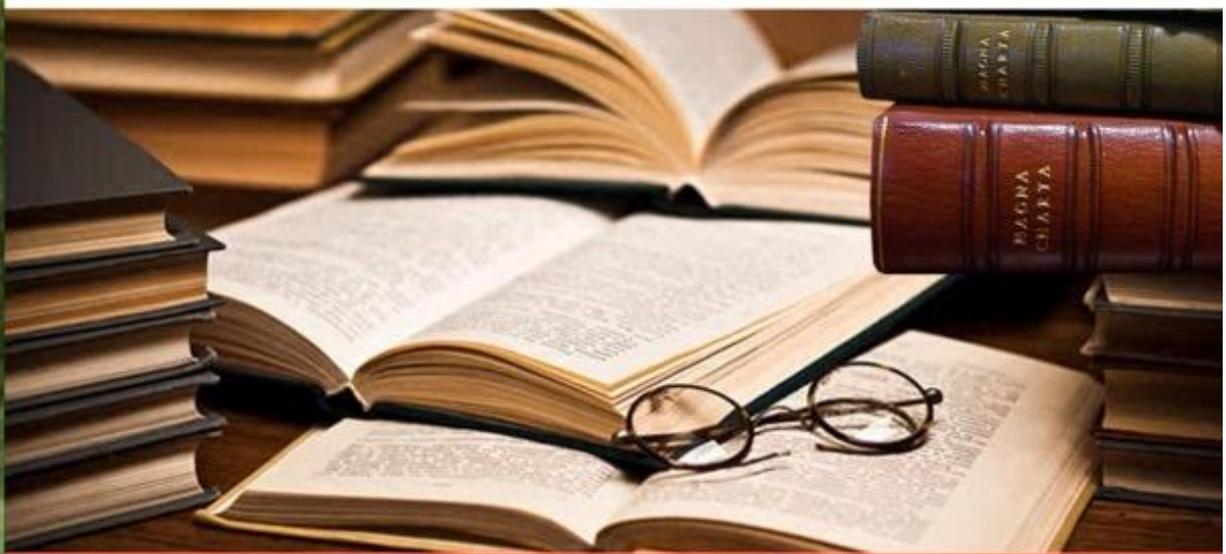




LEGAL EDUCATION IN NIGERIA

A CHRONICLE OF REFORMS AND
TRANSFORMATION UNDER TAHIR MAMMAN



ERNEST OJUKWU

**LEGAL EDUCATION IN NIGERIA: A
CHRONICLE OF REFORMS AND
TRANSFORMATION UNDER
TAHIR MAMMAN**

**DEDICATED TO
THOSE WHO SINCERELY WANT TO MAKE
CONTRIBUTION TOWARDS POSITIVE CHANGE**

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A CHRONICLE OF REFORMS
AND TRANSFORMATION UNDER
*TAHIR MAMMAN***

by

Ernest Ojukwu

Council of Legal Education

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Council of Legal Education

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ABOUT THE AUTHOR

Ernest Ojukwu

Deputy Director-General and Head Quality Assurance Nigerian Law School, was formerly Head of Augustine Nnamani Campus Enugu, Nigerian Law School from 2001 to 2013; Formerly Associate Professor and Dean, Faculty of Law Abia State University Uturu, Nigeria from 1995 to 2000.

Ernest Ojukwu has a deep experience in legal education. He was a law teacher at Abia State University for 15 years and at the Nigerian Law School for 12 years. He established the Nigerian Bar Association's Institute of Continuing Legal Education and designed the Rules and Guidelines that drives the mandatory continuing legal education programme for the legal profession. He is at present the Director of the Institute.

Ernest Ojukwu is a very active member of the Nigerian Bar Association. He was Secretary NBA Aba Branch (1992-1993), Chairman NBA Aba Branch (1997-1999), Past Chairman NBA Law Reform Committee (2002-2004), Past Chairman NBA Legal Education Committee (2006-2008), Editor-in-Chief Nigerian Bar Journal (2002-2004), Chairman and Editor-in-Chief Nigerian Bar Journal (2006-2008), and Chairman NBA Strategic Plan Working Group 2012.

Ojukwu is the leading advocate and pathfinder for the introduction of clinical legal education in Nigeria. As President Network of University Legal Aid Institutions (NULAI Nigeria) he has assisted in the establishment of over ten university based law clinics in the past ten years.

Ernest Ojukwu has designed clinical legal education curriculum for law faculties and conducted many clinical legal education conferences, teacher training and curriculum development workshops in Nigeria. He has presented on legal education and clinical legal education themes at many international conferences organised by the Global Association of Justice Education (GAJE), International Journal of Clinical Legal Education (IJCLE), American Association of Law Schools (AALS), International Bar Association (IBA), African Network of Constitutional Lawyers (ANCL), Externship 6 Conference, and Harvard Law School's Global Legal Education Forum. He was **Keynote speaker** at the 11th International Journal of Clinical Legal Education/12th Australian Clinical Legal Education Conference at Griffith University Brisbane Australia in July 2013.

He is a contributor to the International book on clinical legal education, *The Global Clinical Movement- Educating Lawyers for Social Justice* (Oxford University Press) edited by Frank S. Bloch.

Ojukwu is also the principal author of:

- (a) *Clinical Legal Education: Curriculum Lessons and Materials*;
- (b) *Handbook on Prison Pre-trial Detainee Law Clinic*;
- (c) *Manual on Prison Pre-trial Detainee Law Clinic*;

And Editor-in-Chief of the *African Journal of Clinical Legal Education and Access to Justice*.

PREFACE

“Education is the most powerful weapon which you can use to change the world.”- Nelson Mandela.

A faulty or poor education is harmful to society.

Legal Education in Nigeria: A Chronicle of Reforms and Transformation Under Tahir Mamman is a case study of change that tells the story of opportunities to transform legal education.

We can trace the history of legal education to about 1962 when the first indigenous law faculties and the Nigerian Law School were established. In spite of deafening calls for many years for reforms of legal education in Nigeria, not much was done except that the National Universities Commission introduced a uniform law programme in 1990. The calls for reforms continued thereafter.

The reason for establishing the Nigerian Law School in 1962 was simply to have local content in the preparation of applicants for call to the Nigerian Bar. After this goal was achieved, the Council of Legal Education and the Nigerian Law School made no attempt to set legal education goals or professional goals for its training programme for 45 years. Dr. Tahir Mamman as Director-General of Nigerian Law School made the first real attempt to set in motion a process to discuss reforms of legal education at the Nigerian Law School. The Legal Education Review Committee that was set up by the Council of Legal Education based on this impetus for reforms submitted its report in 2007. The report stated as follows:

This is the first review of the curriculum and delivery of legal education by the Nigerian Law School since the Unsworth Committee recommended its establishment in 1961. Although the review, coming some 45 years after the creation of the school is belated in the history of Legal Education in Nigeria, it is a welcome development and we hope the Council of Legal Education will consider our recommendations critically.

This report by our committee provides the Council of Legal Education with a rare opportunity to change the face of legal education in Nigeria and particularly to upgrade the products of our Law School for the betterment of the legal profession and Nigeria in general.

We thank the Council for the confidence reposed in us, and for giving us this novel opportunity to serve our profession in this way.

This work is a necessary record to encourage and assist legal education policy makers and leaders who truly wish to make a difference, not hypocrites. It is written in honour of **Dr. Tahir Mamman**, a man that seized the moment.

Ernest Ojukwu
October, 2013

CHAPTER 1

Nigerian Law School 1962 - 2005

Nigerian Law School commenced activities in January 1963 following its establishment in 1962.¹

Prior to 1960, practicing lawyers in Nigeria were mainly those admitted either as barristers or as solicitors in England. There was no form of legal education in Nigeria as at then. It would be recalled that Nigeria gained independence from the British Empire in 1960. The movement towards independence included the clamour for the establishment of its own institutions including educational and professional institutions to prepare the country for self rule.

¹ See Jegede (SAN), J.K., "A Historical Perspective of the Nigerian Law School", in Mamman, T., et al, ed., *Nigerian Law School: Four Decades of Service to the Legal Profession*, 2003, Chapter 2, p. 8. See also Ojukwu, E., "Taking Practical Legal Training into the 21st Century: Proposal for the Reform of the Nigerian Law School Programme", *Abia State University Law Journal*, 1997, Vol. 1 P. 91

The setting up of the Unsworth Committee² by the Federal Government of Nigeria in 1959 to deal with the subject of legal education was one of the fallouts of the pro-independence agitations. The Committee's recommendations were as follows³:

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 the future;
3. A law school to be known as the Nigerian Law School should be established to provide vocational courses;
4. The qualification for admission to legal practice should be a degree in law of any university whose course for the degree is recognised by the Council of Legal Education and 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 examinations as the Council prescribes; and
6. A Council of Legal Education should be established.

² See, Elias, T.O., "Legal Education in Nigeria" *Journal of African Law*, Vol. 6, Issue 02, Summer 1962 pp. 117-125, journals.cambridge.org, viewed last on October 1 2013.

³ See Jegede (SAN), J.K., "A Historical Perspective of the Nigerian Law School", in Mamman, T., et al, ed., *Nigerian Law School: Four Decades of Service to the Legal Profession*, 2003, Chapter 2, p. 8.

The Government implemented most of the recommendations of the Unsworth Committee. Two Universities with law faculties were established in 1962- University of Lagos and University of Nigeria; The Legal Practitioners Act and Legal Education Act were enacted in 1962 and the Legal Education Act provided for a Council of Legal Education. The Nigerian Law School was also established.

From then in 1962, any person wishing to be permitted to practice law by enrolment⁴ in Nigeria requires to hold a bachelor of laws degree⁵ of a recognised university⁶, be a citizen⁷ of Nigeria and attend the Nigerian Law School⁸; pass

⁴ See Section 2(1) Legal Practitioners Act but if

(a) an application under this subsection is made to the Chief Justice by or on behalf of any person appearing to him to be entitled to practice as an advocate in any country where the legal system is similar to that of Nigeria; and

(b) The Chief Justice is of the opinion that it is expedient to permit that person to practice as a barrister for the purposes of proceedings described in the application, The Chief Justice may by warrant under his hand authorize that person, on payment to the registrar of such fee not exceeding fifty naira as may be specified in the warrant, to practice as a barrister for the purposes of those proceedings and of any appeal brought in connection with those proceedings. See Section 2(2) Legal Practitioners Act.

⁵ This is based on the Unsworth Committee Report apparently adopted by the Council of Legal Education as there is no such rule in either the Legal Practitioners Act or the Legal Education Act.

⁶ As recognised by the Council of Legal Education. .a Degree in Law or a Mixed Degree in Law of a University in a Common Law Country whose course of study is approved by the Council of Legal Education. In this regard, it should be noted that a Law Degree obtained through study fully or partly as an External candidate of a University or Law School is not acceptable for admission purposes. Also not acceptable are degrees obtained through distance learning. Where the Degree is obtained from a University in the United States of America, the Law School must be accredited to the Association of American Law Schools or the American Bar Association. In all cases, the Law subjects taken must include the Law of Contract, the Law of Tort, Constitutional Law, Criminal Law, Land Law, Equity and Trusts, the Law of Evidence, and Commercial Law. Each of these subjects must have been studied and passed as a separate subject. See mynlsp.com last viewed on 22nd October 2013.

⁷ Section 4(1)(a) Legal Practitioners Act; Section 5(a) Legal Education Act.

⁸ Section 5(a) Legal Education Act.

the bar examination organised by the school and get called to the Nigerian Bar by the Body of Benchers.⁹

Nigerian Law School operated on one site in Lagos and later Abuja from inception to 2000 when it began to operate as a multi campus Institution. From 12th February 2001 to 2011 the Nigerian Law School operated from four campuses as follows: Abuja at Bwari, Federal Capital Territory Abuja; Augustine Nnamani Campus, at Agbani Enugu; Lagos Campus at Victoria Island Lagos; and Kano Campus at Bagauda Kano. In 2011 two other campuses were established by the Federal Government, namely, Yenagoa Campus at Yenagao Bayelsa State and Yola Campus at Yola Adamawa State. While the Director-General heads the Nigerian Law School and directly manages the Abuja Campus, the other campuses are headed by Deputy Directors-General who report to the Director-General.

Generally, at the Nigerian Law School there are two parts of the academic programme. Part 1 is limited to candidates who had their bachelor of laws degree from outside Nigeria. The programme duration had varied at different times between 3 months to one year to 3 months¹⁰ and the subjects covered are, Nigerian Criminal Law, Nigerian Land Law, Nigerian Legal System and Nigerian Constitutional Law. The candidates that pass the Part 1 programme proceed to take part in the Part 2 programme.

The characteristics of the Part 2 programme of the Nigerian Law School never changed from inception to 2005. Only the subjects and contents changed at different stages. By 2005, the subjects studied were, Civil Procedure, Criminal Procedure, Legal Drafting and Conveyancing, Company Law and Practice

⁹ Section 3(1) and 4(3) Legal Practitioners Act.

¹⁰ See Jegede (SAN), J.K., òA Historical Perspective of the Nigerian Law School, in Mamman, T., et al, ed., *Nigerian Law School: Four Decades of Service to the Legal Profession*, 2003, Chapter 2, p. 8.

and General Paper that included Law office Management, Legal Practitioner's Account, Legal Skills and Professional Ethics.

Professor Yadudu had in 1997 criticised training at the Nigerian Law School. In his words:

If the truth must be told ... I am afraid, the Nigerian Law School, the Premier and only professional training ground for legal practitioners, has not fared any better. Although it is now close to two decades since I passed out of the Law School, I can, without fear of contradiction, assert that nothing substantial has changed with both its curriculum, method of examination and certification ... It ... would need to be a bit more creative and inventive in its training method.¹¹

This author had in an article in 1997 commented on the characteristics of legal training at the Nigerian Law School as follows:

An academic year at the school lasts for about nine months. Most part of the year is taken up by formal instructions (lecturing). The method adopted is to give students handbooks in which the contents of the subject are stated in outline. Then one to three teachers take up different topics on areas of a subject at teaching hours. Almost every teacher dictates notes to students, and note-taking takes up most of the one hour per lecture time, leaving little or no room for explanation, questions and answer sessions.

¹¹ *The Nigerian Legal Profession towards 2010*, Nigerian Institute of Advanced Legal Studies 1997, p.10.

Tutorial or continuous assessment is not given serious attention. Firstly, tutorial is done only a few weeks to the examination, making tutorial only important as a tool for examination success. The benefit of giving the students a chance to truly understand the workings of rules and principles of law in practical application is lost; so is the exposure of students to practical advocacy/argument/reasoning and the building of confidence which is important in the training of a lawyer. No continuous assessment is done in order to be guided in determining the response of the student to basic learning/training. Moot and mock trials are conducted once or twice with limited number of students participating. In short teaching at the Law School is a note-taking exercise and passing the bar examination is determined by the ability of the student to memorise these notes and reproduce them.¹²

These learning characteristics at the Nigerian Law School continued to prevail until 2008. Earlier as a student at the Nigerian Law School from 1983-1984, this author had this experience:

At graduation from LL.B class I proceeded to the Nigerian Law School for a year's course to take the bar examination. At the Nigerian Law School, we were about 1000 students. We had our lectures (note taking exercise) in two groups in two auditoriums at the same time. The teacher presented his/her lecture in Auditorium 1 (sitting about 800 students) while the second group of about 200

¹² Ojukwu, E., "Taking Practical Legal Training into the 21st Century: Proposal for the Reform of the Nigerian Law School Programme", *Abia State University Law Journal*, 1997, Vol. 1 p. 95

students in Auditorium 2 watched/listened to the teacher on television monitors. Once in a while the teacher would request students to ask questions after dictating long notes. I sat in Auditorium 2 throughout the year and I never had the opportunity to ask the television any question.

The presentation at the Law School covered criminal procedure, civil procedure, commercial law, evidence, conveyancing law and professional conduct. While we assumed that we were at the Law School to prepare for the bar examination, we were never told the Law School's goal for preparing us for the bar. The Law School lessons generally presented the procedural rules and principles. For example, we were told of the rules and principles of drafting criminal charges and were actually required to draft charges at the bar examination or comment on one presented, but throughout the year we never had an exercise in drafting charges. So one never knew if he/she knew how to draft criminal charges even after passing the bar examination.

At the Law School, just as in the university, nobody ever mentioned words like client interview and counselling, negotiation, mediation, alternative dispute resolution mechanism, writing skill, advocacy skill, presentation skill, management skill, arbitration, problem solving, etc.

At the Law School, there was an externship programme during the one year programme where students were placed in courts and Law Firms for some weeks. But we were not required to submit reports, or portfolios. Many of us used the occasion for vacation.

The courses at the Nigerian Law School did not have stated objectives and the lessons did not have stated outcomes.

As in the university, I did not hear that any teacher at the Law School ever wrote or used a lesson plan. At both institutions lessons were not interactive at all. There were no case studies (in the real sense), simulations, role plays, dramas, debates, group discussions, group work, learner presentations, assignments, etc. Lessons were teacher-centred and many teachers discouraged divergent opinion that was contrary to the teacher's conclusions. In fact when I joined the Nigerian Law School as a Head of one of the campuses in 2001, it was the Institution's policy that teachers must dictate notes to students in the class, and students that cited case law not provided in the handbooks in the bar examination instead of the case given in the handbook lost the mark.

Like at the University, Mock trials were organized towards the end of the academic programme. Less than 3% of the students participated. The rest were observers stationed in the 2 auditoriums (one of which only watched the television monitor).

I passed the LL.B examination and the bar examination in flying colours and became a lawyer. In the 5 years program, I never had any discussion relating to the words corruption, prison congestion, slow court trial process, access to justice, pro bono services, under privileged, poor clients, disadvantaged persons, disabled persons, under-represented persons, the vulnerable group, etc and in fact at the Law School, the teachers and particularly the Director of the School always

emphasized in the class that law is not a poor man's profession and that law students aspiring to become lawyers must acquire the mien and act like the elitist rich; in fact, the lawyer must learn how to charge clients good fees. There was a great emphasis on how we should be dressed and how our business suits must look like.¹³

From 2001 when the multi campus system was introduced, the characteristics of legal training that prevailed in 1984 and 1997 continued at the Nigerian Law School until 2008.

In 2006 the Council of Legal Education set up a Legal Education Review Committee. The Committee was chaired by Mrs Funke Adekoya, SAN, formerly, the 1st Vice President of the Nigerian Bar Association. There were prominent legal practitioners in the Committee and all the heads of campuses of the Nigerian Law School were also members. The Committee submitted its report in 2007. It reported as follows:

4.12 PHILOSOPHY, OBJECTIVES AND CONTENT OF THE COURSE OUTLINE OR CURRICULA

4.12.1 We could not locate any document where the Nigerian Law School and/or Council of Legal Education stated the philosophy or objective of its programme. Available curricula for course(s) or topic(s) to be taught also did not contain objectives set for each subject or the learning outcomes to be achieved.

¹³ Ojukwu, E., "Moving from red to green: sharing the Nigerian experience of transforming legal education" Keynote at the 11th IJCLE Conference.

4.12.2 With no properly formulated objective it is difficult to ascertain or determine if the Nigerian Law School is meeting any goals.

4.12.3 There are however, subject outlines set out in lecture handbooks that until recently, were given to students late in the session.

4.12.4 The students at the Law School are exposed to a limited learning of certain skills like oral or writing skills and the method of teaching is by dictation of notes in class. There are no practical exercises. The curriculum does not contain subjects such as interviewing and counselling.

4.12.5 There is no compulsory period of skills implementation following graduation from the Law School (pupilage).

4.13 ...

4.14 ...

4.15 **TEACHING METHODS**

4.15.1 Teachers are not required to prepare lesson plans and learning outcomes. The method adopted is to give out students handbooks in which the content of a subject are stated in outline. Then one to three teachers take up different topics on a subject. Note taking takes up most of the one hour lecture time leaving little or no room for explanations, questions and answer sessions. There are no continuous assessments in the Law School. Passing the Bar examination is determined by the ability of the student to memorize the voluminous notes and reproduce them. Students are not encouraged to undertake research.

4.15.2 Tutorials are embarked upon from the second term. As much as five hundred students or more sit in a hall in most of the campuses to take a tutorial. The purpose of the tutorial session which is to provide participatory, interactive learning experience is lost due to the large number of students in each tutorial session; so is the exposure of students to practical advocacy, and oral skills, and confidence building which is an important part of training of the lawyer.

4.15.3 Moot/mock trials are conducted once in the session and only less than .08% of the students take part in the trials. Others are spectators.

4.15.4 The attachment of students to Law Courts and Law offices achieves only a limited positive result. The court personnel and practitioners in the law offices do not properly supervise most of the students. Added to this is the fact that most of the chambers at which the students are placed are not ideal for any practical learning.

The Committee further stated that "We are of the view that the present curriculum is inadequate in preparing students to meet the demands of 21st century practice. Even where the course content is adequate, the present mode of teaching does not equip the prospective lawyer with legal skills to undertake tasks on a daily basis after being called to the Bar. As such newly qualified lawyers are viewed as trainees, and are paid accordingly, leading to a decline in pay rates and consequently morale within the legal profession."

In addition to the curriculum (or outline of courses because the Law School did not have a curriculum) contents of lessons and method of training, the Nigerian Law School lacked adequate number of teachers to train students for the legal profession. In 2007, the Council of Legal Education Review Committee made this point in its report thus:

Generally the academic staff strength of each campus ranges from 10 to 14 giving what in our considered view is an unacceptable Staff Students Ratio of 1:100

CHAPTER 2

Impetus for Reform

On 8th December 2005, Dr. Tahir Mamman was appointed Director-General of the Nigerian Law School. That set in motion a chain of events chronicled in this book.

The immediate challenge that faced the new Director-General was how to provide opportunity for over five thousand law graduates who had been unable to get admission into the Nigerian Law School due to many reasons including:

1. Indiscipline of Universities who had been admitting students for the LLB course beyond their approved quota and capacity. This was the main reason for having many students unable to get admission into the Law School. Educational administrators at many Law Faculties and Universities failed and have continued to fail to appreciate the need to relate quality education to teacher-students ratio.
2. An unfair allocation of quotas to faculties of law for students' admission by the Council of Legal Education through the Nigerian Law School. There was no rule or criterion that guided the allocation of quotas to law faculties. In many cases, quota numbers were well beyond the capacity of some law faculties.

3. Backlogs caused by industrial disputes and strikes in the universities and other forms of unrests that caused the closure of some universities at one time or the other.

The debate on how to tackle the problem of over admission by law faculties and how to deal with the backlog of students waiting for admission at the Law School had been ongoing at the Council of Legal Education and the Law School. Dr. Tahir Mamman decided to solve the immediate problem of the backlog of students while a long term solution was being sought on admission quotas.

He immediately set up a Committee early in 2006 headed by this author with other senior academics as members. The report of the Committee formed the basis of action taken by the Council of Legal Education in 2006. For the next three years, the Nigerian Law School organised two academic sessions in each year. The backlog of students that existed by the end of 2005 were cleared.

Having found and began the implementation of a short term solution to the challenge of backlog of students, Dr. Mamman turned his attention to an overdue problem- *reform* of legal education at the Nigerian Law School. He asked and got the approval of Council of Legal Education in 2006 to set up a Legal Education Review Committee. The Committee was constituted as follows:

- 1 Mrs Funke Adekoya SAN - Chairperson
- 2 Professor Yemi Osinbajo SAN
- 3 Mr Olisa Agbakoba SAN
- 4 Professor Fidelis Oditah, QC SAN
- 5 Mr A B Mamoud SAN
- 6 Ernest Ojukwu, DDG, NLS Enugu
- 7 Mr O A Onadeko, DDG, NLS Lagos
- 8 Dr Nasirdeen Usman, DDG, NLS Kano
- 9 Prof I O Smith, Faculty of Law UNILAG

- 10 Dr I H Chiroma, Dean of Law UNIMAID
- 11 Mrs Roli Harriman- Secretary

The Committee was inaugurated in June of 2006. It submitted its report in 2007. Its terms of reference were as follows:

- 1 Review the current courses offered in the Nigerian Law School and the Curriculum of each course.
- 2 Review the mode and period allotted to teaching.
- 3 Consider the manner and sufficiency of the extant practical components of the programmes of the school that is,
 - The attachments to law firms and courts,
 - Moot and mock trials; and whether and how best to introduce clinical legal education.
- 4 Work out how best legal practitioners in diverse areas of Law can be formally integrated in the programme of the Nigerian Law School.
- 5 Propose a practical means of adequately funding the programmes of the School.
- 6 Propose minimum criteria of academic standards for accreditation of Law programmes in the Universities.
- 7 Any other appropriate scheme that will enrich, modernize and practically capture the needs of all the shades of Legal Services in Nigeria in a globalised world through competent legal practitioners.

The committee's main recommendations were as follows:

1. Each subject should be taught with an ethics and human rights component;
2. Teaching should be delivered through clinical legal education. The proposed CLE methods should place emphasis on the use of interactive teaching methods and clinical approaches such as simulations, role plays, video clips, legal aid clinics, and pro bono service centre in all campuses to provide a practical learning experience and equip students with employable legal skills. Students

should be divided into groups and group scoring should be introduced.

3. Case studies through which the students will be exposed to legal procedures and develop their legal skills should form the basis for teaching legal principles. These case studies should be distributed to the students in advance of the start of the session and will form the fact base for practical work throughout the year;
4. Lectures should not be with more than 150-200 students in a hall.
5. Up to date information as to what is expected of students, tutorial questions and any academic information should be available to students on an intranet/internet(E-Learning);
6. Small group sessions (tutorials) should comprise of not more than 30 students. The aim of this class is to develop areas introduced in the main lecture, develop problem-solving and other legal skills, cover case law and statutes, promote intellectual inquiry, use practical means to solve legal problems and encourage teamwork and presentation skills. Handouts should have been given in advance outlining learning outcomes and preparatory tasks. Emphasis should be placed on preparation for classes and full participation in classroom activity which should include role plays, simulation, feedback and working as a team. The role of the lecturer should be to expand on answers given by students. Tutorials should aim at testing and challenging the understanding of the students. It is hoped that electronic boards or projectors should also be used during these classes;
7. Assessments/tests should be continuous throughout the academic year and should be based on assignments, chambers and court attachment reports, Multiple Choice Questions, oral and written tests. The purpose and methods of any assessment should be made clear to students. Continuous assessment should be followed by feedback and personal lecturers should give counselling and guidance. Each student should have personal development file which

- contains assessment on law in practice, participation in small group sessions, attendance and report of feedback on oral and written skills. The aim of the assessment is to prepare the students for practice by requiring them to demonstrate their knowledge and application of the law in a practical context and associated skills required for practice;
8. The Committee recommends an accelerated programme of physical development on all the campuses to provide the additional class rooms that would accommodate small groups of students for tutorials;
 9. To enhance the quality of teaching at the Law School the Committee recommends :
 - a. The requirement of five years experience in active practice of law in a reputable and busy law firm as a pre-qualification to appointment as a Law School lecturer.
 - b. In-house teacher training for at least one month for newly appointed teachers.
 - c. Newly appointed law teachers to understudy senior colleagues with wealth of teaching experience whenever they can.
 - d. Return to practice policy should be introduced to enable regular interaction with lawyers on the field with a view to exchanging ideas and appreciating new development in different areas of practice of law.
 - e. A systemic and regular exposure of teaching staff to the challenges posed to the legal profession by the immediate environment.
 - f. Provision of access to information technology, adequate and good quality teaching aids and regular appraisal of teaching methodology with a view to updating approach.
 - g. Sponsorship to Seminars and workshops with relevant themes in improving teaching skills and enhancing general knowledge of practical legal training and teaching methodology.

- h. Upward review of salaries to enable the Law School attract the best legal talents.
 - i. For better communication between students and lecturers, each lecturer mentors a small group of students. The lecturer will provide pastoral advice and is available for any problems the students may have.
10. Court attachment and Chambers attachment ó The Committee recommends that these should form part of the year's assessment and that:
- a. The present Chambers attachment be converted into compulsory pupillage and be conducted after the Bar exams but before the Call to Bar and the period of 'pupillage' should be extended from the present 6/8 weeks chambers attachment to a minimum of 6 months.
 - b. Participation and performance during the Chambers attachment should be assessed and used to determine whether a candidate is a 'fit and proper' person to be called to the Bar.
 - c. Law students can be attached to Ministries of Justice, Securities and investment tribunals and the National Industrial Court in addition to law chambers for the pupillage period.
 - d. a minimum criteria in terms of facilities available should be stated for accrediting chambers to which students will be posted for pupillage. Accreditation and monitoring should be done by the Law School and the Nigerian Bar Association.
 - e. Specific activities/skills to be learnt by the pupil during the period must be listed and made available to students and chambers.
 - f. A weekly log of activities and tasks undertaken in chambers should be documented by the pupil and used to determine the 'fit and proper' person status.
11. More moot/mock trials sessions should be introduced and participation by students should be compulsory and group scoring done;

12. Law School should liaise with the Nigerian Bar Association through the host branch at each campus to provide lawyers who will monitor the practical skills gained by the students through a pro bono scheme;
13. We recommend also that the Law School and the Nigerian Bar Association either at its headquarters or at the branch levels, constitute committees to inspect, accredit and maintain a register of law firms suitable for pupillage training for Law School graduates;
14. In order to implement the suggested reforms, school fees should be increased from the current N125, 500 to N328, 000:00.
 - a. Sourcing funds for development projects from donor agencies should also be explored as a form of public/private initiative.
 - b. The Committee notes that Continuing Legal Education is one ready source of income for the Nigerian Law School which is one of the functions for which the School was created, but which has never been utilized by the School since its inception. It is noteworthy that apart from generating funds for the School, it will provide refresher courses for practicing lawyers in private practice as well as public enterprise.
 - c. Contribution from Alumni can also be a valuable source of income for the Law School.
15. To ensure that standards at the Law School are maintained the Committee recommends that the Law School adopts the Committee's suggested criteria for accrediting law faculties;
16. The Committee also recommends that the following be set up to maintain high standards:
 - a. A department of quality assurance and enhancement for all Law School provision and which will deal with staff appraisal, staff development, programme appraisal and monitoring;
 - b. Quality assurance procedures, regulations and protocols

- for programme approval, review and amendment and procedures for the quality assurance of materials;
- c. An education and training Committee, which will be responsible for all Law School programmes;
 - d. A structured teacher training programme;
 - e. Students evaluation every term.
17. The Committee also recommends the re-training of Lecturers on the concept of Clinical Legal Education, modern teaching methods associated with it; and most importantly the use of Information and Communication Technology (ICT) as a tool for teaching and research and that lecturers be provided with adequate facilities such as computers, multi-media projectors and teaching aids (especially interactive teaching methods).
18. We further recommend that a Committee of Council, as a matter of urgency be established to assess and determine: The criteria upon which Nigerian lawyers qualified abroad should not be required to attend the Bar Part 2 Course or the extent of any training period required of such lawyers at the Law School.

In another chapter of this book, an assessment would be done of the extent and scope of implementation of the recommendations of this committee.

See the full Report of the Committee on the next page.

1. EXECUTIVE SUMMARY

1.1 The Committee found that the academic staff strength of the 4 campuses of the Nigerian Law School ranges from 10 to 14 giving what in our considered view is an unacceptable Staff / Students Ratio of 1:100. In addition, the current admission figure of 4400 at the Law School is beyond the capacity of the Law School in terms of teacher-students ratio, infrastructure, facilities and library holdings. We advocate an upward review of staffing levels, to provide the type of learning experience that a 21st Century Law School should provide.

1.2 From the current Council of Legal Education admission quotas allocated to Universities, not all applicants can be admitted into the Law School because the approved quotas are being exceeded. The quotas have been arbitrarily allocated, in some cases without regard to the actual facilities and staff available at the relevant institution. We propose that the Law School strictly maintains the approved quota limits established for each university, while the Council of Legal Education should ensure that universities that exceed their quota are appropriately sanctioned.

1.3 In addition, some law faculties running the LLB programme are not accredited by the Council. Examples of some of these Law Faculties are those of the Niger Delta University Bayelsa State, Nasarawa State University, Anambra State University Uli, Benson Idahosa University, and Babcock University. There are also demands to commence law degree programmes by some institutions. The Council of Legal Education must ensure that it is not unduly pressurised into granting accreditation by universities seeking accreditation when it is about to graduate its law students.

1.4 The Nigerian Law School must review and upgrade its teaching methods; currently teachers at the Law School are not required to prepare lesson plans and learning outcomes. Rather students' handbooks are distributed in which the contents of a subject are stated in outline.

1.5 Students are exposed to a limited learning of oral and writing skills and the method of teaching is by dictation of notes in class. Note taking takes up most of the one hour lecture time leaving little or no room for explanations, questions and answer sessions. Passing the Bar examination is determined by the ability of the student to memorize the

voluminous notes and reproduce them. Students are not encouraged to undertake research and there are no practical exercises. The curriculum does not contain subjects such as interviewing and counselling skills. There is no compulsory period of skills implementation following graduation from the Law School (pupilage). The Nigerian Law School aims to provide such practical training through the attachment of students to courts and law chambers. They are provided with a checklist with points to note during the period, which presently lasts for about 6 to 8 weeks each time. The attachment however achieves only a limited positive result as the court personnel and practitioners in the law offices do not properly supervise most of the students. Furthermore at the time the students went on attachment to chambers and law offices, they had not always been exposed to some parts of the syllabus, which the attachment period was meant to familiarise them with.

1.6 In light of the above, we are of the view that the present curriculum and teaching methods are inadequate in preparing students to meet the demands of 21st century practice. Even where the course content is adequate, the present mode of teaching does not equip the prospective lawyer to perform a range of legal skills which they are required to undertake on a daily basis after being called to the Bar. As such newly qualified lawyers are viewed as trainees, and are paid accordingly, leading to a decline in pay rates and consequently morale within the legal profession.

1.7 It is this perceived disconnect between the LL.B. programme and the Law school programme expressed in the perceived failure of the Nigerian Law School to provide practical training to law students that has resulted in calls for:

- (i) Curriculum reform at the Law School to give more attention to skills-based programmes.
- (ii) The need to alter teaching methods at the Law School from mere note-taking exercises to full participatory learning processes

1.8 The Committee also notes that students participating in the Bar Part 1 already have a degree in Law from common law jurisdictions, and we have recommended that the emphasis of teaching should be on giving these students an overview of the topics taught in order to highlight the special differences that may exist in the Nigerian legal framework.

1.9 We have proposed amendments to the curriculum and the subjects taught, so as to focus on the following:

- 1 Interviewing and Counselling skills
- 2 Negotiation skills
- 3 Analytical skills
- 4 Communication Skills
- 5 Time management skills
- 6 Research skills
- 7 Professional Ethics
- 8 Techniques of Legal writing
- 9 Trial Advocacy
- 10 Case Management
- 11 File Management
- 12 Information and Communication Skills
- 13 Technique of Team Work.

We also proposed a total overhaul of teaching methods to accommodate clinical methods such as

- Legal Clinics
- Moot and Mock Trials;
- Placements
- Street Law
- Simulation and Role plays

1.10 To ensure that teaching at the Law School is in line with modern day requirements, the Committee also reviewed the current level of training of law teachers within the Law School environment. The Committee observed that many teaching staff employed only have the basic academic background with little or no practical experience or training of any sort. To compound the problem, the Nigerian Law School has no scheme in place for giving practical training to new lecturers. The

remuneration of teaching staff also does not match that of their counterparts of the same qualification in the private or public sectors. This has discouraged experienced legal practitioners from applying to teach at the Law School.

1.11 The Committee devoted a substantial amount of time to discussing and reviewing memoranda available to it which was relevant to its term of reference that it '*Propose a practical means of adequately funding the programmes of the School.*' We made recommendations as to how the funding of the Nigerian Law School could be enhanced, including a proposed increase in school fees. Of course the School should then put in place a means of supporting its brilliant but indigent students.

1.12 We believe that if our recommendations are faithfully implemented, the Nigerian Law School will shortly be in a position to provide the legal profession with lawyers who have the skills to match their counterparts elsewhere in the world.

2. INTRODUCTION

On the 14 June 2006, the Chairman of the Council of Legal Education, Hon Justice M O Onalaja OFR, JCA (rtd) inaugurated the Legal Education Committee set up by the Council of Legal Education.

2.1 The members of the Committee are

12 Mrs Funke Adekoya SAN	Chairman
13 Professor Yemi Osinbajo SAN	
14 Mr Olisa Agbakoba SAN	
15 Professor Fidelis Oditah, QC SAN	
16 Mr A B Mamoud SAN	
17 Ernest Ojukwu, DDG, NLS Enugu	
18 Mr O A Onadeko, DDG, NLS Lagos	
19 Dr Nasirdeen Usman, DDG, NLS Kano	
20 Prof I O Smith, Faculty of Law UNILAG	
21 Dr I H Chiroma, Dean of Law UNIMAID	
22 Mrs Roli Harriman	Secretary

2.2 The terms of reference of the Committee were as follows;

- 1 Review the current courses offered in the Nigerian Law School and the Curriculum of each course.
- 2 Review the mode and period allotted to teaching.
- 3 Consider the manner and sufficiency of the extant practical components of the programmes of the school that is,
 - The attachments to law firms and courts,
 - Moot and mock trials; and whether and how best to introduce clinical legal education.
- 4 Work out how best legal practitioners in diverse areas of Law can be formally integrated in the programme of the Nigerian Law School.
- 5 Propose a practical means of adequately funding the programmes of the School.
- 6 Propose minimum criteria of academic standards for accreditation of Law programmes in the Universities.
- 7 Any other appropriate scheme that will enrich, modernize and practically capture the needs of all the shades of Legal Services in Nigeria in a globalised world through competent legal practitioners.

