



Investigating the Compatibility, Challenges and Prospects of Legal Education in ODL Institutions: The Nigerian Perspective

Enquête sur la compatibilité, les défis et les perspectives de l'enseignement juridique dans les institutions ODL : La perspective nigériane

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Abstract

Open and Distance Learning (ODL) provides present-day society with new means of imparting knowledge to learners. Due to its flexibility and potential cost savings, ODL delivery facilitates access to education for those whose financial and time resources inhibit their ability to pursue education through traditional modes. Presently, ODL is not yet one of the standard forms of instruction for legal education in Nigerian institutions. However, the idea of incorporating legal education in the ODL mode of teaching is becoming clearer by the day as influenced by technological and other forces. Legal education has been slow in adopting distance learning in Nigeria due, mainly, to the restrictive rules on it by the regulatory bodies. The paper investigated the compatibility of legal education in the ODL approach in the 21st Century. In a survey of a population of 97 year 500 level Law students of the National Open University of Nigeria (NOUN), conducted, the majority of the interviewees believe that legal education is compatible with ODL institutions and that graduates from such institutions are not after all, less in terms of competence, character and integrity. The paper concludes that, with advancements in technology, instruction in ODL has gone beyond just talking heads on the TV screen. It argues further that ODL when carefully designed and delivered, creates a high-quality academic experience and produces learner outcomes on par, if not superior to those of conventional in-class learning. The study recommends the reconsideration of the restrictive rules on the delivery of legal education through ODL, to optimise the opportunity it offers in a technology-driven world.

Keywords: Open and Distance Learning, Legal Education, Compatibility, Restrictive Rules, Technology

Résumé

La formation ouverte et à distance (FOAD) offre à la société actuelle de nouveaux moyens de transmettre des connaissances aux apprenants. Grâce à sa flexibilité et aux économies potentielles qu'elle permet de réaliser, la FOAD facilite l'accès aux nouvelles voies d'éducation à ceux dont les ressources financières et temporelles les empêchent de suivre des styles d'éducation traditionnels. Actuellement, la FOAD n'est pas encore l'une des formes d'enseignement standard pour la formation juridique dans les institutions nigérianes. Bien que ses promesses et ses perspectives de transmission du savoir soient en fait multiples, la FOAD n'a pas encore été largement adoptée au Nigeria. Cependant, l'idée d'incorporer l'enseignement juridique dans le mode d'enseignement de la FOAD devient plus claire et plus forte de jour en jour, sous l'influence de forces technologiques et autres. L'enseignement juridique a été lent à adopter l'apprentissage à distance au Nigeria, en partie à cause des règles restrictives imposées par les organismes de réglementation. Cet article constate que le souci de la qualité des résultats est au cœur de ces règles restrictives sur la FOAD dans l'enseignement juridique. L'article étudie donc la compatibilité, les défis et les perspectives de l'enseignement juridique dans l'approche de la FOAD au 21^{ème} siècle. Il conclut qu'avec les progrès technologiques, l'enseignement et la formation en FOAD sont allés bien au-delà des simples têtes parlantes sur l'écran de télévision. Il affirme en outre que la FOAD, lorsqu'elle est conçue et dispensée avec soin, crée une expérience universitaire de haute qualité et produit des résultats pour l'apprenant équivalents, voire supérieurs, à ceux de l'apprentissage conventionnel en classe. Cette étude recommande de reconsidérer les règles restrictives de la FOAD afin d'optimiser les opportunités qu'elle offre dans un monde dominé par la technologie.

Mots-clés : Apprentissage ouvert et à distance, formation juridique, compatibilité, règles restrictives, technologie

Introduction

Open and Distance Learning (ODL) mode of instruction and delivery has greatly been improved and made almost indispensable due to the presence and advancement in technology. Technology itself is an inextricable part of man's life today and has dramatically influenced our thinking, communication, information processing as well as learning pattern. Educational systems in the present century, especially with the Covid-19 experience, are becoming more and more open to incorporating technology-driven modes of learning like ODL. Technology itself is deemed to be an indispensable part of man's everyday life (Cruz *et al*, 2021). Hence, educational systems have come to terms with the importance and value of capitalising on the current wave of technological advancements and innovations to optimise student learning and provide a more extensive and accessible pool of knowledge for learners (Cruz *et al*, 2021). However, the study of law or legal education is peculiar, with its sphere of pedagogy, which for ages has applied a Socratic method of teaching to help students appreciate the more difficult concepts and/or principles (Scholle, 2020). Consequently, legal education is yet to fully embrace the new trend in the ODL mode of study. The system and teaching pedagogies for the Law programme have remained roughly the same over the years, following the same pattern. Consequently, law classrooms have maintained a teacher-centered pattern of teaching and learning, where knowledge emanates from the lecturer during classes or tutorials. Although there have been certain changes in legal education, for instance, law students are no longer confined to physical libraries before accessing their assigned cases which can now be accessed in online repositories, the changes are rather minute and insignificant. These changes and transformations in legal education as mentioned above are relatively low in comparison with other conventional studies (Firth & Newbery-Jones, 2019).

