

PROBLEM OF LEGAL EDUCATION IN NIGERIA

BY

HON. JUSTICE M.O. ONOLAJA¹

The role of lawyers is a pervasive one, straddling the political, economic as well as social life of the society.² After all, lawyers are instrumental to whatever situation any country may find itself. Lawyers, as judges, in private or corporate practice, in the academics or in government, shape the society and the lives of their fellow human beings.³

According to Newton D. Baker in an address at the Columbia University as far back as 1933:

One of my deepest convictions is that so far as the institutional progress of a people is concerned, its salvation lies in the hands of the profession of the Bar

However, a lawyer can only be as good as the system of legal education that produced him. Legal education - academic as well as vocational – is a vital ingredient that affects the quality of our justice system and the role of lawyers in the political, economic and social development of our country. We see this daily in relation to litigation where the role of lawyers is most visible. The quality of judicial decisions and the coherence of the reasoning underlying a judgment

¹ Hon. Justice M.O. Onolaja, OFR, JCA, LLD, is the Chairman of the Council of Legal Education

² F. Oditah, *op. cit.*

³ O. Ojo, Chairman's Welcome Address, 5th Distinguished Jurist Lecture published by National Association of Democratic Lawyers NADL(2003).

depends upon the quality of the argument presented to the Court and upon the ability of the judge. All these depend upon the quality of our legal education.⁴

It is therefore of crucial importance that our legal education must be the subject of regular evaluation not only to highlight the problems confronting it but also to proffer solution to such problems.

LEGAL EDUCATION IN NIGERIA BEFORE 1962

History of legal profession and legal education dates back to the advent of colonialism in 1860s.⁵ The pre-colonial communities in what later became Nigeria were based on simple social, political and economic structures. There was no legal education then because there was no need any.⁶ Colonial rule brought with it enormous socio-economic and political changes to the Nigerian communities. Socially, a new society emerged in the urban centres in which contracts, rather than status, governed interpersonal relationship. Disputes and their resolution were becoming complex and were less amenable to traditional methods of resolution. The colonial administration had to establish native and English-type courts for adjudication of disputes.⁷

The socio-economic and political development brought about by colonialism created the need for lawyers. They were needed to occupy judicial positions in the

⁴ Ibid

⁵ For a brief but chronological account of the history of legal education in Nigeria, see O. Orojo, *op.cit.* p.1-7.

⁶ O. Doherty, *Legal Practice and Management in Nigeria* (London: Cavendish, 1998) p.5.

⁷ Ibid.

English-type courts, to advise the colonial administration, to draft agreements and to render advice generally on commercial transactions. They were also needed to plead the case of litigants in the English-type courts. However, there were very few legally qualified persons to render these services. For instance, *“of the seven men who served as Chief Magistrates for Lagos between 1862 and 1905, only three had legal qualifications. Of the remaining four, two were ‘writing clerks’, one was a merchant and the fourth was a Commander of the West Indian garrison stationed in Lagos.”*⁸

Throughout the colonial period, there was no institution for the formal training of lawyers in Nigeria. To fill the vacuum, the Chief Justice was empowered⁹ to appoint fit and proper persons with basic education and some knowledge of English law and practice as attorneys. With this, court clerks who had acquired knowledge of the rudiments of English law were appointed attorneys and granted licence to practice for six months. Their licences were renewable at the expiration of six months, provided they were of good behaviour. These appointed attorneys were known as local-made Solicitors, self-taught attorneys or Colonial Solicitors.¹⁰

These local Attorneys were later joined by legally qualified persons. These were people who went overseas, mostly Great Britain, to acquire legal education. The first Nigerian to qualify as a lawyer was Christopher Alexander Sapara Williams, who was enrolled as a Barrister in England in 1879 and returned to be enrolled in

⁸ Adewoye, O., *The Judicial System in Southern Nigeria 1854-1954* (Nigeria: Longman, 1977) p.52.

⁹ See Section 74 The Supreme Court Ordinance No.4 of 1876; Order xvi r. 1, The Supreme Court (Civil Procedure) Rules 1948.

¹⁰ Doherty, O., *op.cit.* p.8.

Nigeria in 1880.¹¹ By 1913, about 25 overseas trained lawyers had enrolled to practice in Nigeria. In that year, the Chief Justice stopped granting licences to unqualified persons to practice as Attorneys.