2.3 The Committee held its inaugural sitting immediately after its inauguration on the 14th June 2006 at which it reviewed its terms of reference and decided to canvass all parties and groups which are affected by legal education to submit memoranda to the Committee. A list of stakeholders to whom letters of request for memoranda were specifically addressed is annexed as Appendix 1.

3. METHODOLOGY

3.1 The Committee divided itself into sub-committees to deal with different aspects of the terms of reference. Each sub-committee deliberated on memoranda submitted concerning their terms of reference and their subcommittee work reports were sent to other members before meetings for their consideration and comments. Moreover their reports were again deliberated on at meetings and agreement was reached on what the recommendation should be concerning each term of reference.

3.2 Through the good offices of its Chair, Mrs 'Funke Adekoya Senior Advocate of Nigeria and Ernest Ojukwu Esq. [DDG Nigerian Law School, Enugu], the Committee also had access to all memoranda

submitted to and presentations made at the Nigerian Bar Association Summit on the Future of Legal Education held in Abuja on 3rd March 2006 and to the National Committee on the Reform of Legal Education in Nigeria. A list of all memoranda and other materials received and considered by the Committee is attached as Appendix 2. The Director General of the Nigerian Law School was also kind enough to obtain the curricula of the Bar Vocational Course and the Legal Practice Course in the United Kingdom for 2006 for the committee's use.

3.3 Mrs Funke Adekoya SAN and Mrs Roli Harriman also paid a working visit to the College of Law and the BPP in London and their findings have aided the Committee in its recommendations.

3.4 The Committee met twelve times and communicated often by email, telephone and in writing after which they produced the following report and recommendations.

4. THE NIGERIAN LAW SCHOOL AT PRESENT & AN OVERVIEW OF ACADEMIC STRUCTURE, CURRICULUM AND TEACHING METHODS

4.1 CAMPUS STRUCTURE

There are four campuses of the Nigerian Law School at Bwari, Abuja (Headquarters); Augustine Nnamani, Agbani Enugu; Lagos and Kano. The admission of students is centralised. A Deputy Director-General heads the campuses other than the Headquarters and they report to the Director General who also acts as the head of the Headquarters campus.

4.2 TEACHING REGIMEN

Course outlines and teaching methods are uniform for all campuses and so is the calendar of events, examinations and assessments.

4.3 STAFF-STUDENT RATIO

Generally the academic staff strength of each campus ranges from 10 to 14 giving what in our considered view are an unacceptable Staff / Students Ratio of 1:100

4.4 STUDENTS POPULATION AND DEMAND FOR

ADMISSION

On the average the students' population in each campus is as shown below:

Bwari Abuja	-	1600
Enugu	-	800
Lagos	-	1300
Kano	-	<u>700</u>
TOTAL	=	<u>4400</u>

4.5 INFRASTRUCTURE

Teaching Rooms

- There are auditoriums in each campus for lectures. The Enugu Campus auditorium can seat up to 600 students fairly comfortably but more than 750 and sometimes up to 850 students are accommodated in the auditorium for lectures.
- In Enugu, for example there are only 5 tutorial and seminar rooms with capacity to take not more than 30 students each. There are a few tutorial rooms in Bwari, Lagos and Kano. The result is that sometimes tutorials are held with up to 600 students in one class, most of which lack basic infrastructure like chairs, tables, fans and air conditioners.
- There are no moot court rooms in Kano, Enugu and Bwari campuses. There is one in the Lagos Campus.

Hostel accommodation

The campuses in Enugu, Kano and Bwari are located far way from the cities and there are problems of acute shortage of accommodation within the localities where these campuses are located. The hostels in Kano and Enugu can only reasonably accommodate about one-third of its present student population. Lagos campus can also accommodate about one-third of its student population and though it is located within the city, there are no affordable accommodation for students in Lagos. Available

accommodation is very expensive. Since the programme is fulltime and intensive, there is a need to provide accommodation for all students

Library Space

Campus student population vs.		Library capacity	
Bwari	1600	-	160
Lagos	1300	-	200
Enugu	800	-	120
Kano	700	-	150

Library holdings

This is very poor in all the campuses. Many relevant books are not available and those available are limited in number. For example in Enugu campus there is only one copy of Kelly's Draftsman to 800 students; only 5 copies of an edition of the Nigerian Weekly Law Reports to 800 students.

4.6 In view of the above the current admission figure of 4400 at the Law School is beyond the capacity of the Law School in terms of teacher-students ratio, infrastructure, facilities and library holdings.

4.7 The current approved quota for all CLE accredited law faculties is shown thus:

1.	University of Maiduguri		180
2.	Nnamdi Azikiwe University	-	180
3.	University of Ibadan	-	150
4.	University of Ilorin	-	120
5.	Obafemi Awolowo University	-	250
6.	Imo State University	-	100
7.	Ambrose Alli University	-	150
8.	University of Benin	-	180
9.	Abia State University	-	130
10.	University of Calabar	-	150
11.	Delta State University	-	100
12.	University of Lagos	-	370
13.	Lagos State University	-	200

14.	University of Nigeria	-	230
15.	Adekunle Ajasin University	-	50
16.	Bayero University	-	200
17.	Olabisi Onabanjo University	-	150
18.	Rivers State University	-	325
19.	Ahmadu Bello University	-	330
20.	University of Jos	-	230
21.	Usman Danfodio University	-	80
22.	University of Uyo	-	120
23.	Igbinedion University	-	60
24.	Kogi State University	-	50
25.	Benue State University	-	75
26.	Enugu State University	-	100
27.	University of Abuja	-	100
28.	Ebonyi State University	-	100
29.	Ekiti State University	-	60
30.	Madonna University Okija	-	50
31.	Anambra State University	-	<u>50</u>
	TOTAL	=	<u>4520</u>
	Plus readmission		40
	And Bar Part 1		<u>100</u>
	Grand total		<u>4660</u>

4.8 By the current Council of Legal Education admission quotas allocated to Universities, not all applicants can be admitted into the Law School because the approved quotas are being exceeded. The quotas have also been arbitrarily allocated, in some cases without regard to the actual facilities and staff available at the institution.

4.9 In addition to the above numbers, there are some law faculties running the LLB programme that are not accredited by the Council. Examples of some of these Law Faculties are those of the Niger Delta University Bayelsa State, Nasarawa State University, Anambra State University Uli, Benson Idahosa University, and Babcock University. There are also demands to commence law degree programmes by some institutions.

4.10 With the present average of 7000 law graduates per year from the universities and the increasing demand for accreditation, the demand

for places in the Nigerian Law School may rise to 9000 in the next 2-4 years.

4.11 CURRENT ADMISSION REQUIREMENTS TO THE LAW SCHOOL

4.11.1 At present all classes of LLB degree are admitted from CLE accredited universities within and outside the country. The Law School does not scrutinize candidates' results to confirm compliance with O ϕ level minimum admission requirements for the LLB program.

4.11.2 Additionally, Nigerians who have been called to the Bar elsewhere, (even though they have practice experience in foreign jurisdictions), if they desire to practice in Nigeria, must attend the same schedule of classes as graduates of foreign universities with LLB degrees and no practice experience.

4.12 PHILOSOPHY, OBJECTIVES AND CONTENT OF THE COURSE OUTLINE OR CURRICULA

4.12.1 We could not locate any document where the Nigerian Law School and/or Council of Legal Education stated the philosophy or objective of its programme. Available curricula for course(s) or topic(s) to be taught also did not contain objectives set for each subject or the learning outcomes to be achieved.

4.12.2 With no properly formulated objective it is difficult to ascertain or determine if the Nigerian Law School is meeting any goals.

4.12.3 There are however, subject outlines set out in lecture handbooks that until recently, were given to students late in the session. The current courses are:

BAR PART 1

- 1 Nigerian Constitutional Law
- 2 Nigerian Criminal Law
- 3 Nigerian Land Law

4 Introduction to Nigerian Legal System

BAR PART 2

- 1 Civil procedure
- 2 Criminal procedure
- 3 Company law and practice
- 4 Evidence
- 5 Legal drafting and Conveyancing and
- 6 General paper which comprises professional ethics, law office management, legal skills and solicitors accounts.

4.12.4 The students at the Law School are exposed to a limited learning of certain skills like oral or writing skills and the method of teaching is by dictation of notes in class. There are no practical exercises. The curriculum does not contain subjects such as interviewing and counselling.

4.12.5 There is no compulsory period of skills implementation following graduation from the Law School (pupilage).

4.13 DURATION OF ACADEMIC SESSION

One session at the Law School constitutes an average of twenty-one lecture weeks (this has varied between 19 ó 24 weeks in the last 4 years), four weeks of students' attachment to the courts, and six weeks of attachment to law offices. In between the lecture weeks, visiting lecturers use about a total of eight hours to deliver special lectures to students on such subjects as Information Technology, the Penal and Criminal Procedure Codes and so on.

4.14 EXAMINATIONS

At the end of the session in the Law School a conventional theory examination is presented on the six subjects, scored over 80% and a multiple choice questions examination is scored over 20%.

4.15 TEACHING METHODS

4.15.1 Teachers are not required to prepare lesson plans and

learning outcomes. The method adopted is to give out students handbooks in which the content of a subject are stated in outline. Then one to three teachers take up different topics on a subject. Note taking takes up most of the one hour lecture time leaving little or no room for explanations, questions and answer sessions. There are no continuous assessments in the Law School. Passing the Bar examination is determined by the ability of the student to memorize the voluminous notes and reproduce them. Students are not encouraged to undertake research.

4.15.2 Tutorials are embarked upon from the second term. As much as five hundred students or more sit in a hall in most of the campuses to take a tutorial. The purpose of the tutorial session which is to provide participatory, interactive learning experience is lost due to the large number of students in each tutorial session; so is the exposure of students to practical advocacy, and oral skills, and confidence building which is an important part of training of the lawyer.

4.15.3 Moot/mock trials are conducted once in the session and only less than .08% of the students take part in the trials. Others are spectators.

4.15.4 The attachment of students to Law Courts and Law offices achieves only a limited positive result. The court personnel and practitioners in the law offices do not properly supervise most of the students. Added to this is the fact that most of the chambers at which the students are placed are not ideal for any practical learning.

5. CURRICULUM REVIEW

5.1 We reviewed all the materials sent to the Committee (see Appendix 2). Of special interest to the work of our Committee relating to the review of the Nigerian Law School curriculum were the memoranda received from:

1. Ministry of Justice, Kaduna State,
2. Hon Attorney General, Zamfara State, and
3. Nigerian Bar Association ó Bauchi branch.
4. The Chief Judge, Imo State
5. The various subject handbooks of the present curriculum at the Law

6. A Compendium of Bar Part II Final Past Questions & Model Answers including MCQs
7. Negotiation and Conflict Management Group
8. Report of Nigerian Law School Study Group to the UK
9. the curriculum of the Bar Vocational Course and the Legal Practice Course [both in England]
10. the Bar requirements for entitlement to practice in the State of California [in the United States]
11. The report of Mrs F Adekoya SANø's and Mrs R Harrimanø's visit to the College of Law and BPP in the UK
12. Memorandum from British/Nigerian Lawyers Forum

5.2 The purpose of the Nigerian Law School is to provide students with academic knowledge of the law with the practical skills required for legal practice. For proper and effective learning, students should learn by doing and not only by reading or observing others. This could be achieved by role plays or practice through pro bono services. Feedback to and from the student is an essential ingredient towards effective learning.

5.3 It is our considered opinion that at the conclusion of their stay in the Law School a student should be able to:

- a. Understand the client's instructions/ objectives and identify the route towards achieving those objectives,
- b. identify the procedures required and the steps that need to be taken to implement the instructions given,
- c. identify any difficulties that may arise in implementing those steps and procedures,
- d. perform the tasks required to complete transactions, in a manner which conforms with the client's objectives, within the scope of the Rules of Professional Conduct of the Legal Profession,
- e. demonstrate adequate knowledge of the Rules of Professional Conduct which may impact upon the relationship between a legal practitioner and his client,
- f. demonstrate an awareness of the law firm as a business and the commercial considerations which should be taken into account in achieving the clients' objective,

g. Demonstrate an awareness of money laundering provisions and the impact these provisions may have upon the carrying out of clients' instructions.

5.4 To fulfil these requirements, courses taught at the Law school should have an ethical and skills/ technical content and both aspects should be given adequate attention. Presently while attention is given to the technical aspects of the curriculum, insufficient attention is given to the ethical and skills based aspects.

5.5 The current technical courses for Bar Part 1 are:

- Nigerian Constitutional Law
- Nigerian Criminal Law
- Nigerian Land Law
- Introduction to Nigerian Legal System

And for Bar Part 2,

- Legal drafting and Conveyancing
- Company Law and Practice
- Law of Evidence and

The skills based courses are

- management, legal skills (communication skills, advocacy skills, negotiation skills)
- ethics based ó Professional Ethics, and
- technical component -[Solicitors' Accounts].
- The Committee noted that certain topics/ skills are taught On an ad hoc basis by visiting lecturers and through the

use of Moot Courts.

5.6 We are of the view that the present curriculum is inadequate in preparing students to meet the demands of 21st century practice. Even where the course content is adequate, the present mode of teaching does not equip the prospective lawyer with legal skills to undertake tasks on a daily basis after being called to the Bar. As such newly qualified lawyers are viewed as trainees, and are paid accordingly, leading to a decline in pay rates and consequently morale within the legal profession.

5.7 To rectify these defects, teaching methods need to be more practical in nature, while the curriculum should emphasize advocacy competence, legal writing skills etc.

5.8 We are of the opinion that in addition to the subjects presently being taught at the Law School; teaching of other subjects that are relevant to the life of the legal practitioner such as, Money Laundering and tax issues should be addressed. Furthermore, the content of some subjects should be reviewed to ensure that the Law School curriculum is more practice oriented. A review of the various course handbooks and the time allotted for teaching aspects of the courses gives the distinct impression that the Law School works on the basis that the students have little or no prior knowledge of substantive law [see the handbooks for Evidence & Company Law and the breakdown of time allotted].

5.9 **BAR PART 1 – [Foreign trained students]**

We realise that students participating in the Bar Part 1 already have a degree in Law from common law jurisdictions, and suggest that the emphasis of teaching should be on giving these students an overview of the topics taught in order to highlight the special differences that may exist in the Nigerian legal framework.

We reviewed the curriculum of the Bar Part 1 in the light of this philosophy and have suggested the following specific curriculum.

5.9.1 THE CONSTITUTIONAL HISTORY OF NIGERIA

1. The Macpherson Constitution: Composition of Regional Houses; the Executive; Franchise; defects of the Constitution.
2. The Constitutional Conferences of 1953 and 1954.
3. The 1954 Federal Constitution: Legislative powers; Franchise; the Executive; defects of the Constitution.
4. The London Constitutional Conference of 1957.
5. The 1959 Federal Election;
6. The Independence Constitution of 1960
7. The Regional Government
8. The Judiciary
9. Constitutional guarantee of fundamental rights
10. The 1963 Republican Constitution: Salient features
11. Post Independence Political Crises and the advent of Military Rule in Nigeria: The Population Census crises of 1964; The Western Region Election of 1965; Collapse of the First Republic and the advent of Military Rule

5.9.2 THE NATURE AND STRUCTURE OF THE MILITARY ADMINISTRATION IN NIGERIA (1966 – DATE)

1. Federal Organs and Bodies
2. State Administrators
3. Advisory Judicial Committee
4. Law making and hierarchy of Laws
5. Impact of Military administration on major Constitutional Law concepts

5.9.3 THE NIGERIAN CONSTITUTION

1. The search for a new Constitution.
2. The choice of a Presidential System: Tiers of government;

Characteristics; Advantages

3. The 1999 Constitution: Salient Features; Supremacy of the Constitution etc
4. Federalism under the Constitution: Characteristics; the Legislative Organ; the Executive Organ; Financial autonomy or Revenue Allocation; Federalism and Military administration etc.
5. The National Assembly: Senate and House of Representatives; Qualification for contesting election into the Assembly; Legislative powers and functions; Legislative process; Parliamentary privileges and immunities
6. The Executive: Election of the Chief Executive; Qualification for contesting Election; Powers of the Chief Executive; Removal from office; Grounds for impeachment
7. The Judiciary
8. Fundamental Objectives and Directive Principles of State Policy
9. Fundamental Rights
10. Status of existing Laws.

5.9.4 NIGERIAN LAND LAW

1. Historical Evolution of the Land Tenure System in Nigeria: The pre-colonial era and the prevalence of the customary land tenure system; the Colony of Lagos and the Treaty of Cession; the Dualist System in Southern Nigeria; the State Control of land in Northern Nigeria
2. Nature of Property Law in Nigeria
3. Sources of Nigerian Land law: Customary Law / Islamic law; Nigerian Statutes; Received land law; Judicial Precedents
4. Land Rights: Title; Ownership; Possession; Rights of prescription
5. Customary Land Tenure: Nature and Management of communal land; Concept of Family property; Creation of family property; Management of family property; Member's Rights; Family Head and Accountability; Alienation of family property; determination of family property; Effects of the Land Use Act
6. Customary land relationships: Sale; Customary tenancy; borrowing

of land; Gift of land; Customary Tenancy; Customary pledge; Effects of the Land Use Act

7. Succession: Children; rights of surviving spouse; Succession by a sole heir; ouster of rules of intestacy

8. The Land Use Act: Vesting of title in the Governor; Statutory and Customary rights of Occupancy; Actual and deemed grants; Capacity to hold right of Occupancy; Powers of the Governor; Exclusive right of occupiers; Right to improvements; Certificate of Occupancy; Processing of application for a Certificate of occupancy; conditions implied in the Certificate of occupancy; Consent provisions; Consent procedure; Rents; Penal rents; Devolution of right of occupancy on death; Revocation of right of occupancy; Compensation; Jurisdiction of courts under the Land Use Act; Pending proceedings; Prohibition of and Penalties for unauthorised use of Land; Delegation of Power; Power to make Regulation.

9. Land comprised in the Federal Capital Territory: Management and control; Applicable Laws including the Land Use Act.

5.9.5 NIGERIAN CRIMINAL LAW

1. Introduction- Relevant statutes- Criminal Code and Penal Code etc
2. Historical evolution of Nigerian Criminal Law
3. Sections 22-36 of the criminal code and criminal responsibility in Nigeria

- Full Analysis and Scope Of Section 22-36
- Acts and omissions under Section 25
- Omissions under S25 C.C.
- Circumstances, Events And consequences As Part Of An Act
- Effect of s25 On *Actus Reus Mens Rea*
- Inconsistencies with The Doctrine Of *Mens Rea* In English Law

4. The Offence of Treason and Treasonable Felony
Usurpation Of Power And Treason

5. Homicide; Murder s316; Manslaughter-Section 317 C.C.

6. Sexual offences:
Rape, homosexuality, defilement of children, adultery and false accusation(PC), enticement of wife
7. Obtaining by false pretences
Section 419; Features That Distinguish Obtaining By False Pretence From Stealing; Obtaining Credit By Fraud; Cheating; Section 421 C.C and PC.
8. General overview of Defenses
Bona Fide Claim Of Right: The MacNaughten Rules; the Position In Nigeria; Insanity; Intoxication; Corporate Criminal Responsibility; Self Defence; Provocation; Husband and wife

5.9.6 NIGERIAN LEGAL SYSTEM

- a. Sources of Nigerian law
 - 1 **English law:** introduction, common law, doctrines of equity, statutes of general application
 - 2 **Customary law:** introduction, characteristics of customary law, validity and proof.
 - 3 **Nigerian legislation:** introduction, nature, types of Nigerian Statute, the constitution as part of Nigerian Legislation, interpretation of statutes.
 - 4 **Judicial precedent:** introduction: Hierarchy of courts (History and present position); position of English courts decisions and other foreign courts.
 - 5 **Works of academics and text book writers**
 - 6 **International obligations**
2. **b. Conflict of laws**
 - conflict between English Law and customary law;
 - conflict between customary laws

5.10 BAR PART 2

We reviewed the courses taught in the Bar Part 2 programme and in order to lay emphasis on the practical nature of the course, we have proposed the following curriculum.

5.10.1 COMPANY LAW PRACTICE (formerly company law and practice)

This course should be called Company Law Practice to emphasize the procedural aspect of the subject.

By the time this subject is completed students should be able to:

- interpret and apply the company's Memorandum and Articles and other primary source material as appropriate
- select an appropriate medium and structure to meet the client's commercial objectives,
- be able to advise on the legal, cost and tax implications of procedures required to achieve the desired end,
- Draft documentation to effect the transactions in clear and unambiguous language and with correct grammar.
- Advise and represent different parties involved in the business including sole traders, partners, directors, shareholders and also creditors of the business.
- Draft a partnership agreement which effectively meets the requirements of the client.
- Demonstrate an understanding of the procedures to be adopted upon insolvency, e.g. bankruptcy, winding up and administration,
- Identify the conflicts of interest that may arise when advising on those duties and obligations.
- Touch on most aspects of modern company law and business practices
- Perform duties of company secretaries/legal advisers to companies and businesses

- Ability to draft business legal documents

The teaching of this course should be re-structured to focus more on company practice and procedure, with more teaching time being allotted to and emphasis being placed on enabling students to advise on the procedures to

- enable the company to commence trading
- alter the constitution of the company
- appoint and remove directors, the secretary and auditors
- draft notices, agendas and minutes of meetings
- complete and file routine statutory forms
- issue and transfer shares (including different classes of shares)
- maintain statutory corporate records
- make binding contracts on behalf of the company, including contracts in which directors have an interest

We recommend that the outline for this subject should be as follows:

1. Advising on choice of business organisation
2. Registration of businesses: Incorporation Of Companies; Incorporation Of Business Names; Incorporated Trustees
3. Preliminary Matters Before Commencement Of Business
4. Alteration Of Memo And Articles
5. Administration And Management Of Companies
6. Meetings And Resolutions
7. Company Securities
8. Unit Trusts
9. Financial Statements
10. Annual Returns
11. Conversion And Re-Registration
12. Arrangements And Compromise

- 13. Mergers; Takeovers
- 14. Winding Up

5.10.2 PROPERTY LAW PRACTICE (formerly Legal Drafting and Conveyancing)

Because of the contents of this course, we recommend that it be named **PROPERTY LAW PRACTICE**

We suggest that more time be devoted to practical exercises during the course as the purpose of the course should be to equip the student with skills to enable him prepare required documentation in clear and unambiguous language.

At the conclusion of the course the student should be able to:

- 1 identify the overall nature of the transaction necessary to further the client's goals,
- 2 advise on the legal effects of issues identified,
- 3 carry out the transaction to conclusion,
- 4 Recognise conflicts of interest between parties and act within the rules of professional conduct including the need to be aware of money laundering rules as they apply to property transactions.

In addition to the course content outlined in the current handbook, emphasis should be placed on the processes and procedures that arise when dealing with the following:

- Registered and unregistered title to land
- Contracts for the sale of land
- Pre-exchange searches and enquiries
- Exchange of contracts
- Pre-completion searches
- Purchase deeds
- Completion and post-completion
- Remedies for breach of contract
- Grant and assignment of a lease

- The contents of leases

We also suggest that the course curriculum should include a sufficient introduction to Tax Law to enable students understand the tax aspects involved in a property transaction, including the applicability of Stamp Duty, registration fees, Capital Gains Tax and VAT (where appropriate) to the transaction.

The topics Wills and Codicils should be treated under probate and administration of estates subject. Letter writing already forms part of the proposed communication skills course and should be taught within that course.

5.10.3 PROBATE AND ADMINISTRATION OF ESTATES

Learning outcome

- The basic principles of testate and intestate succession and of the practice of and procedure for obtaining probate or letters of administration and winding-up an estate.

The course content should include

1. Taking instructions
2. Drafting a Will
3. Due execution
4. Procedure after execution
5. Proving the Will and obtaining probate
6. Applying for letters of administration
7. Winding-up an estate

5.10.4 TRIAL ADVOCACY AND EVIDENCE

The present syllabus for the Law of Evidence includes topics that are not strictly part of a practical course. Since Evidence is already a core subject required for initial admission to the Law School, we recommend that the practical contents of the subject of evidence be added to this new course called Trial advocacy and Evidence. Advocacy involves the representation of a client, whether in a business setting or at adversarial

proceedings. To do this effectively the student should understand the crucial importance of preparation and the best way to undertake it.

Learning outcomes

The student should be able to

1. To develop a case presentation strategy- understands the principles involved in preparing, conducting and presenting a case.
2. To manage information as follows- Ingredients to be proved, Supporting evidence, source of evidence
3. Take the necessary steps needed to prepare the case for trial
 - a. marshal the factual and expert evidence
 - b. analyse the opponent's evidence
3. Use the law regarding disclosure, notices to admit and requests for further information to obtain more information.
4. Understanding the purpose, techniques and tactics of examination, cross-examination and re-examination as a means to adduce, rebut and clarify evidence
5. Observe rules of professional ethics

The students would learn:

- 1 specific communication skills and techniques used by lawyers depending on the context of legal representation,
- 2 appropriate listening and questioning techniques
- 3 the ethics, etiquette and conventions of advocacy

At the conclusion of this aspect of the course the student should be able to:

- 1 conduct a client interview in a manner as to extract required information and instructions on the client's goals,
- 2 outline and present the strengths and weaknesses of the case from

each party's perspective,

3 develop a case presentation strategy,

4 prepare a submission as a series of propositions based on the evidence

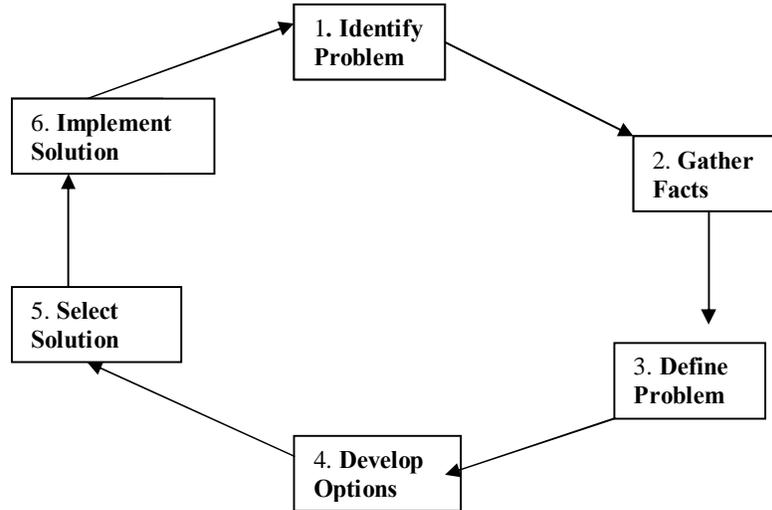
We propose the following content for this course:

1. Classification and sources of evidence
2. Relevancy & Admissibility
3. Burden & Standard Of Proof
4. Wrongful Admission & Rejection Of Evidence
5. Opinion Evidence
6. Presumptions
7. Hearsay Rule
8. Confessions
9. Affidavit Evidence
10. Documentary Evidence
11. Statements Under §91
12. Exclusion Of Oral By Documentary Evidence
13. Estoppel
14. Official & Privileged Communication
15. Trial planning/preparation- purpose of. Particular attention should be given to the theory of a case, evaluating evidence, research results/authorities.
16. Examination Of Witnesses-pre-trial interview, establishing credibility of a witness, questioning techniques, relevancy and admissibility, order of testimony, cross-examination(purpose, elements of, eliciting favourable testimony, challenging opponent's case) ethics and conduct etc
17. Addresses

All of the above should be taught within the context of practical problem solving- legal analysis, fact investigation, analysis and management. See recommended ideal process model below- The Problem Solving Cycle¹

¹ Online resource centre LPC guide 2006-7

THE PROBLEM SOLVING CYCLE



5.10.5 CIVIL PROCEDURE

The objective of the course is for students to have an understanding of the litigation process and in particular the basic elements of trial procedure and the court's case management powers and duties.

At the conclusion of the course, students should be able to demonstrate an awareness of the appropriate forum for the resolution of the dispute identify and draft appropriate originating processes, particulars of claim, defences, witness statements and motions and interim applications

Identify the mechanisms which are available to enforce a judgment.

We propose the following content for this subject:

- i. Courts With Civil Jurisdiction
 - ii. Parties To An Action
-

- iii. Commencement Of An Action
- iv. Interlocutory Applications
- v. Summary Judgement Procedure
- vi. Pleadings
- vii. Trials
- viii. Judgement & Enforcement
- ix. Interim Orders Pending Appeals
- x. Appeals
- xi. Special proceedings- Matrimonial Causes, Election Petitions, Recovery Of Premises, Enforcement Of Fundamental Human Rights, Practice & Procedure In Sharia Court Of Appeal & Customary Court Of Appeal

5.10.6 CRIMINAL PROCEDURE

The objective of the course is for students to have an understanding of the criminal litigation process and in particular the basic elements of trial procedure and the police and courts case management powers and duties.

We propose the following content for the subject:

Searches; Arrest; Police station interviews; Legal aid; Right to silence; Right to legal representation; Institution of Criminal proceedings; Process to compel the attendance of the accused; Bail pending trial; Charges; Arraignment; Course of trial; Addresses; Judgment and sentence; Appeals

5.10.7 GENERAL PAPER [LEGAL PRACTITIONERS ACCOUNTS, LAW OFFICE MANAGEMENT, PROFESSIONAL ETHICS & LEGAL PRACTICE SKILLS].

The four aspects of the General Paper which should be a major aspect of the Law School curriculum ought to constitute four separate courses. However these subjects are presently lumped together as one course, and the teaching time allocated is insufficient. Clearly 27 hours [less than 1 week out of 40 hours] allotted to teaching Professional Ethics is insufficient as is the period of 6 hours for Law Office Management and 9 hours for Solicitors Accounts.

The majority of complaints coming before the Nigerian Bar Association relate to financial impropriety on the part of the lawyer; therefore greater emphasis should be placed on adequate teaching of Legal Practitioner's Accounts and Professional Ethics in an effort to enhance professional standards in the profession. From the practitioner's point of view, at least 40 hours, should be devoted to each aspect of this course.

We suggest that:

- a. The total time allotted to the subjects in this course should be increased to a minimum of 160 hours with each course allocated equal teaching time.
- b. Staff with a proper accounting background should be recruited to teach the Legal Practitioners Accounts course, as the course content is presently unclear.
- c. Professional Ethics and Legal Practitioners Accounts should require a higher pass mark than is presently the case.

A specific curriculum is suggested for the following subjects, which are all proposed to be taught as separate courses:

5.10.8 PROFESSIONAL ETHICS

We recommend the following content for this subject:

- 1 History and regulations
- 2 Controlling bodies of the legal profession
- 3 Dress and comportment
- 4 Courtroom decorum and etiquette
- 5 Dinner etiquette
- 6 The role and duties of the advocate
- 7 The Rights of a legal practitioner
- 8 Duty of counsel to court and contempt of court
- 9 Duty of court to counsel
- 10 Duty of counsel to client
- 11 Relationship with and Duty of counsel to colleagues
- 12 Duty of counsel to the community
- 13 The duty of legitimate disclosures
- 14 The qualities of a good advocate

- 15 Duty of counsel in special circumstances
- 16 Improper attraction of business
- 17 Professional discipline of legal practitioners

5.10.9 LAW OFFICE MANAGEMENT

Presently this subject is taught for an average of six hours as a part of professional ethics and allied matters. Law office management skills are very important for practicing lawyers and ought to be taught and examined as a separate course.

The learning outcome will be to teach the necessary skills in setting up a law firm, staffing, financial and people management, use of information technology, office procedures and administration and limits of marketing.

We suggest the following additions to the present curriculum:

- 1 Using IT for administrative, financial, library and case management
- 2 Planning, prioritization and time management
- 3 Billing and collections
- 4 Interpersonal skills
- 5 Conflict management
- 6 Management, presently taught under legal skills

Enough time should also be allocated for tutorials to enable the students view IT and paper forms used in the office. The tutorial class will also be an opportunity to showcase legal software and information technology. This committee's recommendation that chambers attachment be done after the final Bar examinations will be of great advantage as the students will appreciate better what they have already learnt in class.

5.10.10 LEGAL PRACTITIONERS' ACCOUNTS

Because of the increasing number of petitions against legal practitioners for misappropriation of funds, this subject should attract more attention. It is also recommended that the Nigerian Bar Association improve on its

efforts to monitor compliance with accounting rules. The course content should also be updated to include the reforms in accounting legislation.

Learning outcomes

The objective of teaching this subject is to ensure that by the end of the Nigerian Law School year of study students will be conversant with:

- i. The Legal Practitioners' Accounts Rules, especially those parts to which they will be exposed in practice,
- ii. the need to maintain separate office and client ledgers and bank accounts, the need to record receipts and payments of office and client monies,
- iii. the obligations regarding payment into and drawings from client bank accounts,
- iv. the entitlement to make transfers between client bank accounts and ledgers and between client and office bank accounts and the need to record such transfers,
- v. the requirements in respect of the holding of trust monies.

Students should be taught how to

- record receipts into the payments from office and client accounts,
- analyse and interpret relevant ledger entries, and
- Prepare a simple statement for clients on completion of a matter.

5.10.11 COMMUNICATION SKILLS

Topics to be taught in this course should be interviewing and advising (counselling) skills and legal writing and drafting legal documents

a. INTERVIEWING AND ADVISING SKILLS

Learning outcomes

- 1 To be able to use good oral and positive non-verbal communication in practice

2 to be able to use listening and questioning techniques to carry out a meaningful interview

3 to provide appropriate advice and information

b. LEGAL WRITING AND DRAFTING LEGAL DOCUMENTS

Learning outcomes

- Learn how to use appropriate language and style in writing
- Develop a bird's eye for mistakes ó proofreading
- ðplanø ðwriteø and ðreviseø approach to effective writing
- Understand the client's needs
- Learn how to plan for drafting.
- Use precedents
- Cover all relevant legal or other formal requirements
- Use proper grammar and avoiding ambiguity

Students should be able to draft documents that

Meet the client's goals, carry out the client's instructions and address the client's concerns. Therefore students should be able to

- 1) accurately address all the relevant legal and factual issues
- 2) where appropriate, identify relevant options, including the costs, benefits and risks of those options
- 3) where appropriate, demonstrate a critical use of precedents
- 4) follow the rules of grammar
- 5) demonstrate appropriate use of language
- 6) are succinct and precise
- 7) meet any formal, legal or other requirements

Special attention should be given to exercises in letter writing, opinion writing, written arguments, presentations, report writing, writing emails, research reports, case submissions and agreements

By the conclusion of this aspect of the course students should be able to draft a range of business letters, prepare legal opinion indicating an understanding of available facts, general principles and legal authority, in a structured, concise and persuasive manner.

This course should be taught from the first term so that the skill can be used throughout the year.

5.10.12 LEGAL RESEARCH AND ANALYTICAL SKILLS

a. Legal Research

The aim of this course should be to teach the students how to conduct legal research for purposes of legal opinion writing or for preparing briefs and submissions in court.

Students should be taught to

- 1) Use law library including the catalogues and indexes
- 2) Use IT skills to locate and retrieve information
- 3) Use and interpret legal citations and abbreviations
- 4) identify factual material and distinguish it from opinions,
- 5) Analyze issues raised by a case and identify which questions of law have to be answered
- 6) identify appropriate sources for investigating the relevant facts
- 7) determine when further facts are required
- 8) identify and analyse the legal issues
- 9) apply the relevant legal provisions to the facts
- 10) relate the central legal and factual issues to each other
- 11) identify the legal, factual and other issues presented by the

documents;

- 12) Present the results of research in a clear and coherent manner.
- 13) Concisely and accurately summarise or paraphrase relevant material
- 14) Acknowledge the use of all sources and materials cited

Specifically, students should be able to demonstrate an understanding of

- a. the difference between and use of primary and secondary legal materials,
- b. the methods of locating cases and statutes,
- c. the use of periodicals, digests and standard practitioner texts,
- d. the use of indices and citations,
- e. The use of electronic research tools.

Our proposed curriculum for this subject will ensure that at the end of the Nigerian Law School course students should:

- Understand the need for thorough investigation of the factual and legal issues involved in a client's matter and the best way to conduct legal research.
- Use library and modern information technology to undertake research.
- Present the results of the research in useful and reliable form

b. Analytical skills

Most of the questions for the bar examination are problem questions. The students are unable to appreciate the questions and proffer appropriate solutions because they are unable to sift the wheat from the chaff. This subject is fundamentally a practical one and should contain topics such as

- 1 Identifying gaps, ambiguities and contradictions in information
- 2 How to identify and prioritise the objectives of client both in terms of practical outcomes and legal remedies.
- 3 How to identify and prioritise the factual and legal issues.
- 4 Selecting possible solutions to problems
- 5 Assessing the strengths and weakness of a case

6 Organising information

7 Distinguishing between relevant and irrelevant facts and between fact and inference.

This topic will enable the students to examine facts in detail, look at all the possible interpretations of the facts, identify which facts are in dispute, which vital information is missing, how the facts can be linked together to prove a case and how the facts can be assembled to construct a persuasive argument.

This course should be taught in the first term and more time devoted to it during tutorials or clinicals so that the skill can be used throughout the year.

5.10.13 ALTERNATE DISPUTE RESOLUTION [ADR]

At the present time, an attempt is made to teach a little of ADR (3hrs) in the Nigerian Law School as part of the Civil Procedure course. Because ADR has become increasingly popular as a means of resolving disputes outside litigation, it is proper that the students are well grounded in the knowledge and skills necessary to use these options.