One of the reasons adduced for legal education's resistance to change and slow progress in responding to the ODL mode of instruction is the distinctive nature of the legal profession and practice. This answers the question as to why the study of law is resistant to change and explains the reason for the restrictive rules by the regulatory bodies regarding

distance learning in legal education. Legal education and academicians have been taught in a particular way inculcating both academic and moral disciplines, deemed to be the best and have produced excellent legal professionals, so resourceful in various fields of law. The concern of the older legal experts and professionals is that Open and Distance Learning will whittle down the quality of legal education and consequently produce a new breed of lawyers without the necessary legal discipline required to represent the profession in society. In addressing this fear or concern, this article discusses the compatibility of distance learning delivery in legal education and exposes how Open and Distance Learning, through improved technology, can simplify and further the study of law and prepare lawyers for present-day society.

Legal Education in Nigeria

Legal education refers to the training and experiences, especially through university institutions which help people, law students in particular, to understand and practice law in society. This comes about through an in-depth, structured education in law. Legal education relates to the acquisition of those knowledge, skills, principles, practices, and theories of law required for admission into legal practice in a particular jurisdiction. Legal education in Nigeria spans six years. The study of law, as an academic aspect of legal education is undertaken by accredited law faculties in Nigerian universities, whose course of legal studies is approved by the National Universities Commission and the Council of Legal Education. Faculty of Law in Nigeria admits students of two broad categories, to wit, the Unified Tertiary Matriculation Examination (UME) and Direct entry candidates. The general requirement is that; the candidate must not be less than 16 years old by the 31st of October in the year of admission, and he or she must have at least 5 credit passes in his or her O'level result (WAEC, NECO or NABTEB), including English and Mathematics in not more than two (2) sittings (Unini, 2015). The requirement may, however, differ though very slightly from institution to institution. For instance, the University of Nigeria Nsukka requires Credit level passes in English Language, English Literature and a Science subject in School Certificate or its equivalent. It is important to note that only candidates who graduated from accredited faculties of

law qualify for admission into the Nigerian law school. At the undergraduate level, it takes five years for the learners to obtain an LL. B., (Legum Baccalaureus or Bachelor of Laws) from the university and one year for the professional certificate programme at the Nigerian law school. Due to the peculiar nature of the legal profession, those who seek to become members of the profession are made to undergo some rigorous conditions and examinations from university admission and culminate eventually in the call to the Nigerian Bar.

One of the reasons for the disinclination of distance learning in legal education is the concern for a reduction in the standard and quality of law graduates. Legal education is not only after the academic performances of the candidates, but also, tests them morally and character-wise. Based on this, the *Legal Practitioners Act, 2004* stipulates the requirements for enrolment into the legal profession in Nigeria to include Nigerian citizenship, possession of a qualifying certificate issued by the Council of Legal Education and satisfaction by the Body of Benchers that the candidate is of 'good character' (*Section 9 Legal Practitioners Act, 2004*). The Council prescribes good conduct as one of the condition precedents for admission into the Nigerian Law School and call to the Nigerian Bar. This was evident in the case of *Okonjo V. Council of Legal Education*, where the appellant was denied admission to the law school based on an adverse report concerning him by one of his referees (his former employer). The court held that *section 2(5) of the Legal Education (Consolidation etc.) Act* empowers the Council of Legal Education to make such rules as they consider proper for the efficient functioning of the Council. Accordingly, there is fear that the ODL mode of instruction may not be sufficient enough to inculcate the required integrity, academic and moral qualities expected of lawyers. This is because some requisite character qualities for admission to the Law School and subsequently call to the Nigerian Bar are not necessarily taught as a course in the university but are learned and inculcated through regular contact and interactivity which are lacking in an ODL mode of delivery. The Council places much premium on the character and integrity of individuals seeking to become members of the legal profession and so, as part of the conditions for admission into the Law School, requires a

positive reference even from the Dean of the Faculty of Law regarding the character of the candidates.

