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## The Challenges of Legal Education in Nigeria: The Way Forward

R. Aduche Wokocha, LL.M., BL.

Senior Lecturer, Department of Public Law,  
Rivers State University of Science and Technology,  
Nkpolou, Port Harcourt.

Email: [raduchewokocha@yahoo.com](mailto:raduchewokocha@yahoo.com)

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### Summary

Legal education in Nigeria has gone through the trials and thrills of a developing concept in a developing society, from its glorious heights when it simply followed the British system in training the very few persons enrolled in the mid-sixties, to the present, when lecture auditoriums are bursting with pressure from an ever-increasing enrolment. While it may be difficult to pass an absolute judgment, given facilities, class size and the environment of the modern law faculties and school, one indubitable fact is that standards have fallen and are continuing to fall.

This paper explores the remote and immediate causes of this crash in standard of legal training in Nigeria, identifies key factors leading to this condition, and recommends a wide range of measures through which legal education in Nigeria can be revamped, restructured and restored to its previous glory.

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### Contents

Introduction:  
Legal Education in Nigerian Universities  
The Challenges of Legal Education in Nigeria.

The Students
The Faculty
Transplants and Mongrels in Nigerian Legal Education
The University Management
The Government
Dearth of Books
The Way Forward
Conclusion
Bibliography

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## Introduction:

Prior to the attainment of political independence in 1960, the training of Nigerian lawyers was undertaken in the United Kingdom (Obilade, 1979, pp.70-71), so that a call to the English, Scottish or Irish Bar, or enrolment as a solicitor in either England, Scotland or Northern Ireland, qualified a Nigerian to practice law in Nigeria. ( Order xvi Rule 6 of The Supreme Court (Civil Procedure) Rules 1948)

The content and quality of such training was high but inadequate for the practice of law in Nigeria. The major lapses of such training were threefold and included:

1. Lack of knowledge of Nigerian statutes since they did not learn Nigerian laws
2. Lack of knowledge of Nigerian customary law system and
3. The bicameral structure of legal education in England which trained and qualified students only either as a Solicitor or Advocate. This made them insufficiently equipped for the practice of law in Nigerian where lawyers are both solicitors and advocates at once. ( Nwogugu,1985, p2)

Following the report of the Committee on the Future of the Nigeria Legal Profession (the Unsworth Committee), which was published in 1959, and which recommended the training of lawyers locally at professional level, as well as the establishment of law faculties in Nigerian Universities, the Legal Education Act of 1962 was enacted, under which the Nigerian law school was established with an Englishman, Mr. G. Rudd, who served from 1962 – 1967 as the pioneer Director. The Council of Legal Education was also established to co-ordinate legal education in Nigeria.

(<http://www.nigerianlawschool.com>). The University of Lagos, which was founded in the same year (1962), became the first University to run a law programme in a law faculty. The University of Ibadan, which had been recommended for this premier role could not mount the programme immediately, and did not do so until much later. (Nwogugu, 1985, p.2). The University of Nigeria Nsukka which was legislated into existence by the Eastern Region in 1955 and formally opened in 1960 as part of the expression of independence, also mounted a law programme in 1961.

Thus, by the end of 1963, four Universities in all (UNN, Lagos, Ife and ABU) were running law programmes leading to the award of Bachelors degrees in law and between that date and today, over 39 universities in all, including Federal, state and private

universities, now run law programmes leading to the award of first and in many cases Postgraduate degrees in law. Minimum entry qualification into the faculties of law include Ordinary Level credit in five subjects, (including English language, and in some universities literature and mathematics) except in the case of Sharia law where the additional compulsory requirement of credit in Arabic or Islamic studies is required. (Nwogugu, 1985,p3).

Over the years, legal education in Nigeria has grown from a competent process that successfully replaced training of entrants in foreign university, to a near sorry state. It can be said today that the process has become a shadow of its former self, to the point where its products are increasingly becoming doubtful both in character and learning.

This failure is not necessarily solely a reflection of the times, which may be appositely described as the end of reading culture, but the consequence of a variety of reasons which straddle across environment, commitment of staff, structure of curriculum, loss of focus and lack of inspiration on the part of the law student. In this paper, I examine concisely the challenges of legal education in Nigeria, with emphasis on the University level, and proffer recommendations of the way forward from the present way backward.

