

Legal Education in Nigeria: Content, Methodology and Practice

Ifidon Oyakhiromen

National Open University of Nigeria

ioyakhiromen@gmail.com

Abstract

This paper seeks to showcase the methodology and practice of legal education in Nigeria in the face of globalisation and trans-nationalisation of legal education. It considers the objectives of enacting the Legal Education Act, basic course content, methodology, practice, admission criteria and other components of legal education in Nigeria. It also outlines the benefits and burden of legal education in its present closed or open systems of education, and how globalisation and the revolution in information and communications technology affect legal education in Nigeria. It also examines the benefits of inter and intra-university partnership and alliances between home universities and universities in other jurisdictions; and how far this has resulted in capacity building and skills transfer in legal education. Another issue it addresses is the limited capacity of the six Nigerian Law School Campuses across the federation with inadequate ICT and network systems, libraries and requisite training facilities, has resulted in a backlog of prospective students.

Keywords: Legal education, ordinances,

History of the Legal Profession in Nigeria

The legal profession, in its present form, came into being in 1861, when English law and English type of courts were introduced into the Colony of Lagos. In order to qualify as a legal practitioner in Nigeria, a person had to be an advocate or a solicitor in England, Scotland, Northern Ireland or Eire. On enrollment in Nigeria, they practised as barristers and solicitors even though they did not also study Nigerian Law. Some had no legal education of any kind but were granted the license to practice. To correct this inefficiency < anomaly), the Legal Education Act, 1962 was enacted establishing the Council of Legal Education (the Council). The Council is charged with

responsibility for legal education of persons seeking to be members of the legal profession in Nigeria. The Council established the Nigerian Law School, a specialised institution, which offers professional courses for prospective legal practitioners upon graduation from tertiary institutions. This helped to maintain a body of legal practitioners with sound traditions and a legal culture suited to the conditions, aspirations and particular needs of a fast developing federation of Nigeria.

The history of the legal profession in Nigeria dates back to the period before the arrival of the British in any part of what now constitutes Nigeria. But the profession in its present form comprising practitioner of the English type of law came into being in 1861, when English law and English type of courts were imposed on the Colony of Lagos by virtue of Ordinance No 3 of 1863 (Obilade, 2007). The Supreme Court Ordinance, 1876 is the first significant regulatory statute relating to the practice of the profession and it provided that:

“The Chief Justice shall have power to approve, admit and enroll to practice as barristers and solicitors in the court such persons as shall have been admitted as solicitors... in any of the courts of London, Dublin and Edinburgh” (Ordinance, 4/1876).

The Chief Judge could, in his discretion approve, admit and enroll to practice as a barrister and a solicitor in the court any person, who was entitled to practice as a barrister in England or Ireland, or as an advocate in Scotland and who produced testimonials sufficient to satisfy the Chief Judge that he was 2 man of good character (SC Rules, O.XVI r 1).

Following the amalgamation of the Northern and Southern Protectorates to form the present day Nigeria, the Supreme Court Ordinance of 1914 was promulgated to unify the existing legal systems. The common law, doctrines of equity and statutes of general application which were in force in England as at July 1874 (later varied to January 1. 1900) were made applicable to the Federation of Nigeria.

In order to qualify as a legal practitioner in Nigeria, therefore, a person had to be called to the English, Scottish, or Irish Bar or be a solicitor in England.

Scotland, Northern Ireland or Eire. On enrollment in Nigeria, he was entitled to practice as a barristers and a solicitors. The only thing common to these countries is that they belong to the home of the Common Law. They differed in their social, cultural, economic circumstances; their legal systems as well as their training, practice, and regulatory authorities are not uniform. For example, the Scottish legal system is in detail different from the English. Both were different from the customary legal order operative in Nigeria. The foreign legal practitioners were doing in Nigeria what they were forbidden to do in their home country. In Nigeria, unlike the United Kingdom, legal practitioners are barristers and solicitors. In the United Kingdom they are either barristers or solicitors but could not be both. Some of them lacked the formal basic legal education but were granted license to practice; they were not required to study Nigerian Law before or after enrollment. The colonial legal structure provided legal framework for the needs of the colonial administration such as providing lawyers to serve as administrators and legislators as well as manage the institutions of justice.