ODL and Legal Education in Nigerian Institutions

Presently, the National Open University of Nigeria (NOUN) is the only single mode Open and Distance Learning institution in Nigeria which runs a law degree programme. However, notwithstanding that the NOUN Faculty of Law in 2011, met the minimum requirements to secure accreditation (Fatunde, 2020), its graduates could not proceed to the Nigerian Law School due to the adverse position by the Nigerian Body of Benchers (BOB). The BOB as a statutory organ regulating admission into the law school has been denying NOUN law graduates admission on technical grounds. The position of the Body of Benchers is that NOUN operates distance (correspondence) instead of in-person or contact teaching. The Body of Benchers, the Council of Legal Education, and even the Nigerian Bar Association were particularly against the mode of delivery as stipulated by *section 1 (a)* of the old NOUN Act which emphasized *inter alia*, that ‘learning will be carried out mainly by correspondence and closely supplemented by lectures, broadcasts by radio and television, as well as by occasional seminars, tutorial and counselling services, organised through a network of local study centres. Consequently, they held the view that the legal education offered by National Open University lacked practicals, such as participation in law clinics and moot courts (Fatunde, 2020). Accordingly, NOUN law graduates had been refused admission to the Nigerian Law School until very recently. Sometime in June 2021, the Nigerian Law School finally admitted close to 2000 NOUN law graduates, albeit to Bar Part I which is meant for candidates who completed their Bachelor’s degree in law in foreign countries. Where the Council refused the accreditation of a law faculty for any reason, as was the case with the National Open University of Nigeria, the implication is that the law graduates of that university will not be admitted to the law school although they may be awarded LL. B Degree. Legal profession whether in Nigeria or elsewhere is very conservative and highly regimented and is not easily adaptable to changes.

The Regulatory Bodies for Legal Education in Nigeria

In Nigeria, there are some regulatory bodies whose activities and rules, in any respect, oversee, control and supervise the contents and conduct of legal education. These are the National Universities Commission (NUC), the Joint Admission and Matriculation Board (JAMB) and the Council of Legal Education (CLE) and by default, the Nigerian Bar Association (NBA). These bodies, particularly, the Council of Legal Education, by their rules, disapprove of distance learning in legal education.

1. The National Universities Commission (NUC)

The NUC as an educational regulatory body in Nigeria bears the capacity to determine in one way or the other, how legal education is conducted in the country. The NUC is in essence, saddled with a wider responsibility of advising the Federal and State Governments regarding all aspects of university education (Bukar, 2014). The Commission in particular, under the enabling Act, sets the minimum academic requirements and standards for all undergraduate and postgraduate programmes including those of law in Nigerian Universities (National Universities Commission Act). The Commission sets the Benchmark Minimum Academic Standards and accredits degrees and other academic programmes in Nigerian universities. It approves the establishment of faculties, academic units and so on, in the universities. For instance, in carrying out these obligations, pursuant to *sections 4 and 18* of the *National Universities Commission Act and Education (National Minimum Standards and Establishment of Institutions) Act* after due consultation with universities, the Commission amended the Minimum Academic Standards (MAS) 1989 by updating and replacing same with the Benchmark Minimum Academic Standards (BMAS) for all courses of study including those of law (National Universities Commission, Benchmark Minimum Academic Standards (NUC BMAS) for Undergraduate Programmes). According to the Commission, the amendment became necessary to reflect the changes and impacts of advancement in technologies on teaching and learning as well as the competitiveness occasioned by globalization. Although the Commission, through its Academic Standards Department, is charged with the responsibility to *inter alia* periodically review courses

and curriculum of approved programmes in Nigerian Universities, a look at the courses in the Commission's BMAS and that of the Minimum Academic Standard (MAS) of 1989, shows that the course content for both elective and compulsory law courses has largely remained the same over the years. It has been the known traditional, core subjects in law without any visible effort by the Commission and Nigerian universities to revise or update the law curriculum to include emerging areas of the law and methods of instruction to reflect the changes brought by technology. The aim of periodic review of course curriculum of the universities, according to the Benchmark Academic Standards document should be, not only to make the law programme meet up with the changing society in terms of the subject taught but also, the mode of instruction.