Learning outcomes

- a. Know the range of methods available to resolve disputes and in particular, should appreciate that it may be in the client's interest to resolve a dispute by settlement.
- b. Sensitive to professional conduct by advising clients on options for resolving disputes.
- c. Acquire necessary skills of legal negotiation: preparation, planning, understanding the context, analysis, persuasion, information exchange, planning strategy and structure, considering possible tactics, effective communication, dealing with difficulties, recording and enforcing a negotiated agreement.
- d. Know how and where to access ADR services

We recommend that this course be taught for not less than 16 hours in total and the suggested curriculum is as follows:

A. General overview of ADR options

B. ARBITRATION: arbitration and litigation, arbitrable matters, arbitration agreement, constitution of the arbitration tribunal, challenging arbitrators and procedure, jurisdiction of arbitral tribunal; commencement and proceedings; stay of proceedings; award, termination of; recourse against award; enforcement; arbitration clauses

C. MEDIATION: Understanding the process of mediation/ what to expect; Choosing a mediator; Originating the mediation process; Drafting statement of issues; Preparing for the mediation process; Opening statements; Negotiation during the mediation sitting; Drafting settlement; mediation clauses

D. NEGOTIATION SKILLS: meaning and process of; Best Alternative to Negotiated Agreement (BATNA); Negotiation Style; Strategies and Process

E. CONCILIATION: Right to conciliation; Request to conciliate; Appointment of conciliators; Action by; Commencement of proceedings;; Terms of settlement

F. ACCESS TO ADR SERVICES: court-connected and non-court connected ADR centres

6. INTRODUCING CLINICAL LEGAL EDUCATION (CLE) INTO THE CURRICULUM OF THE NIGERIAN LAW SCHOOL

6.1 CURRENT TEACHING METHODS

6.1.1 The current teaching methods in the Nigerian Law School are theoretical rather than practical in nature. The students at the Law School are exposed to a limited study of certain skills like writing, and oral skills but the method of teaching these skills is by giving students notes dictated in the class. There are no role-plays, no practical and no exercises. At the broader level at the Law School the curriculum does not contain subjects such as interviewing and counselling, wider application of skills and alternative dispute resolution. The position in the Law School is not different from what is obtainable in the law faculties; most of the session is taken up by formal teaching of students.

6.1.2 Almost every teacher dictates notes to students, and note taking takes up most of the lecture hours leaving little or no room for explanations, questions and answer sessions. There are no continuous assessments in the Law School; tutorials are embarked upon only a few weeks to the examination, making it important only as a tool for examination success. As many as over one thousand students sit in a hall at the Law School to take tutorials. The benefit of giving the students a chance to truly understand the workings of rules, laws and principles of law in a practical setting is lost; so is the exposure of students to practical advocacy, and oral skills, and confidence building which is important in the training of a lawyer.

6.1.3 The disconnect between the LL.B. programme and the Law school programme expressed in the perceived failure of the Nigerian Law School to provide practical training to law students has resulted in calls for:

- (i) Curriculum reform at the Law School to give more attention to skills-based programmes.
- (ii) Need to alter teaching methods at the Law School from mere note-taking exercises to full participatory learning processes and
- (iii) Introduction of Information and Communication Technology as a tool for Teaching and Research

In conclusion, teaching at the Law School, to an overwhelming extent is a note-taking exercise and passing the Bar examination is determined by the ability of the student to memorize voluminous notes and reproduce them.

6.2 CHAMBERS AND COURT ATTACHMENT

6.2.1 In the United Kingdom a person who wishes to practice as a barrister must, after having obtained a law degree or the conversion course as the case may be, enrol for the Bar Vocational Course for a year and will be called to the bar upon completion. However, he cannot practice unless and until he has served pupillage in a firm for a further one year, thus making two years of intensive practical education. Those who do not wish to practice as barristers do not serve pupillage. To qualify to practice as a solicitor requires a law graduate to serve a further

two year training contract period with a firm of solicitors after completing a Legal Practice Course at any of the country's Law Schools or LPC providers. This ensures that a barrister or solicitor in England and Wales receives thorough practical training before being allowed to practice without supervision.

6.2.2 The Nigerian Law School aims to provide such practical training through the attachment of students to law chambers. They are provided with a checklist with points to note during the period, which presently lasts for about 6 to 8 weeks.

6.2.3 We noted that although it was expected that students would be able to have firsthand experience of the 13 items listed on the check list given to them at the time of their attachment, the monitoring exercise carried out occasionally by the Law School had shown that since law firms were of different standards, many students were not able to see case files or participate in all the matters listed on the checklist. Furthermore at the time the students went on attachment to chambers and law offices, they had not always been exposed to some parts of the syllabus, which the attachment period was meant to familiarise them with.

Nearly all of the memoranda we received took the position that the current period of chambers attachment does not achieve the desired objective and needed to be reviewed; a position we agree with. The memoranda all suggested that the chambers attachment be shifted till after the Bar final exams but before Call to the Bar. One memorandum suggested that the students be scored during the attachment period; with the scores forming a mandatory part of the substantive marks.

6.2.4 Chambers attachment is an opportunity for law students to interact one-on-one with legal practitioners of years of experience in law practice. It is meant to expose students to different segments of solicitors work and enhance their knowledge of the use of court processes, how they are prepared and filed in court, as well as preparation of cases in advocacy. Students are expected to build confidence in themselves in their chosen legal career through interaction with their principals, and appreciate the role of a legal practitioner in practical terms through attendance at client interviews, lands registry, companies registry etc. During this period of attachment, students are

expected to familiarise themselves with many solicitor documents and general court processes, the way they are drafted, and their purport. Attending court sessions with their principal should afford them the opportunity to appreciate the application of legal principles encountered during case preparation, to factual situations. The students, in essence, would have been groomed in the art of advocacy. These prospects in chambers attachment can only be gained where the chambers is properly structured in accordance with a minimum standard, adequately equipped with law books, IT facilities, and busy with the handling of a variety of legal matters sufficient to give the required practical exposure to students. Currently there is no indication that the Law School ascertains the existence or standing of law firms but merely work on old list of chambers or one submitted by the student. The effect of this is that many students treat this period of attachment as a holiday or an opportunity to update and/or read their lecture notes.

6.2.5 The period of attachment is also very short and the court personnel and practitioners in the law offices do not properly supervise most of the students.

6.2.6 The attachment of students to Law Courts and Law offices achieves only a limited positive result. It is an extension of experiential learning but it can only complement other experiential learning methods by way of *ōdo it yourselfō* that is presently lacking in the training programme.

6.2.7 While court attachment may be an effective method of practical training at the Law School, students are attached to particular courts throughout the period of attachment thereby limiting exposure the business of that court and no more. For example, students posted to the Magistrates' courts are exposed mainly to the summary procedure of the court in both civil and criminal trials with no experience in other areas of procedure. No attention is also ever paid to the functioning of the court of attachment: a magistrate may be on leave, a judge of the High Court may be indisposed during the period of attachment so that students posted to such courts simply divert attention to reading lecture notes mainly, or cleverly finding a way to unwind. Experience has shown that students posted to certain courts are not better than spectators as they simply watch proceedings without being made to conceive ideas of form impressions in appraising salient points in advocacy. It is not too clear

whether magistrates and judges are directed to put practical questions to the students in chambers regarding an ongoing proceeding to ascertain their level of comprehension. The seriousness of the practical training is not appreciated by students as no formal test is administered throughout the training and the tendency is for these students to forget about their court experience too soon. An effective and rewarding court attachment is one that enhances the student's legal reasoning and knowledge of practice and procedure. To this end, it is necessary to ensure:

- 1 Access to a variety of proceedings in different courts
- 2 Placement in courts with available magistrates and judges
- 3 Regular attendance of students
- 4 Preparation of case notes on daily proceedings to be assessed at the end of the exercise
- 5 Weekly assessments based on court proceedings for the week
- 6 Report on each student by the magistrate or judge at the end of the period of attachment

6.3 MOOT COURT STRUCTURE AND MODUS

6.3.1 At the Law School, moot/mock trials are conducted once in the session and only less than 5% of the students take part in the trials. Others are spectators.

6.3.2 These methods provide insufficient practical exposure to the students and the Committee proposes that the Council of Legal Education mandates the Nigerian Law School to fulfill its practical teaching objectives through the provision as a matter of urgency of clinical teaching methods.

6.4 CLINICAL LEGAL EDUCATION PREFERRED

Clinical legal education emerged out of recognition that while a traditional academic curriculum could teach legal principles, practical experience is required to know how to apply these principles correctly and with confidence. It offers students the opportunity to experience the realities of legal practice and the context in which laws develop within the "structured laboratory" of legal education.

6.4.1 Clinical legal education is a dynamic, process-oriented

style of learning. Often described as "experiential learning" or "learning by doing", students in clinical courses are required to engage in actual experiences to understand first-hand what it means to be a lawyer. Learning occurs through representation of real clients and collaboration with representatives of community agencies and organizations. Typically, clinical courses consist of three stages:

1 Students should **plan and prepare** for actual experiences such as client interviews, negotiation with opposing counsel, trial or other court appearances, etc. This involves studying and learning theories of lawyering to understand what sorts of techniques to use and what kinds of issues to consider. It also involves developing written case or project plans, having individualized discussions with faculty supervisors, engaging in group brainstorming and other discussions in classroom seminars or group case rounds, and often practicing for the upcoming event in simulated format.

2 Students should **perform** lawyering skills in real circumstances. This is the action/experiential component. For most experiences, a faculty supervisor should be present.

3 Students should **reflect** upon their experiences, and evaluate how well they performed, how well the theories they studied actually worked, and what they would do in the future in light of their performance and past experience. This process may involve written reflection and self-evaluation exercises, review and critique of videos, one-on-one reflection and critique with faculty supervisors who observe students in action.

There are several clinical programme models, such as:

(i) Live ó client clinic. Here students represent actual clients.
 (ii) Simulation clinics. Students do not represent actual clients, but instead work on case files that simulate all the issues of a real case. Examples of this are the in-house, community based clinics, outreach clinics based outside the school but managed and controlled by the school, placement clinics based in NGOs, law firms, legal departments of organisations and institutions, community clinics, ADR Centres, Human Rights Law Centres etc

(iii) Street law

6.4.2 Law students are not only studying and learning to apply

the law, they are also learning to:

- 1 Interview and counsel clients from diverse backgrounds on a variety of legal matters
- 2 Develop and strengthen communication skills, including skills of listening, oral and written communication, and cross-cultural communication
- 3 Interpret and navigate unwritten systems of rules that influence local legal systems
- 4 Investigate facts and formulate persuasive fact theories
- 5 Understand ethical rules and apply them in concrete situations
- 6 Analyze how justice can best be served
- 7 Predict the impact of legal actions on the lives of clients, other parties and society.
- 8 Explore and experience a variety of roles lawyers may assume, including lawyer as litigator, negotiator, mediator, facilitator, problem-solver, community builder, legislative advocate, and others
- 9 Develop effective planning and organizational habits, including the ability to manage multiple priorities, developing a sense of professional identity and formalizing career plans
- 10 Work on real or simulated cases.
- 11 To foster spirit of public service.

6.4.3 From a societal perspective and from the experience of other jurisdictions, legal clinics serve a second purpose by meeting the legal needs of the poor and under-represented particularly in a developing country such as Nigeria where the standard of living is still very low.

6.4.4 Expected advantages from the use of Clinical Legal Education (CLE) curriculum to the law teacher/faculty:

1. To evaluate different methods of teaching.
2. Learn how to teach in the classroom setting as well as its applications in real live client clinics.

3. Learn strategies and techniques appropriate to achieving the goals of CLE.
4. Develop systems and procedures to ensure that courses are taught and completed at the time scheduled for them by keeping to the schedule.
5. Display a level of competence and dexterity in the teaching of the Clinical law courses and other law courses.
6. Know what subject matter needs to be covered, the time allocated to them and the reading materials to be assigned.
7. Ensure that students' assignments and activities are designed to give them the opportunity to meet all of the learning goals and objectives of the course.
8. To have a clear understanding of the criteria on which students performances will be graded by ensuring that their assessment scheme is practical, valid, reliable, well-timed, and fair to all.
9. Be fully integrated with relevant subject courses in the curriculum and use the lessons learned in preparing and teaching other non-clinical course in their Faculties.
10. Ensure that CLE is integrated into the overall curriculum of the Law School as well as into the legal and judicial community in Nigeria to achieve the goals for which it is set up.

6.5 IMPLEMENTATION ISSUES

As earlier noted, the curriculum as well as the methodology of teaching in the Law school does not reflect the status of the Law School as an institution that is vested with the responsibility to train Lawyers to face the challenges of the 21st century and beyond.

Having reviewed the curriculum to focus on the following:

- a. Interviewing and Counselling skills;
- b. Negotiation skills
- c. Analytical skills;
- d. Communication Skills;
- e. Time management skills;
- f. Research skills;
- g. Professional Ethics;

- h. Techniques of Legal writing;
- i. Trial Advocacy;
- j. Case Management;
- k. File Management;
- l. Information and Communication Skills;
- m. Technique of Team Work.

There is the need for a total overhaul of teaching methods to accommodate clinical methods such as

- 1. Legal Clinics
- 2. Moot and Mock Trials;
- 3. Placements
- 4. Street Law
- 5. Simulation and Role plays

Successful delivery of CLE requires that

- 1 The Law School provides infrastructural facilities such as seminar rooms/moot court in all campuses to house students in groups of not more than 100. Using the current student population, there should not be less than 12 in a campus.
- 2 The Law School provides a building in each campus to serve as an in-house clinic for live-client intake. The building should provide at least 30 small offices for client intake.

6.6 EXAMINERS AND EXAMINATIONS

Examiners should strive to:

- 1 Produce questions that are intellectually demanding
- 2 Require understanding and application
- 3 Create realistic exercises which replicate cases in real practice

- 4 Test the organisation, maturity, awareness of professional ethics
- 5 Cover syllabus adequately
- 6 Give clear guidance on criteria for assessing students' performance

The questions should seek to require the students to demonstrate their ability to

- 1 solve legal problems in a practical context
- 2 apply substantive legal knowledge to practical problems
- 3 marshal facts and apply them quickly and effectively
- 4 deliver solutions to legal problems that are appropriate for clients.

7. INFORMATION AND COMMUNICATION TECHNOLOGY (ICT)

7.1 The role of Information and Communication Technology (ICT) in the 21st century as a tool for research and teaching cannot be over emphasized. There are various advantages to the introduction of ICT in legal education. These include:

- Word Processing
- Legal Research
- Document Storage,
- Case Management,
- Teaching Aid,
- Access to data base, precedents, judicial decisions from other jurisdictions all over the world.

These advantages can only be utilized by a person who is computer literate. ICT has become an indispensable tool for research and teaching.

7.2 There is therefore the need for

- 1 Training and re-training of law teachers
- 2 Provision of Computers to staff and to students at a discounted rate
- 3 Provision of teaching aids such as interactive CDs,
- 4 Provision of a functional Intranet and internet facilities.

All these form the platform upon which to implement the delivery of E-learning.

7.3 E-LEARNING

7.3.1 E-learning can be implemented in the following ways

- 1 Electronic Lecture notes and power points
- 2 Precedence for practical work e.g. letter writing and drafting of documents
- 3 Assignments
- 4 Email contact with lecturers and students (simulating the law office)
- 5 Obtaining precedence from websites
- 6 Timetable and other information about school programs
- 7 Answering MCQ test online
- 8 for legal research

ICT should be the basis for teaching and assignments. It is recommended that student/teacher contact should be basically by email. Of course students should sign an undertaking to obey basic rules and regulations governing such contact. On resumption it is recommended that students have a basic training of IT usage and clear instructions of what will be expected of them during the year.

7.3.2 To facilitate this e-learning platform, students must have

- 1 Basic keyboard skills/mouse skills
- 2 Basic word processing knowledge- editing, saving and printing
- 3 Performance of legal research through electronic library

Lecturers should also be trained to achieve the following basic knowledge of

- 1 Windows XP
- 2 Microsoft Word, Excel, PowerPoint and Outlook
- 3 Use of smart boards, visualisers and the virtual library

8. TRAINING OF LAW TEACHERS – REVIEW AND RECOMMENDATIONS

8.1 To ensure that teaching at the Law School is in line with modern day requirements, the Committee also reviewed the current level of training of law teachers within the Law school environment.

8.2 The quest for qualitative legal education has made it imperative for many jurisdictions to focus on different parameters for actualising quality training for Teaching Staff engaged in training lawyers in the making. Practical knowledge and experience count in such training, and depending on the aspect of curriculum allocated for teaching, Law School teachers are required to possess adequate practical experience and be exposed to effective teaching methodology.

8.3 The Committee observed that many teaching staff employed only has the basic academic background with little or no practical experience or training of any sort. The result has been the proliferation of theoretical orientation in imparting knowledge to the students. To compound the problem, the Law School has no scheme in place for giving practical training to new lecturers.

8.4 The dearth of teaching staff has been responsible for giving an immediate free hand to new lecturers to commence lectures without appreciating the curriculum, and in the absence of minimum experience in the peculiar teaching methodology required. There is no arrangement in place to allow new teaching staff to understudy the experienced teachers with a view to acquainting them with the teaching methodology required.

8.5 There has been no auditing of teachers' performance at the Law School and apart from the Law Teachers Conference which accommodates law teachers generally; there is no indication that Law School teachers are exposed to practical training of any sort within and outside the country.

8.6 Lack of access to information technology constitutes an impediment to the quality of training of academic staff at the Law School. Access to information on teaching methodology and development of improved practical training in other jurisdictions should

afford the law teachers the opportunity of updating their knowledge of practical training and teaching methodology, but lack of access stagnates experience with no improvement in the quality of teaching.

8.7 The Law School is yet to come to terms with the reality that no effective practical training can be offered by a teaching staff that has no practical experience in the field, i.e. in areas such as running the law office, handling of solicitors' work and litigation. Exposure to law practice is neither a pre-requisite for appointment to teach, nor a requirement for sustaining a teaching career at the Law School. A law teacher without adequate experience of law practice cannot appreciate the practical content of the Law School curriculum and is incapacitated in effectively imparting practical knowledge to students.

8.8 The remuneration of teaching staff does not match that of their counterparts of the same qualification in the private or public sectors. This has discouraged experienced legal practitioners from applying to teach at the Law School.

8.9 The Committee notes that in many common law jurisdictions, quality training of academic staff is enhanced through exposure to practical knowledge and constant review of teaching methodology to accommodate changes in the curriculum, as well as provision of access to continuing legal education to prepare the teaching staff for challenges and enhance their teaching skills. In recruiting teaching staff, Law Schools abroad lay emphasis on Solicitors and Barristers with a wealth of experience. Access to continuing legal education for law teachers is also available.

8.10 From the Memoranda received by the Committee, stakeholders call for a paradigm shift from the archaic model of theoretical inculcation of practical knowledge to a functional approach to learning which can only be attained when the law teacher is well equipped with sound knowledge of effective teaching methodology.

8.11 RECRUITING AND STAFF DEVELOPMENT

8.11.1 INDUCTION COURSE AND RETREATS

On employment, we suggest there should be a one-month induction course for new teachers, where basic teaching skills are taught as well as IT appreciation. During this induction course, teachers will also be introduced to the programmes of the school and the underlying philosophy.

Recruitment should be based on the ability to deliver lectures and not only on academic knowledge.

8.11.2 CONTINUING EDUCATION.

We recommend that Council endeavour to negotiate discounts for lecturers to attend training programs. Lecturers should be encouraged to attend continuing education programs of their choice and it is recommended that a reasonable amount be paid to lecturers to encourage them to conduct research and/or attend professional development programmes.

8.11.3 ~~RETURN TO PRACTICE~~ POLICY

To ensure that tutors keep up to date with law and practice, we recommend that a ~~return to practice~~ policy (whereby lecturers return to practice for a specific period) be introduced to provide the widest possible range of ideas and opportunities to ensure that lecturers are up to date.

8.11.4 TEACHER TRAINING AND DEVELOPMENT DEPARTMENT

We also recommend that the Law School establish a staff training and development department responsible for training and development of teachers. This department will source for essential professional development and teacher training programs locally and overseas to ensure the development of lecturers.

8.11.5 For the purposes of appointment and promotion at the Law School, lecturers are made to fulfil the requirement of publication as lecturers in the university. Academics at the Law School upon the attainment of the position of senior lecture (an academic position) thereafter move to an administrative position of deputy director.

Vocational institutions such as the Law Schools in Canada and Ghana promote academic staff to professorial positions. Comparatively, there are also some institutions in Nigeria that are purely research institutes and do not receive students but award the status of professor to their staff on attainment of the prescribed criteria for such. This, in our view is an abnormal career progression for academics in an academic institution, albeit vocational. The anomaly has resulted in massive and consistent brain drain among academics at the Law School, in search of a fulfilling career progression.

8.11.6 Invariably, academics that leave the Law School upon resignation or retirement have no professional or academic relevance in other sectors except legal practice. The reality is that not every academic in the Law School prefers that option. In order to avoid brain drain, it should be legitimate for an academic staff to look towards a fulfilling career progression with corresponding designation. Academics should be able to reach the peak of their profession without holding administrative positions. For example, not every academic can be Director-General or Deputy Director General. But being a professor will be a veritable peak in any academic career. This is also a designation that is borne for life. Academics at the Law School should enjoy the same benefits as academics at the NIALS and law faculties.

In view of the challenges highlighted above, it is our considered opinion that deserving academics at the Law School, should upon the fulfilment of basic requirements to be prescribed by the CLE be conferred with the status/title of professor.

9. FUNDING PROPOSALS

9.1 The Committee devoted a substantial amount of time to discussing and reviewing memoranda available to it which was relevant to its term of reference that it '*Propose a practical means of adequately funding the programmes of the School.*'

9.2 The Committee has proposed that additional academic staff be employed to meet the capacity requirement of staff-students ratio of 1: 30. With about 4600 students population in the Law School about 153 law teachers should be employed on full-time and part time contracts. This additional staff requirement would require more funds. As the

Committee is also proposing the implementation of clinical teaching methods, there would also be need for more funds to meet the required physical structures required for small capital developments, overhead costs and library collections and development.

9.3 PRESENT FUNDING LEVEL OF THE LAW SCHOOL PER ANNUM

a) FROM THE FEDERAL GOVERNMENT

Personnel cost	-	N372, 000,000:00
Recurrent/Overhead cost	-	N96, 000,000:00
Capital	-	N160, 000,000:00

b) FROM STUDENTS FEES - N450, 000,000:00

TOTAL = N1, 078,000,000:00

9.4 PROJECTED ADDITIONAL FUNDS REQUIRED PER ANNUM

1. Personnel Costs	-	N150, 000,000
2. Overhead Costs	-	N96, 000,000
3. Capital	-	N200, 000,000
4. Library Development	-	<u>N100, 000,000</u>
TOTAL	=	<u>N546, 000,000</u>

Total required annually = N1, 624,000,000

9.5 The Committee noted that in recent times it had become imperative for all institutions of higher learning to look elsewhere for funding of their programmes apart from government subventions, and the Nigerian Law School should not be an exception. In the face of the overwhelming projects and programmes of the Law School begging for attention, it is obvious that government allocations alone can no longer single-handedly bear the expenses that will take the Law School to the next level. Government input alone is no longer enough if the school is to be relevant to the demands of globalization in this millennium. In this regard the following are some of the sources of funding that may be explored to provide additional subvention for the school:

9.6 CONTINUING LEGAL EDUCATION

The provision of Continuing Legal Education courses is one ready source of income for the Nigerian Law School which is one of the functions for which the School was created, but which has never been utilized by the School since its inception. It is noteworthy that apart from generating funds for the School, it will provide refresher courses for practicing lawyers in private practice as well as public enterprise. Without doubt, no lawyer worth his salt can afford to remain stagnant in his acquisition of knowledge in the face of globalization. Consequently, the Nigerian Law School can and should set up courses or seminars where contemporary legal issues would be taught and discussed for a fee. Committees should be set up in various Campuses to work out the modalities in implementing the Continuing Legal Education programmes.

Furthermore, attending such courses and seminars could be made a condition for licensing or registration of lawyers annually as is obtainable in most jurisdictions of the world. Experienced resource persons for such courses including the Law School lecturers may be engaged to participate in the Continuing Legal Education programmes. Certificate of participation would be awarded to participants at the end of each programme or seminar.

9.7 FUNDING FROM INDEPENDENT AGENCIES - NATIONAL AND INTERNATIONAL

Sourcing funds from donor agencies is another way of funding institutions of higher learning such as the Nigerian Law School. It is also a form of public/private sector initiative. There are many international agencies such as USAID, UNDP, DFID, FORD and McArthur Foundations that could donate generously to the Nigerian Law School. It must be noted however that these agencies will not just part with their funds unless they are sure that such funds would be well utilized. To this end, programmes must be put in place which these funds would be expended on. The Nigerian Law School in consonant with global trends can set up programmes such as advocacy training, alleviation of human right abuses, Alternative Dispute Resolution courses, Legal Clinics that will resolve live-client issues for members of the community. In order to attract funding as mentioned earlier, the School can also set up Human

Rights Centres and Legal Clinics to address human right abuses in the society.

9.8 INCREASE IN SCHOOL FEES

The present fee per student is N112, 500:00. The Committee is of the opinion that the fee level is at present unrealistic considering the level of governmental support and our proposals to substantially increase the personnel, implement modern teaching methods and provide massive infrastructural development, with a resulting increase in overhead and capital costs. We saw no other option other than to suggest that the fees being charged the students should be increased.

We therefore propose that students should pay an additional sum of N215, 500:00 bringing the minimum total to N328, 000:00. For 4000 students, this will raise the annual income to N1, 312,000,000. The annual shortfall would be met by government subvention being maintained at current levels. Obviously the school will need to address the issue of funding the Law School programme for worthy but indigent students through the provision of scholarships and bursaries.

9.9 ALUMNI PARTICIPATION

The legal profession should be encouraged to support the Law School through paying over an agreed percentage of the NBA income even if this means increasing practising fees.

Periodic class re-unions and direct intervention should be encouraged. The committee recommends that the Law School opens an Alumni Relations office to coordinate fund raising efforts with alumni on a periodic basis.

9.10 BUILDING OF HOSTELS BY PRIVATE ENTERPRISES

Individuals or corporate bodies should be encouraged to build hostels for the School as a form of philanthropic gesture. Management and running of the hostel can also be handed over to independent private bodies. This will go a long way in relieving the School of huge financial burdens.

10. PROPOSED MINIMUM CRITERIA OF ACADEMIC STANDARDS FOR ACCREDITATION OF LAW PROGRAMMES IN THE UNIVERSITIES.

1.1 The Committee noted that Law Faculties are subjected to accreditation by two institutional bodies- the Council of Legal Education (CLE) and the Nigerian Universities Commission (NUC). At present, the Council of Legal Education has a 10 paragraph statement on Minimum Requirements for Accreditation of Law Faculties. The statement is general in nature and does not provide a detailed guide to the accreditation panel in arriving at appropriate decisions whereas the NUC requirements are much more detailed and stated in measurable terms.

1.2 The non-harmonization of the accreditation requirements of these bodies has led to a lot of difficulties on the part of the law faculties in trying to satisfy these often varied requirements. The consequences of this could be seen in the last NUC accreditation exercise, whereby some law faculties that enjoy CLE accreditation status failed to satisfy the NUC requirements and therefore were denied accreditation status.

1.3 The Committee reviewed the NUC draft Benchmark and Minimum Academic Standards [hereinafter -BMASØ] and based on the draft has proposed a score sheet for the Council of Legal Education's accreditation panels in the following terms:

1.4 ACADEMIC MATTERS

1.4.1 Philosophy and Objectives of the Programme

The Philosophy and objective of the LL.B programme must be clearly stated to provide appropriate direction to the faculty to produce graduates capable of meeting the general objective of legal profession in Nigeria. For this purpose, faculties should draw freely from paragraph 1.1 of the NUC BMAS- LAW. The philosophy and objective of the programme should be assessed as follows:

If clearly defined in line with NUC BMAS LAW and the programme is geared towards achieving the set objectives 6 2
 If not clearly defined, but generally follow NUC BMAS LAW - 1

Not in line with NUC BMAS LAW and no indication that the programme is geared to achieve the set objectives - 0

1.4.2 The Curriculum

The curriculum of the program is the totality of the deliverables offered by the faculty to achieve the set philosophy and objectives of the LL.B programme.

The committee reviewed the current list of core/compulsory subjects and recommends the following amendments/deletions

- 1 Introduction To Law - to replace the current Legal Methods course but with the same course content as prescribed under the NUC BMAS (LAW)
- 2 Delete English Literature and increase the credit content of Use of English from 4 to 6
- 3 We note that NUC BMAS has recommended that Introduction to Computers and Applications and Use of English be taught as compulsory subjects for the LLB. However at present students attending the Law School do not show adequate knowledge and skills in the subjects. Rather than these subjects being taught at the Law School, we suggest that adequate attention be given to them at the degree level.

The curriculum requirement should be assessed as follows:

Completely in accordance with CLE/NUC guidelines and therefore adequately preparing the students to achieve the set objectives - 5

Not completely in accordance with CLE/NUC guidelines but adequately preparing the students to achieve the set objectives - 2

Not in accordance with CLE/NUC guidelines and therefore not adequately preparing the students to achieve the set objectives- 0

1.4.3 ADMISSION REQUIREMENTS

This section will assess the level of compliance with the entry requirements into the LL.B programme in accordance with the CLE and NUC guidelines. We recommend that the admission requirements include possession of a minimum of 5 credits (including English Language) at one sitting. The committee recommends the following assessment criteria:

All students in the programme meet the admission requirement- 5

Any violation of the admission requirement - 0

1.4.4 ACADEMIC REGULATIONS

There should be academic regulations contained in student handbook, which should include rules and regulations governing the conduct of examinations, the grading system, and rules for examination malpractice. The regulation must be clearly stated, well publicized and strictly adhered to. It should be assessed as follows:

Available, quite clear, well publicised and are in use - 2

Available, not clear, well publicised and are in use - 1

Not available - 0

1.4.5 COVERAGE OF SYLLABUS

This section will assess the coverage of syllabus in the courses taught and is to be graded as follows:

Total coverage - 5

80% and above - 3

Between 70-79% - 1

Below 70% - 0

1.4.6 LECTURE TIMETABLE

This section assesses the availability of lecture and tutorial timetable. Faculties must provide lecture timetables for the last four semesters and the level of compliance would be determined by the panel by interacting with students. The section is to be graded as follows:

	MAXIMUM SCORE
Lecture/tutorial timetable is available and is fully complied with	3
Lecture/Tutorial timetable available, but not fully complied with	2
Lecture/Tutorial timetable not available at all	0

1.4.7 EVALUATION OF STUDENTS' WORK

a. EXAMINATIONS

This section assesses the evaluation process of students' examinations through the review of past question papers and answer scripts. To maintain consistency, marking schemes must be used in the evaluation process.

It is to be graded as follows:

Marking scheme exists and the assessment and grading of students' examination is consistent	-	3
Marking scheme exists although the assessment and grading of students' examination appears to be consistent	-	1
Marking scheme does not exist students' examination is poor and inconsistent	-	0

b. CONTINUOUS ASSESSMENT

This section assesses the use of continuous assessment as an evaluation process. Students' performance should be constantly evaluated. These minimum criteria should be assessed as follows:

Students re assessed at least once every four weeks	-	5
Students assessed once every six weeks	-	3
Assessment once during the semester	-	1
No assessment during the semester	-	0

1.4.8 Academic Staff

The adequacy of teaching staff should be determined by the extent to which they meet the provisions of the NUC BMAS in respect of:

- (a) The staff/student ratio,
- (b) The staff mix by rank,
- (c) The competence of teaching staff and
- (d) Qualifications of the teaching staff.

(a) Staff/Student Ratio

The actual staff-Student ratio complies with 70 and 99%	-	7
60 ó 69%	-	4
The ratio provides for less than 60% of the teaching staff need	-	0

(b) Staff Mix by Rank

The staff structure for academic staff expected to be 20:35:45 for Professors/Readers: Senior Lecturers: Lecturer I and below, respectively.

Conforms to guidelines in all three categories	-	6
Follows the guidelines in two categories	-	4
Follows the guidelines in only one category	-	2
Does not meet the guidelines in any of the categories	-	0

(c) Qualifications of the teaching staff

Of the existing teaching staff:

70% or more have PhD	-	3
Less than 70% but more than 60% have PhD	ó	2
Less than 60% but more than 50% have PhD	ó	1
Less than 50% have PhD	-	0

(d) Competence of Teaching Staff

Each member of the accreditation team must rate competence through observance by sitting in class, tutorials, or law clinic sessions and indicate that the teaching staff meets the following minimum criteria:

- | | | |
|---------------------------------|---|---|
| i) Highly competent (Excellent) | - | 5 |
| ii) Very competent (Good) | - | 3 |
| iii) Fairly competent (Fair) | - | 1 |

1.5 Administration of College/School/Faculty/Department

In assessing the administration of the Faculty/Department it should be noted that a good Head performs his leadership role with mutual concern for policies affecting staff and students in the Faculty/Department. The responsibilities of the Dean include the maintenance of the facilities for staff and students, administration, conducting examinations, scheduling of staff and other administrative responsibilities.

1.5.1 The administration of each College / School / Faculty / Department should be graded as follows:

Run by an academic qualified in accordance with the relevant university law and very effective and efficient	6 5
Run by an academic similarly qualified and fairly effective and efficient	6 2
Run by an unqualified academic and generally ineffective and inefficient	- 0

Comments: Panel members should give their impression on *esprit de corps* among staff and the effectiveness of the administrative and academic leadership.

1.5.2 Non-Teaching Staff

These are support members of staff who are indispensable in the proper administration of the programme. Panel members should assess the quality and number of the staff in relation to their adequacy in providing the needed support. Specifically, there should be qualified

typist/secretaries and clerical officers etc. to perform administrative duties.

For the programme for which accreditation is sought, the non-teaching staff should be assessed against the NUC guidelines as follows:

Adequate in number and quality	-	3
Not adequate in number but of good quality	-	2
Inadequate or adequate in number and of poor quality	-	0

Comments: Panel members should confirm the number of non-teaching staff on the ground with those listed in the form to be earlier completed and sent by the faculty. List additional staff required, if necessary, and their qualifications. Indicate superfluous staff, if any.

1.6 ACADEMIC JOURNALS

This section assesses the availability of well referenced academic journal(s) in the faculty. This is to be assessed by the number of journals available and the quality of the publication. It is to be graded as follows:

At least two academic journals are available and are well referenced	-5
One academic Journal available and is well referenced	-3
One academic Journal available but poorly referenced	ó 1
No academic Journal available at all	- 0

1.7 STAFF DEVELOPMENT PROGRAMME

Any improvement in the teacher through schemes of staff development, improves the curriculum and the quality of teaching that the student receives. Staff development programmes are intended to upgrade and update staff competencies. This is achieved through their attendance of seminars, workshops, degree and higher degree courses.

Staff development programme exists and all teaching staff of the department have benefited from it in the past three years	-	5
At least 70% of the staff have benefited from it in the past three years	ó	3
At least 60% of the staff have benefited from it in the past three years	ó	2
at least 50% of the staff have benefited from it in the past three years	ó	1
less than 50% of the staff have benefited from it in the past		

three years - 0

Comments: List names of staff of the Department/Faculty that have benefited from staff development programme in the past three years. Also, state what type of staff development programme the present teaching staff will require to make them more responsive.

1.8 PHYSICAL FACILITIES FOR THE PROGRAMME

1.8.1 MOOT COURT ROOM FOR THE PROGRAMME

Professional skill necessary to practice the profession can be acquired first and foremost from the training institutional facilities that are designed and equipped to stimulate the practice of the profession. It should therefore be adequate in size, well equipped with suitable facilities and well maintained.

This is to be assessed as follow:

(a) Availability and Size of facility:

Available, well furnished and adequate to meet the provisions of the NUC BMAS on space standard 70% or more	6	5
Available, fairly furnished and fairly adequate to meet more than 60% but less than 70% of the prescribed standards	6	3
Available, barely furnished and meets more than 50% but less than 60% of the prescribed standards	6	1
Not available at all	-	0

1.8.2 CLASSROOMS/LECTURE THEATRES/TUTORIAL ROOMS

The sizes of classrooms/lecture theatres should not be smaller than those specified in the NUC- BMAS space standards. There should be adequate chairs and tables to seat all the students in the classrooms and basic facilities should form the basis of the evaluation.

Spaces should be assessed as follows:

100% -	5
More than 80% but less than 100% -	3

More than 60% but less than 80%	-	1
Less than 60%	-	0

1.8.3 **FACILITIES- EQUIPMENT AND FURNITURE**

Compare the available equipment and furniture in the classrooms with those specified in the NUC BMAS for the programme. The equipment and furniture should be assessed as follows:

Adequate and well maintained	-	3
Adequate but not well maintained-		2
inadequate but Well maintained	-	1
Inadequate and not well maintained-		0

Comments: State actual number of classrooms available for teaching the programme in relation to those listed in the document earlier submitted by the faculty. If sharing classroom with other departments, indicate:

- i) If the present arrangement is satisfactory;
- ii) If not, suggest improvement that can be made.

1.8.4 **ICT ROOM WITH FACILITIES**

The importance of ICT facilities in legal training is quite imperative. Law faculties must therefore strive to provide information technology facilities to enhance learning.