## Legal Education in Nigerian Universities

Legal education in Nigeria is undertaken in two phases. The first phase is the teaching of substantive law courses, and is handled by the law faculties in the universities, while the second phase (which is dependent upon the successful completion of the above first phase) is the teaching of procedural law by which we mean the practice or practical use or process by which the rights, interests and liabilities of substantive law are pursued, realised and established in the legal process. This aspect of legal education is undertaken by the Nigerian law school which has its headquarters in Abuja, with campuses at Enugu, Kano and Lagos.

The current curriculum includes the study of some eight compulsory courses and some optional courses. These include for the first category,

- (a) The Law of Contract;
- (b) Constitutional Law;
- (c) Commercial Law;
- (d) Criminal Law;
- (e) Equity and Trust;
- (f) Evidence;
- (g) Land Law; and
- (h) Law of Torts.

The second category includes any other courses approved by the respective universities to be undertaken by their law faculties. These include International law, International Humanitarian law, Administrative Law, Environmental law, Human Right Law, Oil and Gas Law and Conflict of Laws, in addition to a variety of non-law courses designed to broaden the lawyer's knowledge of his society.

When a student has passed through the university training and attained a Bachelor of Laws degree, he then proceeds to the Nigerian law school where he must learn in one year the rudiments of the practice of law in Nigeria. Today, persons educated in foreign countries can only practice law in Nigeria after being trained at the Nigeria Law School. For this purpose, the course is broken into two parts.

The first part – Bar Part I – is designed for persons educated in foreign countries. The courses taken are:

- (a) Constitutional Law,
- (b) Criminal Law,
- (c) Nigeria Legal System and
- (d) Nigerian Land Law.

The second part is for all students whether trained in Nigeria or not. The courses taken include:

- (a) Civil Procedure,
- (b) Company Law and Commercial Practice,
- (c) Criminal Procedure,
- (d) Law of Evidence,
- (e) Legal drafting and Conveyancing, and
- (f) General Paper, comprising Legal Practitioners' Accounts, Income Tax Law, Office Management and Professional Ethics.

Students trained outside Nigeria must first take and pass the Bar Part I examinations, before they can join the students trained in Nigeria for the Bar Part II course. (<http://jurist.law.pitt.edu/world/nigeria.htm>) Within this period, the student lawyer is also exposed to law office practice and the court process through a four weeks court attachment and a six weeks law office attachment exercise. He is also enlightened on the social etiquette of the profession by attending the customary three dinners and cocktails organized by the institution. At the end of these lectures and exercises, the student sits for an examination which he must pass as the condition for call to the Bar, whereupon he has concluded his dream and aspiration of becoming a legal practitioner.

In the past, unto recent times such as the mid 1990's these processes had ensured the production of fine gentlemen, persons of integrity whose conduct and demeanor portrayed the rigour of their training. Nigeria can today boast of an array of such fine gentlemen, but the tide has now turned. The bulk of membership ranges from children of the affluent to students in the finer professional faculties. Engineering and law top the list in nearly all schools and this means problem for the noble legal profession. What then went wrong, what did we not do right?

## The Challenges of Legal Education in Nigeria.

The Nigerian education sector has fallen into crises in a general sense. All sections of the sector have taken the development of character and learning for granted, and the result has been a resounding crash of education from the primary to tertiary levels. The law student is a product of the failed secondary schools, which in the first place admitted unequipped students under the pressure of corruption, favoritism, cronyism and other vices associated with the spread of corruption.

The challenges of legal education may be broadly divided into five. These are:

- A. Students
- B. Administration
- C. Dearth of Books and Curriculum
- D. Government/Management and
- E. Environment

## The Students

What manner of students, get admitted into the Nigerian faculties of law these days? How mentally prepared are they for legal education and how intellectually equipped are they for the task of learning? These are questions that have posed great challenges to legal education in Nigeria.

It is sometimes difficult to tell what the true ambitions of students are on matriculation day. The general expectation, as in the past, is that they should be ambitious and determined gentlemen eager to learn and become learned. That is still true for a vast number of law matriculants, but can hardly be so for quite a few others who are already king pins of one nature or the other already, busy calling the shots.