2. Council of Legal Education

The Council of Legal Education is responsible for the legal education of individuals seeking admission into the legal profession (*Section 1 (2)* of the Legal Education (Consolidation etc) Act, LFN, 2004). Consequently, the Council has the mandate to issue a qualifying certificate to individuals (*Section 5, LECA, LFN, 2004*), which when issued, indicates the successful completion of a course of practical, professional training in the Nigerian Law School and the qualification for call to the Nigerian Bar. However, the individuals seeking admission to the legal profession must in addition, among other requirements, have obtained a university law degree whose course for the degree is recognized by the Council. The Council has its requirements different from those of the NUC, for the faculties running law programmes in Nigerian universities. It follows, therefore, that, accreditation of a law degree programme by the National Universities Commission is not an automatic ticket for its recognition or accreditation by the Council of Legal Education. This explains why, the Council, for many years has refused to, until recently, recognize the law degree of the National Open University of Nigeria (NOUN) for alleged failure to meet up with its benchmark requirements for law degree. Seemingly, the National Universities Commission is not under obligation to consult the Council of Legal Education before approving the establishment of a faculty of law at any university. Still, such law faculty when established, must also meet up with the Council's

minimum requirements in the areas of curriculum, standard law library, the status of law lecturers, lecture periods, student-teacher ratio as well as the infrastructural facilities for the law faculty before it is recognized by the Council (Anene, 2018). Hence, while the Commission is empowered to approve the establishment of new faculties and accreditation of those already in existence following its parameters, the Council at the same time, has the power to deny accreditation of the said programme approved by the Commission in line with its parameters. (Bukar, 2014). This lacuna and seeming conflict in the approaches of the two bodies call for the amendment of the Council of Legal Education Act, to grant the Council a certain measure of control over law academic programmes in Nigerian universities.

3. Joint Matriculation and Admission Board

The Joint Admissions and Matriculation Board was established by *section 1* of the Joint Admissions and Matriculation Board Act, Laws of Federation of Nigeria. Decree No. 2 of 1978 (amended by Decree No. 33 of 1989) empowered the Joint Admissions and Matriculation Board to among other things: (i) conduct Matriculation Examination for entry into all Universities, Polytechnics and Colleges of Education (by whatever name called) in Nigeria and (ii) place suitably qualified candidates in the tertiary institutions after having taken into account all relevant factors. Conversely, the general control of the conduct of matriculation examinations and determination of the matriculation requirements for entry into degree programmes in every discipline including law, rests squarely on the Joint Admissions and Matriculation Board (JAMB). However, in Nigeria, only universities offer law degrees, hence, any degree awarding institutions other than universities cannot undertake degree programmes in law.

4. The Nigerian Bar Association

The Nigerian Bar Association (NBA) is the umbrella body for all lawyers which regulates legal practice in Nigeria. Although the Nigerian Bar Association, unlike its American counterpart, the American Bar Association, has no direct statutory regulatory function in legal education, it is still indirectly involved in the business of legal education in Nigeria. This is based on the fact that all members of the

Council of Legal Education are legal practitioners and unarguably, are members of the Nigerian Bar Association.

The truth remains that both the *Council of Legal Education Act* and the *National Universities Commission Act* had over the years undergone certain amendments evident in the following: The Legal Education Act No.12 of 1962; the Legal Education (Pensions) Act No.34 of 1965; the Legal Education (Amendment) Act, No.62 of 1970; the Legal Education (Amendment) No.37 of 1970; the Legal Education (Amendment) Act, No.37 of 1973; (all repealed). See also the National Universities Commission (Amendment) Act, No.10 of 1993; Cap. C23 Laws of the Federation of Nigeria, 2004. However, those amendments were never substantial enough to bring about the needed change and transformation of the legal education course contents in Nigeria. This is because, in many cases, they merely introduced provisions relative to the new composition of the Council of Legal Education. Consequently, the method of teaching and course contents of legal education, both at the academic and vocational levels have remained roughly the same over the years. As it stands, nothing meaningful has been done regarding the introduction of courses in emerging fields of law and the adoption of new teaching pedagogy like distance learning which has become necessary in the face of technological advancements and innovations (Ojogwu & Aluta, 2009; Idris, 2010). The failure to make amendments that would accommodate the new areas of law and allow new methods of instruction has become the main reason for the teaching of the same course content for decades without revision, making ‘law teachers adopt the ‘nail and hammer’ approach to the teaching of law’ (Bukar, 2014). It is hoped however, that, with the admission of the first set of the National Open University of Nigeria (NOUN) Law Graduates to Law School and their outstanding performance, so far, coupled with the changes in the learning processes as a result of advancement in technology and Covid-19 experience, concerned bodies, particularly the Council of Legal Education will soon reconsider the restrictive rules on distance learning in legal education in Nigeria. This is because, the increasing importance of ethics regulation even in the technology-driven society makes it imperative to integrate the modern mode of delivery in legal education and professionalism. Emerging scholarship on Nigerian legal ethics as

in other jurisdictions underscores the importance of diversity of modes of delivery to the legitimacy of the legal profession and the administration of justice in the present century (Dodek, 2008).