The availability of the facilities should be assessed as follows:

	Score
a) Exclusive ICT centre is available with adequate internet facilities	4
b) ICT centre shared with other students in the university but with adequate internet facilities	3
c) ICT centre shared with other students in the university but without adequate internet facility	1
d) No ICT centre at all	0

1.8.5 **LAW CLINIC FACILITY**

Law clinic is becoming an integral part of legal training. Its value in exposing the students to practical legal skills and making them identify with the communities they will serve can not be overemphasized. Faculties should therefore endeavour to provide facilities for legal clinic.

This should be assessed as follows:

Law clinic facility available and quite effective	6	4
No dedicated Law clinic facility	-	0

1.8.6 OFFICE ACCOMMODATION

Lecturers require adequate offices. Such offices should be furnished with basic items of furniture and storage, relevant text books and Laws. They should be well ventilated. Rating should be as follows:

Staff offices are:

Adequate in number and well equipped in accordance with CLE BMAS	6	5
Adequate in number but ill equipped OR inadequate in number but well equipped	6	2
Inadequate in number and ill equipped or inappropriate	-	0

Comments: Panel members to indicate their general impression of office accommodation and their adequacy in relation to the number of staff in the Department.

1.8.7 SAFETY AND ENVIRONMENTAL SANITATION OF TEACHING FACILITIES

A law faculty must have a whole building to itself and in a clean environment. The building should be safe and comply with Federal, State and Local Government Laws relating to safety, fire hazards, etc. All buildings should have functional fire-extinguishers, fire buckets with sand and water and all staff and students should have some knowledge on how to operate all fire equipment. Panel members should check to ascertain that these requirements are being complied with.

Teaching facilities for the programme and the environment are:

Exclusive, safe and comply with all Federal, State and Local Government Laws relating to fire and environmental Sanitation	6	3
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Exclusive, reasonably safe, comply with Most Federal, State and Local Government Laws relating to fire and environmental Sanitation	- 2
Not Exclusive, unsafe, violate Federal, State and Local Government Laws relating to fire and environmental sanitation	- 0

Comments: Panel members to comment on the general safety and environmental sanitation of the Faculty/Department offering the programme to be accredited.

1.8.8 LIBRARY

Books, Journals & Other Resource Material Available in Central/Department Library for the Programme

The law faculty to be accredited must have a separate law library distinct from the university main library. In the rare occasion where such is not possible, a clearly demarcated area within the main library must be created for the exclusive use of law students. The library must be equipped, with relevant text books, law journals, law reports and the laws of the federation and those of the states within the catchment area of the university, in accordance with CLE recommendation. Availability of internet-based legal resources is highly recommended. Availability of local and overseas journals for the programme serves as a means of updating textbooks and the curriculum.

1.8.9 LIBRARY HOLDINGS: NUMBER AND QUALITY

The law Faculty should have a separate and well-stocked Library facility away from the University's Library with relevant Law text books, local and foreign Law reports, statutes, journals and periodicals. A list of suggested Library holdings should be available and should be provided on request.

Library books, journals and other facilities are:

- Adequate in number and of good quality ó 8
- Fairly adequate in number and of good quality ó 4
- Inadequate in number but of Good quality ó 2

Inadequate in number and of poor quality - 0

1.8.10 CURRENCY OF LIBRARY HOLDINGS

Library holdings are:

Very current books, law reports, laws and journals	-	8
70% are very current and the remainder fairly current -		6
All materials fairly current	-	4
50% of the materials are current	-	2
Less than 50% of the materials are current	-	0

Comments: Panel members should also indicate the level of financial support the library receives for books and journals for the programmes annually, for the last three years.

1.9 FINAL ACCREDITATION RATINGS

The following percentage score should form the basis of the decision and recommendation of the accreditation panel:

Scored 70% in core areas of library, staffing, staff development, teaching methods and cumulative total of 70% and above	Full Accreditation	To last for 3 years
Between 55-69%	Interim Accreditation	To last for 2 years
Below 55%	Deny Accreditation	To be revisited after 1 year or as soon as the Faculty is ready for a revisit, but can not admit fresh students before obtaining accreditation status

1.10 PROPOSED COMPOSITION OF THE PANEL

We propose that the following persons continue to serve as members of the accreditation panel, majority of whom must sign the accreditation report to validate it.

1. Director-General, Nigerian Law School
2. One of the Deputy Directors óGeneral
3. Secretary to the Council/ Director of Administration
4. Dean of a Law Faculty
5. A representative of NBA in Council
6. Attorney General of one of the States of the Federation
7. A representative of the National Universities Commission

We recommend that all faculties implement these guidelines within one year of release of these guidelines when approved.

11. BAR PART 1 AND NIGERIAN LAWYERS QUALIFIED AND PRACTISING ABROAD

11.1 The Committee received two memoranda from groups of Nigerian lawyers practising in the UK requesting a review of the Bar Part 1 curriculum as it affects Nigerians who have not only studied law abroad but have been practising law in commonwealth jurisdictions. The memoranda wanted the Committee to review the present criteria that UK qualified Nigerians wishing to return and practice in Nigeria must comply with before they can be called to the Nigerian Bar and recommend to the Council of Legal Education criteria that will take into account their level of practice experience abroad.

11.2 Members of the two groups indicated that Nigerian (or other common law country's) qualified lawyers who come to England to practise do not have to undertake the LPC or BVC; they are required only to do the QLTT [Qualified LawyersqTransfer Test] or a short conversion course and a period of supervised pupillage based on their years of overseas qualification before they are entitled to practice as solicitors or barristers respectively.

11.3 Since 1998 it has been possible for Nigerian qualified lawyers who have the requisite practical experience, to be admitted as solicitors in England and Wales by successfully

completing the Qualified Lawyers Transfer Test ("QLTT"). In order to be eligible to take the QLTT, Nigerian barristers and solicitors must be able to show that they have at least two years' work experience. The period of experience must be gained in three distinct areas of common law and have been undertaken within the previous five years. The work must include contentious and non-contentious business. Critically however, it may include any periods spent in either formal articles of training/pupilage or practice in Nigeria.

11.4 The QLTT comprises four heads: Property, Litigation, Professional Conduct and Accounts and Principles of Common Law, which is similar to the scope of the Bar Part 1 course for foreign trained graduates and permits successful candidates to short circuit the otherwise lengthy process imposed on those who wish to qualify as English solicitors.

11.5 The stated purpose of the QLTT is to identify candidates who have a sound knowledge of the principles of common law and the distinctive features of practice as a solicitor in England and Wales relating to the major actions or transactions in common areas of practice. As can be seen from the foregoing, the Law Society of England and Wales accepts that experience gained in other jurisdictions counts and does not require experienced practitioners from other jurisdictions to take LPC or go through the training period before they can qualify as English solicitors.

11.6 In addition since Nigerians in the profession of Accountancy who upon qualifying in England with the ACCA are only required to do a short course and then sit an exam in Nigeria in order to be entitled to practise in Nigeria, it was suggested that they should be accorded a similar privilege and not compelled to undergo a longer period of Law School training than those who qualified in Nigeria.

11.7 The attention of the Committee was drawn to Section 5 of the Legal Education (Consolidation, etc) Act, Cap 206 which provides that:
"A person shall be entitled to have a qualifying certificate issued to him by the Council stating that he is qualified to be called to Bar if-
(a) He is a citizen of Nigeria; and

(b) He has, except where the Council otherwise directs, successfully completed a course of practical training in the Nigerian Law School " "

By virtue of this provision, the Council is empowered to direct that a person who has not attended the Nigerian Law School is entitled to have issued to him a qualifying certificate stating that he is qualified to be called to the Nigerian Bar. The provision also however highlights the fact that practical training is at the heart of the legal education system in Nigeria.

11.8 The Committee's enquiries revealed that the Council of Legal Education has granted exemptions in the past from participating in the Law School programme on the basis of this section.

11.9 It is our view that the non-implementation of the waiver clause in some agreed form constitutes an obstacle to those highly qualified Nigerian lawyers who have qualified and been practising abroad who wish to return to Nigeria and practice.

11.10 The present position, whereby all Nigerians who have qualified abroad, must attend the 3 months foreign lawyers programme as well as the 1 year Bar Part 2 course for Nigerian graduates, irrespective of their post qualification experience contrasts sharply with the requirements for admission to the English Bar and the Roll of Solicitors in England and Wales of members of the Nigerian Bar. It is possible for a member of the Nigerian Bar with the requisite experience to qualify as a solicitor or barrister in the UK [or even in Ghana] in a matter of months, because his post qualification experience in Nigeria is taken into account.

11.11 We are of the opinion that there should be some measure of reciprocity in the admission criteria imposed on Nigerians qualified and practising abroad who wish to qualify to practice in Nigeria.

12. SUMMARY OF RECOMMENDATIONS

Our recommendations in respect of each of the following of our terms of reference are as follows:

12.1 Review the current courses offered in the Nigerian Law School and the Curriculum of each course.

The Committee recommends that the content of the courses currently being taught be amended and expanded as proposed in Part 5 of this report to bring the course curriculum in line with current practical requirements. We recommend that each subject should be taught with an ethics and human rights component.

12.2 Review the mode and period allotted to teaching.

The Committee recommends that teaching be delivered through clinical legal education as explained in Part 6 of this report and particularly through

1. **Case studies** through which the students will be exposed to legal procedures and develop their legal skills should form the basis for teaching legal principles. These case studies should be distributed to the students in advance of the start of the session and will form the base for practical work throughout the year. At least 3 legal scenarios should be given. The effect of this is that each subject is taught in a practical way using some aspect of the scenario as a live client.

- **Lectures** with not more than 150-200 students in a hall. These lectures should aim at giving an overview of a programme, to prioritise learning points within a topic, to explain, emphasise and demonstrate, with appropriate examples, substantive or procedural points in a particular case context, to focus on areas within a topic that pose particular difficulties and require further explanation or examples and to encourage students to look at the topics from a practical perspective as they will in practice. Handouts on the topic should be given to the students before the lecture. The handout should cover the intended learning outcomes, suggested reading, outline of issues to be considered, case studies to be dealt with, questions and examples or exercises that will be used. Any areas that will not be adequately covered during the

lecture can be dealt with in the short group sessions. Lectures should take place at most once monthly. Lecture notes in power points should be available to the students and all lecturers should maintain authorized teaching notes to ensure that every group receives the same information and that teaching is standardized

2. E-learning. Up to date information as to what is expected of students, tutorial questions and any academic information should be available to students on an intranet/internet. Passwords should therefore be allocated to students when they register. See further our recommendation on integrated IT programs above.

3. Small group sessions (tutorials) should comprise of not more than 30 students. The aim of this class is to develop areas introduced in the main lecture, develop problem-solving and other legal skills, cover case law and statutes, promote intellectual inquiry, use practical means to solve legal problems and encourage teamwork and presentation skills. Handouts should have been given in advance outlining learning outcomes and preparatory tasks. Emphasis should be placed on preparation for classes and full participation in classroom activity which should include role plays, simulation, feedback and working as a team. The role of the lecturer should be to expand on answers given by students. Tutorials should aim at testing and challenging the understanding of the students. It is hoped that electronic boards or projectors should also be used during these classes.

4. Assessments/tests should be continuous throughout the academic year and should be based on assignments, chambers and court attachment reports, Multiple Choice Questions, oral and written tests. The purpose and methods of any assessment should be made clear to students. Continuous assessment should be followed by feedback and personal lecturers should give counselling and guidance. Each student should have personal development file which contains assessment on law in practice, participation in small group sessions, attendance and report of feedback on oral and written skills. The aim of the assessment is to prepare the students for practice by requiring them to demonstrate their knowledge and application of the law in a practical context and associated skills required for practice.

5. The Committee recommends an accelerated programme of

physical development on all the campuses to provide the additional class rooms that would accommodate small groups of students for tutorials.

6. To enhance the quality of teaching at the Law School the Committee recommends :

- a. The requirement of five years experience in active practice of law in a reputable and busy law firm as a pre-qualification to appointment as a Law School lecturer.
- b. In-house teacher training for at least one month for newly appointed teachers.
- c. Newly appointed law teachers to understudy senior colleagues with wealth of teaching experience whenever they can.
- d. Return to practice policy should be introduced to enable regular interaction with lawyers on the field with a view to exchanging ideas and appreciating new development in different areas of practice of law.
- e. A systemic and regular exposure of teaching staff to the challenges posed to the legal profession by the immediate environment.
- f. Provision of access to information technology, adequate and good quality teaching aids and regular appraisal of teaching methodology with a view to updating approach.
- g. Sponsorship to Seminars and workshops with relevant themes in improving teaching skills and enhancing general knowledge of practical legal training and teaching methodology.
- h. Upward review of salaries to enable the Law School attract the best legal talents.
- i. For better communication between students and lecturers, each lecturer mentors a small group of students. The lecturer will provide pastoral advice and is available for any problems the students may have.

12.3 Consider the manner and sufficiency of the extant practical components of the programmes of the school that is,

- the attachments to Law firms and Courts,
- moot and mock trials; and
- Whether and how best to introduce clinical legal education.

Court attachment and Chambers attachment – The Committee recommends that these should form part of the year's assessment and that:

- a. The present Chambers attachment be converted into compulsory pupillage and be conducted after the Bar exams but before the Call to Bar and the period of 'pupillage' should be extended from the present 6/8 weeks chambers attachment to a minimum of 6 months.
- b. Participation and performance during the Chambers attachment should be assessed and used to determine whether a candidate is a 'fit and proper' person to be called to the Bar.
- c. Law students can be attached to Ministries of Justice, Securities and investment tribunals and the National Industrial Court in addition to law chambers for the pupillage period.
- d. a minimum criteria in terms of facilities available should be stated for accrediting chambers to which students will be posted for pupillage. Accreditation and monitoring should be done by the Law School and the Nigerian Bar Association.
- e. Specific activities/skills to be learnt by the pupil during the period must be listed and made available to students and chambers.
- f. A weekly log of activities and tasks undertaken in chambers should be documented by the pupil and used to determine the 'fit and proper' person status.

Moot/mock trials: We recommend that more **moot/mock trials** sessions should be introduced and participation by students should be compulsory and group scoring done.

Clinical Legal Education [CLE] – The Committee recommends that the Law School adopts clinical methods in teaching legal principles. The proposed CLE methods should place emphasis on the use of interactive teaching methods and clinical approaches such as, simulations, role plays, video clips, legal aid clinics, and pro bono service centre in all campuses to provide a practical learning experience and equip students with employable legal skills. Students should be divided into groups and group scoring should be introduced.

12.4 Work out how best legal practitioners in diverse areas of Law can be formally integrated in the programme of the Nigerian Law School.

1 We recommend that the Law School liaises with the Nigerian Bar Association through the host branch at each campus to provide lawyers who will monitor the practical skills gained by the students through a pro

bono scheme.

2 We recommend also that the Law School and the Nigerian Bar Association either at its headquarters or at the branch levels, constitute committees to inspect, accredit and maintain a register of law firms suitable for pupillage training for Law School graduates.

12.5 Propose a practical means of adequately funding the programmes of the School.

d. In order to implement the suggested reforms, school fees should be increased from the current N125, 500 to N328, 000:00.

e. Sourcing funds for development projects from donor agencies should also be explored as a form of public/private initiative.

f. The Committee notes that Continuing Legal Education is one ready source of income for the Nigerian Law School which is one of the functions for which the School was created, but which has never been utilized by the School since its inception. It is noteworthy that apart from generating funds for the School, it will provide refresher courses for practicing lawyers in private practice as well as public enterprise.

g. Contribution from Alumni can also be a valuable source of income for the Law School

12.6 Propose minimum criteria of academic standards for accreditation of Law programmes in the Universities.

To ensure that standards at the Law School are maintained the Committee recommends that:

12.6.1 The Law School adopts the criteria for accrediting law faculties proposed in Part 10 of this report.

12.6.2 In accrediting law faculties the Committee recommends further that

1. There should be a separate faculty building, providing facilities for Dean and Lecturers' offices, classrooms and other physical facilities, e.g. staff and students' common rooms, moot court room, indoor and outdoor sporting facilities etc.

2. There should be adequate qualified and experienced academic staff, which should include a Dean of Law of professorial grade.

3. The Academic Programme of the faculty should include the teaching of Core subjects. These are; Nigerian Legal System, Law of Contract, Law of Tort, Constitutional Law, Law of Evidence, Criminal Law, Nigerian Land Law, Equity and Trusts and Commercial Law.

4. The faculty should be in an environment conducive for the teaching of Law and the grooming of students for the final stage of their training at the Law School.

5. Only the specific quota of students approved by the Council of Legal Education for the Law faculty will qualify for admission to the Nigerian Law School.

6. The Council Of Legal Education should be invited before establishment, but in any case not later than the second year of the faculty's existence, to inspect its facilities; and it should not entertain any invitation for accreditation from any University coming for the first time in its third or fourth year or just a year before its first set of students graduate.

7. On no account should any University, recognized by the Council and approved for accreditation, establish or run a part-time or distant learning Law programme.

8. No approved Law faculty should be allowed to establish an annex or branch of its Law faculty in any part of Nigeria or even outside the main campus of its University where the Faculty is situated. Such an annex or branch will be regarded as a correspondence school and will not qualify for approval and accreditation.

12.7 Any other appropriate scheme that will enrich, modernize and practically capture the needs of all the shades of Legal Services in Nigeria in a globalised world through competent legal practitioners.

12.7.1 The Committee also recommends that the following be set up to maintain high standards:

a. A department of quality assurance and enhancement for all Law School provision and which will deal with staff appraisal, staff development, programme appraisal and monitoring.

b. Quality assurance procedures, regulations and protocols for programme approval, review and amendment and procedures for the quality assurance of materials.

c. An education and training Committee, which will be responsible for

all Law School programmes.

d. A structured teacher training programme.

e. Issuance of termly student questionnaires

12.7.2 The Committee also recommends the re-training of Lecturers on the concept of Clinical Legal Education, modern teaching methods associated with it; and most importantly the use of Information and Communication Technology (ICT) as a tool for teaching and research and that lecturers be provided with adequate facilities such as computers, multi-media projectors and teaching aids (especially interactive teaching methods).

12.7.3 We further recommend that a Committee of Council, as a matter of urgency be established to assess and determine:

a. The criteria upon which Nigerian lawyers qualified abroad should not be required to attend the Bar Part 2 Course or

b. The extent of any training period required of such lawyers at the Law School

CHAPTER 3

Mapping the Road to Reform

Once the problems of legal education had been thoroughly investigated by the Council's Committee on the Review of Legal Education, Dr. Mamman as the head of the Nigerian Law School set in motion a chain of events in an attempt to translate the committee's report into reality.

While the Committee on the Review of Legal Education was working, Nigerian Law School received the nod from the World Bank (IDF) in late 2006 that it would support the proposed reforms of legal education with 500,000 US Dollars. The IDF financing was the first of its kind in the history of the Nigerian Law School. The funding was captioned "Legal Education Capacity Building Project" and the objective was to strengthen the institutional capacity of the Nigerian Law School to enhance its training programme.

The IDF funding covered the following:

- (i) Enhancing Nigerian Law School Teaching and Management Capacity;
- (ii) Enhancing Nigerian Law School's training Capacity using information and communication Technologies; and
- (iii) Enhancing Nigerian Law School Capacity in Project Management, Monitoring and Evaluation.

In 2007 the Council of Legal Education approved the report of the Legal Education Review Committee.

From 2007 Nigerian Law School embarked on the following projects and programmes to achieve the goals of reform of legal education and implement the report of the Council's Committee on the review of legal education:

(i) Skills and clinical legal education training for all law Teachers of the Nigerian Law School 14 – 25 May 2007 with Prof. David McQuiod-Mason of the University of Kwa-Zulu Natal Durban and Prof Richard Grimes of the College of Law England and Wales as consultants and facilitators and Ernest Ojukwu as Workshop Coordinator. See The REPORT marked APPENDIX A of this chapter.

(ii) Participation in 2006/2007 of senior academic staff of the Nigerian Law School at the Inner Temple Advocacy Training Committee (ITATC) courses organised by the Inn in London.

(iii) In 2007 there was on each campus a week long training for law teachers on IT and legal research online. The programme was sponsored by the British Council-DFID and the facilitator from England was Mohammed Dara Islam.

(iv) Trial Advocacy Training for law teachers of the Nigerian Law School at Abuja 28-29 October 2007. The training was facilitated by consultants Joanna Korner QC and John Ross QC from the Inner Temple in England. See the REPORT marked APPENDIX B of this chapter.

(v) Workshop on constructing a framework for the work-based learning of the Nigerian professional legal training (law office attachment workshop) held on 28th December 2007 at Abuja. Mr Chris Maguire, Director of Quality Assurance and Enhancement and Chairman of the Education and Training

Committee at BPP College of Professional Education and Professor Hugh Brayne, law and education consultant, visiting professor Thames Valley and Portsmouth Universities were consultants and facilitators. The REPORT is APPENDIX C of this chapter.

The aim of the workshop was to:

To enable all participants to *explore and explain* the essential and desirable elements of any work-based learning programme (WBL) through which future qualified Nigerian lawyers will learn from exposure to the practice of law; and to enable the facilitators to *acquire a thorough understanding of the requirements of the profession* and the Law School in order to draft a report with recommendations for development of the WBL requirements of legal training

(vi)Curriculum Development Workshop for twenty-four Law teachers of the Nigerian Law School held on 17th and 18th September 2007 at Augustine Nnamani Campus Nigerian Law School and conducted/facilitated by Ernest Ojukwu.

The aim of the workshop was to train the teachers to be:

1. cognizant of contemporary trends in curriculum design;
2. able to design, evaluate, then deconstruct a curriculum; and
3. able to lead the production of fully fledged curriculum for the Nigerian Law School that would be used in the World Bank sponsored curriculum workshop of October 2007.

During this workshop, law teachers for the first time discussed the vision and mission of the Nigerian Law School and produced the first vision and mission statements for the Nigerian Law School. This came 45 years after the Nigerian Law School was established. The workshop Programme is APPENDIX D of this chapter.

(vii) The September workshop produced a draft curriculum, the basis for the next workshop held on 25th and 26th January 2008 - Legal Education Capacity Building Workshop Project: Curriculum Development Workshop held at the Digital Bridge Institute Utako Abuja. Prof. Richard Grimes and Ernest Ojukwu conducted the workshop. See Consultants Report below identified as APPENDIX E of this chapter.

(viii) In January 2008 through World Bank (IDF) Funding, Nigerian Law School engaged John Mayer (Executive Director Center for Computer-Assisted Legal Instruction/CALI Chicago USA) to undertake a Study of the Nigerian Law School ICT needs. The objectives of the study were as follows: The need to carry out a comprehensive study to evaluate the current ICT facilities at the School and suggest the steps required to make the School a modern e-enabled law school where ICT is integrated in campus management functions and routinely used during teaching; and to determine how the school can effectively deploy the use of audio-visual equipments during teaching and sharing of database.

At the end of the study, the consultant presented a status report (APPENDIX F) on the ICT facilities available, and the scope of use of modern visual and audio communication equipments, identified gaps and suggested a comprehensive forward looking plan.

(ix) From 10th to 14th June 2008 all the Nigerian Law School teachers participated in another Teachers' Skills Training workshop to review the draft curriculum produced at the September 2007 and January 2008 curriculum development workshops and discuss its implementation. See APPENDIX G of this chapter for the REPORT.

(x) The last teacher training and curriculum development workshops before the implementation of the new curriculum were held in the month of September 2008. The REPORT is

APPENDIX H of this chapter. “This was the final set of training workshops before the implementation of the new curriculum. The workshops were held, in sequence, at each campus of the NLS. The reason for this was twofold: first so that the training could take place in smaller groups than used in previous training sessions (thus making it a more intense experience for all and in the context of each of the teams that would be responsible for delivering the programme) and secondly to have the training take place with the facilities and in the environment that would apply when the programme was actually implemented. The workshops were held in the following order: Enugu (E), Lagos (L), Kano (K) and Abuja (A). In all 60 delegates attended the 4 workshops.

Ernest Ojukwu coordinated and co-facilitated all four workshops.

Because of the intensive nature and small group work emphasis of the workshops four consultants had been appointed to assist with the workshop.” Prof. Richard Grimes and “3 highly experienced legal educators with subject specialism directly applicable to the implementation of the NLS’ new curriculum – Professor Jeff Giddings (former Head of Learning and Teaching, School of Law, Griffith University, Queensland, Australia), Stephen Levett (Deputy Director, Staffing, The College of Law of England and Wales, York) and Rebecca Parker (Pro Bono Co-ordinator, The College of Law of England and Wales, Birmingham).”

(xi) The new Curriculum was implemented in November 2008. See Chapter 4.

(xii) On 11th and 12th November 2008, Nigerian Law School in partnership with National Universities Commission, organised a conference of Deans of Law Faculties with the following objectives: Inaugurate a Conference of Deans of Law Faculties and Heads of Law School in Nigeria; and discuss the future

direction of Legal Education in Nigeria. The programme is shown in this chapter as APPENDIX J.

(xiii) On 28th and 29th May 2009 law teachers participated in an Assessment Workshop. The Objective of the workshop was:

- 1.To review draft bar examination questions;
- 2.Discuss assessment methods;

The intended Outcomes were:

At the end of the workshop, our law teachers will be able to produce standard bar examination questions that is focused on our outcome and skills-based curriculum. Dr. Ismail Junaidu, Director Curriculum Development Centre, NERDC, Sheda Abuja FCT co-facilitated this workshop with Ernest Ojukwu. The Report is shown below as APPENDIX K.

(xiv) In September 2009 the Nigerian Law School held a week long academic retreat and reviewed the new curriculum that was implemented in 2008.

The Council of Legal Education, Nigerian Law School for the first time in its history extensively reviewed its academic programme between 2006 and 2008.

The review consisted of different component parts including discussions with relevant stakeholders (law teachers, the judiciary, government and the legal profession), advice from external consultants and a programme of staff development and training.

This process led to the adoption of a new curriculum and teaching method for the Nigerian Law School that came into force in November 2008.

The reason for adopting a new curriculum and teaching method was to achieve a standard of educational practice which reflects

current best practices in the training and development of lawyers with requisite skills and values to render services at local and international level.

With the conclusion of the first year of training under the new curriculum and teaching method, it became needful to review and take stock with a view to fine-tuning the curriculum and further develop the programme.

(xv) In June 2010 with the financial support of the World Bank (IDF), consultants conducted an IT/Infrastructural assessment of the 4 campuses of the Nigerian Law School and submitted a report shown as APPENDIX L.

(xvi) A week long capacity building workshop was also held for Senior Management Staff of the Nigerian Law School at Kaduna in 2010. The workshop was supported with the World Bank (IDF) grant to the School.

(xvii) Other capacity programmes undertaken included: training of teachers on application of ICT techniques to teaching, impact assessment of the new curriculum, training programme for some law teachers, many training workshops for library staff, and training of accounting staff in using accounting system for the Nigerian Law School.

(xviii) In addition to human resource capacity building support, the World Bank also supported the following Nigerian Law School projects: Library books, data base and legal software, accounting hardware and software, and ICT equipments.

(xix) In 2011 Nigerian Law School engaged two consultants to conduct an assessment of the needs of the legal professions and also conduct an impact assessment of the new curriculum. The reports of the consultants respectively marked APPENDIX O by Dr. Sadiq Isah Radda of the Department of Sociology Bayero University Kano, and APPENDIX P by J.U.K Igwe, Senior Advocate of Nigeria, were presented at a Validation

Workshop in May 2011. See the Programme marked APPENDIX M below.

(xx) The successful process of reforms at the Nigerian Law School was partly based on the links and partnerships established with other agencies and institutions by the Director-General. These links include the following: The World Bank (IDF), British Council-DFID, Inner Temple London, College of Law England and Wales (now University of Law), National Universities Commission, International Association of Law Schools, Centre for Computer Assisted Legal Instructions (CALI) Chicago, and many others. It was from these institutions and agencies that the Nigerian Law School pooled consultants to assist in the reform process.

In 2013 the College of Law England and Wales (University of Law) signed an MOU with the Nigerian Law School.

Earlier DFID had sponsored the setting up of Computer and Internet Centres equipped with VSAT Internet ready computers in the four campuses of the Nigerian Law School. DFID followed this up as stated earlier with workshops for all law teachers and library staff in each of the campuses on the use of IT for online research.

APPENDIX A**SKILLS AND CLINICAL LEGAL EDUCATION TRAINING
FOR LAW TEACHERS ABUJA, NIGERIA 14 – 25 MAY
2007****CONSULTANTS' REPORT****1. Introduction**

In late 2006 Richard Grimes and David McQuoid-Mason were asked by Ernest Ojukwu, on behalf of the Council of Legal Education, to assist with a training programme for the Nigerian Law School. Following discussions a comprehensive programme was devised aimed at increasing the capacity of the teachers at the Law School to use interactive teaching methods. The programme was delivered between 14 and 25 May 2007. Two workshops took place over this period – each following the same format and content but being delivered to 2 different sets of law teachers. By the end of the second workshop all teaching staff at the Law

School had had the chance to participate. This report summarises the substance of the workshops and in conclusion links the progress made at the workshops with other in-country developments and possible ways forward for the Law School to consider.

2. Workshop activity

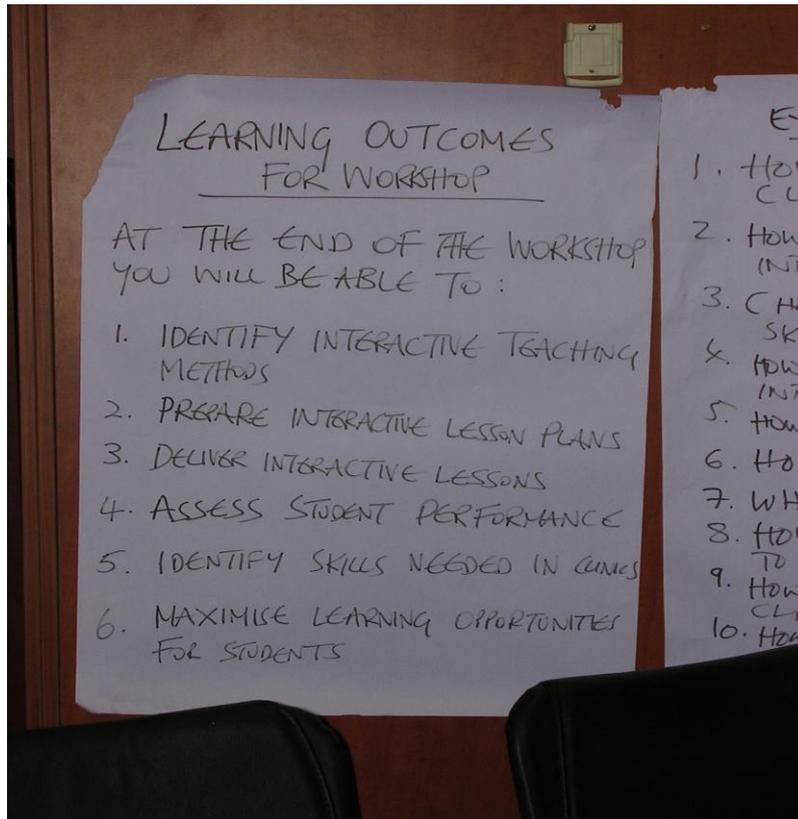
The overall aim of the workshops was to introduce teaching staff at the Law School to interactive methods of teaching and learning. The Law School asked in particular that the workshops looked at the skills that lawyers need and use (notably interviewing, dispute resolution and advocacy) and at the a clinical or hands-on teaching methodology where students could learn from exposure to real or realistic casework.

The facilitators/resource personnel adopted a strategy to encourage active participation by all delegates – this consisted of the introduction and demonstration of how to teach skills through clinical methods followed by preparation and presentation by delegates, in small groups, addressing the demonstrated skills.

Flip-charts were extensively used to record all aspects of discussion and to act as a record of proceedings. The workshop presentations (by the consultants and delegates) utilised a variety of presentational methods including *Powerpoint*.

A further report is being prepared by Ernest Ojukwu detailing the workshop content and setting out an action plan for the future.

The learning outcomes, as recorded for the workshop, were as follows:



It was an important feature of the workshops, both in terms of clarity of objectives and developing effective techniques for interactive teaching, that these outcomes were measurable. Each outcome was designed to give participants the opportunity to engage in the defined activity and for the consultants, in discussion with delegates, to evaluate performances. A significant amount of the workshop was spent in peer and consultant feedback.

The workshop delegates were given a resource handbook that contained details of the workshop content along with supplementary material providing background information on interactive teaching and clinical models together with case studies illustrating teaching techniques.

The workshops followed the following schedule, which was designed to build, incrementally, on the experience and understanding gained:

- **Day 1** – explanation of workshop format; identification (through group brainstorming) of: skills, teaching methods, assessment devices, supervision techniques and teaching problems in Nigeria (particularly large group teaching); teaching interviewing interactively – a demonstration; teaching negotiation interactively – a demonstration; preparation by delegates of lesson plans in interviewing and negotiation.
- **Day 2** – examination of clinical models: law school in-house and outreach clinics and placement clinics; preparation and presentation by delegate groups on suitability of clinics at the law school; teaching mediation skills interactively – a demonstration; teaching case analysis and trial preparation interactively - demonstrations, preparation of lesson plans on mediation, case analysis and trial preparation.
- **Day 3** – examination of clinical models: legal literacy (*Street Law*) and simulation; preparation and presentation by delegate groups on suitability of clinics at the law school; presentation by delegates of interactive lessons prepared in Days 1 and 2; teaching witness preparation interactively – a demonstration.
- **Day 4** - teaching trial planning interactively – a demonstration; teaching examination-in-chief and re-examination interactively – a demonstration; teaching cross-examination interactively – a demonstration; teaching closing arguments interactively – a demonstration; preparation of lesson plans on witness preparation, trial planning, examination-in-chief and re-examination, cross-examination and closing arguments.
- **Day 5** - presentation by delegates of interactive lessons prepared on Day 4; preparation for and presentation of

mock trial involving all participants in the workshops; final plenary session and evaluation.

During the second workshop an opportunity arose for the consultants to visit the Abuja campus and to present an interactive teaching session to illustrate how such techniques could be used in large group settings. Around 900 students attended and took part.

The consultants also had the chance to visit the Kano campus whose buildings seemed to have the potential for the development a law clinic office complex and tutorial rooms.

During the second week reports began to come in from some of the teachers who had begun to experiment successfully with interactive teaching techniques learnt during the first workshop.

3. Conclusions

The learning in the 2 workshops was, as in all effective education, a two-way process. Through open discussion, meeting different stakeholders (for example the DG of the Legal Aid Council, practitioners in the country, NGO's and administrative staff in the law school) the sharing of ideas and a increased appreciation of local contextual issues the consultants became increasingly familiar with the issues facing teaching staff.

The size of classes was clearly a concern to participants. Between 500 and 1,500 students could attend a single lecture. The consultants worked with this in mind and specifically dealt with techniques for involving large numbers of students in the teaching process. Ernest Ojukwu's report will set out the techniques for dealing with such significant student numbers. The teaching demonstration carried out by the consultants at the Abuja campus illustrated how these may be employed.

It was made clear in the final plenary session of the workshop - and in comments made since - that the Law School management and staff are highly committed to changing the face four of legal education in Nigeria to better equip would-be lawyers with the knowledge, skills and values appropriate to the modern age - bedded in a commitment to improving access to justice and the democratic process.

The training compliments and builds on work already underway in Nigeria, including the Security, Justice and Growth programme (run by the British Council and funded through DFID), the Nigeria Law Project (supported by the Law Society of England and Wales) and the Legal Defence and Assistance Project. Clinical legal education projects also exist at universities in Nigeria including the University of Maiduguri, providing invaluable legal services to the local community as well as effective interactive learning for students.

The growth of clinical programme can, in the view of the consultants, only contribute further to effective learning and teaching strategies as well as public legal service provision.

Both consultants would like to thank the DG of the Council of Legal Education and Head of the Abuja campus of the law school (Dr.Tahir Mamman) for his support and vision, Ernest Ojukwu DDG and Head of the Enugu campus of the Law School for his energy and determination, and to all of the workshop delegates for their willingness to engage so readily in the training.

If either of us can assist further we would be delighted to do so.

**Professor Richard Grimes and Professor David McQuoid
Mason
Consultants and Resource personnel
1 June 2007**

APPENDIX B**REPORT TO WORLD BANK ON ADVOCACY TRAINING PROGRAMME FOR NIGERIAN LAW SCHOOL HELD IN ABUJA BETWEEN 28-29 OCTOBER 2007****1. INTRODUCTION**

- 1.1. This programme arose as a result of contact between the Inner Temple Advocacy Training Committee (ITATC) and Dr. Tahir Mamman, Director-General of the Nigerian Law School. In 2006/2007, courses run by the Inn were observed by staff from the Law School.
- 1.2. In July 2007, the Director-General asked Joanna Korner QC, Chairwoman of the ITATC to devise a programme to instruct staff of the Law School in the method used for advocacy training of pupil Barristers and those who are in their first 4 years of practice. In the UK this training is carried out by members of the Bar (and Judges) who are in actual practice.
- 1.3. The goal was to create a cadre of teachers at the Law School who would be provided with the skills necessary to teach advocacy to the students.
- 1.4. It is understood that the programme is part of a laudable initiative to raise the standards of advocacy by actual practitioners in the Nigerian courts, with a view to ensuring that international standards can be achieved and maintained by Nigerian legal practitioners.