The legal profession is noble. It demands competence in most, if not in all areas of law practice, and a wide range of fundamental skills including the ability, not only to analyse legal problems but also to perform legal researches. The earliest legal practitioners trained in England were only children of royal birth -the direct descendants of the *Obas, Emirs, Ezes or Obis* and other aristocrats and few bright and intellectually sound children qualified for selection into universities overseas in pursuit of legal education.

Post Independence Development

At independence in 1960, there was immediate need for a better system of legal education, being the engine of development and the most important instrument of meaningful change generally and a fundamental change in the intellectual and social outlook in particular. The Nigerian society needed an appropriate and relevant legal education capable of raising competent legal practitioners for her legislative and executive arms of government and more particularly in the institutions of justice. This informed the government in enacting the Legal Education Act, 1962. The Act established the Council of Legal Education (the Council) and charged it with responsibility for legal education of Africans seeking to become members of the legal profession

(See Legal Education Consolidation Act, section 1, subsection 2). It expressly empowered the Council to do such things as it considers expedient for the purpose of performing its functions (section 2, subsection 5).

The Council set up the Nigerian Law School, a specialised institution that offers professional courses, practice of law and court attachments, law office management, solicitors account management, advocacy, legal drafting among other things capable of sharpening the skills of young lawyers from different legal families ranging from Anglo-Saxon, Roman-Germanic, socialist, traditional or *Sharia* families of law - all mixed together. The school, at present, operates in six campuses. The duration of training was first three months but now one academic year for law graduates from indigene- tertiary institutions or for two academic years for their overseas counterparts.

There was also the Legal Practitioners Act, 1962, which also regulated the practice of Law in Nigeria. Both legislations separated academic from vocational aspects of legal education.

There is a large pool of law graduates waiting for admission into the Nigeria Law School which now operates in six campuses because of the limited capacity and other infrastructure and inadequate ICT, networked systems and virtual and complementary accommodation and physical libraries. The objective of the school is to create and maintain a body of legal institute and legal practitioners with a fine tradition and a sound legal culture suited to the conditions, aspirations and particular needs of a fast developing federation of Nigeria, commonly referred to as the giant of Africa.

The National Universities Commission Act, 1974 set up the National Universities Commission (NUC) as a quality assurance agency with responsibility of advising the federal and state governments of all aspects university education and general development of universities in Nigeria. NUC determines the maximum number of law undergraduates each recognised Law Faculty must admit based on the strength of the staff and quality of its library, moot court facilities, and other basic essentials. After the compulsory legal training by the Council, qualified candidates are to the Nigerian Bar by the Body of Benchers as Barristers and Solicitors enrolled in the Supreme Court of Nigeria. There are about 70,000 legal

practitioners in Nigeria with a population of 120 million. In essence Nigeria has exceeded the global lawyer population rate of 1:2,370 by 38.25 per cent Slapper & Kelly, 2004).

Access to Legal Education and Profession

The number of universities in Nigeria increased from one at independence in 1960 to 122 in February, 2012 and from 1 to 44 Faculties of Law. There was a corresponding growth in the number of legal practitioners as well as expansion in the legal profession. Access to a Faculty of Law in a university is either by direct entry without sitting an entrance examination or by sitting the University Matriculation Examination (UME), (JAMB, Act, 1978). There is a Joint Admission and Matriculation Board (JAMB) set up by an Act, 1978 to administer examinations for admission into tertiary institutions. Lately, universities have imposed a post-JAMB examinations as a precondition.

A legal practitioner must successfully undergo a five-year undergraduate programme at a recognised university in Nigeria and one or two-year programme (as the case may be) at the Nigerian Law School. To qualify for admission into the Nigerian Law School, a person must obtain a law degree from an approved university or a pass in the English, Irish or Scottish Bar Examination or a pass in the Solicitors' Final Examination of Great Britain and Ireland (FGN Gazette, 1963). Selection has ceased to be based on patronage but on egalitarian consideration, merit, catchment area, quota system and educationally less developed states. However, the cut-off point and pattern of distribution among the criteria for selection are not universally defined. They may well depend on whether the particular university adopts a maximalist or minimalist approach and what it considers as the trend of contemporary development and state of information and telecommunications.