1. Delivery Models in Open and Distance Learning

Open and distance learning technologies are divided into two modes or models of delivery which include:

- i. The Synchronous Learning Model.** The synchronous model mimics traditional in-classroom learning as it takes place at one time, while participants occupy different spaces. Here, all participants are present and participate at the same time just like traditional in-class learning methods though the participants are scattered in different locations. The synchronous learning model had been under experiment or rather had been experimented since the 1970s by schools with the creation of interactive television though without significant impact or success. However, with the advancement in technology, the development of useful live and real-time interaction between faculty and students has been made practicable. There are already in use, free platforms such as Skype and Google Hangouts and a host of variety of proprietary video conferencing systems which enable faculty and students to interact in ways akin to a live, classroom environment. Also, the invention of high-definition systems delivered via speed internet has done away with the time delay and poor quality of earlier systems (Distance Learning in Legal Education).
- ii. The Asynchronous Learning Model.** The asynchronous learning model is characteristically flexible in terms of the time within which students have to do or carry out assignments. Here, materials are not presented 'live', but can be accessed at any time best convenient to the learners though within a specified period. There are a good number of online tools that facilitate the use of asynchronous systems. These range from free chat boards to access through free materials portals like

YouTube, to more advanced multi-participant venues developed for complex discussion and knowledge assimilation such as *Discussion Boards* and *Wikis* (Distance Learning in Legal Education, 2011).

The strengths and usefulness of these learning models will be discussed under **section 7** ‘Compatibility and prospects of ODL in legal education’.

2. Challenges of ODL in Legal Education in Nigeria

Regarding distance learning in legal education, there is legitimate concern over standard and quality, as well as the potential of ODL delivery to extend and inculcate the entire objective of legal education. Lawyers trained in Nigeria are expected to possess certain attributes and skills which are considered basic for effective legal practice. They include the ability to analyse issues against the background of existing law and the direction the law should go; the capacity to synthesise facts and situations in the face of multi-dimensional problems; the ability to offer both oral and written advocacy within the context of the law and lastly; the ability to effectively negotiate (Madubuike-Ekwe, 2017). The concern or fear over the distance learning mode of delivery in legal education therefore, has to do with the general expectation and demand for efficient legal services as it might not be effective enough to diffuse these skills and knowledge to the learners. In essence, legal education has an inextricable link with the issues of professionalism and professional regulation (Bhabha, 2014). This is obtainable virtually in every jurisdiction including America and Canada, where the emphasis is on how to produce ‘practice-ready’ law graduates (Barry, 2012) and practice readiness is useful for accreditation standards. It will be right to argue therefore that, issues hovering on standard, quality, integrity, competence and capacity to produce practice-ready graduates constitute the major roadblock inhibiting the adoption and integration of open and distance learning in legal education in Nigerian universities. The fear of adopting ODL mode of delivery in legal education has even been exacerbated by the gradual falling standard of legal education with many people now questioning the quality and integrity of the legal profession in Nigeria (Madubuike-Ekwe, 2017).

The above issue has led to the restrictive rules on distance learning in legal education by relevant regulatory bodies, particularly, the Council of Legal Education which constitutes the major challenge for the ODL mode of delivery in legal education in Nigeria. *Article 1, para 2* of the Legal Education (Consolidation, etc.) Act confers the Council with the responsibility for the legal education of persons seeking to become members of the legal profession in Nigeria. Although the questions concerning the best ways to educate and train lawyers are not novel, the traditional instructional model has persisted notwithstanding the apparent need for a ‘more substantial and structural review of the modes of legal education’ (Sullivan *et al*, 2007). Law is a known conservative profession and rarely admits change, and legal educators like it that way. ‘Professors can use cases they have always taught and books read by parents when they were students can be handed down to their children. Teachers read the books to students, who in turn will read them to their children, who will read them as well. Stability, continuity, and precedent all comprise the law school system (Matasar & Shields, 1995). To date, the teaching method in legal education in Nigeria is yet to embrace the modern trend in the area of the use of PowerPoint interactive sessions, online submission of assignments and other ODL modes of knowledge delivery (Onalaja, 2016). The Council’s disinclination about ODL products, particularly the NOUN law graduates, draws from its equation of ODL institutions with part-time or correspondence programmes. In refuting this position however, a former Vice Chancellor of the NOUN, Professor *Uba Abdalla* was quoted as saying, ‘We are praying to the Executive Secretary to draw the attention of the CLE to the fact that NOUN as an ODL institution, does not equate to part-time or correspondence institution...’ (Law School Rejection: Prevail on Council of Legal Education). In response, the NUC concurred by stating that, ‘It is a policy of Council of Legal Education, CLE to deny certain category of students from going to Law School. NOUN is an ODL institution, this is the future of tertiary education in the world... We are going to make a strong case to draw the attention of CLE to the fact that NOUN is an ODL and not a correspondence programme. This is a new method of learning globally’ (Law School Rejection: Prevail on Council of Legal Education). The intriguing point is whether the Council was confusing ODL for a part-time programme, or the argument was just initiated as an available

defence. In any case, the restrictive rule by the regulatory bodies constitutes a serious challenge to distance learning in legal education in Nigeria.