2. THE CONTENT OF THE PROGRAMME

- 2.1. Training young lawyers in the skills of advocacy has been carried out in the UK since approximately 1993. The method of training (known as the "Hampel" method after its originator, Professor George Hampel of Monash University, Australia) is based on the American National Institute of Trial Advocacy ("NITA") programme, but adapted for the different styles of advocacy found in other adversarial systems.

- 2.2. The Hampel method is a structured one which requires teachers to listen to an advocacy performance by a student (who is part of a group), note the questions asked and identify a single problem in the student's performance. At the end of that performance, the teacher encapsulates the problem in a short memorable phrase, reads back the questions which relate to the problem, explains why it is a problem, what the remedy is and then demonstrates (by doing the advocacy himself) how it could be done better. Either immediately afterwards (or at a later stage), the student will repeat part of the performance to reveal that the solution to the problem has been learnt. Additionally, wherever possible the student's performance will be recorded on video so that a further review relating to matters of style and presentation may be discussed with the student by a separate trainer who watches the performance with the student in private (video review).
- 2.3. Whilst this method may not appear to be particularly complex, because it is an analytical one and requires teachers to note questions (rather than the normal habit of a lawyer to note the answers), it does require considerable practice and a certain level of personal advocacy skills before the teacher can become effective.
- 2.4. For the purposes of this programme, a course was devised which mirrors the training given to those who are trained to teach advocacy in the UK. It includes the teaching of analysis of the issues in a case. The only difference between the two courses was that no video review training was included in the Nigerian programme, as the funding and time allowed for the course did not permit this training to be carried out.
- 2.5. The actual training was carried out by Joanna Korner QC (JK) a criminal law practitioner and John Ross QC (JR) a civil law practitioner.
- 2.6. A copy of the outline course is attached as Appendix A. There were 2 case studies used, one a criminal case of assault and one a civil claim relating to an accident.

3. THE OPERATION OF THE PROGRAMME

- 3.1. As may be seen from Appendix A, it had been understood from the discussions which had taken place prior to the course, that there would be 16 staff from the law school that would be “teacher-trained”. They would be divided into 2 groups, the first using the civil case study and the second the criminal one. As the training requires that students do an advocacy performance for the trainee teachers to critique (and then in turn have their critique reviewed by either JK or JR), it was understood that each group of 8 would have an equivalent number of students.
- 3.2. It was only after the introductory sessions that it was realised by JK & JR that the Law School had planned for 4 people to be trained as teachers with the remainder of the participants acting as students to do the advocacy performances and/or play witnesses. When it was explained that the programme, in particular the time-tabling of the exercises, was designed to train more than 4 people, a re-organisation of roles was carried out, with minimum disruption, by members of the Law School staff.
- 3.3. The first observation it is worth making is that the enthusiasm for the course which was evinced by the participants was, in our experience, remarkable. Not only was there 100% attendance over the 2 days, but the discussions during the plenary sessions and those within the groups showed that the participants were not only interested in the techniques (and their wider application) but extremely anxious to acquire the skills.
- 3.4. The exercises in groups took far longer than anticipated for 2 main reasons:
 - (i) None of the staff of the law school have apparently been in court for a number of years. Accordingly it was not just the training method which they found difficult but the identification of the advocacy problems and the advocacy performance which they had to do themselves as a demonstration. This meant that the reviews by JK

- & JR had to cover more aspects in depth than would have been the case with more experienced advocates.
- (ii) For a course such as this to be of maximum benefit, extensive preparation is required even by the most experienced of advocates. We feel, therefore, that if this course is to be repeated there needs to a considerable lead in time between the delivery of the course literature and the date on which it commences.
- 3.5. Accordingly, as a result of the length of time taken for each group exercise, on both days, one of the proposed exercises shown in the programme had to be omitted and one on the Sunday had to be shortened. It is also right to point out, that a very high level of concentration is required when undergoing this training and the result is that by late afternoon most of the participants and UK trainers were exhausted. In the UK this training is divided into sessions split between 3 different days.
- 3.6. Our conclusion at the end of the course was that it would be highly desirable, for the majority of the participants to attend a further training course ~~is~~ before they teach advocacy to students. A minority (whose names were provided to the Director-General) showed real promise and provided they practice the techniques should become competent trainers. The Inner Temple is (and, I have no doubt, the other Inns of Court are) prepared to assist by having, as visiting trainers on its “New Practitioner” courses, such members of the Law School as are able to attend.

4. RECOMMENDATIONS

To achieve the overall goal of raising the standards of advocacy generally, as well as the more instant goal of providing effective advocacy teaching at the Law School, it is recommended that the following actions be taken:

- (i) A further course is run - in the not too distant future - for the participants in this course. It

- should include a module teaching the technique of video-review.
- (ii) The next course should be spread over at least 3 days, employing sufficient consultants for groups to be smaller (which allows for the participants to have more practice at reviews) and for the teaching of video-review techniques.
 - (iii) Actual students should take part to carry out the advocacy performances (& play witnesses) for the purposes of review. This will enable the Law School trainers to obtain “real life” experience of those advocacy problems/deficiencies which their students will manifest and provide them with an opportunity to handle and resolve those advocacy problems, with assistance from experienced advocacy training consultants.
 - (iv) The Law School would be greatly assisted in its training if actual lawyers in practice were also to be trained as teachers. This will enable the students to benefit from the experience of advocates with particular knowledge of Nigerian criminal and civil procedure as it operates in practice, and of the expectations and requirements of the Judges who administer justice in the Courts of Nigeria.

5. CONCLUSION

- 5.1. As already stated, we were most impressed by the enthusiasm and commitment displayed by all the participants on this programme. The organisation of the logistics for the course could not be faulted. The hospitality was such that we were able to engage in fruitful discussions which ranged beyond the topic of advocacy training, into wider areas of law and training generally.
- 5.2. We would like to thank, in particular, the Director-General Chief Tahir Mamman, Professor Ernest Ojukwu, Chief

Joe-Kyari Gadzama SAN and Mr P.C. Okore for their assistance in organising this successful course and for the generous hospitality shown to us throughout our stay in Abuja.

Joanna Korner QC
John Ross QC

November 23, 2007

APPENDIX C

NIGERIAN LAW SCHOOL

**WORLD BANK ASSISTED LEGAL EDUCATION CAPACITY
BUILDING PROJECT**

**CONSTRUCTING A FRAMEWORK FOR THE WORK-BASED
LEARNING ELEMENT OF NIGERIAN PROFESSIONAL LEGAL
TRAINING**

REPORT OF CONSULTANTS 18.12.07

Contents of report

Introduction

Abuja Workshop 28.11.07

- Agenda
- Preparation by Participants
- List of materials provided or referred to
- PowerPoint slides
- Key decisions

Recommendations of consultants

Consultants Biographies

Introduction

Terminology

1. Work-based learning is a concept widely used in the UK to identify that part of learning – usually in a professional context – which can only, or best, be achieved as a result of engaging in or with that professional work. This is a very broad definition. Words such as *placement* or *attachment*, by contrast, cover a narrower range of learning opportunities, since they presuppose the context. To assume that legal trainees require placements or attachments before identifying aims, outcomes, available resources and learning and teaching methods runs the risk of closing down other ways of achieving the desired outcomes. Therefore we proposed initially that we would define what we were exploring as work-based learning until a narrower definition became possible following the discussions with the stakeholders.
2. Other concepts used in this report and in our recommended framework will be explained in the relevant sections. A brief glossary may assist at this stage.
3. Learning outcomes: prescribed elements of learning which can be demonstrated by evidence of appropriate behaviours by the learner. Learning outcomes represent the essential minimum learning which must be achieved in any particular programme of learning, such that failure to demonstrate the achievement of all of them precludes the candidate achieving the qualification.
4. Quality assurance: the operation of mechanisms by which the provision of the intended learning experience and the

achievement of the aims and outcomes of the learning experience are monitored, evaluated and reviewed. The information arising from the quality assurance process enables stakeholders to deter, avoid or correct errors and abuses, enforce standards, and provide confidence in the robustness of the learning and assessment process and the outcomes achieved by students. Quality assurance also provides the foundations for quality enhancement. Quality enhancement draws upon the information provided by the quality assurance process to develop and improve the quality of the learning experience provided to students and the quality of the outcomes they achieve.

The programme of work

5. Our appointment and brief forms part of a comprehensive review of the training of lawyers in Nigeria. World Bank funding is indicative of the importance, to Nigerian society in particular but in broader terms to global development, of a well trained, highly professional and ethical legal profession providing services to individuals and to the community within a framework of law, accountable to the courts, to professional codes and to the highest ethical values.
6. We were appointed as consultants to the Nigerian Law School (NLS) in early November 2007 and we formally commenced our work on 26.11.07 on arrival in Abuja. We were required to deliver a workshop to key stakeholders, and to follow this with our recommendations for the work-based element of training. We liaised at all times with Professor Ernest Ojukwu, Deputy Director General of the NLS, and all decisions set out in what follows were taken in conjunction with Professor Ojukwu or as a result of agreement of participants at the workshop.
7. What follows in this report and in the proposals we make are those of the consultants. Any errors in capturing the

information provided to us or the preferences expressed to us are our own responsibility, and our proposals are intended to provide a framework which can be used and adapted or modified as required, not the definitive or sole template. We consider it vital, and compatible with our views on quality enhancement, that our proposals evolve and be built on.

The aim of a programme of work-based practical legal training prior to qualification as a member of the Nigerian Bar

8. As a result of prior discussions via email to clarify the scope of our task we proposed the following overarching aim which would guide our planning, discussion, and proposals.

<p>To ensure trainees have <i>achieved and demonstrated a defined minimum level of skill, aptitude, ethical understanding and knowledge</i> before they commence practice.</p>
--

9. The above aim was accepted without modification and remains the basis for development of the Framework.

LAW OFFICE ATTACHMENT WORKSHOP FOR THE NIGERIAN LAW SCHOOL 28TH DECEMBER 2007 AT ABUJA SHERATON HOTEL AND TOWERS ABUJA

The following aims, objectives and agenda were drafted and approved prior to our arrival.

Aim of workshop

To enable all participants to *explore and explain* the essential and desirable elements of any work-based learning programme (WBL) through which future qualified Nigerian lawyers will learn from exposure to the practice of law

To enable the facilitators to *acquire a thorough understanding of the requirements of the profession* and the Law School in order to draft a report with recommendations for development of the WBL requirements of legal training

Objectives for the workshop

To recommend a suitable design for the WBL part of legal training, we sought the help of the workshop to identify:

- those outcomes for which in-office training is best or is uniquely suited to develop
- the means of ensuring that each trainee is exposed to a learning experience which provides reasonable opportunity to achieve those outcomes
- appropriate mechanisms for the professional bodies and the Law School to quality assure that experience
- appropriate means to ensure the achievement of those outcomes for each successful trainee and to identify those trainees who have not yet achieved them
- appropriate means of quality assuring that measurement, or assessment, process

Workshop Agenda

EXPLORATION AND SCOPING STUDY

Session 1 – process for the workshop and follow up

- introductions
- agreeing the objectives and working methods for this workshop
- identifying the process for production of guidelines by consultants

Session 2 – Identifying the problem and the opportunity

- What is working well currently and should be retained?
- What needs fixing?
- What are your overall aims for work-based learning within legal training?
- Do you need to identify a minimum period of WBL
- in which areas do trainees need to achieve additional learning through WBL* :
 - ethics?
 - handling clients?
 - negotiation?
 - writing?
 - drafting?
 - (office) management?
 - legal research?
 - court skills?
 - analysis?
 - ability to continue to learn?
 - recognition of limits?
 - other – if so, which?

Session 3 - resource constraints

- availability of suitable placements
- ability of supervisors to ensure learning
- amount of time students can pay

Session 4 – learning theory, quality assurance, assessment and outcomes

- how learning theory can assist in design of model
- the principles of QA and examples of how they may be applied in practice

* The list as amended and agreed by participants is shown in the copies of PowerPoint slides below

- outcomes you would seek to set, and the means by which they can be assessed

ACTION: MODELS AND CHOICES

*Session 5 – learning resources for WBL**

- within the law school, at academic or vocational stage
- within the legal professions
- within community agencies
- mix'n'match or prescription?

Session 6 – QA and assessment resources

- who will sign off the student as having achieved the outcomes?
- what forms of evidence will be accepted:
 - informal observation?
 - portfolios – if so, containing what?
 - structured interview?
 - examination?

Session 7 – closing session, the task ahead

Open session to ensure consultants have understood the objectives for providing advice on a suitable model for Nigerian Law School

* The contents of this session were in fact covered in the earlier sessions

PREPARATION BY PARTICIPANTS

The following notes were provided as a basis for participants to prepare for the workshop.

Notes for preparation

During the course of the workshop, and in our work afterwards to produce recommendations, we are going to need to decide the extent to which we choose, or are forced to choose, within the following constraints or opportunities. It would be helpful to us if you could give some thought to your own preferences, and if there are other issues you want to deal with, to make sure you bring those issues for discussion.

How much work-based input, and when?

There is a wide range of available approaches. For example:

In England and Wales, barristers must have *one year's pupillage*, but solicitors undertake a *two year training contract*.

In Ireland there is a *two year apprenticeship*, but this includes some nine months in Law School.

In the US, New Zealand, Canada and Uganda (for example) there is *no required period* of in-office experience.

Different *Australian* states have different requirements. For example NSW has a *15 week experiential programme*; Victoria gives trainees the option of taking *a year's articles* or taking a *professional practice course*.

In *England and Wales* the Law Society used to insist on completing the two (or five) years of articles before the final law exams. Now the training contract comes after law school.

For solicitors in England and Wales, the Law Society (now Solicitors Regulation authority) are considering a more flexible approach, with no minimum period or requirement for placement with a solicitor, so long as practical outcomes are met.

For discussion: is it appropriate to stipulate at minimum length of experience and if so, what is that minimum, and where in the training process should it occur?

Where is the experience to be obtained?

WBL can take place in a range of organisations engaged in the practice of law, including solicitors and barristers firms, courts, advice agencies, but also law schools. Experience can be with real legal problems, or it can be in a simulated environment. Issues which will affect decisions on this include the ability of the organisation to guarantee the appropriate learning environment and supervision, and the ability of the Law School and the professions to regulate and control what takes place.

For discussion: in which organisations or with which individuals should a trainee's experience be gained? How much flexibility and/or control is necessary in the Nigerian context?

Supervision

What are the qualities required of a supervisor? Who possesses those qualities? How can they be trained? How can their ability be quality assured? How can best practice be identified and shared? How much time is required by a supervisor to ensure learning is taking place from the experience? How much time is the profession prepared to invest? Can supervision be shared between practitioners and the Law School (or others, and if so, who?). What resource is available to pay for supervisors who give up time from their legal practices? Can only the best practitioners supervise, or can learning take place from experience with any practitioner?

Experience

There is a range of experiences to which a student can be exposed. For example a trainee could from day 1 have responsibility for the cases of real clients. At the other end of the spectrum a student could simply be expected to observe, discuss, reflect and learn from that. Some of the options from which the experience could be derived are:

Engagement in real legal work: in such circumstances a supervisor might be expected to take the overall responsibility for the work undertaken – but is that essential if resources are limited? Who should the supervisor be? In many jurisdictions the legal work is undertaken by the Law School itself, who provide legal services both to educate their students and to provide quality legal services (much like a teaching hospital – indeed the term ‘clinical legal education’ borrows from the medical teaching model). How is the client and the supervisor to be protected against mistakes, for example through insurance?

Engagement in simulated work: creating case studies on which students can practise their legal skills without risk of damaging client interests is an option. The advantages are that the experience is more controlled; assessment of learning is more uniform; WBL can be integrated into the curriculum. The challenges are to create sufficiently realistic situations which motivate the trainee to get involved, to provide sufficient variables to emulate real legal practice, and to recreate the experience of tackling uncertainty.

Can learning from real experience and from simulated experience be combined? For example where students work in teams, while some tackle the problem of the real client, others work on research, drafting tasks, analyse and critique work done for the client, or use

the case for continued learning even though the client's needs have been addressed (much like medical students can learn from a cadaver).

Questions for discussion:

Approaches to learning

Experience does not guarantee learning. The LERC report illustrates this. Experience is just one of many learning resources, and while all experience contributes to learning, structures need to be built in to maximise actual learning. Lessons from learning theory can help in deciding what might to be designed into the learning experience.

Student centred learning:

This concept has come to dominate UK teaching practice, though often lip service is paid to while the learner treated as an empty vessel waiting to be filled with knowledge by the teacher. Some theorists (eg Carl Rogers) believe that nothing can be taught – anything worth learning is achieved by the student who wants or is even driven to learn. The teacher's task is to create the learning environment where such learning is likely to take place and to provide guidance where it is needed. Other theorists (eg Donald Schön) consider that learning is best achieved through uncertainty (for example, the kind of uncertainty that real legal practice involves, when even the experienced supervisor has to pause, think, reflect, seek other opinions, etc) rather than through simplified packages of 'knowledge'.

Questions: to what extent is it appropriate to choose a student centred approach to WBL? What will this involve?

The reflective practitioner:

This is a concept developed by Schon. It represents a goal, in which no professional ever finishes their training or learning. It is tied into the concept of *lifelong learning*. It is sometimes built into the intended outcomes of a training programme that the successful trainee will show the characteristics of a reflective practitioner, and have acquired the attitudes of the lifelong learner.

Questions for discussion: can a period of WBL be used to instil or encourage such approaches to learning which will continue after the trainee has entered practice? What attributes are required in the supervisor or law teacher if reflective practice is to be incorporated into the aims? How can the appropriate attitudes be developed in law students prior to WBL, so that they are then ready to reflect on their WBL experience? Can reflection be taught and if so where in the curriculum and by whom?

Deep and surface learning:

Some theorists draw distinctions between ‘deep’ and ‘surface’ learning. Examples of surface learning include repetition of facts, rigid adherence to drafting precedents, formulaic processes for advocacy or client interviewing.

Questions for discussion: can the WBL experience ensure that what is learned is analysed by the learner,

owned by the learner, and internalised? Whose task is it to ensure that this happens?

Producing evidence of learning:

If it is decided that students should demonstrate that they have achieved specified outcomes as a result of their WBL, what evidence should be used for that assessment? Options include developing a *portfolio*, in which materials relevant to achievement of outcomes (eg evidence of advice given, interviews conducted, submissions prepared etc) are submitted alongside analysis of what was learned, further reflection on that achievement and, perhaps, supervisor comment; assessing by presentation or reflective journal; assessing by examination or OSCI (to be explained in the workshop – a device used in medical education for rapid assessment in a simulated environment).

Questions for discussion: how much evidence of learning should a trainee produce? Who should assess this evidence? If the supervisor, can they be sufficiently disinterested? If real clients are involved, should their feedback be sought? Should the ability to reflect be assessed, or is it sufficient to assess development of core legal skills

Professional values and ethical commitment

The CCBE treats the development of core lawyering values as a higher order skill and a greater priority than the development of knowledge and skill.

Questions for discussion: to what extent is the development of value a desirable or essential outcome of WBL? If it is to be important, how is that

importance to be reflected in choice of learning environment, assessment of the student, and quality assurance of the learning resource?

Interaction with other trainees and the Law School

Questions for discussion: should trainees have regular contact with each other, whether in or out of the Law School during WBL, to share learning and reflect on experience? Can they be expected to do so without supervision? Can any sharing take place on-line for those who are distant from the School or from their peers?

The roles of the professions and of the Law School

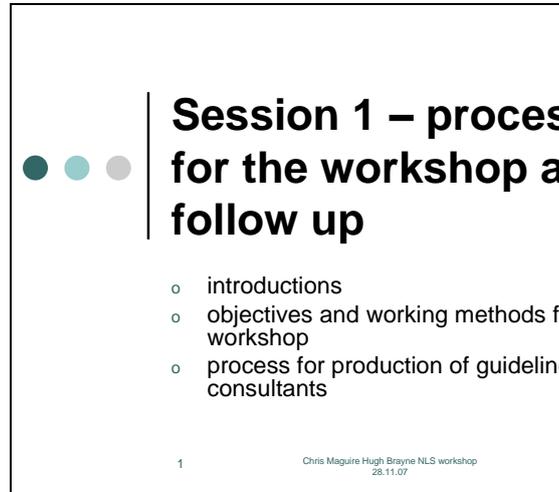
Questions for discussion: to whom should the stakeholders in the WBL experience be ultimately accountable? How should any new scheme be evaluated and improved? What mechanisms should be in place to ensure feedback from trainees, supervisors, Law teachers and the communities served by legal practitioners is obtained and used?

The following materials were also provided to participants in advance:

- The Consolidated Regulations of the Bar Council and the Inns of Court
- The Bar Council's Pupillage File
- CCBE Recommendations on Training Outcomes
- SRA Work Based Learning Standards
- SRA Education Training and Development for Solicitors: The Way Forward

POWERPOINT SLIDES USED ARE SHOWN BELOW

Slide 1

A PowerPoint slide with a white background and a black border. On the left side, there are three colored circles (dark teal, light teal, grey) followed by a vertical line. To the right of the line is the title "Session 1 – process for the workshop a follow up" in bold black text. Below the title is a bulleted list of three items: "introductions", "objectives and working methods for workshop", and "process for production of guidelines consultants". At the bottom left is the number "1", and at the bottom right is the text "Chris Maguire Hugh Brayne NLS workshop 28.11.07".

Session 1 – process for the workshop a follow up

- introductions
- objectives and working methods for workshop
- process for production of guidelines consultants

1 Chris Maguire Hugh Brayne NLS workshop 28.11.07

Slide 2

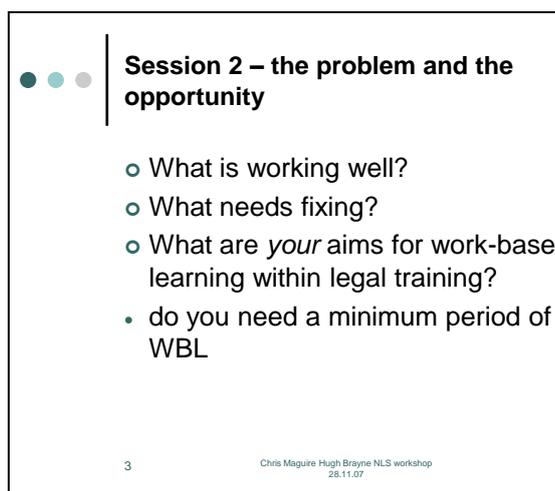
A PowerPoint slide with a white background and a black border. On the left side, there are three colored circles (dark teal, light teal, grey) followed by a vertical line. To the right of the line is the title "This workshop" in bold black text. Below the title is a bulleted list of seven items: "Timings – fluid", "Agenda – flexible", "Participation – inclusive", "Consultants' role – learners", "Disagreement – encouraged", "Outcomes – shared", and "Recording decisions - shared". At the bottom left is the number "2", and at the bottom right is the text "Chris Maguire Hugh Brayne NLS workshop 28.11.07".

This workshop

- Timings – fluid
- Agenda – flexible
- Participation – inclusive
- Consultants' role – learners
- Disagreement – encouraged
- Outcomes – shared
- Recording decisions - shared

2 Chris Maguire Hugh Brayne NLS workshop 28.11.07

Slide 3



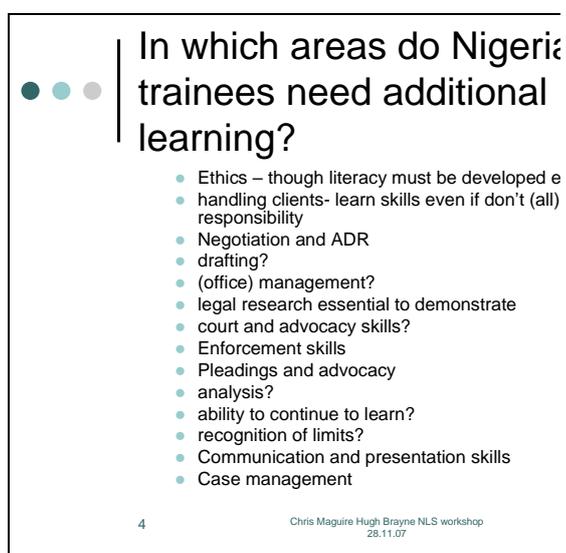
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Session 2 – the problem and the opportunity

- What is working well?
- What needs fixing?
- What are *your* aims for work-based learning within legal training?
- do you need a minimum period of WBL

3 Chris Maguire Hugh Brayne NLS workshop 28.11.07

Slide 4*



● ● ●

In which areas do Nigerian trainees need additional learning?

- Ethics – though literacy must be developed e
- handling clients- learn skills even if don't (all) responsibility
- Negotiation and ADR
- drafting?
- (office) management?
- legal research essential to demonstrate
- court and advocacy skills?
- Enforcement skills
- Pleadings and advocacy
- analysis?
- ability to continue to learn?
- recognition of limits?
- Communication and presentation skills
- Case management

4 Chris Maguire Hugh Brayne NLS workshop 28.11.07

* The list is as amended during discussion in the workshop. The draft list appears as part of the agenda above.

Slide 5



Session 3 - resource constraints

- availability of suitable placements
- ability of supervisors to ensure learning
- amount of time students can pay f

5 Chris Maguire Hugh Brayne NLS workshop
28.11.07

Slide 6



Session 4 – learning theory, quality assurance, assessment and outcomes

- can learning theory assist in design model?
- how QA works in professional training in England and Wales

6 Chris Maguire Hugh Brayne NLS workshop
28.11.07

Slide 7



Learning theories - some pointers

- Schön – the reflective practitioner, Swamp and the High Ground
- Rogers – person centred learning
- Kolb – the learning cycle
- Ramsden – deep and surface learning
- Problem-based learning

7 Chris Maguire Hugh Brayne NLS workshop
28.11.07

Slide 8



Key principles of quality assurance in HE

- Valid
- Effective
- Proportionate
- Efficient
- Accountable
- Defensible

8 Chris Maguire Hugh Brayne NLS workshop
28.11.07

Slide 9



Session 5 – learning resources for WBL

- within the law school, at academic vocational stage
- within the legal professions
- within community agencies
- mix'n'match or prescription?

9

Chris Maguire Hugh Brayne NLS workshop
28.11.07

Slide 10



Session 6 – QA and assessment resources

- who will sign off the student as having achieved the outcomes?
- what forms of evidence will be accepted:
 - informal observation?
 - portfolios – if so, containing what?
 - structured interview?
 - examination?

10

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28.11.07

WORKSHOP OUTCOMES

The following points of agreement (save where disagreement noted) were reached as a result of discussion including small group work and were recorded on flipcharts.

Session 2:

What needs fixing and what is working well?

Positives	Negatives
1. No resistance from stakeholders	1. Students are unprepared
2. Posting of students not influenced by students.	2. The period of attachment is too short
3. Attachment places available.	3. Attachment misused by students as reading period
4. There is preparation of students before the attachment.	4. Unwillingness of firms to accommodate students (contested)
5. Posting to courts.	5. Firms don't assist students. (Hide knowledge)
6. Interactions with senior colleagues in courts and law firms.	6. Judges' demeanour inhibits students.
7. Real (live) experience	7. Some law firms don't understand their role/are not committed.
8. There is an assessment form.	

	<p>8. Chambers lack capacity</p> <p>9. No assessment of suitability of chambers</p> <p>10. No accurate audit of chambers</p> <p>11. Lack of supervision and monitoring of students and firms</p> <p>12. No evaluation of the assessments from the firm/students</p> <p>13. Lack of monitoring of experience at courts.</p> <p>14. No avenue for feedback from students</p> <p>15. False or inaccurate assessment /report from law firms.</p> <p>16. No goals from Law School</p> <p>17. Only a general feedback</p> <p>18. Timing of placements close to exams distracts students</p>
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	19. Law school workload should be reduced and include some skills/procedure in LLB programme
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Duration of Placement

Duration of both court and chambers attachment should be increased

Areas in which learning should be demonstrated through WBL which should be additional to what is learned in law School

1. Ethics
2. Handling clients
3. Negotiation and ADR
4. Drafting
5. Office management and accounts
6. Legal research
7. Court and advocacy skills?
8. Enforcement skills
9. Pleadings and advocacy
10. Analysis
11. Ability to continue to learn
12. Recognition of limits to own knowledge/skill
13. Communication and presentation skills
14. Case management skills
15. IT skills

Session 3 Resource Constraints

1. Courts – Judges have capacity to provide learning experience, but need (and would accept) additional training.
2. Practitioners: many lack capacity – it should be a requirement of taking a student that the practitioner receive training and their effectiveness be monitored by the Law School.
3. One practitioner can normally supervise no more than two students on attachment; additional numbers should be specifically authorised by the Law School.
4. Although an outcomes based model (as proposed in England and Wales) is attractive, quality is best ensured in the Nigerian context by specifying a required process and minimum experience, as well as requiring students to demonstrate achievement of outcomes.

Session 4 – learning theory and the principles of quality assurance

1. The workshop was sensitive to the importance of constructing learning experiences based on established learning theory. In brief this meant that the Law School should prepare students for the range of learning experiences they might encounter in WBL and to recognise that they can learn from engagement in a wide range of quality and type of experiences through evaluation and reflection, and not simply those of the most structured or ideal kinds.
2. The workshop recognised that there were a range of quality assurance mechanisms and tools from which it might choose to assure the quality of its provision and that those chosen needed to form a coherent whole underpinned by clearly articulated principles. It was also recognised that ideally the commitment of practitioners to the next generation of the profession and to the quality of their learning experience should be articulated through the Code of Conduct.

Session 5 – learning resources.

Clinical legal education in university or within the Law School is not yet at a stage in which it can be expected to substitute for any part of the required process or experience.

Session 6 – QA and forms of evidence of achievement by students

1. Students to produce portfolios;
2. Courts/Firms to also submit reports;
3. Judges/ chambers to countersign portfolio reports;
4. Use pass/fail for assessment/condition for call to the bar, do not grade the student;
5. The final judgement on a student's competence is to be made by the Nigerian Law School to ensure that appropriate mechanisms of evaluation are used, appropriate and consistent standards applied and that students are treated equitably and fairly;
6. Judges and practitioners to be inducted into the training of students;
7. Standards of practitioner behaviour to be reinforced by the Code;
8. The Law School uses external examiners as part of its quality assurance mechanism.

Session 7 – decisions on outcomes which must be demonstrated

Practical legal research

- Students should demonstrate ability to conduct practical legal research and explain, present orally and in writing, and apply the outcomes

Drafting

- Students should be able to draft non-contentious legal documents like power of attorney etc.
- Students should be able to draft contentious documents including motions
- Students should be able to draft a legal letter

Court skills and advocacy skills

- Students should be able to demonstrate basic advocacy skills e.g presentation
- Students should understand and demonstrate decorous behaviour including adherence to dress codes
- Students should be able to take a witness through their evidence in court
- Students should be able to draft court processes
- Students should be able to make an address to the court
- Students should be able to develop a case theory and analyse the facts and law accordingly

Procedural knowledge/professional skills

- Students should be able to conduct searches and write reports
- Students should be able to identify opportunity, importance and appropriate mechanisms for ADR
- Students should be able to move a motion
- Students should be able to tender appropriate documents

Ethical conduct

- Students should understand, identify and apply relevant parts of the professional code
- Students should comply with professional requirements to keep information confidential

- Students should demonstrate understanding and compliance with
- Students should behave with appropriate discipline and maintain punctuality
- Students should demonstrate awareness of and compliance with the requirements of honesty and integrity

CONCLUSIONS OF THE CONSULTANTS FOLLOWING WORKSHOP

1. We consider that the workshop has provided us with relatively clear principles, agreed with a range of stakeholders, upon which we can draw in designing a framework, or template, for the management and quality assurance of the period of work-based learning. These include the drafting of outcomes, guidelines on quality assurance and methods by which achievement of learning outcomes will be assessed.
2. We have also obtained assistance in limiting the scope of the learning outcomes. In this way we hope to avoid specification of over-ambitious outcomes which cannot, at this stage be met, and to avoid specifying outcomes which are better developed and demonstrated within the Law School. It also enables demarcation between outcomes which should be demonstrated in the attachment because they are additional to those demonstrated so far, and those which should already have been developed. This enables us to propose a two stage process for conceptualising the learning within the attachment – knowledge and skills which must be demonstrated in advance of the attachment, and knowledge and skills which must be demonstrated as a result of the attachment experience.
3. It has been made clear to us that the professions and the judiciary will benefit from, and willingly engage with, any

necessary training and quality assurance processes. However those at the workshop, while likely to be representative of views of colleagues, will have had the advantage of participation in the discussion. It is imperative that the thinking behind the development of a training programme and a quality assurance process be shared widely and the implementation be an open process in which feedback from stakeholders continue to be welcomed and acted upon. For this reason we propose regular review and consultation so that the framework which emerged from the workshop be seen as owned by all obvious stakeholders – profession, judiciary, law teachers, students – as well as wider stakeholders in the form of the community and constitutional ideals served by the profession of lawyer.

4. The Nigerian Law School appears to us to be at the centre of the training and quality assurance process, though it carries out such tasks on behalf of the Council for Legal Education. It is vital therefore that, at all levels of the NLS, the new framework be discussed, and at all levels appropriate training be provided. Training is particularly important to enable the process of monitoring of quality of attachments to be undertaken, and to enable the process of preparing the student for attachment, and assessment of outcomes achieved, to be carried out to the highest possible standards.
5. We were gratified to be informed of the importance attached to ensuring the highest levels of integrity amongst practitioners providing attachments to students, so that risk of, or even perception of risk of, exploitation of students can be minimised or addressed. This requires that the Law School, on behalf of the CLE, has inspection and investigatory powers. It also requires, in extreme cases, that the Law School have the power to refer to the Nigerian Bar Association cases of a breach of professional codes.

6. We recommend that the professional code for Nigerian lawyers be amended to specify appropriate standards of behaviour for supervisors. We do not have the necessary information to provide proposals, and in any event we consider that the NBS in discussion with the NLS is best equipped to address this issue. This should specifically address the expectation that students on attachment are required to adhere to the code of conduct while on attachment, and to maintain confidentiality in relation to information received even after they have completed the attachment (with the exception of information for which specific or general authorisation has been provided to permit for sharing of such information, for example for assessment purposes). It is expected that any but minor breaches of the code will be incompatible with the student being assessed as competent.
7. The workshop accepted the view we proposed that those with expertise in assessment should have the responsibility for confirming that a student has, or has not yet, met the required levels of competence. This is not to detract from the unique expertise available from the judges and practitioners who will provide reports on the achievements of students, as this information will in many respects be the most important source of evidence for assessment purposes. However, within the context of rigorous quality assurance processes, it should be for the Law School to assess each individual student on the totality of the evidence relating to the specified outcomes.
8. The workshop accepted our recommendation that the Law School establish a practice committee with terms of reference permitting it to review all aspects of the attachment process and to make recommendations accordingly. This committee should receive and be asked to approve or in exceptional circumstances reject an annual report on the attachment

process prepared by or on behalf of the Director General of the Law School.

9. The workshop accepted our recommendation that there be a system of external examiners and an examination board to provide the highest level of confidence in the decisions made in relation to each student. While it is not within our remit, we believe this to be best practice in relation to all assessments, and not just those relating to the outcomes of the attachment.
10. We recommend retention of the term ‘attachment’ to describe the compulsory period of work-based learning within lawyers’ chambers and in the Nigerian courts, though it should be referred to as ‘professional attachment’.
11. The framework we have drafted on behalf of the NLS is, we understand, to be implemented by September 2008. We welcome this commitment to rapid development, given the acknowledged deficiencies in the present model. However it is essential that ongoing review take place to permit gradual improvement and evolution. The Law School should establish a mechanism for discussing and approving proposed amendments, and for obtaining where appropriate the views of stakeholders prior to doing so (in particular the Practice Committee referred to above). It should be unambiguous where the power to implement change is located – for example, by a board of study chaired by the Director General, meeting three times per year. We further recommend that there be a full review at five yearly intervals.

CONSULTANTS

Mr Chris Maguire

Current role: Director of Quality Assurance and Enhancement and Chairman of the Education and Training Committee at BPP

College of Professional Education. Committee member of the Association of Law Teachers, member of the Lord Chancellor's Standing Conference on Legal Education.

Formerly the Principal Officer for Education and Training for the Bar Council of England and Wales. European Stage Experts Committee member, UK Centre for Legal Education Advisory Committee member, Association of Personal Injury Lawyers Advisory Committee, Consultant to the Cypriot Government.

Professor Hugh Brayne

Current roles: law and education consultant, visiting professor Thames Valley and Portsmouth Universities, solicitor (non-practising), immigration judge, legal member of social security and mental health tribunals

Former roles include: Head of Law Kingston University, Professor of Law Northumbria University and Sunderland University, member of Lord Chancellor's Consultative Panel, member of Parole Board, Legal Services Regional Committee NE England, Associate UK Centre for Legal Education, consultant to Law Society of England and Wales, Law Society of Ireland, National Occupational Standards for Legal Advice.

From: Chris Maguire <ChrisMaguire@bppls.com>
To: ernest ojukwu <ernestojukwu2@yahoo.com>
Sent: Tuesday, April 22, 2008 5:32:00 PM
Subject: RE: Framework

Dear Earnest

Many thanks for your very kind words. As you know Hugh and I very much enjoyed working with you and hope to continue to do so. I attach a final version of the first report for your records as requested. I look forward to your comments on the Framework.

It was a great pleasure and privilege to be involved in your project.