Meanwhile, over 1.4 million prospective candidates who, prima facie, qualify to enter the university each year, have to write a highly competitive Joint Matriculation Examination to gain admission and an average per cent of those, who eventually do so ranges from 5.21 (2002) to 15.39 (2007). Cumulatively, Jegede (2009) estimated that Nigeria with 98 universities

had 1,196,312 (or 16.62 per cent) undergraduate enrollment while 6 million (or 83.38 per cent) had no access. Jegede (2009) observed that the mere fact of crossing this restrictive hurdle would not guarantee an admission into a Law Faculty but subject to the number allowed by governing authorities. The Table below, taken from Ipaye (2011), tells the story.

Total Number of Universities, Applications and Admission between 2000-2009.

Year	No of universities	No of applications	No admitted	% of applicants admitted	Left over
2000/2001	46	467.490	50.277	10.75	417.213
2001/2002	52	550.399	60.718	11.03	544.321
2002/2003	53	994.380	51.845	5.21	942.535
2003/2004	54	1.046.950	122.492	11.70	941.793
2004/2005	56	841.878	122492	14.54	719.386
2005/2006	75	916.371	105.157	11.48	811214
2006/2007	76	803.472	123.626	15.39	679.846
2007/2008	94	1.054.053	194.521	18.45	859.532
2008/2009	95	1.182.381	N/A	N/A	N/A

Used with permission from Ipaye (2011); Original Source: calculated from different documents of NUC and JAMB.

Nigeria, according to the 1999 Constitution is a state based on the principle- of democracy and social justice and the primary purpose of government is the security and welfare of the people (CFGN, 1999). She strives not only to eradicate illiteracy and when practicable, provide free primary, secondary and university education but also to uphold and safeguard the citizen's fundamental human rights (CFRN, 1999). Furthermore, UNESCO (1993) prescribes a "full and unfettered educational opportunity, devoid of all manners of exclusion."

Generally, the demand for the massification of higher education grows intensely and is compounded by the advent of free market economy, rapid development of ICT and increasing internationalisation. There is pressure on law institutions and the legal profession recognising that it is a powerful force

for global integration, mutual understanding and stability and a primary means or instrument of professionalism and of world peace. Inevitably, the urge for a university legal education anywhere anyhow was pervading. Instances abound where men whose ages are sixty or seventy years or more have enrolled in a law programme or writing GCE/SSC examination to obtain the pre-requisite entry qualification. This is suggestive that legal education and training, like any other learning is now to be regarded as a part of living, a natural consequence of living and also a lifelong process, (Jo. Legal Education, 1984).

Comparatively, the federal universities recorded the largest law undergraduate enrollment up to 2005. Since then, the private universities have taken the lead with the state universities sandwiched in-between. The chart below shows the total enrollment of law undergraduates in the federal, state and private universities in 2006/2007.