From 1913 till 1963, Legal Practitioners in Nigeria received their training overseas and were qualified as Barristers or Solicitors and thereafter enrolled at the Supreme Court. However, lawyers trained in Britain before 1945 had no law degrees because no British University was offering a law degree at the time. The University College, London was the first to offer a law degree and this was in 1945.¹²

The Legal Profession was (and still is) a split profession in England. Lawyers qualify by training either as Barristers or as Solicitors. To qualify as a Barrister, a person needed only to join one of the four Inns of Court, namely, Middle Temple, Inner Temple, Lincoln's Inn and Grays Inn, read for the Bar examinations, keep twelve dining terms which was compulsory and then be called to the Bar, without necessarily obtaining a law degree. On the other hand, qualification as a Solicitor was by taking a Law Society's Solicitors' Examination after articleship with experienced Solicitors. However, most Nigerian lawyers then trained as Barristers only but came to Nigeria to enrol as Barristers and Solicitors because Legal Profession in Nigeria has always been fused from the beginning.¹³

There were, therefore, certain apparent deficiencies in the foreign training of Nigerian lawyers. For one, a lawyer is trained in England to become either a

¹¹ Elias, O., *Makers of Nigerian Law*, (London: Sweet and Maxwell 1965) p. 30.

¹² J.K. Jegede, *op.cit.*

¹³ See the Supreme Court Ordinance 1876.

Barrister or Solicitor and after qualification, he only practices in England as such. However, once a lawyer is enrolled at the Supreme Court in Nigeria, he is entitled to practise as Barrister and Solicitor regardless of the fact that his training was limited to only one branch of the Profession.¹⁴ Secondly, the British trained lawyers were trained under an Unwritten Constitution of the Westminster model and a Unitary system of government, whilst he was expected to practice in Nigeria with a Written Constitution and a Federal structure.¹⁵

Also, certain peculiarities of the Nigerian legal system were not taken into account in the training of these lawyers. They were trained based on the English legislations and case law without regard to the local circumstances in Nigeria. They had no knowledge of some important aspects of Nigerian law like Customary and Islamic Laws. Most of them did not even take the post-call practical course or training in the courts nor were they attached to Chambers for the mandatory Chambers attachment.

In 1959, the Government of the Federation tried to correct these anomalies by setting up the Unsworth Committee to consider and make recommendations for the future of legal profession in Nigeria with particular reference to legal education, admission to practice and the right of audience before the Courts.¹⁶

¹⁴ L.C.B. Gower, Independent Africa: The Challenge of the Legal Profession (Massachusetts: Harvard University Press, 1967) p.108; O. Orojo, op.cit. p.5.

¹⁵ Honourable Justice Niki Tobi, Meeting the Needs of Profession and the Nation: A View From The Bench, Nigerian Law School, Four Decades of Service To The Legal Profession, (published by the Council of Legal Education to commemorate the 40th Anniversary of the Nigerian Law School Lagos.) p.73

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

In the Committee's report¹⁷ published in October 1959, the following recommendations were made:

1. Nigeria should establish its own system of legal education;
2. A faculty of law should be established, first at the University College, Ibadan and subsequently at any other University to be established in future;
3. A law school to be known as the Nigerian Law School was to be established in Lagos to provide vocational training of legal practitioners in the work a Barrister and Solicitor;
4. The qualification for admission to legal practice in Nigeria should be a degree in law of any University whose course for the degree is recognised by the Council of Legal Education, and the vocational course prescribed by the Council;
5. Any person graduating in law from a University, which has not accepted the syllabus recommended by the Council of Legal Education should be required to take such further examination as the Council may prescribe;
6. A Council of Legal Education should be established.

These recommendations formed the bases of the enactment of Legal Education Act and the Legal Practitioners Act, both of 1962.¹⁸ Council of Legal Education was set up and the Nigerian Law School established in 1962 with the first set of students admitted under a three-month program. With these, the structure of legal education in Nigeria became two-tiered: an academic stage and a professional or vocational stage.

¹⁷ Ibid.

¹⁸ Both enactments have been amended several times, culminating in the current Legal Education Act, Cap L10 and Legal Practitioners Act, Cap L11, Laws of the Federation of Nigeria, 2004.

