

LEGAL EDUCATION

for

TWENTY-FIRST CENTURY

NIGERIA

I. A. Ayua
D. A. Guobadia



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edited by

Ignatius A. Ayua, Ph.D (Birmingham)

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2000

**Nigerian Institute of Advanced Legal Studies
Lagos**

LEGAL EDUCATION

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Preface

Several Challenges face the human race at an auspicious time in history – the beginning of the Twenty-first Century and indeed a new millennium. These include the giant strides in technology that have resulted in the information revolution; the phenomenon of globalisation and interconnectivity of nations arising from multilateral trade and commerce across national frontiers which has made the world into one global village. The wide disparity in the levels of development between the developed countries, on the one hand, and the underdeveloped ones, on the other, typified by those of Africa, continues to raise questions about the validity of prescribed notions of international relations. So too have the debt burden, the serious problem of poverty and the failure of political systems in many countries in their post independence years. All these mean that increasingly, institutions and apparatus of governance must rise up to face increasing challenges.

It has long since been recognised that, perhaps more than any other field of learning, “law” has the potential for effectively addressing these challenges – as it remains a veritable tool of social engineering. In recent times, however, the standard of legal education in Nigeria has generated a lot of criticisms from Judges, Lawyers, Academics and the general public. Various reasons have been adduced for the falling standards. These include a decline in the quality of teachers, the state of facilities for learning and research at the universities, inadequacy of curricula, poor funding, inadequacy of preparatory education as well as lack of industry on the part of law students. There has been a certain consensus also that such inadequacies as do exist must be addressed if the nation is to produce lawyers that would be adequately equipped to face the challenges of the twenty-first century.

Propelled by these facts, the Nigerian Institute of Advanced Legal Studies, in April 1999, brought together the major stakeholders in legal education in Nigeria to examine these fundamental issues at a National Conference on Legal Education. The participants, comprising Academics in Law, members of the Bench and Bar as well as the institutions involved with legal education in the country deliberated on a wide range of issues centred around the academic and vocational

aspects of legal training, the curricula, staffing, funding, library development, law and information technology as well as ethics in legal academia. The presentations and discussions were frank and incisive and they form the basis of this book - *Legal Education for Twenty-First Century Nigeria*.

The book begins appropriately on a historical note with an overview of legal education in Nigeria. Subsequent Chapters take on such issues as the objectives of legal education; faculty recruitment, training and conditions of service of law academics, examinations and students' work assessment, continuing legal education, among others. The book aptly concludes on both a critical and futuristic note as an indepth critique of the content, scope and methods of the present system forms the basis of suggestions for far reaching changes and measure for restructuring legal education in the final Chapter.

Legal Education for Twenty-First Century Nigeria is the contribution of the Nigerian Institute of Advanced Legal Studies (NIALS) to the earnest search for lasting solutions to the problems of legal education in Nigeria. More fundamentally, it is our hope that the book will serve to establish a process and system of legal education that will meet the daunting challenges of the new millennium.

Professor I.A. Ayua
(*Director-General,*
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May, 2000.

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A HISTORICAL OVERVIEW OF LEGAL EDUCATION IN NIGERIA

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Introduction

The British system of courts was introduced into Nigeria in 1862. At that time there were no trained legal practitioners to assist litigants in presenting their cases to the courts. This very important role was filled by persons who were not trained in the law but who had acquired some knowledge of the law in the course of working as court clerks or for legal practitioners.¹ The first serious attempt to regulate the practice of the legal profession was made in 1876. Section 1 of the Supreme Court Ordinance 1876 empowered the Chief Justice to approve, admit and enrol, to practice as barristers and solicitors in the Court, such persons as shall have been admitted as legal practitioners in the United Kingdom.

There were three broad categories of persons entitled to practice law in Nigeria in those early days. These were:

1. Persons who were entitled to practice law in Great Britain as barristers or solicitors. They could practice in both capacities in Nigeria.²
2. Persons who had been articled for five consecutive years in the office of a practicing barrister or solicitor residing within the jurisdiction of the court and who had passed examinations on the principles and practice of law prescribed by the Chief Justice.³

1. See Adewoye. *The Legal Profession in Nigeria (1865 - 1962)*, (Longman, Nigeria 1997).
2. Section 71 Supreme Court Ordinance, 1876.
3. *Ibid*, section 73.