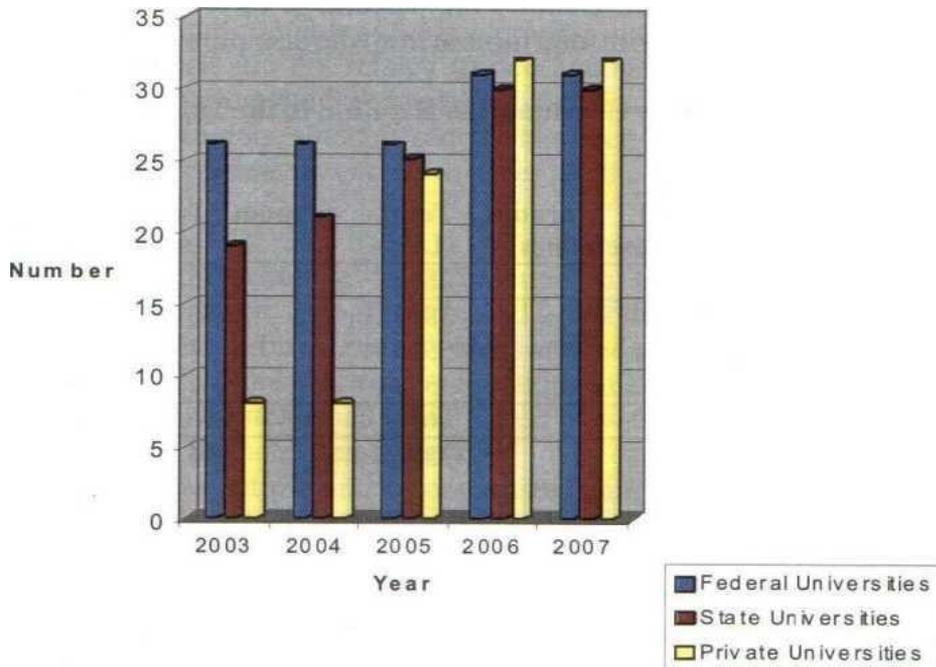


Fig. 1: Students' Enrollment of Law Undergraduates in the Federal, State and Private Nigerian Universities

Table 1: Law Undergraduate Enrollment in the Federal Universities in Nigeria

Year	Total admissions (all disciplines)	Total admissions (Law)	Law to Total admissions %
2002-2003	348,502	13,893	3.99
2003 - 2004	419,253	15,430	3.68
2004-2005	450,377	18,506	4.11
2005 - 2006	393,386	16,299	4.14
2006 - 2007	412,588	15,008	3.63
Average	404,822	15,828	3.91.

Source: Statistics Department, JAMB 2009

In terms of turnout, Table 2 shows the percentage of total turnout in programmes compared with total turnout in all the disciplines.

Table 2: Turnout of Law Graduates in Relation to the Total Turnout

Year	Total turnout (all disciplines)	Total (Law)	ercentage turnout
2001	47791	2548	5.33
2002	57307	3893	6.79
2003	70361	5510	7.83
2004	50419	3362	6.67
2005	26042	1633	6.27
Average	50384	3390	6.58

The nature and character of the universities with the largest number of law students' intake is instructive. For example, the number of law students enrollment in the universities in 2003 - 2004 was: 4155 (Rivers University of Science and Technology), 3741 (Nnamdi Azikiwe Univer 3516 (University of Lagos), 2836 (University of Benin), 2318 (Usman Dan

Fodio University), 2221 (University of Abuja), 2205 (Adekunle Ajasin), 1940 (University of Calabar), 1772 (University of Nigeria), 1369 (Ahmadu Bello University) and 1272 (National Open University of Nigeria).

Curriculum

The legal system and the institutions and doctrine that comprise them are deeply imbedded in the national and local cultures and these vary accordingly from country to country but the curricula menu and the methodology of teaching law remained as were crafted by the British colonial administration. The law programmes are designed to equip the beneficiary with knowledge of general legal principles, practice and procedure, an ability to argue, undertake legal research, hack through cases, dissecting the obiter to reach the actual decisions, and put up with alien French or Latin dogmas and maxims. Some of these may be terms of art, for which there are no ordinary or native equivalent but others have no special legal meaning and serve no purpose except to give a false sense of erudition. These, among others, however, make legal education and the legal profession tick. The names and contents of the law programmes have been localised but individual subjects are not related to one another; their concepts, issues, philosophy and policies underlying the subject areas receive inadequate or no consideration. What the students acquire has been likened to a 'trade school mentality with endless attention to trees at the expense of the forest' (Mamman, 2010).

In the twenty first century, transformation in our society is expected, hopefully for the better. People are bound to ask different sets of questions, acquire and exhibit different sets of values and face problems that are not too similar to the past. The sphere of the functions of law has grown beyond the maintenance of the established social order. Now, law has the major task of making possible the achievement of new goals, establishing and sustaining new paths of social actions and in some cases changing the basic structure of the society in order to catch up with new and modern development. Radical changes have also taken place (and still are taking place) in law but at a much slower rate than the demographic, social and technological changes in the society. The gap is even wider with globalisation, which has brought in its tray, knowledge-based and knowledge-intensive competition in the field of

legal education. It has also exposed the legal system to an awareness of the need for new varieties of programmes and to an emergent necessity to develop such international components as can meet legal world realities of both internal and external needs and demands.