Again, the Nigerian primary and secondary school systems have broken down almost completely; their products are far less prepared now than they were in the mid 1980s. Some leave secondary school these days, hardly able to make a correct sentence and yet through corruption and surrogate qualifying examination writing, they find themselves in law faculties. These can hardly be persons equipped for the study of the law. One of my greatest shocks and concern for the profession came while I was marking Year Three scripts this last session and finding that there were a few students who even at that level could hardly write something comprehensible. My concern of course was how they moved through the last two classes to three.

It can be argued that to a large extent, the blame of falling standards of academic culture on campus, squarely rests on the students, when it is considered that the problems in the university system are intricately woven around the quality of those who have found themselves in the system. If universities admit a student with a solid academic history then lecturers would stop exploiting their academic foibles to sell outdated and knowledge-less handouts that flood the four walls of the universities. And awards of unmerited marks by lecturers would be challenged with great success. Such students would be bold enough to contest any perceived ill-treatments that have become the trademarks of irascible university lecturers. It would be possible for such students to draw the lines between what they are sent to the university to do and what they should not be there for. Nobody would manipulate them to meddle in officialdom outside their areas of direct interest to foster the hidden agendas of the manipulators.

A vast majority again mis-allot their time and spend more time on social and other events than on their basic responsibility - learning. Youths are of course a bundle of energy who must find means to exhale, but those who must be lawyers must learn to burn some energy by swotting. To be learned men/women law students must learn and to stay

learned they must learn on some more. At over 90 years of age, Lord Denning was still espousing the law; that was possible because even at that age, he was still learning. It is true that the university must pass through the student, but it is also true that the student must first pass through the university. Commitment to learning must therefore come first on a law student's priority scale.

## The Faculty

Faculties of Law across the world play a fundamental role in the training of lawyers. How well the faculty performs its functions determines to a great extent the character of graduates it churns out. For example, a functional faculty can save the profession from the entry of irresponsible elements by the full and unflinching exertion of its disciplinary powers. It can insulate the profession from unqualified elements by ensuring strict adherence to the rules, and weeding out all unserious students who fail to the point of withdrawing for academic failure and ensuring merit as basis of admission. The rot that challenges legal education in Nigeria today is in my opinion, concentrated in the Faculty. If we take stock of the faculties of law in Nigeria, very few will fit the above description of a fully functional faculty of law regulating learning and insulting the profession against unqualified elements. Why do I hold this opinion? The regulation of curriculum, the staffing, conduct of staff and students and environment under which students learn are all areas in which the faculty play a major part, but their status today does not portray the strict scrutiny which such regulation ought to provide.

In most faculties of law in Nigeria the original core courses still form the bulk of what the students learn in the University. While this creates consistency it does not indicate response to change. It would not be far fetched to suggest that the Council of Legal Education needs to review these courses.

As Earnest Ojukwu has argued (Ojukwu,1997, p92) and I think rightly, the complaint of curricular content of legal education needs not arise after the inception of the Nigerian Universities Commission (NUC) minimum standards in 1990, as the need for effecting social context in legal education can now be well addressed by the standard which permits faculties or universities to add any other socially relevant courses to the minimum courses prescribed. Unfortunately, most faculties of law have not taken advantage of this since in most cases, they are anyway short staffed and the few staff overworked.

Have lecturers who occasion legal education shown sufficient commitment? This question must be answered in full consideration of their working environment and conditions. Most have lived above board, but it must again be said that more than a few have joined the band wagon of finding the proverbial *Golden Fleece* in the classroom. The implication of this is that the quality of learning imparted to the students has been compromised through hands out racketeering. And in some terrible cases, "sorting", and other gratifications, several students have come to earn grades they do not deserve, to the knowledge of the bulk of members of such classes and the frustration of hitherto determined students. The natural consequence of course is that some serious students are misled, with only the very determined remaining dependent upon their intellect and fate.

Lecturers are mentors in their own right, and the responsibility of mentoring is one which every lecturer must take seriously. A law student's first regular contact with a lawyer in professional capacity is usually with his lecturer and that lecturer is always in position to affect and or infect such students according to their character. The failure in this sector has devalued the quality of character that is delivered alongside learning in our legal education system.