Best wishes

Chris

From: ernest ojukwu [mailto:ernestojukwu2@yahoo.com]
Sent: 16 April 2008 10:02 PM
To: Chris Maguire
Subject: Re: Framework

Dear Chris,

I must express my sincere appreciation for the effort you put into this project and the attention you and Hugh gave it. Thank you please.

I have circulated the draft and I am assured that I would receive comments by the weekend. So I would give you a feedback early next week so that you may complete action ASAP. Please note that the report you sent on 18/12/2007 was titled draft and you may now resend the final copy. You should be assured that we would put to good use the result of your input and we would likely be partnering for a longer time to ensure that we achieve our goals towards the reform of training in the Law School and legal education generally in Nigeria . I would contact you the moment I am able to pass through your jurisdiction in the future.Thank you.

Regards.

ernest

Chris Maguire <ChrisMaguire@bppls.com> wrote:

Dear Earnest

I attach the draft Framework. May I say how much Hugh and I appreciate your patience and reassure you that we had no idea that this term promised to be so congested.

The Framework is draft and we are happy to take on any comments you have and amend it. In particular we had difficulty with to what extent physical and learning resources should be specified given we are unfamiliar with the range of practice environments you might want to include, and that an arbitrary set of criteria may exclude some very positive practice experiences. We are happy to redraft this with guidance.

We remain available to help with the materials and training that will eventually have to be put in place to underpin the Framework and to act as sounding boards to you or Tahir.

Finally, should you visit London we would be delighted to repay your hospitality during our very pleasant stay in Nigeria .

Best wishes

Chris

APPENDIX D

On Wednesday, August 15, 2007 3:28 PM, ernest ojukwu <ernestojukwu2@yahoo.com> wrote:

NIGERIAN LAW SCHOOL
INTERNAL MEMORANDUM

TO: DDGs LAGOS AND KANO CAMPUSES

FROM: DDG AUGUSTINE NNAMANI CAMPUS

DATE: August 15, 2007

SUBJECT: **CURRICULUM DEVELOPMENT**
WORKSHOP

The Director General has approved that 2 days preliminary workshop be organized on curriculum development and design for 24 law teachers of the Nigerian Law School .

The workshop would use the draft curriculum developed by the Council Committee on Legal Education (LERC) as its primary resource. Participants at the end of the workshop would:

1. Be cognizant of contemporary trends in curriculum design
2. Be able to design, evaluate, then deconstruct a curriculum
3. Be able to lead the production of full-fledged curriculum for the Nigerian Law School that would be used in the World Bank sponsored curriculum workshop of October 2007.

After this workshop of selected law teachers, all the law teachers in all campuses would be grouped under different subjects or group of subjects identified in the workshop. Those who participated in this workshop would be group leaders. Each group would be given a mandate to produce a curriculum for the subjects or subjects assigned to them. Their meeting would be conducted through emails within a given period before the World Bank assisted curriculum workshop in October 2007. The draft produced from this arrangement would then be the one to use for the World Bank supported curriculum workshop.

The workshop is proposed to hold at Augustine Nnamani Campus Agbani Enugu on 17th and 18th September 2007. Arrival of participants would be on the 16th. Each Campus is to nominate 6 participants. As much as possible the nominees should cover the different subjects currently being taught. Each Campus is to bear the cost of their nominees' participation please. DDGs that wish to attend are invited to lead discussions at the workshop.

A copy of LERC curriculum report is attached. Please make copies and circulate to your nominees who are required to study it in advance and attend the workshop with the copies.

Thank you for your co-operation as we look forward to a successful workshop.

Ernest Ojukwu
DDG Augustine Nnamani Campus Enugu

CC:
Director General, Nigerian Law School

APPENDIX E

Fw: curriculum workshop report
On Monday, January 28, 2008 4:10 PM, Richard
<Richard@talkinglaw.org.uk> wrote:

Dear Ernest and Tahir

I trust you are both well and resting after the efforts of the past week. I arrived home without incident but back to the cold and damp!

I have completed my report which I attach. Please let me know if you have any queries. I do feel that you have a very strong base for moving forward and that politically and practically the workshop was a great success. I am sure your colleagues are now reassured.

Sincerely

Richard
Richard Grimes
Consultant Talkinglaw -

**Nigerian Law School Capacity Building Project – curriculum
development workshop**

Report from international consultant

1. Introduction and terms of engagement

The Council of Legal Education (CLE) and the Nigerian Law School (NLS) have been engaged for the past year in a major review of the vocational law programme in Nigeria.

The review has consisted of several component parts including discussions with relevant stakeholders (law teachers, the judiciary, government and the legal profession), advice from external consultants and a programme of staff development and training. I have been closely involved with these developments in both a training and an advisory capacity.

This process has led to the production of a draft curriculum for the NLS and this has been endorsed by the CLE subject to further discussion and fine-tuning by relevant stakeholders. The draft put before the workshop is contained in Appendix A of this report.

I have been appointed, as international consultant, to lead discussion on the proposed changes to the curriculum and to produce a report on the outcome of that process.

2. Format and content of workshop

The workshop was held at Abuja on 25 and 26 January 2008. Seventy four delegates attended the workshop. The World Bank supported the workshop, in common with related developments at the NLS.

Three consultants had been appointed to assist with the workshop, myself and Professors Jegede and Osipitan. In the event Professor Jegede was unable to attend owing to illness.

Delegates at the workshop included the Director General and law teachers from the NLS, members of the judiciary and legal practitioners.

Day one of the workshop began with a general discussion on delegate expectations. This was an important part of the workshop in two respects. It gave participants the opportunity to assert a degree of ownership on the project – their views were patently being taken into account and it articulated many of the outcomes

that had already been set by the workshop organisers. The whole added a significant degree of credibility to the proceedings.

The second part of the workshop was devoted to an overview of the structural issues involved in the proposed changes and the benchmarks to which any law programme in the common law world might aspire to, in terms of ensuring both quality and sustainability. The issues addressed in this session, as summarised by PowerPoint presentations, are set out in Appendix D. Many of the matters raised here had already been addressed in the first session dealing with delegate expectations.

The purpose of the first two sessions was therefore to set the scene and to facilitate the substantive discussion.

Delegates were then assigned to one of 6 smaller groups and each was charged with reviewing one of the following aspects of the proposed curriculum:

- criminal litigation
- civil litigation
- property law
- corporate law
- communication and writing skills and alternative dispute resolution (ADR)
- professional ethics and responsibility

Initially delegates were asked to concentrate on general issues affecting the curriculum with the subject specific discussion reserved for day two. Delegates were asked to use a template when carrying out their review to focus discussion and to provide consistency in approach and report back. The template used is included in Appendix B.

The first day's work concluded with a plenary session lead by the consultants looking at duration of the proposed curriculum, the number and nature of subjects to be studied, and issues affecting

attachments (placements) and assessment. In a lively and wide-ranging discussion it was broadly agreed that the curriculum could and should be delivered in a period not exceeding 12 months but using as much of that period as possible. Attachments in both legal practice and the courts were considered to be of vital importance as was an opportunity for students to reflect on that practical experience. The new curriculum should be as practically oriented as possible whilst, at the same time, covering the subjects necessary to prepare a student for legal practice. It was agreed that this should include civil and criminal litigation, property law and corporate law. The skills lawyers need to do their work effectively should also feature including research, legal writing, interviewing, ADR and advocacy. Some felt that these topics should be taught as a separate module whilst others were in favour of a more integrated approach where skills were included within substantive law subject areas. A tabulated form of the integrated approach is included in Appendix C. Several delegates thought legislative drafting should also feature in the new programme.

The workshop was unanimous in its view that professional conduct (ethics and responsibility) must also be addressed. Its significance in terms of both client-care and a wider anti-corruption agenda is such that delegates thought that professional conduct should be pervasive throughout the curriculum but, because of its importance, should also be taught as a separate module. Again the table in Appendix C sets out how the integration could be achieved.

There was general agreement that a variety of delivery and assessment methods was needed to maximise learning opportunities. All stakeholders agreed that the teaching methods should be as interactive as possible using as far as possible, a case study, problem solving, approach. The value of using real-client clinics was also supported providing adequate supervision could be ensured. A question was raised as to whether students had any rights of audience in courts or tribunals. It was suggested that if there were restrictions legislative changes might be made to allow

representation. This has been successfully achieved in other jurisdictions.

Day two moved straight into group discussion where delegates were asked to continue their review but this time focusing on the proposed changes to the curriculum, as they would affect each designated subject areas.

Each group then made a presentation to all workshop participants outlining their views and proposals for curriculum change. The responses can be summarised as follows:

Group 1 – Civil litigation:

The main observation of this group was the need to include certain specialised civil procedures in the curriculum, including election petitions, matrimonial causes and appeals before the Customary and Sharia courts. The learning outcomes would have to be modified to include these items. On assessment the group thought that 10% should be attributable to attachments and 90% to the Bar Examination.

Group 2 – Criminal litigation:

Group 2 were happy with the basic design of this proposed module but wanted some re-organisation of the material in terms of the study chronology. It was felt that pre-trial matters should be taught together and that evidence should feature as part of the trial advocacy section, including witness handling. Electronic evidence should also be included in this section. The use of the term ‘suspect’ should be used throughout unless the person concerned had been charged in which case the word ‘accused’ should be used. Bail pending trial should also be included in the curriculum. Assessment should be weighted 20/80 in favour of the Bar Examination. The 20% figure should relate to small group work.

Group 3 – Corporate law

This group was also broadly supportive of the draft proposals. Some renaming of sections was suggested, e.g. 'choice of business/non-business identity and their formation'. There was a call for highly interactive teaching methods (case studies and role play) and a 20/80 assessment regime, the 80% being by Bar Examination. Students should be compelled to prepare for class and the extent of their preparedness should be reflected in the 20% assessment requirement. Guidance on expectations of both students and hosts should be produced for all attachments (chambers and court).

Group 4 – Property law

Group 4 also favoured a integrated approach to teaching. Skills should include interviewing, drafting and office management. The ethics component should focus closely on requirements surrounding the handling of clients' money. The number of substantive topics should be reduced to 10 – details on this to be provided by the group in their report. The same lesson plans should be used across all campuses on the NLS. Assessment was also suggested with a 20/80 split. Of the 20%, 10% should be assigned to small group work and 10% to a questionnaire based on the students' response to their attachments.

Group 5 – Communication and writing skills and ADR

This group looked at a range of legal skills and ADR. Their view was that these topics should be contained in one module but that module could be delivered alongside the four substantive subjects. Research should also be included and within this topic students should be tested on their ability to read and evaluate court judgements. 'Tertiary material' i.e. data bases and indices should also feature within the research component of the curriculum. Clinics could be widely used to give students experience in these skills and in ADR. Prisons and NGO's were suggested as possible

venues. Assessment was suggested on a 40/60 basis in favour of the Bar Exam.

Group 6 – Professional ethics and responsibility

Group 6 commented that more detailed learning outcomes were needed for this module. Because of its practical significance it was felt that professional responsibility should feature as a discrete part of the curriculum as well as be part of the study of the main substantive areas. Questions were raised as to the resources needed to make the small group sessions less than 50 students. Teaching should be as interactive as possible with use made of mock trials, attachments and demonstrations. Assessment should be both in the module and in the substantive topics although the weighting was not suggested. To avoid pressure on staff and possible lack of objectivity all making or grading should be either anonymous or carried out by staff at a campus unrelated to the student being assessed.

The day concluded with a plenary discussion lead by the consultants. The 3 'I's' were mentioned as central to progress on the new curriculum. These were:

- **interactive** - to maximise the learning experience large group sessions must either be limited to basic instruction or guidance for the smaller group sessions or must themselves be interactive. The bulk of learning was expected to take place in small groups, clinics and reflective sessions
- **integrated** – the key to student understanding, as evidenced by the structure and evaluation of law schools in other jurisdictions (notably the UK, Canada, the USA and Australia) was in presenting vocational legal education as a holistic study. The curriculum might (and some would say should) consist of a set of modules dealing with knowledge, skills and values. This does not mean however that each had to be taught in isolation from the rest. The more a

student could see the relevance of say interviewing a client in a criminal case whilst at all times being aware of the rules of professional conduct, the better that student would appreciate how the law works in practice

- **internships** (attachments or placements) – students may learn effectively in law school, especially in an interactive environment, but the mix of this experience with real-life legal work provides the backdrop for a student to reflect on law in practice. The 2 attachments are therefore central to developing understanding and to building sustainable partnerships between the legal education stakeholders.

A discussion then followed on assessment and on course duration and content.

Assessment was rightly seen as an important issue in terms of professional responsibility (sending students out into the world of legal practice), of fairness (to clients, law firms and the students themselves) and overall quality assurance (to address the NLS's mission for credibility and international standing). Problems of students using the Internet to help with coursework were raised – issues of relevance and possible plagiarism. At worst, corruption and at best, lack of objectivity were also concerns. All marking was seen to be best done either anonymously and/or by staff who had no possible links with or conflicts of interest in the outcomes.

Assessment was seen as a double-edged weapon – without it students did not necessarily take the study seriously and with it came problems of workload, objectivity and consistency. It was suggested that the proper question to ask was what the purpose of any assessment was. If it was to show competency (for example as in a driving test) then it was enough to grade on a pass/fail basis. If the quality of student performance mattered (i.e. beyond just competency) then a grading or marking system was needed. In any event all marking or grading should be done anonymously. If the student could be identified (for example if the work in question was a recording of a performance) this should be marked or graded

by someone who does not know the student concerned. Overall consistency could be ensured through internal moderation (colleagues blind second-marking) and by external examiner scrutiny (of a sample of scripts).

Discussion then followed on the duration and subject matter of the new curriculum. The consensus was that the programme should be for just under a year (to allow for examinations and vacations before the next intake) and should cover at least 5 subjects (civil litigation, criminal litigation, corporate law, property law and professional responsibility) with the teaching of ethics and skills integrated in the four main substantive areas.

On other matters raised there was a suggestion that a register of law firms who were willing and deemed capable of taking students on attachment. This might be compiled through the State Bar Associations.

The Director General then brought proceedings to a close emphasising that the Council of Legal Education was fully committed to the new programme and that this was scheduled to be in place by October 2008. Participants were thanked for their industry and willingness to engage in the changes implicit in the new programme. Further training and development would take place before the implementation date.

3. Outcome of workshop

The set outcomes for the workshop were to review the draft curriculum (that appears in Appendix A) and to produce a new version for implementation. At the end of the second day there had been a comprehensive review of the draft curriculum and a discussion that now opened the way for the detail of the new curriculum to be decided. I suggest that work on the final version of the curriculum can now proceed taking into account the comments recorded in the feedback sessions and detailed above

and in the light of the following recommendations that appear below. These recommendations are in part informed by discussions at the workshop and in part reflect best practice in other jurisdictions. It is of course a matter for the NLS and the Council of Legal Education as to which if any they adopt.

4. Recommendations

- The production of a curriculum document based on the draft discussed at the workshop together with subsequently agreed amendments and additions ensuring that each module within it is described by reference to the template used in the review (including outcomes, content, method and assessment) and set out in Appendix B
- The use of 6 study modules: civil litigation, criminal litigation, corporate law, property law, professional conduct and legal skills. The skills module would include: research, drafting and legal writing, advocacy, interviewing and dispute resolution
- The integration of knowledge, skills and values within each module so that the student studies each in context and holistically. Legal skills would be described as a module with appropriate learning outcomes and content but would be delivered in the context of case studies in the four substantive modules and as shown in Appendix C
- An introductory course on professional responsibility and ethics to highlight the principal rules affecting and expectations of practising lawyers. This would be delivered at the beginning of the programme and would be followed by the study of professional conduct in the context of the substantive legal areas and ‘lawyering’ skills. In this way students would be made aware of ethical concerns before encountering them in a practical setting – thus reinforcing knowledge and understanding in a theoretical and applied sense.

- A case study approach where students carry a case load covering all of the subject areas – this could be done on a repeat basis – if four subject areas are used as suggested in Appendix C, the student would handle four cases until each was finished and then take on four more. In this way the syllabus could be covered (each case dealing with different aspects of the subject area) and the students would get the chance to revisit the relevant skills such as client interviewing, drafting or advocacy. In contentious cases or where there are two or more parties separately represented (e.g. the buyer and seller of land) students could be divided into groups or ‘firms’ acting for their respective clients.
- The inclusion of real-client clinic in each subject area so far as this is possible. In civil litigation this might be arranged in-house (within the law school) dealing for instance with housing, consumer or employment disputes. It might also deal with family cases e.g. domestic violence. This would need to reflect local legal service needs and gaps in provision. The criminal litigation module might be served by a clinic based within legal practice or within a NGO perhaps dealing with juvenile crime. Models exist in many countries where clinics have operated successfully in this context. The non-contentious clinics can also be run in-house or within host organisations. Care however must be taken not to be seen to compete with existing legal service providers notably private practitioners.
- The inclusion of a slot in the curriculum for students to return to law school to reflect on time spent on attachments (placements). I suggest that this is for a minimum of 2 weeks and occurs towards the end of the programme of study at NLS and after the attachment but before the examinations
- Assessment by coursework and examination where the identity of any candidate is unknown to the marker and the identity of the marker is unknown to the student. Where a student’s identity cannot be anonymised the assessment

task should be carried out by a member of staff from another campus who does not know the student and who is unknown to the student. There should be a system of internal moderation and external scrutiny to ensure fairness and consistency

- A workshop programme for all law school staff, held on each campus of NLS, to induct staff into the case study approach – one week in each venue should be sufficient. The training will not only produce a competent body of staff but will generate materials for the new programme. A team of at least 2 external trainers will be needed to deliver such training
- The appointment of a committee at each campus to oversee implementation of new curriculum including the drafting of case studies (or adapting real cases), supporting staff development and preparing students for participation
- The appointment of adjunct staff from legal practice and the judiciary to assist with implementation of new curriculum and to delivery integrated approach to teaching and learning
- Seek possible changes to professional practice rules restricting newly qualified lawyers from sole practice for a set period - 3 years?
- Introduce of higher rights of audience qualification to improve standard of advocacy? (restricting non-holders to appearing in lower courts)
- The introduction of compulsory continuing professional development for all qualified lawyers – could be provided by NLS

APPENDIX F

STUDY OF THE ICT NEEDS OF THE NIGERIAN LAW SCHOOL, JANUARY 2008

CONSULTANT'S REPORT

ICT AT THE NIGERIAN LAW SCHOOL: CHALLENGES AND OPPORTUNITIES

John Mayer
Executive Director
Center for Computer-Assisted Legal Instruction/CALI
<http://www.cali.org>
jmayer@cali.org

SUMMARY

1. There is insufficient wireless access points at all of the campuses to accommodate growing student access needs or to support any website-based legal education projects.
2. **The computers in the NLS computer labs are underpowered and either need to be upgraded or reconfigured to run a different operating system such as Linux/Ubuntu which can run faster on PCs with less RAM and processor speeds.**
3. **A critical deficiency for each campus is skilled ICT staff that can support computing efforts of faculty and students.**
4. **NLS can overcome of the campus Internet connection**

limitations by increasing the number of wireless access points and operating a local Intranet with software, content and services for students and faculty.

- 5. NLS should explore the digital recording (audio and/or video) of all classroom presentations and posting these on the NLS Intranet (and possible an NLS website) for students to download and watch on their PCs or MP3 players (i.e. Apple iPods).**
- 6. NLS should explore the idea of a weekly speaker series where students, faculty and invited guests (lawyers, judges, businessmen) come to the campus and make presentations on specific areas of the law and on the use of technology in lawyer practice, judicial decision-making and government work. These presentations should be digitally recorded and published on the Web for the benefit of students, faculty and the public who did not attend.**
- 7. NLS should explore the opportunity of becoming the a primary publisher of law, code and information within Nigeria. This suggestion is based on the LII (Legal Information Institute) model in other countries where academic law libraries have partnered with the government, practicing lawyers and the courts to publish legal information for their own legal research and law practice needs and for the general educational benefit to the citizens of their respective countries.**
- 8. NLS should create a website for the delivery of ungraded, multiple-choice quizzes for students to provide feedback to the students and feedback to faculty on how well students are learning the material.**

STUDENT COMPUTERS IN THE LIBRARIES ARE UNDERPOWERED

On my tours of the NLS campuses, I visited the student computer labs - usually located inside the law library buildings. I observed that the amount of random access memory (RAM) in most of the machines was not enough to run the Microsoft Office suite of programs (e.g. Word, Excel, PowerPoint) effectively for the user.¹ Word 2003 requires at least 128 MB of RAM and Word 2007 at least 258 MB of RAM. I did ask about this and was told at one location that the PCs were intended only for students to use for web browsing and email.

NLS should not limit their usage of these machines to just web browsing and email as it certainly be useful for the students to use the lab PCs for word processing, spreadsheets, creating presentations and myriad other uses that likely will require more RAM than is currently installed. I was particularly concerned by this since the PCs all seemed to be fairly new or fairly recently installed. The configuration of the machines should have been designated right from the start to handle - at least - the basic Microsoft Office applications from 2003 (if not 2007).

If the purchase of additional RAM for these computers is problematic, then there are free solutions available. NLS can install Xubuntu² Linux and Open Office 2.0³ instead. This operating system and office application will run faster on the lab PCs without requiring a RAM upgrade and the software is all free. An increasing number of users around the world of taking this path and forsaking the ubiquitous suite of Microsoft programs due to cost and due to the hardware demands of Microsoft's programs. Free and open source software for word processing, spreadsheets and presentations have been available for many years now and are sufficiently powerful and reliable to be used at NLS. With NLS' limited budget for technology, it makes even more sense to explore open source software. In the long term, this will save NLS millions of Naira.

THE INTERNET AT NLS CAMPUSES

While visiting each of the NLS campuses, I endeavored to test the connection to the Internet. I was only able to visit a website from one campus and the connection was so slow that the website I chose to visit had not fully loaded in three minutes. Interestingly, the local ICT staff was present and explained that the connection was slow when there were a lot of students on the network, but I had just come from visiting the classroom where nearly all the students were in class and so I was not competing with students connecting to the Internet. I took this to mean that the Internet was always slow.

My understanding is that the NLS campuses have satellite links to the Internet and that these are probably running at 256 or 512 kilobits per second. This is between 5 and 10 times faster than a dial-up modem and is a enough speed for a single user, but woefully inadequate for an entire campus. Reading email would be painfully slow for students under any conditions and surfing the web would be quite frustrating. Certainly, this level of connection is inadequate to support web-based e-learning, legal research or social networking applications.

I spoke with some businessmen at the hotel and on during the 6 airplane flights I took during my visit about their experience with broadband Internet access in Nigeria and heard many tales of woe about the high costs, low connection speeds and poor reliability. If this is the case for international companies that are willing to pay large amounts for Internet connections for their employees, this does not bode well for the NLS campuses. The connection at the Sheraton Hotel in Abuja was pretty good, but more problematic at the hotels where I stayed in Kano, Enugu and Lagos. So what advice can I provide about Internet connectivity and speed at the NLS campuses?

In the 1980's in the United States, the Internet grew out of the large research universities and quickly spread to almost all 4-year

colleges and universities where computer science or engineering were taught. This insured that there was a fairly large and distributed backbone of Internet “points of presence“ (POPs for short) scattered around the continental U.S. When the Internet started to get popular in the 1990's, educational institutions could get connected by paying for a leased telephone line to the nearest Internet POP and beg a connection to that colleges’s router. The leased lines were expensive - usually costing several thousands US dollars per month, but they were usually pretty fast (T1 or 1.5 megabits per second).

Eventually, entire regions of the country coalesced into cooperatives that standardized the price and method of Internet connectivity so that it better reflected actual costs. Money was collected to keep the whole thing running and good engineering design practices were being employed to insure greater reliability and maximize performance. Later, commercial telecom entities took over the administration of the main backbone network and institutions paid them for their connections to the Internet.

At this point, the government began subsidizing the connection of community colleges, museums, libraries and even high schools and grade schools to the Internet. The costs of installing these connections was paid for by a tax on everyone’s telecom usage (phone bills). In less than a decade, every school in the country had at least a single fast connection to the Internet. It was the schools’ responsibility to make this access available to its students through local wiring plans and later, wireless access points.

All Nigerian schools need broadband access to the Internet - not just the law schools. I provide this story to explain that fast Internet access was not always available everywhere in the United States. Nigeria has skipped the step of creating an extensive copper backbone for telecom purposes. Nigerians adopted cell phones without first adopting in-home/landline telephones. Unfortunately, this skipped step means that the copper infrastructure that would make broadband Internet access more

widely available is unavailable. It is possible that broadband wireless access to the Internet will become available for reasonable rates, but this could take 10-20 years. Broadband Internet should be considered a public utility (like roads, water and defense) that serves government, education, healthcare and the public well-being. NLS should do whatever it can to encourage government subsidization of broadband Internet for Nigerian educational institutions.

INTRANETS / LOCAL AREA NETWORKS

In the absence of reliable and fast Internet connections on the NLS campuses, there is still plenty that can be done to deliver education-related services via the computer network to student-owned computers and the student lab PCs. The solution is an Intranet at each of the four NLS campuses.

Wikipedia tells us that an “intranet” is ...

“... Briefly, an intranet can be understood as "a private version of an Internet," or as a version of the Internet confined to an organization....”

NLS should installed server(s) on each of its campuses that would only be accessible to the faculty and students on that campus via the local area network or wireless network. Faculty can post course materials including PowerPoint slides, recordings of classes (podcasts) and other course material for students. Wikis could be set up for students to post questions, share notes or work on joint projects.

Almost anything that you can do on the Internet, you can do on an intranet, and, the performance and reliability of the intranet is not dependent on the unreliable and low-speed connection to the Internet via the satellite link. Students, faculty and staff can gain experience using wikis, blogs and podcasting and other modern technologies that are widely available on the World Wide Web. The servers on the NLS campus Intranets can simultaneously be

available from the Internet outside of campus, but it is important to manage expectations. The low connection speeds from the campus to the Internet prohibits students from watching video or downloading large audio files from outside the campus.

The hardware investment for an Intranet is very low. The network infrastructure should already be in place for students and faculty to access the Internet. The only other addition is a dedicated server that runs services for the faculty and the knowledge required of the staff to install, configure and maintain the software (more about this later). The software for blogs, wikis and podcasting is all available as open source software- for free - on the Internet.

With local resources available with decent network response times, faculty can experiment enjoyably and safely with new pedagogical methods. For instance, they can arrange students into study groups of 3-5 students and assign them to work together to develop presentations or write papers that are posted on a wiki. Then other students can be assigned to review and comment on these. The instructor can monitor everyone's progress and comment in the "discussion" section of the wiki. Once faculty start to use and understand the tools, new pedagogical possibilities will become apparent.

Another idea is to digitally record the lectures that faculty give and post them on a course blog. Students can click-to-listen or download and re-listen the lectures. In cases where students missed the class due to illness or family emergency, this would be quite valuable, but it would also be very valuable to students who want to re-listen to the lectures to find things they might have missed or to re-study the materials. Podcasts also help faculty in that they can use them to learn from each other (or to listen and learn from themselves in a self-reflective exercise).

With four Intranets - one each at each campus of the NLS - podcasts, slides and other course materials could be shared between campus using "sneakernet" - i.e. physically copying the

materials to a USB drive and then hand delivering them between campuses. It is my understanding that the Deans/Directors of each campus meet every week when such a data exchange could take place. Obviously, this would be more easily accomplished if there was fast and reliable Internet connections at all campuses. If large amounts of data needs to be copied every week, it makes sense to not overload the satellite links.

GUEST SPEAKERS SERIES TO DISSEMINATE ICT SKILLS AND AWARENESS

There is a tremendous amount of new technology that can be used in the service of legal education and faculty who must teach courses do not have the time to become technology experts themselves.

We are in a period of needing to be able to constantly learn about new technologies, evaluate new methods of educational delivery and update basic skills and with new software and services. You cannot send faculty away for a week of training and be done with it. It is a constant process.

One way to expose faculty to new ideas and methods is to arrange for lunch-time speakers once a week. In the United States, we have come to call these “brown bag seminars” because the faculty are encouraged to bring their lunch to the presentation (typically in a brown bag) and to learn something during lunch. The speakers can be anyone who has relevant expertise to share. This is the key ... *anyone* ... who has relevant expertise. The presentations can be quite informal and low-key.

A faculty member who has spent time investigating features of PowerPoint could present for 15 minutes demonstrating with a computer and projector and lead a discussion on how they are best used in teaching.

A student who has experience using Google or who is especially adept at using Microsoft Word to organize her notes could speak.

Lawyers who use computers in their practice for document management, client contacts or legal research could present to faculty and students about these topics. Ideally, all of these presentations would be recorded on video and posted on the local NLS Intranet or the NLS website for students and faculty to watch at anytime.

This point is important. Recording the presentations and making them available from the NLS campus Intranets and later the Internet will provide multiple benefits. First, the process of publishing these presentations will inform staff about the multimedia production and publication process works. The staff will learn by doing. It will also provide NLS leadership a chance to understand how this new and powerful media channel works.

Second, the content of the presentations are an institutional resource that can be accessed by students, faculty, staff and the public on into the future. If a talk is given and not recorded, it is only valuable to the people who attended - dozens or (at most) hundreds of people. If it is recorded and posted on the Internet, it's value is multiplied by virtue of its accessibility to thousands or millions of people on in the future. These recordings are the digital law library that NLS can begin building right away with every little investment in time or equipment.

Finally, the publication of these presentations raise awareness about NLS and the work it is doing to improve the knowledge of the faculty and staff. By doing this openly and sharing the results with the public, more people will come to understand and appreciate what lawyers do, what NLS does and why the rule of law is so important to the future of Nigeria. NLS could come to sponsor talks by lawyers that are specifically targeted to the public. Because these talks are available on the Internet, they can be viewed anytime and anywhere or they can be downloaded and burned to DVD for playback in places where there is no Internet connection available.

USING TECHNOLOGY TO DEAL WITH THE HIGH STUDENT-FACULTY RATIO

NLS has an extremely high student-to-faculty ratio. 5000 students to 100 faculty (approximately) which is 50-1, but the real problem is that the classes are taught at ratios of 500 or 1000 students to 1 faculty. This makes it extremely difficult for the “sage on the stage” - the faculty member, to provide effective feedback to individual students. This mitigates against writing assignments that would have to be graded by the instructor. It is also mitigates against midterm exams that require humans to grade them.

Students need and crave feedback on their performance. They need to know that they are understanding what is being taught and NLS needs to create opportunities for students to demonstrate their knowledge. I understand that there are efforts to recruit adjunct instructors for “tutorial” courses with a much lower faculty/student ratio and I applaud these efforts. The issue I want to take up here is how technology can assist with providing students with formative assessment (non-graded) and provide feedback so that students can measure their own performance.

BERKMAN CENTER’S ROTISSERIE

One solution is to use a technology developed by the Berkman Center for Internet and Society at Harvard Law School called the Rotisserie. Here is a description of how Rotisserie works...

“... Rotisseries are group discussions with structural support for determining when participants should respond and which participants should respond to which other participants.

The basic rotisserie begins with a project leader sending out a question to all project participants along with a

deadline for responding to that question. Once the response deadline has arrived, the system takes all of the received responses and assigns one of those responses to a participant for further discussion. For example, suppose that Joe, Mary, and Sue are the participants of a rotisserie and that each of them respond to the initial question by the deadline. Once that deadline has been reached, the system may assign Joe's response to Mary, Sue's to Joe, and Mary's to Sue. Once this assignment has been determined, the system will send out a notice to each participant of a new deadline, by which time each participant should respond to the assigned post. ...”⁴

What this suggests is that faculty can start discussions between and among all of their students and having a system by which students read and evaluate each others's responses to the discussion item. This means that faculty do not have to read every single student's response for every discussion item they assign. If the students are all required to write a response and evaluate three other student's responses, then the student evaluations could be proscribed as a kind of “vote”.

Here's the scenario. Once a week, faculty send out via email an issue requesting that the students write a response and the email addresses of three other students to send their response to. With something like Berkman's Rotisserie (which is free for download), this process is automated. Every student authors a response and every student evaluates three other students' responses. If the evaluation is a point scale (i.e. 0, 1, 2 or 3), then the collection of responses fall along the spectrum of points received by the three evaluators. The best responses will receive 9 points (3 from each evaluator). The worst will receive 0 points (0 from each evaluator). All of the essays will fall somewhere on this 0-9 point scale. The faculty member can choose to read only the top responses (presumably only those that received 9 points) and can post these on the NLS Intranet website along with her evaluation of the responses. This lets one teacher provide feedback to 1000

students for the work of reading 100 student's essays. All students, however, receive some feedback from their peers and they can all read the best essays and the faculty's comments to see for themselves how their work compares.

MULTIPLE CHOICE QUIZZES - FEEDBACK IN BOTH DIRECTIONS

Another idea is to use multiple choice quizzes that are delivered to students via a website. The feedback obtained goes in both directions. Students find out if they are tracking the material and faculty find out if students are understanding what they are teaching.

By using a website to deliver the quiz, the instructor does not need to grade the quizzes themselves. The quizzes need not be long - just 10 or less questions per week. The software would give the students their results immediately upon completion.

It is important to mention that my proposal is that this be used for formative assessment and not actual, graded assessment. It would be very difficult to prevent students from helping each other out on these quizzes. Proper exam-level security would require proctors and everyone taking the quiz at the exact same time. This is not what I am suggesting. Instead, students take the quiz whenever they want (anytime, anywhere) and they can take the quiz as many times as they want. Ideally, the software will deliver the questions in random order each time a student takes the quiz. Even better, the faculty will have written *more* questions - a pool of questions - all covering the topic area for that week. The software will randomly choose 10 questions from the pool and construct a quiz on-the-fly for the student at the moment they are taking the quiz (like electronic flashcards). This method actually rewards students for doing the quiz multiple times.

Faculty from all four NLS campuses can contribute questions to the pool for each subject area. NLS could even engage lawyers or

advanced students to write questions to go into the pool. The technology angle of this idea is to use a web-based content management system (CMS) or learning management system (LMS)⁵ to capture, categorize and deliver the questions for the quizzes. The software does the hard work of delivering the the quiz, giving the students and faculty feedback on how well they did and recordings statistics on the student and the questions. This gives the faculty a picture of the student's progress over time and it gives the faculty feedback on the questions themselves. If students are consistently getting certain questions wrong all the time, it might be that the question needs to be changed. If many students are getting a series of questions - all about a single topic - wrong all the time, it may be that the faculty member has to adjust their teaching of that topic or re-review the material to insure that students develop better understanding.

NLS AS PUBLISHERS OF NIGERIAN LAW: NIGERIAN LEGAL INFORMATION INSTITUTE

NLS has a wonderful opportunity to become publishers of Nigerian Law. The idea here is to create a student organization with faculty oversight that gathers, edits and organizes the laws and code of Nigeria. This would be the Nigerian equivalent of Lexis or Westlaw, but would be developed in the service of education, public interest and support for the rule of law. There is precedent for law schools providing leadership as publishers of legal information. In the U.S. the entity known for this is the Legal Information Institute⁶ which is run out of the Cornell University Law School. The LII was publishes more up-to-date and accessible electronic versions of the U.S. Code than even the U.S. Government Printing Office (USGPO).

There are other *LII's around the world as well including a nascent effort to aggregate them all called (appropriately enough), WorldLII.⁷ ...

From the WorldLII Website...

“ ... The World Legal Information Institute (WorldLII) is a free, independent and non-profit global legal research facility developed collaboratively by the following Legal Information Institutes and other organisations.

- * Australasian Legal Information Institute (AustLII)*
- * British and Irish Legal Information Institute (BAILII)*
- * Canadian Legal Information Institute (CanLII)*
- * Hong Kong Legal Information Institute (HKLII)*
- * Legal Information Institute (Cornell) (LII (Cornell))*
- * Pacific Islands Legal Information Institute (PacLII)“*

... “

This idea is not as far-fetched as it might sound at first. The software to run such a website is all freely available open source software. Students would learn an enormous amount about the law by being its publisher and NLS faculty would have input into a resource that serves as a legal research and teaching resource. Members of the practicing bar in Nigeria could be solicited for donations to support the effort and even brought in as advisors to create new products derived from the raw text documents obtained from the government.

The technical side of this idea is really not that complicated, but it will require some dedicated staff with advanced ICT skills. Consider partnering with schools of engineering and computer science to have their students setup and support the basic services. Until broadband Internet becomes ubiquitous throughout Nigeria, NLS could publish (and sell) CDs, DVDs, or USB sticks with collections of Nigerian Law on them.

THE BIGGEST OBSTACLE: IT STAFFING AND SKILLS

In this report, I have put forth many ideas and many of them require that some kinds of IT infrastructure be in place or purpose-

built to support a new project or educational delivery model. The hardware costs for servers, hard drives and other infrastructure is within the scope of the NLS to afford. The software to develop and run these services is already freely available and open source. The biggest obstacles to realizing these services is the lack of IT staff and skills. This is something that I believe that NLS must begin to develop for itself and at each of its separate campuses.

I started out at Chicago-Kent College of Law in 1987 and knew very little about PCs, local area networks and nothing about the Internet as it had not reached the public eye at that time. Over time, I read books, talked to colleagues and attended conferences, but the way I learned most of the skills I needed was through self-education. Almost everyone I know who works on law school websites or in technology/education-related positions is self-taught. If you want to do something, you read the documentation yourself, ask questions on Internet discussion lists and fora, download the software yourself and give it a go. My philosophy when I was the only full-time staffer supporting 1200 students and 50 faculty (over 200 computers on the campus at the time) was to learn fast and write up short “helpdocs” that explained small bits of technology in simple terms to students, faculty and staff. I tried not to verbally answer a question more than two or three times before I would create a helpdoc that I could hand out (and later that people could access on the law school’s Intranet) so that I had more time to explore new software tools and services. I realized early that running a help desk supporting so many people could burn me out, so I built a defensive wall of helpdocs that let users serve themselves.