Even after the hurdle by accrediting bodies is overcome, there are a host of other challenges facing the ODL system as an instructional model, although not peculiar to legal education this time. Different areas of challenges of the employment of ODL mode of instruction are summarily highlighted here for want of space:

- i. **Cost of staff and facilities:** Sound systems that can provide high-quality streaming images in both directions can be quite expensive, especially for synchronous learning models. This requires the installation of extensive new facilities, such as full studios, to provide suitable quality for interaction between the faculty and its students. There is also a constant need for technical assistance to run and maintain such systems thereby adding to employee costs of schools and faculties. Students who access such systems must have electronic devices with matching capabilities which must be constantly updated to ensure functionality and compatibility (Distance Learning in Legal Education).
- ii. **Effective reception and participation by students:** Schools and faculties providing synchronous classes must in addition to providing the broadcast or production of synchronous materials, ensure technological assurance for their students to enable them to access the class. To achieve this, students must on their part, 'have access to high-speed internet, appropriate software and plugins, webcams and microphones as well as modern systems with fairly robust processing speeds. Ensuring that students have all the needed equipment to participate, and that they are set up in a conducive environment and that they are using it correctly, requires a huge investment in technology, staffing and time.

- iii. **Staffing and technological complications:** Synchronous classrooms generally require on-the-ground technical support before and throughout the class to address any bugs, technical glitches and other challenges that may come up while the class is ongoing. The need for on-the-ground, continuous technical staffing for every synchronous the class makes it more expensive to run than the traditional class lecture.
- iv. **Internet access:** To access ODL educational instructions, especially synchronous applications, students must 'be in a computer-assisted, distraction-free, internet-capable environment' (Duncan & Kenworthy) at the appointed time. This proves difficult for many students, particularly those with some commitments outside of school or who live in locations far from the time zone of the home of instruction which may engender connectivity issues.
- v. **Course Materials and Use of Facilitators for Law Courses:** One other obvious challenge in ODL institutions which has been experienced in NOUN is the production of quality course materials to be used by learners/students. Sometimes, due to time constraints, the process of production, and quality of course materials are not given due attention. As a result, in some cases, course materials are poorly developed or written and without proper editing, resulting in difficulty in understanding on the part of the learners. Additionally, these course materials are usually prepared by lecturers different from those that facilitate the course, which is capable of creating some hitches in the flow and impartation of required knowledge. In most cases, learners never come in contact with their lecturers and examiners. Accordingly, students do not gain the benefit of first-hand or synchronic communication in curriculum delivery (Abika, 2014). Also, the dynamic nature of law as a course of study does not admit to the restrictions on the use of course materials in teaching and setting of examination questions as is the case with NOUN.

- vi. **Mode of Assessment:** Assessment in ODL institutions like NOUN is of three types:
- Three (3) Tutor Marked Assignments (TMA) are used for mid-term assessment. TMAs carry 30% of the total marks awarded for each course. Currently, students are required to complete their TMAs online through their portals (Anene, 2012).
 - Pen on Paper (POP) or e-examinations for most 100 and 200-level courses both of which carry 70% of the total marks awarded per course.

Although the e-assessment in ODL institutions has been lauded for being cost-effective and tends to reduce incidences of examination malpractice (Anene, 2012), there are certain associated challenges, especially with regard to law students. This is because e-assessment involves pre-formatted computer-based examinations with multiple choice and fill-in-the-blank questions which preclude in-depth assessment and affect the ability of students to solve problems under pressure of proffer solutions on the spot (Anene, 2012). E-assessment is incompatible with, and not suited for the teaching of the application of theoretical knowledge to real-life issues which legal education requires. It does not allow the students to learn and put their ideas down in a logical, coherent and organized manner.