## Transplants and Mongrels in Nigerian Legal Education

Equally disturbing and deserving of special mention, is the rising infection of legal academics with misfits and strange bed fellows who seem to be more cut out for petty trading or some common artistry, than the serious business of raising and grooming legal minds in Nigerian universities. Although this trend is generally commonplace considering the current falling standards in Nigeria's educational system, its prevalence in a serious professional training like Law, calls for special concern, especially among stakeholders which cuts across society, from the practitioners to members of the general public whose rights and interests, lawyers serve to preserve and protect. Its impact on legal education in Nigeria is of course better imagined.

## The University Management

The management of our Universities has done little to help the increasing challenges of legal education, through over-admission and an inability to discipline erring students and staff, largely due to ethnicity, cronyism and other forms of social vices. Staffing in many faculties has been undertaken at the pleasure of the university management, in many cases with or without the input of the Faculty Boards of Study. In some extreme cases, this has been used to "*help our people*" as Vice Chancellors have been known to collude with their Deans of Law to flood the faculty with their ethnic kin (whether or not they are qualified according to the university law), to the detriment of the quality of knowledge the Faculty imparts to students.

## The Government

Needless to say even the Government has added to the challenges of legal education at this level. Key among its contributions here has included:

- a. Embargo on employment leading to short staffing in many faculties of law.
- b. Chronic under- funding of the University making it difficult for them to meet the barest of their responsibilities.
- c. Interfering politically in matters that elsewhere in the world, are strictly academic.
- d. Some times from the appointment of Vice Chancellor, over- admission and sundry matters like graduation of particular students, purchase of stationeries for the use of the institution, elections into staff unions on campus and leadership of the students union.

These interferences besmear the hallowed grounds of academia with unhealthy politics and eventually corrupt the intents, objective and ambition of university students who include law students.

## Dearth of Books

The library is an indispensable component of a faculty that must teach law. Not just a library, but a good law library is required. Good and up to date law reports and text books are indispensable materials for training of lawyers. (Jegede,1992). It is an indubitable fact that to be learned, a lawyer must be well-read, versed in research and ever alert about legal development in his environment. Good libraries are few among law faculties in Nigerian universities. Lagos, together with the Institute of Advanced Legal Studies, offers about the best example around. Few other universities possess equally good faculty libraries. The Rivers State University of Science and Technology has only recently just attained that height. The dearth of books, in particular new and revised editions, has threatened to relegate legal education in Nigeria to the study of ancient law, as both students and under-paid lecturers strive to make do with what is available. As is common knowledge, a lawyer must be well read and a good lawyer very versed in many things. Like the library, access to the internet has long become a necessity. Research that does not share the benefit of the information highway risks arriving upon redundant conclusions. The absence of cyber information in the Nigerian law faculties is a threat to the currency of the knowledge imparted thereat.

The above state of affairs is certainly disturbing, considering that as Professor Nwogugu (1985, p14) has warned:

Low quality legal education is bound to affect the standing and practice of the profession. Consequently, every effort must be made to avoid the problems presented by low-standard law degree mills.

The factors highlighted in this section have constituted serious challenges to the raising of lawyers of unquestionable character and learning but have not destroyed it completely, nor have they destroyed the chances of improving on the lot of legal education in Nigeria. In the following part I propose measures that in my considered opinion, can lead legal education in Nigeria out of the woods.

## The Way Forward

The discovery of a problem they say is half way to its solution. Finding the way forward for legal education in Nigeria entails the correction of the anomalies highlighted in this paper, and this in effect will mean a practical and determined confrontation of the above challenges. Towards this approach, I recommend the following:

- Reorientation of the students to begin to consider their legal education with the seriousness that its nobility requires. Students must be made to realise that at the end of the day, it is not the worthless designed paper (certificate) which they cheat or bribe to obtain that matters, but the amount of learning they have acquired, the degree of knowledge that is reposed in their head that counts. (Wokocha: 2007, p153)