Students can also be some of your best resources here. Some of them will know more about computers than anyone you could hire. Some of these will graduate and go on to work in IT inside law firms and become valuable alums in the future. Lawyers with IT skills are doubly valuable and NLS should encourage the acquisition of IT skills by its students. Here are some idea along these lines...

- Student Computer Law Association - create a club where students get together to share tips, suggestions and reviews of software for using technology to practice the law and organize their student-related activities like note-taking, presentation creation, legal research, etc.
- Every semester, the law school would sponsor a “computer clinic” where students were encouraged to bring their computers to a central location (not just laptops). Other, more tech-savvy students can be recruited to help these students download and install the latest virus-checking software, spam/adware removers, free word processors, etc. A projector should be setup where students could attach their computer and give short, impromptu, tours of interesting websites they like or software they had found to help them in their studies.
- Students could be organized into teams to write helpdocs and study guides for future students on any and all aspects of Nigerian law. These articles could be vetted by faculty and published on the NLS Intranets and website and perhaps even contributed to Wikipedia and the WorldLII websites. The exposure that these articles would receive by being published in such public venues would motivate students to create materials of high quality and would be useful for students to demonstrate their knowledge of the law to potential employers. NLS alumni and Nigerian judiciary could be asked to judge the quality of the articles in a competition thus involving the practicing bar in legal education. The public availability of the articles would make them valuable to the public inside and outside Nigeria who want to learn more about Nigerian Law.

Learning to explain the law in simple terms to lay-persons is a much-needed skill for all lawyers. Students should be practicing it while still in law school where they can

juxtapose the difficulty they have in learning the law with the challenge of explaining it clearly and concisely to the people that the law affects.

There is a lot of what we call “low hanging fruit” - smaller projects that can be accomplished by smart people with low-to-moderate IT skills that will yield positive results and embolden you for more complex projects. The startup costs are low as long as there is an Intranet in place and the hope of future broadband access to the Internet. The students will increasingly supply their own PCs that can be an extension of the NLS IT infrastructure. These are the machines where work can be done using locally installed software or by providing access to the Intranet and later the Internet.

APPENDIX G

Council of Legal Education

Nigerian Law School

**Capacity Building Project – Teachers’ Skills Training workshop
(supported by the World Bank, International Development Fund)**

Abuja, 10 – 14 June 2008

Report from international consultant

Introduction and terms of engagement

The Council of Legal Education (CLE) and the Nigerian Law School (NLS) have been engaged for the past 18 months in a major review of the vocational law programme in Nigeria.

The review has consisted of several component parts including discussions with relevant stakeholders (law teachers, the judiciary, government and the legal profession), advice from external consultants and a programme of staff development and training. I am been closely involved with these developments in both an advisory and training capacity.

This process led to the adoption of a new curriculum for the NLS which will come into force in October 2008 in time for the 2008/2009 intake of students. A copy of the new curriculum is contained in Appendix A of this report.

I have been re-appointed, as international consultant, to facilitate discussion on the implementation of the curriculum, to continue to assist with staff development and to produce a report on the outcome of that process.

Format and content of workshop

The workshop was held at Abuja, Nigeria between 10 and 14 June 2008. Fifty five delegates attended the workshop.

Four consultants had been appointed to assist with the workshop: myself and 3 in-country personnel – two Senior Advocates of Nigeria, J B Daudu and A B Mamoud and Dr E O Adeniyi of the Nigerian Educational Research and Development Council.

Delegates at the workshop included the Director General, Deputy Director Generals and law teachers from the NLS. We were also helped by members of the judiciary including Justice Yusuf of the Abuja High Court.

Learning outcomes

In common with the previous workshops held in this capacity building programme and in accordance with best practice, a set of measurable outcomes were agreed in advance of the workshop.

At the end of the workshops, delegates were expected to be able to:

- produce a module plan for a specific subject area of the new Nigerian Law School curriculum that incorporates a feasible and sustainable range of effective and interactive teaching methods
- prepare interactive materials for use in that module plan
- identify practical options for live-client clinics within the new curriculum

The first outcome was designed to produce a template that could be used across the NLS, at each of its four campuses. Working with a common module foundation should make monitoring and quality assurance easier to effect. It should also allow for review and necessary amendments to be carried out in the future.

The second outcome is again focused on campus-wide consistency. It should produce the basis for a set of comprehensive lesson plans that put student-centred learning at the heart of the programme, providing a pragmatic context in which students can apply theory to practice.

The third outcome attempts to link student study with legal service delivery. It will provide the opportunity for NLS staff and students to work with other service providers (private practitioners, government, the courts and non-governmental organizations), helping address legal need in the community as well as enhancing the student learning experience. This live 'clinical' component may take place through attachments to host organizations and/or by the direct involvement of the law school in running legal advice centres.

Emphasis throughout the workshop was on delegate participation and based on practical examples that had local, regional and/or national relevance. Case studies were used to provide a vehicle through which each of learning outcomes could be addressed. Delegates were both teachers and students for the purpose of the workshops and devised the necessary case studies and materials – building on developments made in previous training sessions under this capacity building programme. Delegate materials and performances were recorded creating resources for use later in training and under the new curriculum. The case studies and additional support material created will also be used in the follow-up, on-campus training, in September.

3. Workshop content

The workshop was delivered on 5 consecutive days through a mix of plenary sessions and group work.

A summary of the content, day by day, appears below:

Day 1 – introductions

recap on content and structure of new curriculum
 division of delegates into working groups (9 groups)
 allocation of subjects to groups:

- induction (including research)
- civil litigation
- criminal litigation
- property law practice
- corporate law practice
- communication and writing skills
- alternative dispute resolution
- professional ethics and responsibility
- attachments

instructions to groups: Task 1 – produce module plan for
interactive
delivery

Task 2 – produce sample lesson
plans (3)

Task 3 – demonstrate lesson
delivery (1)

Task 4 - devise clinical
component(s)

Groups to prepare Task 1

During the group's discussions and preparations the consultants acted as peripatetic advisers going round the working groups giving feedback and guidance.

At the final plenary session of the day group representatives reported that the task had focused minds on the transition from lecturer to student-centred learning. Some concerns were expressed that moving towards this approach might be at the cost of content although others felt (including the legal practitioner consultants) that it was preferable to focus on the student's ability to apply theory rather than to cover every aspect of the legal content of the curriculum. The point was also made that the 'cover all' approach was unnecessary given that a lawyer should be able to research unfamiliar aspects of the law and in any event the law was dynamic and subject to change (therefore knowing the law at any one point in time did not provide a reliable model for future application).

Day 2 – Groups to present work produced in Task 1

Groups to prepare Task 2

Each module group reported in turn on the form and content of their module plan. A template was used to aid clarity and consistency. This is set out in Appendix B. The groups followed the templates without exception and were generally clear on the aim of the modules. There was an appreciation amongst group

presenters of the need for unambiguous and measurable outcomes. Module content was taken from the new curriculum document (see Appendix A). Proposed teaching methods encompassed a wide range of techniques ranging from lectures and tutorials to more interactive forms of learning including role-play, case studies and real client exposure through in-house or community based legal clinics. Assessment was to be by a combination of Bar Examination and coursework including reflective portfolios.

Delegates spent the afternoon preparing lesson plans. The purpose of this exercise was to give the groups the opportunity to take the module plan and to work on sample elements within it. This was designed to build on what had been achieved in previous workshops and to produce materials for use when the new curriculum was delivered in October 2008. One group (attachments) has no lesson plans as such to prepare, as the students would be engaged in work place experience. This group therefore had a different, if related, task to perform – to design a regime for the supervision of students during their attachment.

In the final plenary session delegates were in broad agreement that Task 1 had been a useful exercise in terms of getting an overview of how each module would cover the relevant part of the new curriculum and giving a clearer picture of the modes of delivery.

Day 3 – Groups to present work produced in Task 2
Groups to prepare Task 3

As on Day 2, delegates presented the outcomes of their work on the previous afternoon. The lesson plans described were all consistent with the agreed template (see Appendix B). Generally evidenced-based outcomes were used and the teaching methods proposed were heavily interactive. Lectures, where incorporated, were brief and by way of overview, with role-play and case studies otherwise predominating. If there was a weakness in the lesson plans it was the tendency to include more by way of content than could be practically achieved. Delegates agreed that this was

probably the result of trying to cover as much as possible rather than spreading the load across all lesson plans in the module. As can be seen in the **Recommendation** section of this report (section 4) the proposal for co-ordination of module lesson plans should mitigate against this tendency.

Group 9 (attachments) reported on supervision and produced a set of proposals for ensuring that students were effectively monitored during their attachments. It was agreed that a handbook should be devised to set out the requirements, expectations and systems that would be used in court and law office placements.

The afternoon session was devoted to the preparation of a lesson plan presentation. The topic was selected by the consultants from the range of 3 lesson plans produced by each group (this device was used to ensure that groups provided comprehensive lesson plans for all 3 lessons – not knowing which would be selected for actual lesson presentation).

Group 9 (attachments) were asked to prepare a presentation on the assessment of students on attachment and on giving students feedback.

In the final plenary session of the day delegates reported that the preparation of the lesson plans and the completion of the detail of the lesson to be delivered on the following day had been relatively easy to produce having used the template and given their previous training on this subject. The consultants all felt that the standard of work was high and met professionally expected standards.

Day 4 – Groups to present work produced in Task 3

Groups 2 and 3 (Civil and Criminal Litigation) were given the specific task of preparing a lesson on basic trial procedures. This was to be demonstrated through the conduct of a mock trial. The workshop organisers and International Consultant had arranged with the High Court of Abuja to stage the mock trials in an actual

courtroom with a member of the judiciary officiating. The purpose of this was twofold – to demonstrate how a mock trial can be delivered in a relatively short timeframe and to give delegates experience of managing such an exercise.

A description of how the trials were conducted and the ground rules for running ‘a trial in under 60 minutes’ can be found in Appendix C.

Two trials (one civil and the other criminal) were ‘heard’ before Justice Yusuf. Following the trials ‘judgements’ were handed down and the judge then commented on the exercise. Both he and the practitioner consultants were highly supportive in their comments seeing the role-play as realistic and a unique learning opportunity for students.

Having watched the mock trials the remaining group delegates returned to the workshop base at the Digital Bridge Institute in Abuja, to present their respective lessons.

The lesson presentations were without exception well structured with clear outcomes and a largely interactive approach taken in each case. One interesting situation arose which provided a very useful illustration of the values of interactive teaching. One of the presenters began with a question and answer session (the other group members were the ‘student’ audience for the purpose) but after looking at his watch and seeing that he only had a short time left to complete the presentation (each group was given 15 minutes to present a sample of what would be covered in such a lesson) he quickly reverted to lecture mode and delivered the remainder of the lesson with high speed dictation. This caused a reaction amongst the audience who became restless and disinterested. It was a coincidental but timely reminder of the limitations to the lecturing mode in terms of student engagement and participation. In the subsequent feedback delegates, including this particular presenter, agreed that reverting to the former method of accepted delivery would be a retrogressive and educationally less effective step.

Group 9 reported on the assessment of attachment students. Their proposal to use a period in the law school, following the attachments, for feedback was accepted and this is now accounted for in the timetable for implementation of the new curriculum appearing in **3** below. Assessment was suggested as being best handled through a pass/fail approach. Students would have to show through a reflective journal and in the form of supervisors' reports that they had reached a standard of someone who was in a position to commence legal practice and that they had complied with the professional expectations throughout the attachment period.

Day 5 – Groups to prepare and present work produced in Task 4

General plenary and agreement on how to implement module plans

The final day of the workshop was split into 2 sections. In the first delegates had to prepare and present their findings on how to implement a hands-on or clinical component to their specific modules. This was done not by module group as in the case of the first 3 tasks but in campus groups – to reflect local needs and possibilities.

Each campus group (Abuja, Enugu, Kano and Lagos) had to consider which type(s) of clinical activity was desirable and feasible and where it would sit in the new curriculum. Five clinical options were suggested:

- in-house clinic – located within and run by the law school
- outreach clinic – run by the law school but based in a community setting
- legal literacy clinic – offering rights and responsibility-based public education
- placement clinic – based in and run by host organisations
- simulation clinics – run by law school and based on case study role-play

Each campus group reported back. There was general agreement that each campus would have an advice centre, some generalist (dealing with a range of local legal needs) and some specialist (for example landlord and tenant disputes, domestic violence issues and dispute resolution centres).

All campuses would have placement clinics through the attachment programme. Some wanted to develop legal literacy of *Street Law* clinics. Few saw outreach clinics as viable given logistical concerns – the campuses are either in isolated positions or in the case of Lagos as in large urban areas where getting around can be very time-consuming. It was agreed that clinical programmes should be piloted and be small scale until they were tried and tested. Advisory panels should be created at each campus to ensure dialogue between stakeholders and to ensure the effective spend of available resources. Adjunct staff members from available practitioners in each area were seen as essential to the success of any clinical programme.

The afternoon session was devoted to the implementation of the new curriculum. The content of this is set out below in section 3.

5. Outcome of workshop

According to feedback received from the consultants and workshop delegates the outcomes set for the workshop had been achieved as evidenced by the presentations made by the various groups.

An additional and unplanned outcome was also achieved – an agreement for the implementation of the new curriculum. The detail of this is set out below in the timetable for implementation.

Wee ks	Timetable for new curriculum					
1-2	Induction – NLS rules and procedures, health and safety, research methods, practice week (students to act out one of two simulated case studies – criminal or civil – from initial instructions to final disposal)					
Modules						
	Civil litigati on	Crimin al litigati on	Proper ty Law	Cor por ate La w	Ethics and professio nal responsib ility	Skil ls for law yer s

3-22	<p>To be taught primarily through case studies – minimum of 4 in each module with students allocated in rotation to prosecution/plaintiff and defence/defendant or to either side in transactional matters. Each module will be delivered on one day a week, for 4 hours a day and for 20 weeks, giving total of 80 contact hours plus self study for each module. For example Civil Litigation would be on a Monday, Criminal on a Tuesday, Property on a Wednesday and Corporate Law on a Thursday. This will provide an intensive experience for the student and give greater flexibility in delivery – lecturers can use a mix of traditional teaching and more interactive techniques. As the teaching timetable is delivered more intensively lecturers will consequently have more days when they are not engaged in formal teaching. There should also be time to accommodate live-client clinics during the days allocated to specific modules. The 4 modules will be known as the core modules</p>	<p>To be taught on one day each week (for example a Friday) for 4 hours a day in common with the delivery of the core modules. Students will be allocated to small groups or ‘firms’. All lecturers will take part in teaching this part of the programme. In consequence ‘firms’ should not exceed 30 students in number and in many instances this will be considerably less. On the ethics/skills days students will examine the professional and skills implications arising in the case studies they have dealt with in the core modules. They will discuss and re-enact the case from the perspective of professional responsibility and the relevant skills (research, communication in general, drafting, legal writing and interviewing in particular</p>
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23-34	Attachments in courts (4 weeks) and law offices (8 weeks)
35-36	Back in NLS to reflect on attachment experience and to conduct mock trials
37-38	Revision
39	Bar examinations and completion of any other assessments

6. Recommendations

I made the following recommendations during the workshop:

- That all modules and lesson plans within modules use the same template and terminology
- That identical module and lesson plan content be used in every campus of the NLS unless there is good reason for not doing so (for example where State law or procedures differ)
- That module leaders be appointed who will take responsibility for the co-ordination of the module across all campuses of the NLS.
- That cross-campus module teams be appointed with the specific responsibility of preparing the module and lesson plans. This work is to be completed in time for and be used in the planned September on-campus staff training
- That a module leader and team be appointed to prepare a handbook to guide and regulate the attachments
- That assessment templates be devised to standardise marking of assessments and feedback given to students
- That each module team prepares at least 2 case studies for use in the September training
- That urgent thought be given to the appointment of adjunct staff from legal practice and the judiciary to assist with implementation of new curriculum and to delivery integrated approach to teaching and learning

- That sufficient equipment be provided (in video or DVD format) to enable student performances to be recorded and used as for feedback, self-study and assessment purposes.

In the discussions that followed the recommendations for implementation, in particular the appointment of module leaders and teams was accepted and a deadline for preparation of the lesson plans was agreed – 1 August 2008.

Arrangements for the September on-campus training are already well advanced.

General – The Present Position

The Curriculum identifies that the duration of the vocational programme is about 12 months. The Law School allocates this period of 12 months as follows:

1. 18 weeks of lectures
2. 1 week of registration
3. 3 weeks of vacation
4. 6 weeks of Law Firm Attachment
5. 5 weeks of Court Attachment
6. 1 week of private revision
7. 1 week of examination
8. Free 12 weeks (plus) between examination & call to Bar.

Out of the 18 weeks (5 days in a week) of lectures, one week is used as the “Practice week” when a few students engage in mock trials and a few visiting lecturers make presentations.

During the first term students are engaged for 6-7 hours lectures in a day and in other terms, an additional one hour is added to the period by way of tutorials. It must be noted that the legal Education Act only prescribes one “academic session” as the

duration of the law school programme but leaves the definition and scope of “academic session” to be determined by the Council of Legal Education.

General – The New Curriculum

The focus of the proposed curriculum is the achievement of a set of outcomes at the end of the training. We must therefore depart from the traditional position of believing that students are empty drums that are incapable of executing any tasks and that we should therefore keep them in the class as long as possible and “fill” them up with knowledge by merely dictating or repeating lines and lines of pages of books, statutes and case reports. The draft curriculum therefore suggests that for every one hour contact with students, the students should have a minimum of 2 hours of private studies and work.

For this reason, no student should be made to have a teaching contact of more than 3 -4 hours in one day.

Lectures should also commence at 8am instead of 9am.

We propose:

- (i) 20 weeks lecture contact
- (ii) 4 weeks of Court attachment: and
- (iii) 12 weeks of Law Firm attachment

The 20 weeks of lectures

There would be a maximum of 4 hours teaching time per day of 5 days of the week. This would give a total of 400 hours.

Delivery Mode

Delivery would be through large group sessions and small group sessions. There would be no special period set out as tutorials. There would be no special practice week.

Generally, the large group sessions should not take more than 25% of the total delivery period.

The best practice is to have between 6-12 students per small group. Under our present circumstance, we should not have more than 30 students per small group while we begin to work towards achieving the best practice.

The Large group sessions would involve all students. It may take the form of framework lectures, presentation by guests, discussions, video demonstrations, etc. Sometimes the large group sessions will be used to reinforce the basic elements of the relevant law or subject. Large group sessions should not be passive sessions for students. Students would be expected to participate. Teachers would be expected to prepare lesson plans for the sessions and provide stimulating activities and opportunities to make students participate.

The small group sessions will take the form of tutorials, workshop and extended practice activities, often involving role – playing and demonstrations, drafting and reports.

Prerequisite

The curriculum assumes that students already know the core subjects they studied at the University. Their attention must be drawn to this at the commencement that they should ensure their understanding of these subjects or update their understanding.

Course Content

The Course comprises the following subjects:

1. Civil litigation
2. Criminal litigation
3. Corporate Law practice
4. Property Law Practice
5. Communication, research and writing skills
6. ADR Skills
7. Professional Ethics & Responsibility.
8. Nigerian Law School Law Clinic
9. 4 weeks of court attachment –
Objectives/outcomes/guidelines to be provided
10. 12 weeks of chambers attachment -
Objectives/outcomes/guidelines to be provided

Professor Richard Grimes
Consultant
Talkinglaw

20 June 2008

APPENDIX H

Report from International Consultants

Capacity building project – teachers’ skills training and curriculum development workshop (supported by the World Bank, International Development Fund)-

Enugu, Lagos, Kano and Abuja, 6 September – 4 October 2008

7. Introduction and terms of engagement

The Council of Legal Education (CLE) and the Nigerian Law School (NLS) have been engaged for the past 2 years in a major review of the vocational law programme in Nigeria.

The review has consisted of several component parts including discussions with relevant stakeholders (law teachers, the judiciary, government and the legal profession), advice from external consultants and a programme of staff development and training. I have been closely involved with these developments in both an advisory and training capacity.

This process had lead to the adoption of a new curriculum for the NLS which will come into force in October 2008 in time for the 2008/2009 intake of students. A copy of the new curriculum is contained in Appendix A of this report.

I have been re-appointed, as international consultant, to facilitate discussion on the implementation of the curriculum, to continue to assist with staff development, to provide and assist with the creation of teaching materials and to produce a report on the outcome of that process.

8. Format and content of workshop

This was the final set of training workshops before the implementation of the new curriculum. The workshops were held, in sequence, at each campus of the NLS. The reason for this was twofold: first so that the training could take place in smaller groups than used in previous training sessions (thus making it a more intense experience for all and in the context of each of the teams that would be responsible for delivering the programme) and secondly to have the training take place with the facilities and in the environment that would apply when the programme was actually implemented. The workshops were held in the following order: Enugu (E), Lagos (L), Kano (K) and Abuja (A). In all 60 delegates attended the 4 workshops.

Because of the intensive nature and small group work emphasis of the workshops four consultants had been appointed to assist with the workshop: myself and 3 highly experienced legal educators with subject specialisms directly applicable to the implementation of the NLS' new curriculum – Professor Jeff Giddings (former Head of Learning and Teaching, School of Law, Griffith University, Queensland, Australia), Stephen Levett (Deputy Director, Staffing, The College of Law of England and Wales, York) and Rebecca Parker (Pro Bono Co-ordinator, The College of Law of England and Wales, Birmingham). Their individual reports can be found in Appendix F of this report.

Delegates at the workshops included the Director General of the NLS and CLE (who was present at each workshop), the Deputy Director Generals for each campus and the law teachers from the NLS.

Learning outcomes

In common with the previous workshops held in this capacity building programme and in accordance with best practice, a set of measurable outcomes were agreed in advance of the workshop.

At the end of the workshops, delegates were expected to be able to:

- identify the rationale behind the new curriculum
- accurately summarise the principle features of the new curriculum in terms of both structure and content
- draft lesson plans in at least one of the module subject areas using an agreed template
- demonstrate, through the use of case studies, the effective use of interactive teaching methods
- assess student performance where interactive teaching methods have been used
- simulate a live client clinic session (including role play of student preparation, client contact, student supervision and reflective feedback)
- produce adequate case studies and materials for the teaching of the modules and use in lesson presentations
- integrate the module sessions and lesson plans into the curriculum

The overall objectives were to further develop the capacity of law teachers to implement the new curriculum, to produce finalised versions of lesson plans and teaching sessions and to create a version of the curriculum that could be implemented across all of the 4 campuses of the NLS supporting quality control and aiding consistency. The whole should allow for review and necessary amendments to be carried out in the future.

As in previous workshops, emphasis throughout this set of sessions was on delegate participation and based on practical examples that had local, regional and/or national relevance. Case studies were used to provide a vehicle through which each of learning outcomes could be addressed. Delegates were both teachers and students for the purpose of the workshops and devised the necessary case studies and materials – building on developments made in previous training sessions under this capacity building programme. Delegate materials and performances were recorded creating resources for use later in training and under the new curriculum.

Delegates had been asked in advance to prepare a comprehensive set of lesson plans for each module (Civil Litigation, Criminal Litigation, Property Law and Practice, Corporate Law and Practice, Legal Skills and Ethics and Professional Responsibility) along with sufficient case studies to base the teaching sessions on. This demanding task was largely accomplished and where gaps did exist these were addressed in the workshops.

3. Workshop content

The workshop was delivered on 5 consecutive days through a mix of plenary sessions and group work.

A summary of the content, day by day, appears below:

Day 1 – introductions

recap on content and structure of new curriculum

division of delegates into working groups (6 – to reflect the teaching modules – skills and ethics being merged as they are to be addressed in a common workshop (the ‘Friday’ sessions)).

The groups were:

- induction (including research and case study mock trials)
- civil litigation
- criminal litigation
- property law practice
- corporate law practice
- skills and ethics (including ADR)

Instructions to groups:

Task 1 – comment on draft integrated curriculum plan

Task 2 – produce sample lesson plans (2)

Task 3 – demonstrate lesson delivery (1)

Task 4 - take part in ‘lesson’ on assessment and evaluation

Task 5 - devise logistics for clinical component(s) – attachments
and

other clinics

Task 6 - devise delivery plan for case study mock trials

Groups to prepare Task 1 and present their findings on Task 1.

Groups to prepare Task 2.

During the group's discussions and preparations the consultants and NLS management acted as peripatetic advisers going round the working groups giving feedback and guidance.

Comments made on the new curriculum integration plan were received and the plan was amended to reflect these. The final version appears in Appendix B.

Day 2 – Groups to present work produced in Task 2

Groups to prepare Task 3

Each module group, except Corporate Law and Practice, reported in turn on the form and content of their lesson plans. The same template that had been used at previous workshops was followed here to aid clarity and consistency. This template was set out in Appendix B of my June 2008 report. Each group presented 2 lesson plans. The emphasis now was on the detail, especially the activities to be used.

Following feedback delegates were then instructed to develop one of the plans presented into a full blown lesson (a sample of 30 minutes of which to be presented the following day).

The Corporate Law and Practice group focused instead on developing 5 week's worth of lesson plans as these had not been produced in advance of the workshop.

Day 3 – Groups to present work produced in Task 3

Groups to participate in Task 4

As on Day 2, delegates presented the outcomes of their work on the previous afternoon. Generally, evidenced-based outcomes were used and the teaching methods proposed were heavily interactive. Lectures, where incorporated, were brief and by way of overview, with role-play, brainstorming and question and answer sessions predominating. Case studies were used although delegates were not yet using a common set that would run throughout modules. This move would aid students understanding as they would be more familiar with fact scenarios.

The afternoon session was devoted to assessment and evaluation. Instead of requiring delegates to prepare material as previously in this workshop this session was lead by the international consultants who presented in the form of a 4 hour 'lesson'. The reason for this was to demonstrate how a complete teaching session could be conducted following the pattern set out in the integrated curriculum plan. Delegates therefore became the students and the consultants the teachers. A detailed lesson plan was produced and projected onto the workshop room wall. This lesson plan is set out in Appendix C.

The discussion that came out of this 'lesson' was highly valuable in terms of focusing on the formative (as opposed to simply summative) potential of assessment – further supporting the emphasis on student-centred learning. This lead to the creation of a draft assessment timetable that appears in Appendix D. The 'lesson' also showed how the teachers might structure their teaching sessions (which, based on the integrated curriculum plan, are to be daily slots of 4 hours devoted to one module) incorporating a variety of learning methodologies.

Day 4 – Groups to complete participation in Task 4
Groups to prepare work for Task 5 and begin to present their findings.

As there was insufficient time on Day 3 to complete the 4 hour 'lesson' the section of the 'lesson' devoted to evaluation was held on Day 4. The lesson plan set out in Appendix C contains the detail.

As part of the interactive work devised for this session delegates had to produce an evaluation scheme for either a set of lessons (in this case for the trial component of the Criminal Litigation module) or for the new curriculum as a whole. The purpose here was to give delegates tools with which to carry out an appraisal of the quality of content and delivery of both the individual module on the new curriculum and the new curriculum as a whole.

Task 5 required delegates to produce a detailed plan for the implementation of either the attachment phase of the programme (weeks 23 – 34) or for an alternative clinical component.

Day 5 – Groups to continue to present work produced in Task 5

Groups to discuss task 6 in plenary session

Final wrap up

The presentations on the clinical component were split into 2 – attachments and other clinical options. The groups dealing with the former presented a detailed plan for the allocation of student to host organisation, the supervision of students during the placement, the expectations on academic staff, students and hosts and the assessment of the students. It was agreed that a manual should be devised (a tried and tested version had been provided in advance for possible adoption and amendment). One very important feature of this aspect of the programme was the requirement in the new curriculum for students to return to the NLS, following the attachment in court and legal practice, to engage in active reflection on the experience. This would not only allow the students to gain valuable feedback but also would fit with the holistic approach to study allowing the student to see the attachment in the wider context of the knowledge, skills and values contained in the rest of the programme.

The second group reported on the creation of other clinical options including:

- in-house clinic – located within and run by the law school
- outreach clinic – run by the law school but based in a community setting
- legal literacy clinic – offering rights and responsibility-based public education, and
- simulation clinics – run by law school and based on case study role-play

There was general agreement that each campus would have an advice centre, some generalist (dealing with a range of local legal needs) and some specialist (for example landlord and tenant disputes, domestic violence issues and dispute resolution centres).

Some campuses wanted to develop legal literacy or *Street Law* clinics. It was agreed that these clinical initiatives should be piloted and be small scale until they were tried and tested. Advisory panels should be created at each campus to ensure dialogue between stakeholders and to ensure the effective spend of available resources. Adjunct staff members from available practitioners in each area were seen as essential to the success of any clinical programme.

To reinforce the concept of learning by doing each campus agreed to have a dedicated clinical building or set of rooms in which any live-client clinic would be based and where simulation clinics would be housed including mock registries for use in the transactional parts of the programme (e.g. Land Registry and Probate Registry).

Task 6 was then considered in plenary session. This focused on the need for a case study in criminal and civil litigation where all students would be allocated to one ‘side’ of a criminal or civil case and progress that case from initial interview to final disposal

during the course of a week. The idea is to give the students an overview of how law ‘works’ in practice and to get them used at the very outset of the programme to being actively involved in their own learning.

In the final wrap up delegates were allocated to teams for the completion of the outstanding work to ensure that lesson plans were finished, case studies were written, clinic manuals were produced and the mock trials were organised.

Due to the incremental nature of the workshops (the work of one workshop informing the next) the timetable set for successive workshops was amended to reflect progress made. The agenda for the final workshop is set out in Appendix E where the focus was on presenting the ‘Friday’ workshops and on actually running the clinic teaching sessions.

Co-ordinators at each of the campuses (E, L, K and A) are currently in the process of completing detailed reports of discussions and outcomes at each campus and these can be obtained from the management at the NLS.

9. Outcome of workshop

According to feedback received from the consultants and workshop delegates and as evidenced by the presentations made by the various groups, the outcomes set for the workshop were achieved.

An additional and unplanned outcome was also achieved – a proposed timetable for a new assessment regime.

The progress made at this set of workshops owes much to the leadership and initiatives taken by the Director General of the NLS and his managerial and teaching staff. Their energy and commitment bodes well for the overall success of the new programme. I wish them well.

10. Recommendations

I made the following recommendations during the workshop:

- that all modules and lesson plans within modules continue to use the same template and terminology
- that identical module and lesson plan content be used in every campus of the NLS unless there is good reason for not doing so (for example where State law or procedures differ)
- that consideration be given to replacing the term 'lesson' with 'session' to distance this approach from connotations of being at school
- that the word 'lecture' be replaced by 'workshop' to emphasise the new learning regime
- that students be provided with copies of all lesson plans, curriculum integration plans and assessment timetable so that they can know from the outset what is expected from them
- that students be told at the outset that the programme that this is a new venture and that they, as well as the teaching staff, involved in the shaping of this new programme
- that module leaders continue to work taking responsibility for the co-ordination of the module across all campuses of the NLS following a common structure and common content
- that teaching staff team teach where ever possible and that immediately following a teaching session that session is evaluated by the tutor concerned or the teaching team for that session and the lesson plan be amended there and then to reflect their findings and to improve future delivery. Any amendments should be shared with colleagues at the particular campus and circulated between campuses
- that there should be regular weekly staff meetings at each campus to discuss progress made in the previous week and plans for the week to come. Regular, if less frequent,

meetings should be held to monitor and review progress and outcomes should be shared across campuses

- external evaluation should be conducted at least annually
- assessment templates be devised and used across the NLS to standardise marking of assessments and feedback given to students following the format of the assessment timetable set out in Appendix D
- that urgent thought be given to the appointment of adjunct staff from legal practice and the judiciary to assist with implementation of new curriculum and to delivery integrated approach to teaching and learning
- that sufficient equipment be provided (in video or DVD format) to enable student performances to be recorded and used as for feedback, self-study and assessment purposes
- that structures for leadership at each campus be reviewed to ensure that there is effective co-ordination of efforts and supply of necessary support and guidance. Each campus should appoint a learning and teaching co-ordinator who should report to the DDG at each campus
- that training manuals be devised for all clinical components setting out expectations, ground rules and procedures
- that staff terms and conditions be reviewed so that staff might be properly rewarded for their commitment to effecting and maintaining such a major curriculum change. I appreciate that on the issue of salaries the hands of the CLE and NLS are somewhat tied given that pay is determined by a federal body. However an argument may be made to such a body for an improvement in terms and conditions on the grounds that the NLS is making significant improvements to legal education (which should in due course produce better skilled and competent lawyers which should be for the public good), that legal service provision to the public will undoubtedly be improved through the NLS clinics and that other professionals have recently had similar pay and condition reviews (including the judiciary and medics).

- that an e-mail 'list' be created to include all NLS management, teaching staff and consultants so that if anyone experiences problems or issues in the delivery of the programme he or she can advise the list and await responses that will be shared over the list
- ensure that all administrative staff are fully briefed on the ethos and terms of the new curriculum so that they can better understand the new format and respond appropriately to teaching staff, students and clinic clients

Further recommendations are made by the other consultants and are listed in their respective reports.

Richard Grimes
Talkinglaw
Independent Consultant
October 2008

Appendices

Appendix

Final version of New curriculum to be attached by Institution

Appendix **Integrated curriculum plan**

In the following plan each week's content is listed under the respective module and day headings. Lesson plans are indicated by number – e.g. LP 10 or LPs 2 – 6 as contained in the programme handbook. Lesson plans are numbers 1 – end for each module. If a lesson plan in the handbook is not included in the following plan it should be studied by the students in their own time and cross-reference to it by the tutor is sufficient. Under the ethos of the new curriculum there is no purpose to be served in teaching what the

student can read for him or herself unless this involves the student in applying knowledge, skills or values.

Appendix

Assessment and evaluation lesson plan

Nigerian Law School *Curriculum Development Workshop*

Lesson plan

1. **Topic:** assessment and evaluation
2. **Learning outcomes:** at the end of this session you should be able to:
 - ✓ explain, orally, the difference between assessment and evaluation
 - ✓ in relation to a set of lesson plans on the law school's new curriculum, produce an assessment plan incorporating criteria for the named assessment(s) and a marking scheme
 - ✓ devise an evaluation scheme for either, a set of lesson plans or, the new curriculum as a whole
3. **Content:**
 - 'best practice' in assessment
 - evaluation techniques
 - principles of equality, fairness and consistency
4. **Method:**

Tutor to set up a flip chart with pen.

- 4.1 **Focuser:** the case of the disgruntled student – **role play – 5 minutes**

One tutor plays the role of tutor, the other tutor plays the role of student- hard working student goes to see tutor to express unhappiness with the mark for an assignment. Tutor provides unhelpful responses e.g. no feedback or assessment criteria.

- 4.2 Question and answer:** in large group, develop definitions of assessment and evaluation and identify means of assessment and evaluation – answers to be written on flip chart – **10 minutes**
- 4.3 Briefing for exercise 1:** students to work in 2 sets - Groups 1-3 and 4-6 – Groups 1-3 will produce and present an assessment plan for the Trial Section of the Criminal Litigation syllabus. Groups 4-6 will produce and present an assessment plan for the Wills section of the Property syllabus – **5 minutes**
- 4.4 Exercise 1:** groups go to designated spaces to work on assessment plan to include the ‘what, why, how and when’ of assessment – **60 minutes**

Tutor circulates around groups to facilitate

- 4.5 Report back:** plenary session for whole class, each group presents their assessment plan – **30 minutes**

BREAK – tutor to set up 2 flip charts in teaching room, with a differently coloured pen on each stand. The flip chart sheets are headed in sequence: ‘what’ and ‘how’. Under ‘what’ the tutor writes: ‘1. set of lesson plans on trial in criminal litigation’ and ‘2. new law school curriculum as a whole’. Under ‘how’ the tutor records the students’ responses in the following question and answer session.

- 4.6 Exercise 2:** the tutor conducts a question and answer session with all of the students present. The tutor asks *how* the students intend to evaluate the 2 tasks listed on the

“what’ flip chart and records there responses on the ‘how’ flip chart – **15 minutes**

Tutor then instructs students to go to designated spaces in their sets (groups 1-3 and 4-6) to prepare evaluation scheme for set of lesson plans on trial in Criminal Litigation (groups 1-3) and on the new curriculum (groups 4-6).

4.7 Exercise 3: groups go to designated spaces to prepare evaluation scheme – **30 minutes**

Tutor circulates around sets to facilitate.