ACADEMIC STAGE OF LEGAL EDUCATION SINCE 1962

The academic stage of legal education in Nigeria after 1962 is characterised by acquisition of approved University law degree. It is generally agreed that undergraduate academic law should give the students a “broad general knowledge and exposure to other disciplines in the process of acquiring legal education. Academic legal education should therefore act, first, as a stimulus to stir the student into the critical analysis and examination of the prevailing social, economic and political systems of his community and, secondly, as an intellectual exercise aimed at studying and assessing the operation, efficacy and relevance of various rules of law in society”¹⁹

Academic law focuses on the acquisition of knowledge and habit of analysing and defining conceptions. It is intended to provide a deep understanding of the fundamental principles of law, teach analytical research skills and equip students with problem solving skills. The curriculum is therefore wide and contains several non-law subjects because it is believed that lawyers must receive a broad education and be exposed to other disciplines apart from law.

An intending legal practitioner may attend a Nigerian University or an accredited foreign University. The first faculty of law in Nigeria was established in 1961 at the University of Nigeria Nsukka. This was followed by the University of Ife (now Obafemi Awolowo University) Ile-Ife, the Ahmadu Bello University, Zaria and the University of Lagos, in 1961, 1962 and 1965 respectively. From the 1970s, several Universities were established by both the Federal and State Governments with

¹⁹ National University Commission minimum Academic Standard for Law, May 1989, para.1.1.

most of the Universities having law faculties. Presently, there are 26 Universities offering law degrees in Nigeria and many more particularly State Universities are still trying to set up more law faculties.²⁰

A uniform curriculum designed by the Nigerian Universities Commission and approved by the Council of Legal Education is taught by all the Nigerian Universities in order to maintain minimum academic standard. The subjects are divided into two categories: Compulsory and Optional. All law faculties must teach the compulsory subjects. Some optional subjects should also be taught. The compulsory law subjects are: Legal Methods, Constitutional Law, Law of Contract, Criminal Law, Commercial Law, Equity and Trust, Law of Evidence, Land Law, Nigerian Law of Torts, Nigerian Legal System and Jurisprudence.

On the other hand, the compulsory non-law subjects are: The use of English, History and Philosophy of Science, Logic and Philosophic Thought, Nigerian People and Culture, Introduction to Computer and Application, Social Science and English Literature. The optional law subject include: Administrative Law, Revenue Law and Taxation, Industrial Law, Labour Law, Oil and Gas Law, Public and International Law, Labour Law, Conveyancing, Islamic Law, Banking and Insurance Law. The optional non-law courses include: Economics, Element of Business Management, Philosophy, Social Relations, Psychology²¹

²⁰ Ernest Ojukwu , Trends in Legal Education: A Comparative Analyses of Nigeria, U.S.A, U.K and South Africa, in Nigerian Law School, Four Decades Service to the Legal profession 1963-2003 (published by The Council of Legal Education to commemorate the 40th Anniversary of Nigerian Law School, 2003.) p.133

²¹ J. K. Jegede, op.cit .

Following the NUC report on the minimum standard of academic legal education from 1990/1991, period of academic legal education has been put at five years for those possessing Senior Secondary School Certificates and four years for direct entering students with a Higher National Diploma or a First Degree. Most of the 1st year and some part of the 2nd year is devoted to studying the non-law subjects while the remaining three and half years are spent on the law courses.

As for the foreign Universities, most Universities in the common law countries are accredited by the Council of Legal Education and their graduates are admitted to the Nigerian Law School. However, the admission to the Law School is for two years, unlike graduates of Nigerian Universities who spend only one year. The foreign student must first undergo the Bar Part I course which teaches four core subjects on aspects of Nigerian law, to wit : Constitutional Law, Legal System, Criminal Law and Nigerian Land Law, before proceeding to Bar final course.

All Law Schools accredited by the association of American Law Schools and the American Bar Association are approved by the Council of Legal Education for admission into Nigerian Law School. So too are the Law Schools approved by the Council of Legal Education and Bar Council in England²². We only need to add that since 1967 a period of academic Legal Education has also be instituted in England and this is undertaken at the Law faculties in the various Universities.