Continued Legal Education

In theory, the Council is not only responsible for the legal education of persons seeking to become members of the profession but also for continuing legal education (Act, 1976). There is little of an organised regular continuing postgraduate legal education after graduating from the Nigerian Law School. There are no provisions for pupillage or a term of trainee- apprentice after call. The Nigerian Institute of Advanced Legal Studies and qualified universities and high institutions have postgraduate programmes and run short courses workshops, symposia, seminars and conferences - both national and international and it is a matter of individual choice to attend or not. Beneficiaries bear their full cost and it can be inhibitive. The Judiciary organises the judges and magistrate conferences as well as induction courses for its newly appointed members, which appear mandatory not by statute but by executive order. Lately, the Nigerian Bar Association (NBA) has begun organise brief uncoordinated adhoc certificate courses to coincide with or as part of its annual conference. It would appear that the terminal objective of the courses is to encourage a movement away from one-man practice to the modern trend of partnership and specialisation in legal practice. The association holds public lectures in line with international best practices.

Purpose of legal education

Legal education is the process by which members of the profession acquire the skills and resources necessary for its survival and transmit this through formal and informal means to the next generation (Ajayi Ade). It aims inculcating the skills and attributes of the modern legal practitioner character and integrity, technical competence and excellent communication skills, theoretically critical and developmental mind attitude, among others. Legal education is glued to the functions of lawyers the society. These include:

a. Self development

People have different purposes for choosing the legal profession and the legal education exists to serve each of such purposes. Legal education disposes the beneficiary to a quicker and cheaper route to employment. It enables one to assess at an early stage whether the law is a discipline to which one wishes to subject oneself. It qualifies one to practice law later (Glanville Williams, 2002). Subsequent training improves one's skills acquisition, e.g. brief writing, logical reasoning, speed and accuracy, best practices and talents which may lead to promotion or advancement and self development and fulfillment. There are lawyers who are legal practitioners and those in employment that are non-legal.

b. Duty to government and people

In Nigeria, legal practitioners occupy important positions in the legislative, executive and judicial arms of government. They buttress the government, help not only to create, develop, change, or even abrogate the law but also to organise and develop the society.

c. Social engineering

Lawyers are products of the legal education, and are social engineers, protective, supportive and sometimes revolutionary, facilitating the transfer of law from country to country among different families from different forms of political, socio-economic and legal Order. Before independence, the major concern of government was maintenance of law and order in a system that was based primarily on patronage and rampant with corruption. After independence, there were added more complex problems of the development of economic infrastructure, production and distribution of essential goods and services like staple foods, post and telecommunication services, power and energy, transportation, education and health. Today, globalisation has shrunk the world borders; interactions have further expanded to social issues of human rights and the environmental concerns, higher expectations of need satisfaction, productivity improvement in both the public and private sectors of economy and general improvement in line with international specifications and standards.

The current Honourable Speaker of the House of Assembly and the Attorneys General and Minister of the Federation and Commissioners of Justice of the states are legal practitioners.

For example, the Nigerian Law School is a meeting point of Lawyers from regimental, liberal or legal order and different Anglo-Saxon, Roman-Germanic, socialist, and traditional legal families

The focus of the legal order and legal education has, in the main, been on the institution and its object of study has emphasised substantive and procedural law and rules and how to use them to solve what were perceived as the legal problems with little or no reference to the prevailing social order. This distinctiveness and separateness of the legal system is no longer sustainable, but it is there, unaddressed by the legal education process and emitting consequences that are at variance with other critical or analytical thoughts, and assessment and the values which the legal profession reflects and supports. Legal education has remained what it has been whereas the functions of the lawyer have shifted posts and issues have arisen which the existing curriculum could not have anticipated or addressed. There is a need for a broader view of an authentic and stable ideology for development, political, economic and social disaffection; secularism and legal order, autochthony of legal education and impact of globalisation. Legal education and training must respond to the varied socio-economic needs, the impact of technological advancement, automation, computerisation and storage of information coupled with the high rate of improvement and sophistication and their implications for human rights, gainful employment, and the environment, among others.

