in examination-in-chief and sample presentations are made-20 minutes.
4. Students are grouped to demonstrate examination skills highlighting admissibility of documentary evidence such as confessional statements, expert evidence and police report using the Ene Agbo scenario-30 minutes.
5. Students are grouped to demonstrate examination skills highlighting procedure for admissibility of hearsay evidence, refreshing memory and treatment of hostile witness using the Ene Agbo scenario-30 minutes

15 Minutes Break

6. Students are grouped to discuss the meaning of cross-examination and the purpose they serve in proceedings-20 minutes.
7. Students are grouped to demonstrate cross-examination skills using the Ene Agbo scenario-40 minutes.
8. Students are grouped to demonstrate re-examination skills using the Ene Agbo scenario-20 minutes.
9. Students are grouped to discuss the powers of a judge to put questions to the witness from the bench-20 minutes.
10. Assessment-20 minutes.

Lectures commence at 9.00 a.m. and end at 1.30 p.m.

every day, Monday to Friday. In addition to normal lectures, students are obliged to return to class at 3.00 p.m. for a 1 hour question and answer session to review the lecture for the day.

From the activities in Week 15 of the Criminal Litigation course, it is evident that the mode of teaching at the Nigerian Law School is interactive and student driven. Students no longer sit passively, take dictated notes, with little or no time for questions and discourse between tutors and students on the one hand, and between students inter se. The tutors and students and students inter se must come prepared to participate for the expected outcome for the day. Emphasis is laid on group presentation.

Externship

Another key component of the training of aspirants to the Bar at the Nigerian Law School is their placement to Courts and Law Firms for 12 weeks. The NLS issued an Externship Handbook for Field Supervisors and also the Externship Student Handbook to regulate the programme. The Externship Programme's Goals are to:

1. Develop the Externs' lawyering skills.
2. Make the Externs understand various aspects of the legal system as well as the legal profession.
3. Inculcate in the Externs a sense of professional responsibility and values; and
4. Develop the Externs' ability to reflect on and learn from their experience.¹³

The purpose of placement of students is to facilitate direct student participation in the work of the legal profession to inculcate knowledge, skills, ethics, values and attributes. Students are obliged to maintain two log books of their activities which must contain activities and reflections. One log book is for Court and the other for Law Office placement. Students are also obliged to write an essay on an ethical dilemma that they witnessed or experienced during the placement. At the end of the placement period, each Extern is required to appear before a panel and make a power point portfolio presentation. The panel would examine the log books, essay and other evidence of active participation in the placement exercise. Any student who scores below 70% shall be required to repeat the attachment exercise before Call to Bar. Essentially, an aspirant who fails

¹³ See E. Ojukwu, et. al. (eds.) *Nigerian Law School Externship Handbook for Field Supervisors* (Abuja: Nigerian Law School, 2013) p.8.

the portfolio presentation would invariably repeat the Court and Law Office attachment modules.

The practical knowledge aspirants to the Bar gain from placement cannot be over-emphasized. The Nigerian Law School appreciates the contribution and cooperation of the Bar and Bench in the success of this critical phase of the training of Nigerian lawyers. The participation of the Bar and Bench is an indelible contribution to the growth of the legal profession in Nigeria. The School is constantly updating and expanding its data bank of Law Firms with the aim of improving the strain on Law Firms that participate in the attachment exercise.

Another feature of the present curriculum is the presence of Law Clinics in the Campuses of the Nigerian Law School, to complement the Externship module.

The LL.B Curriculum Review Committee of the Council of Legal Education

In 2013, the Council of Legal Education constituted a Committee to review the undergraduate curriculum of our Law Faculties. It is headed by Mr. Awa Kalu, SAN. The Committee is collaborating with the National Universities Commission which had earlier undertaken a similar exercise. It is expected to submit its report very soon and I am confident that its recommendations, when implemented, will lead to significant improvement in graduates of law proceeding to the Nigerian Law School.

Engagement of Law Firms In Quality Survey

To further ensure that newly enrolled Lawyers are adequately prepared for immediate law practice, the Nigerian Law School will shortly commence a survey, in conjunction with Law Firms, to determine their expectations in new wigs, at the point of employment. Responses from this exercise will be analyzed and deployed towards improving our course contents. It is hoped that this exercise, which will be carried out periodically, will lead to the productions of well rounded Lawyers.

Need for Pupilage Period

Debate on the need or otherwise of a form of mandatory pupilage for new entrants to the legal profession has been on for some time. It is my view that serious thoughts should be given to its re-introduction. The aim is not to constrain the new wigs, but to expose them to a period of hands-on apprenticeship in Law Firms.

I am not oblivious to available well reasoned arguments for and against this scheme. I truly believe that its relevance in other jurisdictions, with attendant benefits, should encourage further discourse of this here.

The Way Forward

Possession of the Bachelor of Laws (LL.B) degree is a prerequisite for admission to the Nigerian Law School. An examination of the approved curriculum for Law Faculties in Nigeria reveals that the core and the elective courses dwell on legal principles, rules and some introductory courses in the social sciences. Not unexpectedly, there is little or no reference to inculcation of professional skills and values. The teaching method is predominantly by lectures. The curriculum provides for tutorials and moot/mock trials, but overblown student intake, deficit of lecturers and inadequate physical and other facilities have made it impossible for most universities to engage in tutorial classes and productive moot or mock trials. The period of contact with students at the Nigerian Law School is 38 weeks. The "production process" at the School has been reformed, but "the raw materials" from the lower levels of the education system in Nigeria, must apply themselves positively to guarantee the quality of the end product.

Changing times at home and abroad have informed the need to keep in pace. The global nature of legal practice, the disappearance of the division between common law and civil law jurisdictions, the necessity for specialization, etc require that new wigs must be properly equipped for both local and trans-boundary legal practice. It is to the credit of the Nigerian Law School that several of her former students are competing favourably at the international arena.

The School will not rest on her laurels. It is conceded by most "observers of legal education, from inside the academy and from the world of law practice, that traditional legal education does not adequately prepare graduates for the legal profession."¹⁴ Our curriculum at the Nigerian Law School, the externship programme, and the renewed vigour in the teaching of professional ethics and discipline, are all put in place to facilitate direct student participation in the work of the legal profession for the purpose of inculcating knowledge, skills, ethics, values and attributes. To ensure uniformity in methodology of teaching across the various Campuses, the School holds annual academic retreats for all teachers. The retreats have shown that the present curriculum has witnessed improvement in student appreciation of the essence of legal education and the role of lawyers in society.

Conclusion

The clamour for improvement in the standard of new wigs is coming at a time when legal practice is transcending national boundaries. Faced with the winds of rapid change, the curriculum focuses more on the inculcation of skills, knowledge, values and attributes. We believe that the curriculum will continue to improve the quality of new wigs now and in the future.

The Nigerian Law School is not an island insulated from the educational system of Nigeria. Continuous reform of the entire educational landscape in the country should contribute in no small measure in guaranteeing the standard of legal education and the legal profession that we can all be truly proud of.

¹⁴ E. Martin. & G. Hess "Developing Skills and Professionalism Curriculum-Process and Product" (2010) 41 University of Toledo Law Rev., pp327-353 at p.327 available at <http://ssrn.com/abstract=1795606>.