There is no doubt that the curriculum especially that of the Nigerian Universities is sufficient and capable of delivering a sound academic Legal Education. However, in the teaching of the curriculum, the Universities must always remember that

²² J. K. Jegede op.cit; F. Oditah op.cit

academic Legal Education is concerned primarily with the search for principles. It is not the function of academic law to teach students all the knowledge that they would require to practice law. Indeed, it is positively unhelpful to give students a comprehensive coverage of the law. Apart from the risk of information overload in attempting to be comprehensive the students are likely to acquire a superficial rather than a deep understanding of fundamental principles of law.

Academic law should equip the lawyer with the means of finding out what the law is whenever he needs to. This means that at the academic stage, legal education must focus sharply on the search for principles. It should help the student's intellectual process - research, analyses, presentation, communication, independence of mind and "*courage to criticise what is accepted, to construct what is necessary for new situations, new developments*".²³

The Universities should teach students, first, how legal rules develop, the reasons underlying them and the connection between legal, social and economic history; second, how to extract the principles underlying existing legal rules; and third, point the right direction for future development. In short, academic legal education should aim to produce graduates with legal and analytical minds and sociological outlook.²⁴

There are various methods by which the objectives of academic legal education can be achieved both in terms of teaching methods and the methods of assessing the students. There is the question whether the primary method of instruction

²³ Lord Sankey cited by F. Oditah op.cit (quoting from L.C.B Gower, English Legal Training (1950) 13 MLR 137 at 161)

²⁴ F. Oditah op.cit

should be by the traditional lectures, tutorials and seminars, or whether it should be by the case method, involving a Socratic dialogue in search of principles, context and policy.²⁵

As regards assessment, there is the question whether examination should be based on essays, hypothetical problem questions or a combination of both or whether examination should be timed and memory based, or should be open-book and/or untimed.

There is no doubt, that the method of teaching and assessment depend largely on the facilities and resources available. In any event, there is no reliable evidence demonstrating the inherent superiority of one method to the other. Therefore, we believe there is nothing inherently wrong or inadequate with the method of teaching in the Nigerian Universities which is primarily by lectures supplemented by tutorials and seminars, or the method of assessment which is memory based and timed. What is crucial and to which special attention must be directed is that legal education should be student-centred and not lecturer-dominated.

There is an increasing consensus in the academic world that the key task in the 21st century is to enrich the learning experience by empowering the student. Rather than seeing student as passive vessels to be arranged neatly in rows in the lecture theatre and fed information by the lecturer, students are increasingly regarded as active and self motivated. This move from lecturer-dominated to student-centred education has been characterised as a move from passive absorption to active engagement, from imposed discipline to self-motivation, from slavish imitation to

²⁵ Okechukwu Oko, *Legal Education in Nigeria*, 6 RADIC (1994) 171 at 183

creativity, from dependency to self-reliance, from institutional to lifelong learning.²⁶

There is, therefore, an urgent need for our Universities to move away from a culture in which teaching and learning is dominated by the lecturers, who are looked upon as fountains of knowledge, with the students passively absorbing whatever information the lecturer passes across lock, stock and barrel. A culture in which the students are encouraged to believe that the lecturers' handouts are the only sources of wisdom and increasingly becoming replacements for primary sources like Law Reports, Statutes, Books and Journal Articles. A culture in which the students are totally dependent on the lecturers and are encouraged to regurgitate whatever information the lecturer has given them. To say the least, such a culture can only be counter productive in the effort to produce lawyers with the necessary analytical skills, independence of mind and courage.

PROFESSIONAL/VOCATIONAL LEGAL EDUCATION IN NIGERIA SINCE 1962

This stage of Legal Education in Nigerian is undertaken at the Nigerian Law School established and run by the Council of Legal Education in accordance with the Legal Education Act.²⁷ The School commenced operation in January 1963 in Lagos with 8 students . Its headquarters is now at Bwari, Abuja with three other campuses in Lagos, Enugu and Kano. The multi-campus system is put in place in order to cater for the increasing demand for space at the School more effectively.

²⁶ F. Oditah op-cit

²⁷ Now Cap L10 LFN, 2004

The vocational course is designed to meet the particular needs of a fused profession. Therefore, procedural courses that would equip prospective practitioners to enable them practice as barristers and solicitors are taught in the school. These are: Civil Procedure, Criminal Procedure, Law of Evidence, Company Law and Commercial Practice, Legal Drafting and Conveyancing and General Paper consisting of Professional Ethics, Law Office Management, Legal Practitioners Account and Legal Skills.