The delivery of legal services at the outset of the 21st century looks different from the way things were and individuals, small scale businesses and organisations now resort to legal practitioners as a matter of course. It is arguable whether such an increasing demand of legal and advice services is an index of an unhealthy conflictual society or a healthy rights-conscious society. However, it is obvious that there is a quest for social order, change, and development through law and the legal education curriculum should advance the society's economic and political life that reflects people's wishes and desires. An appropriate legal education curriculum therefore should be capable of serving the ends of social justice and the needs of the lawyer in the face of the problems of modern techno-structure and the future.

Both the National Universities Commission and the Council of Legal Education have imposed on the legal education system certain prescribed Minimum Academic Standards, a group of compulsory core law and non-law courses. This outcome-oriented approach tends to provide some measure of harmony. Apart from ensuring that the prescribed courses are offered, there is no assurance that the outcomes of teaching those courses as conceived by the regulating authorities are being achieved.

Delivery Mode

Traditionally, legal education has been formalistic and expository as well as formative and practical. Traditional method of teaching and classroom approach hold sway. Until comparatively recent times, legal education could be obtained by oversea correspondence, part or full time oversea university education. Later the same facilities became locally available in dual mode institutions. The population and the demand for legal education grow at a faster rate than the essential infrastructure and other resources to support it. Qualified teachers are scarce, national economic fortunes are dwindling. These coupled with the backlog of potential university undergraduates and of law graduates awaiting Call seem to justify alternative delivery modes for training the legal practitioners.

The legal profession and the legal education probably did not envisage the present day increase in legal professional activities, prospects of regular continuing education or continuing demand for higher studies and the degree of expansion in nature and extent. It could not envisage and could not be structured to develop the practice of self-learning, and computer-based training via CD or outsourcing training to external vendors was justified. Furthermore, the reality of new material world, which was made possible by the law itself compels the legal profession to decentralise and regroup according to fields of specialisation with the view to merging into truly global law firms, operating on the global arena and offering integrated legal service. 'Clients don't want all the time delays and inefficiencies of dealing with half a dozen legal firms around the world. What they want is one firm which has the capacity to be a one-stop shop for all the corporate needs. Clark (1999) opined that orientation requires legal education and training to reinforce it.

a. Legal Education through the Open and Distance Learning (ODL) Mode

Considering the numbers of potential undergraduate excluded from their choice of programmes of study in the university education system, the constraint of resources, the need for flexible tailor - made delivery of instruction with little disruption in the national, family and individual circumstances and taking advantages of the emerging information communication technologies (ICTs) in relation to Nigeria's peculiar situation, Nigeria took the logical pathway - distance education method. In 1983 the Nigerian government enacted the National Open University Act which set up the National Open University, a foremost university anchored by social justice, equity and equality and national cohesion through a comprehensive reach that transcends all barriers. The efficacy of the open and distance learning as a viable alternative for teaching or learning law has become a commonplace while the revolution in information and communication technologies (ICTs) allows global access to materials by law students and practitioners in different parts of the world anytime, anywhere by the most appropriate means. The process eliminates the problems associated with the conventional mode of teaching and learning. It answers the yearnings for access to legal education that defies any environmental social or cultural or other circumstantial barriers. It also answers the problem of the decline in the number of quality of law teachers.

Legal education has also grown transnational and confronts the legal practitioner with a variety of challenges, given the emergent rapid globalisation and changes in world economic, political, technological and legal order. This necessitates increased flexibility and continuous learning. There is an upward trend of a cooperative relationship between local universities and several world class universities and institutions in Africa, Asia, Europe and the United States of America in areas of law degree programmes as well as non-degree programmes.