- vii. **Pedagogical concern:** Although there are some similarities between traditional classroom-based education and certain ODL instruction methods, especially the synchronous applications, the presumption that there are the same without further assessment has been viewed as a mistaken orientation to the technology. There is a need for further attention especially in the areas of student attentiveness, their technological capacity to meaningfully and successfully participate in the class and the general outcomes. In addition, there is a problem of apathy and low technological, and pedagogical skills on the part of lecturers as well as the lack of

interest and or investment in advanced technology due to the dearth and mismanagement of funds in Nigeria (Ebaye, 2009).

- viii. **Passive tendency:** Distance learning, especially the asynchronous methods, if not goals-based, easily assessable with interactive assignments in short windows, will make no difference from an ordinary passive correspondence course.

3. Compatibility and Prospects of ODL in Legal Education

With the development, innovations and advancement in technology, the question of whether open and distance learning is compatible with legal education can easily be answered in the affirmative. The adoption and usage of technology-enhanced methods of instruction are driven by several factors and forces as enumerated below:

- i. **Technical Force:** Sophisticated technology has created opportunities for new ways of knowledge impartation, allowing distance learning to go far beyond the capabilities of ordinary interactive televisions used in the 1070s.
- ii. **Pedagogical Force:** In every field of learning today, man's understanding of best practices for instruction and delivery has increased, especially with the inclusion of such elements as cognitive psychology and data-driven assessment techniques. These enable us to 'design high-quality alternatives to the traditional physical classroom lecture. With the deployment and effective application of varying learning platforms today such as *individual conferencing systems, group video conferencing systems, lecture capture* and *rich media systems, education-specific software*, as well as *Specific synchronous classroom systems*, distance learning has proved to be compatible even with legal education
- iii. **Social Force:** Learners nowadays are described as students of the 'Digital Natives' (John & Gasser, 2008), a generation who largely depend on computers and mobile devices to conduct most of their daily affairs which education is inextricably a part.

- iv. **Regulatory Forces:** The government and the regulatory bodies, including the Council of Legal Education are coming to terms with the promise and prospects of distance instruction as a technique for quality teaching. This development is in essence, increasing the possibilities for the consideration of the adoption and integration of distance learning in the mix for legal education in Nigeria.
- v. **Economic Force:** Although open distance learning is after all, not cheaper than in-class learning, its flexibility creates some economies of scale and affords an expanded market to larger populations that originally lacked the opportunities to access higher education (Distance Learning in Legal Education). For example, students can undertake their studies in line with their financial strength in any academic session. Moreover, unlike conventional universities where learners are required to live around or within the university community which comes with its own cost, Open and Distance Learning circumvents the hurdle. Looking at the cost implication of taking a course of study like Law through ODL, it is believed that, in addition to the advantages of access and flexibility, ODL holds potential for legal education and development process because of being cost-effective. In terms of financial and time costs, Open and Distance Learning provides a cheaper means of acquiring legal education for learners who may otherwise, not be able to combine their work and law programme at the same. Although ODL might not necessarily be cheaper for the students in comparison to conventional institutions, the fact that its flexibility allows learners to stretch the period of study at a convenient pace in terms of study time and ability to afford the fees payable for the programmes makes it cheaper in the overall aggregate.

A short survey was conducted on the issues of the challenge in terms of cost, and compatibility of legal education in ODL institutions. The population of the survey consisted of 500 level law students in study

centres in Abuja, totaling 97 in all. Below is the distribution of the population of 500 level law students in Abuja study centres,

Table 1: Distribution of 500 level law students in Abuja study centres.

S/N	Study Centre	No of 500L Law Students
1	Abuja Model Study Centre	72
2	Nigeria Security and Civil Defence Special Study Centre Sauka Abuja	3
3	Kuje Correctional Service Study Centre	1
4	National Union of Road Transport Workers Special Study Centre Garki Abuja	4
5	Nigeria Police Special Study Centre Kubwa Abuja	3
6	Nigeria Immigration Service Special Study Centre Abuja	4
7	Wuse II Study Centre Abuja	10
Total		97

Source: Directorate of Management Information System (MIS), NOUN Abuja.

The sample was selected using a purposive sampling technique, based on respondents' availability and willingness to participate. In all, 51 law students participated in the study. On the question of cost implications of taking a course of study in ODL which requires constant access to the internet and how these can impact the quality of the law programme in NOUN, a questionnaire was prepared and distributed to the participants. While administering the questionnaire, participants were intimated of the purpose of the research, to elicit objective and truthful feedback concerning their view in relation to cost implications and compatibility of legal education in the distance learning method. The results of the findings are summarized in **Table 2** below, based on the research questions raised and the hypotheses tested.