During the course, students are sent on attachment to law Courts and Law Offices for a period of three months to enable them acquire first hand experience about different aspects of legal practice. Mock trials as well as moots are conducted and experienced professionals (legal and otherwise) are invited from time to time to deliver special lectures on different specialist subjects. At the end of the course, a student must sit for the Bar Final Examination.

After a successful completion of the course, a person is issued with a qualifying certificate by the Council of Legal Education. The certificate qualifies the person for Call to the Nigerian Bar by the Body of Benchers, which is a body of the highest distinction in the legal profession, comprising of eminent judges as well as distinguished members of the official and unofficial Bar.

However, a person will not be called to the Bar by the Body of Benchers, regardless of the class of his degree in the University or his certificate at the Nigerian Law School, unless he has been screened by the Body of Benchers and he is found to be fit and proper to be called to the Nigerian Bar. The emphasis here is on the moral character and integrity of the aspirant to the Bar. After Call to the

Bar, the new entrant enrolls at the Supreme Court. Thereafter, he becomes entitled to practice as both a Barrister and Solicitor.

In Nigeria, the vocational stage at the Nigerian Law School represents the last opportunity a young lawyer has to acquire basic practical skills before entering into the legal profession. Accordingly, the law school has the duty to ensure that whatever deficiencies students graduate with from their various Universities, they must be decently well qualified for practice upon completion of their vocational training. The School is to bridge the gap between the academic study of law and the practical application of the law. It is to help the students adapt their academic knowledge to the conditions of practice by introducing them to the practical skills and techniques of legal practice.

In today's globalised world, the School has the additional responsibility of equipping the young lawyers with enduring legal capacities for the practice of the law in a highly complex, competitive, industrialised and globalised economy where the role of the lawyer has acquired a more pragmatic and demanding dimensions, arising from the varied and at times aggressive needs of the clients. Today's lawyers are more exposed to diversified societal challenges than their pioneer counterpart.²⁸

Nigerian Law School has always tried to meet the various challenges posed by the above demands and others. For instance, the School has expanded considerably in terms of students enrolment of 8 in 1963 to over 4,000 in the current 2004/2005 session. At a time,²⁹ the school had to introduced the morning and afternoon

²⁸ Hon. Justice Niki Tobi, *op.cit*

²⁹ Between 1984 and 1999.

streams whereby one stream of students attended in the morning or afternoon in alternate weeks. The school now has four campuses at Abuja, Lagos, Enugu, and Kano to make the number of students in each campus manageable and to reduce the student-lecturer ratio so as to make learning more effective.

In addition to introducing legal skills as a course, the school organises special lectures by eminent and distinguished legal practitioners on key areas of legal practice. Experts are brought to lecture on the importance and use of information technology in the legal profession. Although, Alternative Dispute Resolution (ADR) has always been taught as part of Company Law and Commercial Practice, the School has now separated it into a course on its own in view of the increasing importance of ADR in modern day legal practice.

Notwithstanding all the efforts the School has been making to keep the standard of new entrants to the legal profession very high, it has continued to experience increasing difficulties. This is due to the unmanageable number of students coming out from and the grossly deficient academic legal education provided by the Universities. Added to these are the dwindling fortunes of the school in terms of government funding and the limited time of only one year within which the school is expected to transform half baked graduates coming from the Universities into 21st century legal practitioners. This is where the role of effective accreditation comes in.

THE ROLE OF ACCREDITATION IN LEGAL EDUCATION

With the proliferation of Universities and faculties of law, the number of students seeking admission into the Nigerian Law School has continue to rise very steeply. This increase, coupled with the noticeable decline in the quality of students prompted the Council of Legal Education to invoke its power of accreditation under the Legal Education Act sometimes in the early 1980s³⁰ and has continued to exercise the power on a more regular basis till date.

Before the students produced by a University can be admitted into the Nigerian Law School, the University must have been accredited by the Council of Legal Education. For this purpose, the University must comply with both the National Universities Commission requirements as to minimum academic standard³¹ and the Council of Legal Education guidelines.

These include a list of minimum library holding as drawn up by the Council. The law faculty must have a law library with a qualified Librarian preferably a lawyer as the head, with the necessary complement of staff. The library and a fortiori the librarians are therefore crucial components in accreditation. Special attention must given to them by the Universities.