- The faculties must in conjunction with the university authorities, enforce standards among students and staff alike. The law lecturers must be convinced or compelled to realise that theirs is a noble and important responsibility. They must find the courage to leave the practice of commerce to their chambers and business places, and consider their responsibility in the class, a call to serve their noble profession and dear country. Every piece of research and publication must contribute something to the author's area of specialization in a manner that can compete in the global market, and not be relegated to the semester course work servicing of the law classes.
- There is need for a new administrative structure for Nigerian universities, which will canalise duplicated efforts, temporise with yawning academic problems, remove money-making from the university psyche and restore the enthusiasms of those who enjoy teaching and learning. A lot of things that go on in many universities seem out of harmony with the purpose of universities.
- There is an urgent need to create and enrich existing law libraries, if Nigerian Lecturers and students must teach and learn current law and undertake socially relevant researches. As has been suggested, Nigerian universities can fill this lacuna by interacting with foreign funding agencies, use of UNESCO book purchase coupons, reprinting relevant books that are out of stock, encouraging new book projects and launching endowment funds for new libraries and books inter alia (Jegede (1980)). To this may be added the revision of old books like Okonkwo and Naish on Criminal Law, and other such Nigerian classical in regular use.
- Internet facilities may be expensive, but not as much as the social cost of teaching and learning archaic law in a closed myopic environment detached from an increasingly cyber- globalised world. The impact of research without the internet, on quality of research in Nigerian faculties is of course better imagined. Stakeholders must therefore seek cyber information to ensure current, effective and relevant legal education and commentary from Nigerian institutions of legal education.
- The faculty must similarly take its role in the recommendation and screening of Staff and admitted students seriously, and ensure that only the qualified are taken. They must also ensure standards by ensuring that those who fall below the benchmark must be rejected and or weeded out where already admitted. It is the responsibility of the faculty to convince or correct the University Managements that intake of students must match available facilities and quota allocation by the Nigerian council of legal Education.
- The University management must ensure that law students are trained with that strict sense of discipline that must make them understand that as ministers in the Temple of Justice, lawyers must always live above board in all their dealings. They must encourage and or mount an exemplary reward system that promptly punishes indiscipline among students and staff alike and reward hard work among

staff and students in a visible manner that can encourage their colleagues to follow suit.

- Government at all relevant levels must allow the faculty and university management to take academic decisions in the Nigerian legal education system. The current scenario that confuses politics with academics at the universities corrupts the legal Education system and endangers the society by the increasingly poor quality of the lawyers that are annually turned in by the Nigerian universities and the Law school.
- Government and all other proprietors must fund their universities and in particular the Law faculties adequately to ensure effective legal education, and a robust academic culture in the universities. This can be ensured by the council of legal Education which can insist on strict compliance with these standards, as condition for the accreditation of faculties of law in the Country.
- It has been suggested that mounting legal clinics in Nigerian law faculties will improve the quality of legal education in Nigeria, this is true, but a credible fear though is that the multitude in today's crowded classrooms that are now Law classes, will hardly find enough court rooms that can accommodate them through the five years of their study. The poor state of court rooms around the country must not be forgotten while drawing up such laudable schemes.
- Perhaps as a final suggestion, Nigerian universities should begin to consider a comparative approach to legal education. Such an approach, which should include exchange programmes between Law Faculties both for students and lecturers, will expose faculty students and staff to the standards in sister faculties in other universities. It will enrich them and clear their doubts as they interact with colleagues in other schools, and possibly other countries as soon as that is possible. It will similarly remind them of the need to work harder realizing the reality, that there is only one legal profession for all Lawyers irrespective of place and circumstances of training.

## Conclusion

In conclusion the challenges of legal education in today's Nigeria are not insurmountable. They are closely related to the crises in the education sector in Nigeria, and can be tackled as soon as all stakeholders and in particular the legal profession itself begins to pay closer attention and devote greater energy towards its self preservation. The dangers of ignoring the decline are too costly.

There are clearly several ways to approach the problem, but I am sure that if the Nigerian legal profession honestly and determinedly takes the humble steps I have outlined in this paper, it will be bidding good-bye to the problems, overcoming the challenges and charting a new course towards a more perfect legal education of better-perfected and more responsible legal professionals in the years ahead. It must always be remembered as Sir Sidney Littlewood (cited in Ojukwu: 1992, p1) has warned, that:

An under-trained and under-educated lawyer is a menace to his clients, and a danger to himself ...of little use to his society and a disgrace to his profession; so it is a mistake to let a Lawyer qualify too easily.

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