Trans-nationalisation of legal education is inspired by economic possibilities and growth of a global higher education market. As a mutually but an uneven advantageous partnership and alliance, there is a movement towards socio-cultural harmony. While English language has remained the language of law, it is interesting to note that French, German and Chinese languages

increasingly spoken and taught. Because of the superior capital, resources, knowledge, information and skills, the more developed world countries are the active participants as well as the major beneficiaries of transnational legal education. It can be said that International legal education is a welcome development. It opens new opportunities for international collaboration, offers expertise which may not be locally available, provides an alternative route and opportunity to acquire legal education, enhances competition and contributes to individual and social transformation.

The international legal education also has areas of great concern. It lacks mutuality or reciprocity. For example there is London, Oxford and Cambridge Universities in Nigeria to name a few but there is no known Nigerian University in the United Kingdom, Asia or the Americas. The contents of lecture materials in those universities and their degree certificates are foreign- based, with little local content, if at all. For example the foreign universities in Nigeria teach foreign Land law, Family law, Criminal law and law of Evidence rather than the laws of the recipient country. Back home they offer no aspect of Nigerian law in exchange. Although the English and the Nigerian laws were branches of the same tree in the colonial era, they are now different. Foreign- based legal education is not socially but economically inspired; it is exorbitant and therefore restrictive and does not promise social justice. Any institution that charges exorbitant fees discriminates against the poor by reason of his or her being poor and is a breach of his/ her fundamental right.

The recipient country derives little or no economic benefit. The proceeds are not invested locally but are repatriated. There is little transfer of professionalism, overwhelming unbalanced knowledge sharing, and doubtful university quality and standards. The absence of any vigorous monitoring system is conspicuous. With this system it is obvious that there are three legal education processes producing two parallel columns of legal professionals: foreign- based legal education offered locally, legal education abroad and indigenous legal education. All the processes yield valid and recognised certificates. All, except the graduate of a foreign - based legal education offered locally may qualify for a license to practice as a legal practitioner in Nigeria. All, except the indigenous legal education are channels of international brain drain.

Evidently, the transnational legal education in the fast globalising world has not impacted equitably for want of commitment towards liberality, and mutual collaboration and cooperation. The debilitating strictures need to be removed so that the beneficiaries from any of the legal education processes can enjoy the privilege of equal access to the Nigerian Law School as well as to the Inns of Courts and hence practice in the collaborating countries. This demands articulation and restructuring of the existing legal education system.

Assessing Legal Education

Assessment is seen as crucial in any learning situation as a means of judging performance or ensuring that the outcomes of learning have been met (Jegede, 2010). Assessment may be summative or formative and viewed from different phases and perspectives, ranging from out of school experiences, school -based learning, outcome- based performance in school certification or the extent to which it serves as an instrument for gaining entry into further education or career or community events. Feed forward and feedback on performance are additional factors for measuring the level of learning and training impact, or fulfillment of individual or corporate dreams. It is hardly possible to assert with any certainty the proportion, if any of the added values of improvement is attributable to the learning acquired; a number of factors, including past and present performances could have contributed to the measured improvement.

In the early times, the practice was education first, followed later by work Education was seen as leading to improvement and employment ability of the workforce and social and economic condition. Learning can no longer be separated into compartments of a place and time to acquire knowledge and a place and time to apply knowledge and skills, particularly with the advent of self- directed and virtual learning. Ideally, learning and teaching occur and ought to be assessed in different settings but, there has been no special laid down principle of good practices for assessing competences and accrediting learning outcomes in legal education.

Examinations and certificates receive pre-eminence in assessing educational attainment, but they provide no full, true and realistic information about the learner. It makes little difference that the medium is proficiency Test or

Aptitude test. Work place learning and the daily experience, which are the basis for taking decisions for the future, cannot be ascribed to one's course of legal education but the world at large for their learning. It cannot be denied that legal education encompasses some elements of conceptual understanding, critical thinking, reflective action, practical application of knowledge, informal learning systems, professional training. These are worthwhile. Nonetheless, it is impracticable to dissect one's total experience into different components and evaluate the contribution of each to the total assessment.