The librarians too must not be complacent. They must appreciate the importance of their role in legal education and must always try to live up to their calling. The

³⁰ Chief B.A. Ibrinke SAN, Mission Statement as Director General of Nigerian Law School, December 1979 to December 1993, Nigerian Law School, Four Decades of Service to the Legal Profession., 1963-2003 (published by the Council of Legal Education to commemorate the 40th Anniversary of Nigerian Law School, 2003) p. 68.

³¹ See for instance the NUC Minimum Academic Standard for Law, May 1989.

primary tool of the legal profession is the book. It is the duty of the librarians to provide the appropriate texts and to guide the prospective lawyers how to access information from them. This is a crucial aspect of legal education. A lawyer cannot carry all the law in his head and he is not expected to. The best lawyers are those who know best how and where to find the law whenever the need arises.

Another requirement of accreditation is that a Professor of law must be the Dean and the staff to student ratio must be as stipulated by the National Universities Commission (i.e. 1 to 20). The council stipulates eight core subjects that must be taught by Senior Lecturers and lectures must end by 4.00pm daily to afford students the opportunity of using the library.

The physical and infrastructural facilities available to the faculty must also be assessed by the accreditation team to ensure that they accord with the stipulations of the Council. On the basis of the inspection, the team makes recommendation to the Council as to the accreditability of the faculty and the number of students the faculty can cope with vis-à-vis the facilities available to the faculty. Inspection visits continue periodically to ensure that the law faculties maintain the minimum standards stipulated by the Council to ensure qualitative Legal Education.

There is a compelling need for accreditation, if we are to maintain any reasonable standard in the quality of our legal education. This need is underscored by the experience of those who conducted the first set of accreditation visits in the early 1980s (when standards were still supposedly generally high relative to the present position in our Universities). Commenting on such visits, Chief Babatunde Ibrionke, SAN, a former Director General of Nigerian Law School, during whose tenure the visits were conducted said:

what we found, apart from few cases, astonished us. Some had hopelessly inadequate classrooms that many students had to stand to receive their lectures. A few did not even have functional loudspeaker system to reach students standing or sitting at the rear of the lecture room. Consequently, some cloistered around the windows near the lecturer's stand starving students therein of proper ventilation. Many had no tutorial rooms and had to go to lecturers offices to receive what they describe as tutorials, this notwithstanding that there was another lecturer sharing the same room. Lecturers were in many cases inadequate and some had no special knowledge of the subjects they teach. Some use Youth Corpers to lecture on basic subject and, in one particular case, the Corper was yet to pass the Bar Final Examination at the School. Many had no Professors and the Faculty Dean was a Senior Lecturer. Many Libraries were several years behind in their editions of basic law books and Law Reports. If Law School had insisted on the strict compliance with the criteria for accreditation, the faculties that could have cleared the hurdle could be counted by the fingers of one palm and this would have generated serious uproar in the country. What it did was to lower the notches in all cases and demand substantial compliance within one year.³²

Unfortunately, many of our Faculties of Law are still operating below the minimum standard prescribed by the Law school for accreditation and Law School has continued to "*lower the notches*" in order to accredit such faculties simply to avoid "*Serious uproar in the country*" (And nowadays in the area of the country to which the faculty concerned belongs), a purely political consideration which should never have been allowed to influence the process of accreditation.

³² Chief B.A. Ibrinke SAN, Mission Statement as Director General of Nigerian Law School December 1979 to December 1993, Nigerian Law School, Four Decades of Service to the Legal Profession., published by the Council of Legal Education to commemorate the 40th Anniversary of Nigerian Law School, 1963 – 2003 p. 68.

However, what is more unfortunate is the grossly dishonest means being adopted by some Faculties of Law to secure accreditation when in reality they are yet to meet the minimum standard stipulated by the council of Legal education. According to Honourable Justice Niki Tobi:

In some faculties, a few days or weeks to the time of the visit of the panel, make-shift arrangements are made including imported libraries for the purpose of the visit. The moment the visit is over, the books which were borrowed for the purposes of the visit are returned to the owners, who are invariably Legal practitioners of the State where the University is located. That is a most shameful practice and it is condemned. It is a most unethical practice. There is yet another one, and it is in respect of the teaching staff. In order to satisfy the standard set up by the National Universities Commission, some Faculties shamelessly beef up their staff list by including teachers who are not really on the staff of the Faculty parading chain of degrees to impress the panel. Some of the teachers do very little part-time teaching. These things happen, and so the truth however bitter must be said³³