Table 2: Challenge of Cost and Compatibility of Legal Education in ODL Institution

S/N	Questions/ Particulars	Strongly Agree	Agree	Neutral	Strongly Disagree	Disagree	Total
1	It is costly to study in NOUN	15 (29.41%)	15 (29.41%)	5 (9.80%)	6 (11.76%)	10 (19.60%)	51
2	If the cost of data is covered or subsidized it will boost the enrollment level	23 (45.09%)	17 (33.33%)	6 (11.76%)	1 (1.96%)	4 (7.84%)	51
3	Law is a special course and so, not compatible with ODL institution like NOUN	9 (17.64%)	8 (15.68%)	7 (13.72%)	13 (25.49%)	14 (27.45%)	51
4	Law graduates of ODL institution like NOUN are likely to lack the required character, competence and integrity	3 (5.88%)	4 (7.84%)	7 (13.72%)	16 (31.37%)	21 (41.17%)	51

The result of the survey as shown in the table indicates that more tilted to the view that the requirement of the internet to access lectures and instructional materials constitutes an economic force, adding to the cost of undertaking a course of study in ODL institutions as evident in items 1 & 2. Accordingly, this might be a factor to consider before enrolment in ODL. On the other hand, a greater percentage of those interviewed was of the view that legal education is compatible with ODL institutions and that graduates from such institutions are not after all, less in terms of competence, character and integrity as evident in items 3 & 4.

Delivery of instruction in distance learning can be undertaken synchronously or asynchronously as earlier discussed in this work, both of which have their respective strengths and benefits (Distance Learning in Legal Education). For instance, a real-time, interactive lecture that best parallels the conventional classroom settings is possible with synchronous systems. This enables the faculty to connect with the students and other participants nationwide or even globally in real time settings. Technologies are at a high pace and very reliable today that even covert interactions such as expressions of confusion on student's faces can be identified and engaged with immediacy. Accordingly, the Socratic method can be retained under the synchronous model, including other types of instruction such as moot courts, which can work perfectly under this format. Synchronous applications with modern facilities like studios will provide appropriate settings and quality for faculty and their students. The synchronous methods are in many respects, treated as the traditional classroom. For instance, just like a classroom-based experience, it is relatively easy to mark attendance, count seat, time and other traditional measures of educational effectiveness. Also, in synchronous classes, images of students in class appear on the screen with their names under their pictures. Consequently, attendance, tardiness and classroom participation take the same pattern as a traditional class

Conversely, the asynchronous model provides students with the needed flexibility to access educational materials and resources at times best suitable and available to them. The asynchronous models of instruction in this wise, favours mostly, working professionals, those in low-connectivity areas and people whose life responsibilities and commitments tend to inhibit their educational pursuits. Faculties can design asynchronous models meant for low-connectivity areas and inexpensive computing resources which unlike high-quality synchronous programmes may not always require advanced standards of technology and connectivity. In addition, asynchronous models usually have better learning outcomes for students that require extra time to assimilate, as it provides greater opportunity to replay materials, assimilate and process the materials, as well as edit responses. It can be rightly argued, therefore, that both the dynamics of globalisation and the rise in the use of technology today constantly

demand a change in the curriculum and mode of delivery in legal education in Nigeria (Ikpeze, 2015).

Conclusion

Technology has taken a substantial part of the present society, affecting every aspect of life, including methods of knowledge impartation. With the advancement and innovations in technology, and the attendant changes in societal life today, there is no gainsaying that Open and Distance Learning has become a *sui generis* approach to every field of education. Distance learning mode of instruction has the potential to create a high-quality, academically successful experience and if well designed and delivered, can produce student results on par or even superior to those of conventional in-class teaching (Means et al, 2010). Experience has shown that, on average, open and distance learning has as good or somewhat better learning and retention outcomes than classes delivered in traditional class settings. The outstanding performance so far, by the first set of NOUN law graduates admitted to the Nigerian Law School is a testimonial to this proposition.

Recommendations

In light of the prospects and potential benefits of open and distance learning as revealed in this article, coupled with its inexorable role as part of the instructional mix in this digital era, there is an urgent need for accrediting bodies in Nigeria to develop standards that promote best practices that will appropriately integrate ODL in every discipline including legal education. It will be useful to have a reconsideration of the traditional approach to legal education in Nigeria with the aim to embracing the emerging innovative teaching practices and techniques enabled by technological innovations and advancement in contemporary society. While the accrediting bodies consider adopting a more liberal approach, this work equally observes the need on the part of the academia, institutions and the State to invest positively in the acquisition and the utilization of modern technology for improved ODL mode of instruction delivery in legal education and across the board.

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