It cannot be denied that in many respects the legal profession has been effective, particularly in bringing down dictatorship and enthroning democracy and the rule of law. It also has a reasonably effective disciplinary mechanism and complaints system. Even in these areas, there is still need to chart a path of improvement both in the nature and extent of what it offered to the society. Public access to legal and advice services and provision and organisation of the legal aid services have not effectively solved the problem of providing legal services to the poor, marginalised and insecure people, nor the problem of bringing social justice to the socially excluded by reason of the frustration, worries and hardships arising from a combination of lack of access to basic essentials of life (e.g. education, housing, health, food and gainful employment), family conflict and relationship difficulties, chores of everyday life, crimes and criminality. The rights of the physically - challenged and the vulnerable are yet to be fully and satisfactorily internalised.

Conclusion

An attempt has been made in this paper to assess the legal education, *method* and practice in Nigeria. The legal education is a colonial heritage and post independence governments enacted laws regulating the legal education and training of legal practitioners.

The objective of the legal education is to provide a legal profession that is appropriate and relevant to the Nigerian society, to produce competent manpower for the legislative and executive and manage the institutions of

justice and to buttress government efforts in maintenance of law and order. Autochthony of legal education received little or no consideration. Rather, the existing alien legal education system was adapted as far as practicable to local needs. It faced new crimes of industrialised world and of international and transnational dimension, complex problems of accelerated political, social, economic, cultural, intellectual and technological development in a fast- growing economy, which it did not anticipate. Furthermore, globalisation has created the need for a continuous training in order to promote and sustain inter and intra-national socio-economic and legal order.

Legal education, in response, focused on academic excellence, rigid university admission criteria. A law degree is the single entry qualification to the legal profession. Appointments to the Bench or as Senior Advocates require no specific course of legal education or training but there are laid down criteria, the application of which is not justifiable. There is frustration among the new law graduates, who do not find places in the Law School by reason of inadequate infrastructure. Legal education delivery system is formalistic and expository. Currently, there is no differentiation in the curriculum of persons who desire to be solicitors, solicitors and advocates, or pursue a career at the Bar or in the Bench or other calling.

Recommendations

Legal education system needs to be reformed in order to meet with the challenges of global competitiveness, the demands of contemporary legal environment, continuing innovative professional orientation and re-orientation. An organised system of pupillage, staggered post- call training courses especially for lawyers who aspire to positions in the Bench or the honour of the Silk and a mutual legal education and exchange of programme- and students should be encouraged. The legal education should be a lifelong activity and should be designed to accommodate new and modern developments to avoid becoming sterile and divorced from its milieu. There should be a full and unfettered legal educational opportunity devoid of all manner of exclusion. This can be achieved where there is a synergy between the flexibility and intensive use of information and communication technology offered by ODL and the traditional or conventional system.

For example, no certificate in or knowledge of 'Sentencing, penology or criminology' is required for appointment to or promotion within the Bench. It sufficed the Honour Judge or Magistrate has a university degree in Law and has served for a prescribed number of years at the Bar.

References

- Clark, P.K. (1999). *The English Legal System*. London: Cavendish Publishing Limited.
- CFRN (1999). *The Constitution of the Federal Republic of Nigeria*. Sections 18 and 148.
- FGN Gazette, (1978). *Federation of Nigeria Official Gazette*. No 32 (50).
- Glanville, W. (2002). *Learning the Law*. London: Sweet and Maxwell.
- Ipaye, B. (2011). **“ODEL, the digital divide and international social justice.” Conference presentation. Cambridge, UK.**
- JAMB, Act (1978). Joint Admission and Matriculation Board Act.
- Jegede, O. (2009). ODL in Nigeria: A County Report No 5.
- Jegede, O. (2010). “Towards a New Paradigm for Assessment in Life-long Learning” In: P. Ifeanyi, and F. Olakulehin (2010) (Eds.). *Reflections on Open and Distance Learning in the Developing World*. Lagos: Franco-Ola Printers.
- Mamman, T. (2010). *A Review of the Framework of Legal Education in Nigerian Universities*. University of Ilorin.
- Obi lade, O. (2007): *The Nigerian Legal System*. Ibadan. Spectrum Books Limited.
- Slapper, G & Kelly, D. (2004). *The English Legal System*. London: Cavendish Publishing Limited.