Until very recently, the Law School had always been prepared to accommodate many of these universities, notwithstanding their lack of full compliance with the stipulations of the Council of Legal Education, as a way of encouraging them. It is this attitude of the School that has created the impression of lack of commitment towards accreditation, thereby attracting negative comments from different quarters. As observed by Justice Niki Tobi:

It is realized that some of the accreditation visits are cosmetic in the sense that enough is not done. Accreditation is a very important act as it has to do with the official recognition that the Faculty has reached or attained a high quality and standard expected

³³ Honourable Justice Niki Tobi, Op.cit. at p. 79.

in the profession or set down by the Council of Legal Education. Politics should not play any role in the accreditation exercise.... It is our suggestion that there should be more effective policing of accreditation visits for purposes of ensuring that the facilities which are presented to be on ground are really there. Accreditation panel visitation is much more than a headmaster or visiting school teacher taking his regular rounds of the primary schools under his domain. It is a very serious professional exercise which must be carried out sincerely and honestly in the interest of the profession. There should be no shabbiness anywhere.³⁴

There is no doubt that the understanding of the School has been painfully abused and the trust it reposed in the Universities by taking them on their words as regards the facilities they claim to have, has been grossly betrayed by some of these Universities.

It is apparent that lawyers in such Faculties do not appreciate that whether a lawyer appears before the courts, sees clients in his office, whether as a member of the legislature or local authority, whether on the board of a charitable organization or boardroom of a company or in the academics, he is relied upon to exhibit not only learning but also that he is a person of integrity and can be relied upon. The public perception of lawyers emanates from the perception that they are persons of high moral standing and of integrity and can be relied upon. They must be reminded that:

The ethical integrity of the lawyer must be our professional hallmark and call for public confidence, ethics is not just a set of rules. It is a value system, a mindset, a responsibility that must remain constant in the lawyer's consciousness³⁵.

³⁴ Ibid.

³⁵ Felix Ntrakwah, Professional Ethics – Law, paper delivered at the International Bar Association African Regional Conference, Lagos, Nigeria, 5th -8th April, 2004.

One wonders the kind of integrity such Faculties of law intend to inculcate in the aspirants to the Bar produced by them. In any event, the council of legal education through the Nigerian Law School is now resolved more than ever to insist on the minimum standards required for accreditation and will not hesitate to refuse accreditation or even withdraw the accreditation of a Faculty that has failed to meet the minimum standard.

For sometime now, the School has been enforcing the quota allocated to each Faculty of Law by limiting the admission forms to the number of students approved for each Faculty. As regards foreign students, the School has always restricted accreditation to those Universities approved by the highest authority in respect of legal education/profession in the relevant countries.

CONCLUSION

The need for a system of legal education that can be guaranteed to produce such lawyers with necessary skills and capacity to meet the evolving needs of the society has always been felt. As far back as 1933, Lord Sankey, observed that:

The courts are becoming more and more concerned with great social experiment. Law joins hands as never before with problems in economics, problems in political science, problems in techniques of administration. It is important that the curricular of our law schools should send out lawyers trained to appreciate the meaning of these relationships. They must shape the mind to a critical understanding of the foundation of jurisprudence. Unless the training we give, supplies these perspectives, there is a grave danger that the lawyer will not prove adequate to the big problems, he has to help in solving Our educational methods have to breed a race of lawyers able to utilize the spirit of law reform for

highest uses. They have to teach at once the importance of stability and change ... we must also turn out lawyers with a courage to criticize what is accepted, to construct what is necessary for new situations, and new duties both at home and abroad.³⁶

The above statement is still very much relevant in present day Nigeria in terms of what is required from our system of legal education. However, the only way the system can produce the right kind of lawyers capable of assisting the country in meeting the various challenges in a globalised world is by ensuring compliance with the minimum standard of legal education stipulated by the responsible authority i.e. Council of Legal Education, working through the Nigerian law school and this can only be achieved through an effective and efficient system of accreditation.

³⁶ Lord Sankey cited by F. Oditah op.cit (quoting from L.C.B Gower, English Legal Training (1950) 13 MLR 137 at161)