4.8 Report back: plenary session for whole class, each group presents their written evaluation scheme – **30 minutes**

4.9 Question and answer session: to address any outstanding queries and to get student feedback on exercise – **10 minutes**

5. Assessment: grade assessment plans and evaluation scheme

6. Evaluation: direct feedback from students – what was done well and what could have been done better?

7. Resources: one room large enough for group and 1 other space where group work can be carried out; 3 flip charts, paper and pens; writing paper and pens for student group use; *Powerpoint* facility to display lesson plan and any other visuals

Appendix

Draft assessment timetable

Assessment timetable			
Start	During first 22 weeks	During attachment period	Bar Examinations
From start to finish the students will be introduced to the knowledge, skills and values that pertain to legal practice in Nigeria. The integrated curriculum plan lays down what will be taught in which week.	<p>Assessments arranged during programme at various points to coincide with appropriate part of curriculum.</p> <p>For example:</p> <ul style="list-style-type: none"> • advocacy skills during trial stage of Civil and Criminal Litigation • drafting skills in Property Law Practice (deeds, leases or wills) • interviewing skills in all 4 core subjects (Civil and Criminal Litigation, Property Law Practice and Corporate Law Practice) when taking client's instructions • letter writing in all four core subjects at various points where the client or third 	<p>Possible practice bar examination?</p> <p>Before being eligible to sit the Bar Examination each student must have been adjudged competent in each of the skills assessments <u>and</u> have completed the attachments (court and law office). They must have attended for at least 90% for the duration of the attachments and their principals must certify that they behaved in an appropriate professional manner through the attachments. The students must also submit a portfolio of work showing what tasks they observed and/or undertook in the attachments.</p> <p>Any student failing to complete the attachments satisfactorily will have to undertake further attachments for such period as management shall deem fit. The</p>	<p>In the four core subjects only? Based on case studies (to comply with the way in which the students have been learning. Case studies to require students to explain how a case might progress, what procedures have to be complied with and what ethical or professional practice issues may arise. The students will be asked to represent either the plaintiff, prosecution or defendant (in a civil and criminal</p>

<p>Before undertaking the skills assessments and the Bar Examinations the student will have had the opportunity on a regular and incremental basis to apply the fundamental principles of practice largely through the vehicle of</p>	<p>parties need to be written to.</p> <p>All students must prove themselves 'competent' in each skill assessed.</p> <p>No student should be able to progress to the Bar Examination unless he or she has been adjudged 'competent' in the assessed skills. A student not yet reaching this standard will be adjudged 'not yet competent'.</p> <p>A student should be given a fixed number of attempts to establish competency – perhaps 3 attempts? If a student has good reason for failing to undertake any assessment or whose performance is unduly affected by illness or other good reason he or she should be allowed to take the assessment again as if for the first time.</p> <p>The standard of competent is the standard of a person about to commence legal practice for the first time.</p> <p>Assessment criteria will need to be devised.</p>	<p>attachments and any 'resits' may be undertaken in any Clinic operated by the Law School.</p>	<p>case) and one side or another in a property law and corporate transaction. The Bar Examinations will be marked so that there is a ranking of students. This will provide a valuable indication to employers of the students' relative abilities. If one case study is seen as insufficient to adequately test the students' understanding of law in practice the students might be asked to undertake more than one case study in each core subject, possibly</p>
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<p>case studies which will permeate the programme.</p>			<p>representing the side they did not in the first examination .</p> <p>The exams should be 'open book' so that the students are asked to apply principles rather than memorise them.</p> <p>To complete the programme and to be called to the Bar students must have been adjudged competent in all of the skills assessments, have completed the attachments satisfactorily and have passed all papers in the Bar Examination (reaching a pass mark of</p>
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			50% in all papers). Assessment criteria and a marking scheme will need to be devised.
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Appendix

Draft programme for final (Abuja) workshop

**Draft programme for
Curriculum Development Training Workshop,
Abuja campus, Nigerian Law School
30 September – 4 October 2008**

Outcomes for the workshop:

- ✓ to demonstrate, through sample teaching sessions, the application of the principles behind and rationale of the new law school curriculum
- ✓ to devise a sample set of lesson plans and teaching sessions that can be implemented in the new curriculum
- ✓ to create assessment plans for use in the new curriculum
- ✓ to produce a draft evaluation scheme for the new curriculum
- ✓ to design a clinical programme, using a variety of models (including attachments, in-house clinics, legal literacy programmes and simulation) for implementation in the new curriculum

Activities:

Day 1

- **introductions**
- **presentation on new curriculum structure and integrated curriculum plan**
- **plenary session – discussion on contents of integrated curriculum plan**
- **allocation into workshop groups (7)**
- **preparation of lesson plans and teaching sessions based on skills and ethics workshop format (the ‘Friday’ teaching session)**
- **wrap up**

Day 2

- **delivery of teaching sessions (7) – 30 minutes each plus feedback**
- **wrap up**

Day 3

- **delivery of lesson plan and teaching session on assessment and evaluation (Richard and Becky)**
- **allocation into workshop groups (2: 1-3 and 4-7)**
- **preparation of clinic teaching sessions (attachments and other clinic models)**
- **wrap up**

Day 4

- **presentation of clinic teaching sessions e.g. interviews with students following attachments; post-client interview meeting with in-house clinic students**
- **presentation of further sample lesson plans as recap exercise**

- **induction week – case studies and mock trials**
- **allocation of teaching staff to specific roles (case studies, missing lesson plans, attachments, in-house and other clinics)**
- **final wrap up**

Owing to a public holiday the workshop was compressed into 4 days rather than 5.

Appendix

Reports from other international consultants

Stephen Levett

Consultant Report on Training at Enugu campus of the Nigerian Law School 8 - 12 September 2008

Introduction

Consultants have been appointed to assist the Council of Legal Education and the Nigerian Law School to review its curriculum, its teaching methods and to expose staff to different models of clinical legal education. The stated aim of the Director General is to achieve a standard of educational practice which reflects current best practice at an international level.

The author of this report is Deputy Director of the College of Law, York and has over a decade's experience of vocational training of postgraduate law students and clinical practice including Streetlaw and Law Clinics which provide thousands of students each academic year with the opportunity to engage in hands-on learning.

Professor Richard Grimes who has led consultant involvement in this support project has already provided a report on the day to day activities which were carried out during my week long

involvement in this project, so I will confine my comments to a broader assessment of the project.

Enugu Law School

Student facilities

The school enjoys a remote and spacious location deliberately chosen in order to ensure students have a minimum of distraction. During the term students live on site in shared accommodation. We did not view the accommodation but understand it to be of a relatively basic standard and that it can be cramped. Student fees which currently stand at \$1000 per annum for the course (which lasts one year), cover tuition fees and accommodation. Food can be bought on site and there are some cooking facilities as well. There is a dedicated medical facility on site staffed by qualified medical staff including doctors.

Lecture room facilities

Traditionally students have been taught in a large auditorium which seats all 750 students. Students sit in chairs with an arm rest desk to lean on. Teaching has in the past been dominated by lectures where the tutor dictates notes. Because of the length and narrow width of the auditorium, those at the back of the auditorium would be unable to see either the lecturer or any slides projected onto the screen were it not for the presence of TV screens around the room which project what is occurring on the stage. (The introduction of the screens into the lecture hall is one of the many innovations inspired by the Deputy Director General in his quest to improve the educational experience of the students.)

A central feature of the revised curriculum will be more interactive lectures in the course of which students will be invited to participate actively. The Law School staff have been introduced to a range of approaches which could enliven the student's experience of lectures including the use of question and answer,

student presentations, role plays and simulations. In order to ensure all students are able to participate as fully as possible with the minimum of disruption, consideration should be given to the provision of more microphones. In the course of lectures it is also likely that the lecturers will need the support of administrative staff to assist with moving microphones around the auditorium, filming activities occurring on stage and helping with any IT facilities.

(The Deputy Director General is considering the purchase of software and hardware which will enable students to take part in surveys, quizzes and questionnaires during the lectures and which will record students' efforts. This is a highly innovative approach which should be supported.)

Consideration should also be given to the recruitment and use of adjuncts to support lecturers in facilitating students' participation in simulations and role plays during lectures. In the course of our visit 2 recently qualified students were appointed to assist with the coming year's academic intake and such appointments are likely to perform a significant support role at a cost effective level.

In the course of our visit we were able to inspect a recently constructed but still to be completed lecture hall which if completed would represent a considerable improvement in the student experience of lectures. Visibility and audibility would be greatly enhanced. The Deputy Director is continuing to seek from the State Governor the funds necessary to complete the auditorium. In the meantime the facility is deteriorating.

Work is currently being undertaken on the refurbishment of a number of teaching blocks to provide workshop rooms. This is essential to the ongoing success of the project to revise the curriculum and teaching methods of the Law School.

The current student staff ratio of around 14 staff to 750 students. My understanding is that the number of staff per subject is not (or has not in the past been) determined by the numbers of students

recruited. The result is that for the bulk of their time at that the Law School students are taught in lecture groups of 750 students and can only be taught in workshop groups of around 60. The introduction of workshop teaching of any kind is a vast improvement but the size of the teaching groups remains well short of internationally recognised best practice where the size of workshops would not exceed 20. The only way to achieve this would be to increase the staff student ratio either by appointing additional full time qualified and experienced staff or by making use of less experienced or recently qualified former students in an associate or visiting capacity.

Recommendation

- Consideration should be given to supporting the Deputy Director in his efforts to secure funding for the completion of the auditorium to provide students with a modern, comfortable learning environment.
- Alternatively consideration should be given to providing funding directly to enable the completion of the auditorium.
- Additional IT facilities should be provided in the main auditorium to facilitate wider student involvement in lectures
- Consideration should be given to the appointment of recently qualified students as adjuncts to assist lecturers.

Library Facilities

Any course books which students need have to be purchased by the students. The library contains a limited range of books many of which have been donated and some of which are out of date or relate to the legal systems of other jurisdictions. There are around 30 computers in the library which are connected to the internet. (By way of comparison the College of Law in York which also has around 750 students has a ratio of around 1 computer for every 6

students.) Considering that there is no separate library budget the Deputy Director is to be congratulated on the library provision but there is clearly need for substantial and ongoing investment in library facilities if the Law School is to be able to sustain its commitment to the development of a modern law school. In particular, the College currently lacks access to electronic databases (which are expensive and which the author understands are yet to be developed for Nigeria specifically).

Recommendation

- Consideration should be given to providing funding to the Law School to enable it to offer its students access to a range of computer databases such as Lawtel, Westlaw, Butterworths or Lexis Nexis. Alternatively consideration should be given to providing substantial and ongoing support for paper library facilities.
- Consideration should be given to providing substantial and continuous support in relation to IT facilities. This should include not only hardware but also broadband facilities. Students and staff would also benefit from more extensive training in the use of IT.
- Consideration should also be given to supporting the commercial development of an electronic law database specifically for Nigeria in partnership.

Staff training and development

The demands which the revised curriculum place on existing staff members are enormous. Staff are being asked to adopt practices and approaches of which they have had little or no experience. With this in mind the series of workshops in which they have participated over the last 12 months which have introduced them to the idea of clinical legal education and student participation in

workshops and lectures have been essential to their development as tutors.

Under the leadership of the Deputy Director General and with the clear support of the Director General, teaching staff at the Enugu Law School have not only embraced enthusiastically the new ideas that they have been exposed to, but have also proven themselves more than capable of adapting these ideas to their own particular circumstances.

For this to be sustainable however, it is essential that a detailed and continuous programme of staff development be put into place.

This should include:

- A continuous programme of peer observation. Each tutor should observe another tutor in both lectures and workshops at least twice a year. These observations should be against agreed criteria (eg setting out objectives for the session, introducing topic, facilitating student participation etc.). Immediately following the observation there should be a meeting between the observer and observee to discuss the session. These observations should be purely for development purposes and should be confidential between the observer and the observee to encourage open and frank discussion of performance.
- A panel of senior Law School tutors including the Deputy Director General should conduct twice yearly observations of each tutor using the same agreed criteria. These observations should also be purely for developmental purposes from the tutor's point of view but will also facilitate quality control and consistency of teaching quality within and across subjects.
- A programme of cross institutional observation where tutors from Enugu visit and observe teaching at other law faculties in Nigeria and vice versa

- Tutors should be given the opportunity to observe teaching in other institutions and consideration should be given to providing key tutors with the opportunity to take sabbaticals to either work in or observe teaching programmes in other jurisdictions such as South Africa, the UK and Australia where clinical legal education at both university and vocational levels is well advanced.
- Tutors should be encouraged to embark on nationally or internationally recognised teaching qualifications. These could include Masters degrees in educational practice or simply attending academic conferences which have as their focus improvement of teaching technique.

Legal Advice Clinic and Simulated Registry

The Law School proposes to house its legal advice clinic, which will be staffed and run by students under close supervision, in the same building as the simulated registry (which will also be staffed by students some of which will have direct work experience of registry work.). The development of a well resourced legal advice clinic will be central to the overall ability of the Law School to produce competent lawyers who have good office and financial management skills together with a sound understanding of the central role of ethics in any legal profession.

The law tutors at Enugu Law School clearly understand the potential benefits a legal advice clinic could bring to the development of an ethical and skilled legal profession in Enugu State and seem genuinely enthused by the project.

Some concerns were expressed about whether there is sufficient awareness of the legal profession in the local area and as a result whether there would be enough clients.

Consideration should therefore be given to the development of a

Streetlaw programme which would see law students to travel around the local area to promote awareness of what lawyers could do and how the clinic could help local people. Tutors were able to identify a large number of community partners who might be able to assist with this including village elders, churches, trade unions and the local police.

Recommendation:

- Consideration should be given to the development of a Streetlaw Programme aimed at raising awareness of the legal profession's role in society. Such a programme could use as its theme the issue of corruption and what could be done to help tackle its corrosive effects.

Conclusion

The proposed changes to teaching methodology and curriculum at Enugu Law School are little short of revolutionary. Staff are being asked to change their entire outlook on how they prepare young law students for the challenges of legal practice. In particular they are being asked to focus on legal skills and ethics in a way that they have not done previously.

To succeed the project will require three key elements:

- (1) Effective and enthusiastic support for tutors and students from the College leadership. Enugu Law School is fortunate to have not only the leadership of the Director General but in the Deputy Director General Professor Ernest Ojukwu a teacher and leader of the highest calibre.
- (2) Tutors who are committed to the concept of "hands-on learning" and who have as many opportunities as possible to self-reflect on their own progress as teachers and lawyers and to engage in pedagogical exchanges with other institutions throughout the world. Teaching in the way it is proposed will mean that tutors themselves will become

better lawyers and as such an even more attractive potential employee of law firms across Nigeria. Careful thought should therefore be given to the levels of remuneration in the Law School and the Staff Student ratio (which it is recommended should not exceed 40:1). This may in turn require consideration to be given to a substantial increase in fees.

- (3) Adequate classroom and library resource. As a bare minimum all classrooms should be equipped with several white boards each and tables and chairs (capable of being moved around).

Stephen LEVETT
Deputy Director
The College of Law
York

September 2008

Rebecca Parker

Report on Curriculum Development Workshop
Nigerian Law School, Kano and Abuja Campuses
22 - 26 September and 30 September – 3 October 2008

1. Introduction

I attended and participated in the training and curriculum development workshops at the Nigerian Law School (NLS), Kano campus (22 – 26 September 2008) and Abuja campus (29 September – 3 October 2008).

I have had the benefit of reading the main report produced by Professor Richard Grimes and the appended supplementary reports of Stephen Levett and Professor Jeff Giddings. I endorse all of the

comments contained in these reports. To avoid repetition and for the sake of completeness, the observations and recommendations in this report focus on the proposed development of the clinical components of the Law School's new curriculum.

2. Clinical components of the NLS curriculum

2.1 Current provision

All students undertake external attachments over a 12 week period towards the end of the course. These are a 4 week court attachment and an 8 week chambers attachment.

2.2 Proposals for development

With the new curriculum, students will complete a record of their attachment experience and produce a portfolio for assessment. Students will return to the Law School for 2 weeks immediately following the attachment period and before the Bar Examination to evaluate and reflect on the learning experience. It is planned that each student's performance will be monitored through an individual interview and assessment of their portfolio.

In addition, the Law School plans to set up other live-client clinics to enhance the students' learning through 'hands-on' experience. Importantly these clinics will also provide a targeted if limited service to the local community. The clinics will be active throughout the course and may eventually be partially utilised for students' skills assessments.

These proposals are considered further at **3** below.

3. Focus for workshops

One of the outcomes for the end of the workshops was that delegates would be able to:

- ❖ simulate a live-client clinic session (including role-play of student preparation, client contact, student supervision and reflective feedback)

In addition, the workshop tasks related to this outcome also involved delegates considering proposed developments for the current NLS attachment programme (see **2.1** above). These clinical components of the curriculum were considered through tasks and discussions on days 4 and 5 of the workshops.

In Kano (as at the Enugu and Lagos campuses), delegates concentrated on developing the student attachments and live-client clinics by producing and presenting plans for development. In Abuja, delegates concentrated on presenting a simulation of how an evaluation meeting with students participating in the attachments and live-client clinic might work. Both provided lively discussion and useful feedback. A detailed report of this and other discussions is being prepared by the co-ordination teams at each of the 4 NLS campuses.

Staff at the campuses also agreed working groups to develop the various clinics including clinic manuals, setting out operational rules and training regimes.

4. Observations and recommendations

The tasks and plenary sessions allowed delegates, managers and consultants to make observations and raise concerns. These are detailed below. The subsequent recommendations relate to these issues and additional relevant considerations.

4.1 Attachments

- ❖ Delegates were keen that lawyers within the host organisations (courts/chambers) should be increasingly involved with the programme that they should provide a level of experience for each student and should have

specific supervisory and reporting roles – it is important that any such suggested proposals are realistic. If requirements for host organisation lawyers/supervisors are too burdensome this may discourage involvement and potentially reduce attachment opportunities

- ❖ Delegates felt that Law School staff should be visiting each student during their court and chambers attachments as part of their supervisory role – this is an ideal approach but may not be realistic in terms of staff resources. A much more realistic and sustainable approach would be to have identified staff available as a point of contact for students during their attachment period. If any student had difficulties during the attachment, the relevant supervisor could be contacted and intervene, perhaps with a visit if necessary, at that stage (similarly, the host organisations can contact the Law School if there are issues with any students). It is important to note that the attachment is the experience for the student and the learning will actually take place when the students return to the Law School to evaluate and reflect on that experience.
- ❖ It is important that all expectations in relation to the attachments are managed (students, Law School supervisors, host organisation lawyers/supervisors). This can be achieved if there are clear systems in place and all those involved are aware of them. A detailed manual or handbook should be produced detailing how the attachments will work, who is/are the point/s of contact at the Law School and what the expectations are for all those concerned; the host organisations should have an opportunity to contribute any of their rules and everyone involved should be provided with a copy
- ❖ Delegates were concerned about the suitability of some of the host organisations (particularly chambers/law firms) in terms of the quality of the student experience, if

organisations not providing a level of experience should be removed from the list and if some of the organisations used were still in existence – taking into account that all students are required to take part in the attachment programme, the Law School does not really have the luxury of reducing the number of attachment places available. Once again, it is important to note that whatever the experience of the student there is potential for learning if that experience is critically reflected upon. However it would be useful for nominated staff, with administrative back-up, across the campuses to have the responsibility of monitoring host organisations and reviewing the list at regular intervals. At some future point an accreditation system may be possible and is ideally required

- ❖ In time, it may be possible to develop a link between the attachment programme and other live-client clinics – once the various communities are aware of the clinics, there will most likely be a high demand for the services. If this is the case, it may be possible to place some students in the clinic as the attachment and in addition to the clinics running throughout the 20-weeks syllabus, (if and when relevant) students who do not pass initial skills and attachment assessments could take re-sits through the clinic which would enable the clinic to run all year

4.2 Other clinics

- ❖ Delegates in Kano and Abuja favoured the development of the outreach/in-house clinic model (which also reflected the preferences at the Enugu and Lagos campuses). The Street Law model was either not considered as appropriate or it was felt that developing too many models initially might be too ambitious - it is important that development of live-client clinic models take into account local considerations such as venue and resources (administrative and supervisory) and outreach/in-house clinics may prove to be

the most appropriate. This model is also highly attractive because it perhaps allows for the greatest variety of hands-on experience for students. This may be important if the live-client clinic is to eventually be additionally used for the assessment of skills. However, it is recommended that the campuses (perhaps with the exception of Lagos because of traffic considerations) should not neglect considering the potential for the development of Street Law as a model. Street Law has the potential to involve a large number of students; the rights and responsibilities education approach allows for several members of the community to benefit at once and because individual advice is not given, supervision is less onerous. Where individual advice is needed, selected cases could be referred to any in-house/outreach service.

- ❖ Delegates raised concerns about selection of clients (i.e. should clients be means tested?) and cases for any in-house/outreach clinic. Some considered that it would not be possible to take on criminal matters because students would not have rights of audience before the courts – the main reason for developing other clinic models is to provide further hands-on experiences to enhance students’ legal education. Rather than concentrate on whether or not a client could afford to access legal services elsewhere, a better approach might be to concentrate on the nature of client complaints and select simple cases (e.g. landlord and tenant disputes) which will effectively reinforce students’ learning. For criminal matters, it may be possible for students to be involved in preparatory work on cases and for Law School supervisors to appear before the courts with students shadowing the experience. It may also be possible to involve adjunct lawyers in this aspect of cases or, alternatively, refer clients elsewhere for representation
- ❖ Delegates were particularly keen to involve adjunct lawyers in clinic but also had concerns about how such

programmes/services might be viewed by the profession – previous recommendations about expectations placed on assisting lawyers should be noted. Involving adjunct lawyers in partnership as part of an outreach service should be considered. Some detail on one such service operating from The College of Law, Birmingham UK (Birmingham Employment Rights Advice Line – BERAL) was provided during the workshop. This is a partnership service between a not-for-profit organisation (Law Centre), The College (including students) and a rota of external employment lawyers. This model is attractive because responsibility for the service, particularly in terms of indemnity insurance, remains with the outreach organisation. When setting up Law School clinics it is always recommended to notify the profession. Informing the Bar Association of proposals will be reassuring and defeat any arguments about competition and other concerns – e.g. the types of cases taken on, the limited number, the professional standard through supervision and the possibility of generating work in the legal community. It is important to get the profession ‘on board’ because they champion the Law School’s initiative and benefit directly by employing qualified students who can ‘hit the ground running’ as lawyers

- ❖ Concerns were raised about how the number of students that could be involved in other clinics and how they should be selected. Some felt all students should be involved and others that numbers should be restricted – it is recommended that the number of students taking part in other clinics should be limited, as considered appropriate by the Law School, at least initially so as to ensure that the programme is manageable and that the quality of service can be assured and maintained. It should be noted that all students will take part in some clinical component of the curriculum because they will all be involved in attachments and simulation experiences only some will be involved in outreach/in-house clinics at the start and this number can be

increased as appropriate. To select students, volunteers should be sought initially. Where this number exceeds places available, numbers could be selected out of a hat (or wig!). It is also usual to keep a waiting list so that any students who drop out or have to be removed because of unsatisfactory performance can be replaced

- ❖ A particular concern was that letting potential clients know that students were providing an advice service under supervision might undermine the service because clients would expect to deal with a qualified lawyer and if they knew students were having to refer everything to a supervisor, they might lose faith in the service – it is extremely important to manage expectations right from the start (i.e. even when advertising the service) by ensuring potential clients are fully aware of the extent and limits of the service. It should be noted that the rationale behind developing other clinics is to benefit students' learning but at a standard which at least reaches that expected of a professional practice. If clients do not want to take advantage of a free service on this basis, they are always free to try and seek help elsewhere

5. Conclusion

The NLS's intended developments for the clinical components of the curriculum aim to meet international best practice standards for clinical legal education. NLS staff are clearly able and have the ability and management support to carry out the proposals and the capacity particularly in relation to the attachment programme. The introduction of other live-client clinics is important and appropriate to curriculum developments as a whole. The scale of the implementation should be developed gradually so that it is manageable and effective.

Jeff Giddings

**Report on Curriculum Development Workshop
Nigerian Law School, Lagos Campus
15-19 September 2008**

**Professor Jeff Giddings
Griffith Law School, Brisbane, Australia**

Introduction

This brief report outlines my observations based on my involvement in the Curriculum Development Workshop convened at the Nigerian Law School (NLS) Lagos Campus from September 15-19. I would like to thank the Council of Legal Education and the NLS for offering me the opportunity to contribute to the workshop. I was impressed by the systematic approach which has been taken to reforming the NLS curriculum. I am also mindful of the ongoing commitment that will be required to continue the effective implementation of the renovated program.

Effective Practices in Curriculum Development and Law Teaching

Recent publications on legal education from jurisdictions including the USA, Scotland and Australia have re-invigorated debates regarding legal education. Active learning methods have been identified as important in enhancing the education of future generations of lawyers. The *Best Practices for Legal Education* Report published in 2007 by the Clinical Legal Education Association provides a compelling analysis of the multiple failings of legal education in the USA and emphasises the multiple roles that should be played by experiential legal education. The *Educating Lawyers* Report, published in 2007 by the Carnegie Foundation for the Advancement of Teaching, emphasises the particular contributions clinical experiences should make to the practical and professional apprenticeships that are integral parts of an effective legal education.

These reports were among those considered in detail at the International Conference on *The Future of Legal Education* hosted by Georgia State University last February. The conference highlighted the current crisis in legal education in the USA, with its excessive reliance on the Socratic dialogue and lecture methods and assessment methods that promote shallow learning by students. Conference organisers drew on examples of innovative curriculum design and teaching practices from a range of countries (Argentina, Australia, England, India, Russia, Scotland, Spain and South Africa). In my view, the NLS curriculum developments involve the type of systematic approach that was commended by conference delegates but which is sadly lacking in the teaching of law in many institutions.

The Need for Leadership in Promoting Curriculum Development

As an exercise in promoting positive change, effective curriculum development requires input from all of the teaching staff along with strong support and direction from management. I commend the Director-General, Professor Mamman and Deputy Director-General, Professor Ojukwu (the Capacity Building Workshops Coordinator) for their demonstrated commitment to the curriculum review process and its outcomes. I note the highly consultative approach which has been taken to developing the new curriculum, enabling academic staff to make useful contributions to the new arrangements. In my experience, curriculum development is much more likely to be sustainable if it has been informed by an inclusive, consultative process.

Professor Ojukwu has been given responsibility for ensuring the systematic implementation of the new curriculum across the 4 campuses and has demonstrated real leadership in promoting the changes with professional authorities, colleagues and other stakeholders. He will require continuing support in order to foster the successful implementation of the new curriculum, including evaluating the changes.

Design of the New Curriculum

The NLS has wisely chosen to adopt a whole of curriculum approach to enhance the opportunities available to students. The new curriculum includes a strong emphasis on student learning in the areas of ethical actions and professional development along with legal skills. This is clearly in keeping with best practice developments in legal education elsewhere. Appropriate assessment arrangements will need to be used to support student learning in these areas. I see assessment as requiring close attention in the introduction of the new curriculum and note the useful insight of one workshop participant that ‘We can’t run away from assessment’.

The workshop highlighted the critical role of effective assessment practices and the need to address the over-reliance on final written exams. Of course, in this regard the NLS needs to work within the parameters set by the Nigerian admission authorities. Workshop participants engaged in a productive discussion regarding the various factors that are important in devising assessment strategies. It was clear that participants appreciated the importance of assessment being directed first and foremost by student learning principles.

My colleague, Professor Grimes has continued to emphasise the need for the systematic articulation of learning outcomes which can inform the development of comprehensive lesson plans. The workshop provided the academic staff group with opportunities to extend the lesson plans already created and to consider the roles to be played by each class during the delivery of the new curriculum. These lesson plans and the refined program structure will provide an important road map for the implementation effort. It was clear that staff had comprehensive knowledge of relevant areas of substantive law and the range of useful ideas generated by the workshop can now be brought to life through the use of active learning methods.

The curriculum review provided for the greater use of active learning methods, in particular the introduction of clinic-based

opportunities suited to the particular circumstances of each of the 4 campuses. The integration of a range of active learning methods, including simulations and case studies as well as real client clinic work, will be both important and valuable. Such methods need to be considered in the context of maintaining reasonable workloads for academic staff. There is potential for curriculum reviews to focus on seeking to raise standards across the curriculum with only limited attention to how the required standards will be implemented. Of course, if staff members decide not to accept and embrace the changes, the implementation process is likely to falter. In the NLS context, it is important to emphasise that staff have already been substantially involved in developing new approaches and materials which will stand them in good stead in the future.

Academic staff should benefit from having their teaching responsibilities contained within 2 days of each week. I was impressed by the proposed structure which will involve all staff in smaller-group teaching on Fridays. This gathering together of all staff on a weekly basis should provide a useful opportunity for monitoring implementation of the new program.

An ambitious law curriculum needs to include a substantial role for the law library as a learning site. I had the opportunity to visit the library at the Lagos Campus and was struck by the limited resources available to students. The importance attached to research skills within the new curriculum suggests the need for further resources to be directed towards the Lagos library. I am not in a position to comment on the libraries at the other NLS campuses.

Managing the Transition to the New Curriculum

Addressing the logistical dimensions of the implementation process needs to be a priority as the starting date for the first session using the new structure draws ever closer. In this regard, I note in particular the need for attention to be paid to addressing the 'nuts and bolts' aspects of the implementation of the clinic programs at each campus. The clinics are the major addition to the

NLS law program generated by the curriculum review and their introduction will benefit from continuing close monitoring.

Management in particular need to pay attention to maintaining the commitment of staff, including administrative staff, to the new curriculum. Much of the energy to drive the implementation necessarily needs to come from staff. The changes will not be sustainable if the process relies on consultants for momentum. It is clear from the Lagos workshop that staff understand the importance of the changes and appreciate their role in leading the implementation of those changes. Academic staff will require continuing opportunities to develop their knowledge and skills to facilitate the introduction of new content and the utilisation of a broader range of teaching and assessment methods. Staff will understandably require support if they are to avoid the understandable temptation to revert to over-reliance on lecture style delivery.

The commitment of NLS management and staff as well as the admission authorities needs to be communicated clearly to students if all concerned are to make the most of the opportunities available. Students need to be convinced as to the value of this new approach. I would suggest that all staff emphasise to students that they are at the NLS to prepare for the practise of law and, on that basis, active learning needs to be the key.

The class sizes at the NLS (which I can only describe as really, really large-group classes) create a set of novel student learning challenges. All teaching methods will face difficulties in engaging such large numbers of students. I understand that at the first joint workshop at the Abuja campus, Professors Grimes and McQuoid-Mason demonstrated the use of approaches promoting active learning within very large classes. Gaining student commitment to clear and well-understood class ground rules will be very important if classes are to be as productive as possible.

The workshop coordinator has demonstrated a clear understanding of the need to promote consistency in the learning opportunities provided to students at the 4 NLS campuses. There will be a continuing need for the Campus Heads to work closely together to promote consistency of student learning outcomes as well as content. In discussions during the Lagos workshop, it was clear that planning is well advanced for clinic options tailored to the circumstances of each campus and their communities.

Supporting Implementation of the New Curriculum

Much of the literature on curriculum development in law involves accounts of what should be included in a revised curriculum rather than on how such changes can best be achieved and evaluating the changes. The focus tends to be on the conceptualisation rather than the implementation.

Adequate resourcing is critical to the implementation process. All those involved will benefit from being recognised for their contributions and the provision of additional resources where possible is a material demonstration of the value the law school places on the outcomes generated by the curriculum review and its implementation.

I suggest that the NLS provide the opportunity for each of the teaching teams to meet with their colleagues from other campuses to share details of what aspects of the new curriculum have worked particularly well and what aspects require further development. It is likely that some modifications will be needed and it is important that these be addressed in a consistent fashion.

Despite the presence of other priorities, NLS management will need to maintain their ongoing commitment to sustaining the reforms. My sense is that NLS management is acutely aware of this and understands the need to treat the implementation as an ongoing process. This will assist in the NLS focussing on the closely-related process of evaluating the changes and their implementation.

The Importance of Evaluating the Changes

It appears that, despite its importance, evaluation of curriculum developments is often neglected. Perhaps it is the nature of lawyers to focus on the task at hand rather than to consider how effectively the system involved has worked. It will be important to obtain feedback from the full range of interested stakeholders, particularly from students, staff, the judiciary and the practising legal profession.

The evaluation should consider the effectiveness of the transition arrangements as well as addressing the key questions:

- Was the new structure implemented as planned?, &
- What difference have the curriculum changes made?

It is important for the NLS to take the time now to identify what useful data can be captured for evaluation purposes. It might also be helpful to involve a non-NLS evaluation expert, especially given that it can be difficult to prioritise evaluation in the midst of implementation.

Conclusion

The NLS curriculum review has not over-reached and sought to achieve the impossible. Rather, it has developed a structure which prioritises the key areas of ethics and skills through the use of a range of active teaching methods, including the introduction of clinical programs. The challenge is now to implement and sustain the new structure. I wish the NLS all the very best in its endeavours. The embedding of the new curriculum and the adoption of the new active learning methods will take time and continuing commitment.

Finally, I would like to commend the World Bank, International Development Fund for its far-sighted support for this curriculum development process. It is clear that a strong and effective legal

profession has a critical role to play in the continuing development of good governance practices in Nigeria.

Jeff Giddings
Griffith Law School
October 2008

APPENDIX J

CONFERENCE OF DEANS LAW 11TH – 12TH NOVEMBER, 2008 SHERATON HOTEL & TOWERS ABUJA

THEME: REFORM OF LEGAL EDUCATION IN NIGERIA.

Convener & Host: Council of Legal Education, Nigerian Law School

Sponsors: Council of Legal Education; National Universities Commission

Objectives:

1. Inaugurate a Conference of Deans of Law Faculties and Heads of Law School in Nigeria;
2. Discuss the future direction of Legal Education in Nigeria

Venue: Abuja Sheraton Hotel & Towers.

Programme:

Day 1 - **11th Nov 2008**

03.0 – 06.00 - Arrival of Delegates; Registration
06PM - Opening: Welcome Remarks – Dr. Tahir Mamman, Director General, Nigerian Law School.

Speaker: Executive Secretary, National Universities Commission

07.30 - Welcome Dinner, Abuja Sheraton Hotel & Towers.

Day 2 - 12th November 2008

08.00 – 09.AM- Registration continued

09.00 – 11.30 - Chairman – Hon. Attorney General of the Federation and Minister of Justice.

Remarks by HAGF

Keynote Speaker: Carl Monk, President Emeritus/General Secretary IALS – **Challenges facing legal education developers.**

Speaker:

(Roger Burridge – Dean, School of Law, University of Warwick, UK to provide exact topic.

11.00 – 11.30 - Tea Break

11.30 – 12.30 - **Speaker:** Dr. Tahir Mamman, Director General, Nigerian Law School - **Reform of Legal Education in Nigeria: the Nigerian Law School experience – Chairman – Tobi, JSC.**

12.30 – 2.00 - Group Lunch

2.00 – 4.00 - Workshop Session: **Reform of Legal**

Education in Nigeria – Chairman – Chief Afe Babalola, SAN**Thematic Issues and Lead Discussants**

1. Funding, Curriculum Reform and Enhancement: some one from NUC
2. Interactive Teaching Methods - Chidi Odinkalu –Director, Africa Open Society Justice Initiative, Abuja
3. Faculty Management: - A Dean
4. Taking Legal Practice to the classroom: Relationship between Legal Education, Legal Practice and the Judiciary – (Oguntade, JSC) – – (Oditah, QC, SAN)

04.00 – 04.15 - Tea Break

04.15 – 05.00 - **Inauguration of the Conference of Deans**
Chief Justice of Nigeria

05.00 - Wrap up

07.30 - Dinner at a Venue other than Sheraton

WORKSHOP COMMITTEE

Ernest Ojukwu – Coordinator
PC Okorie
Mr. Usman
Chinedu Ukekwe
Ms Stella Idele

APPENDIX K

**REPORT OF ASSESSMENT WORKSHOP FOR LAW
TEACHERS AT THE NIGERIAN LAW SCHOOL, BWARI
28TH & 29TH MAY 2009**

From: tahir mamman <mamava54@yahoo.com>

To: ernest ojukwu <ernestojukwu2@yahoo.com>

Sent: Tuesday, June 16, 2009 9:16:34 AM

Subject: Re: Assessment Workshop

Dear Ernest,

Just to acknowledge receiving the report on assessment and the excellent work done.

I will follow up on the recommendations made in the report.

Thanks and well done.

DG

**REPORT OF ASSESSMENT WORKSHOP FOR LAW
TEACHERS AT THE NIGERIAN LAW SCHOOL, BWARI
28TH & 29TH MAY 2009**

Introduction:

Following the introduction of a new curriculum at the Nigerian Law School this session, it became necessary to conduct a workshop for all law teachers on how to frame bar examination questions based on the new policy and principles of the new curriculum. The Director-General therefore approved that the workshop hold on the 28th and 29th May 2009 at Bwari Campus where the law teachers were already assembled on a re-sit examination grading assignment.

Objective:

1. To review draft bar examination questions;

2. Discuss assessment methods;

Outcomes:

At the end of the workshop, our law teachers will be able to produce standard bar examination questions that is focused on our outcome and skills-based curriculum.

Programme

- | | | |
|------------|---|--|
| Day 1 | - | 28 th May 2009 (Coordinator: Ernest Ojukwu) |
| 10- 4pm | - | Participants are grouped into 4 groups to review draft questions submitted by the campuses and produce draft standard questions in line with the policy and principles of the new curriculum.
The groups are:
i. Criminal litigation;
ii. Civil litigation;
iii. Property Law practice;
iv. Corporate law practice. |
| Day 2 | - | 29 th May 2009 (Coordinator: Ernest Ojukwu) |
| 9.00-9.30 | - | Registration |
| 9.30-9.45 | - | Opening Remarks- Dr. Tahir Mamman, Director-General NLS |
| 9.45-10.30 | - | Plenary - Sharing experience on setting Bar examination questions-
O.A. Onadeko, Deputy Director-General & Head Lagos Campus;
N. Usman, Deputy Director-General & Head Kano Campus
A.F. Afolayan, Deputy Director
R. Osamor, Deputy Director |

10.30-10.45	-	Tea Break
10.45-11.15	-	Plenary- assessment methods: outcome and Skills based assessments- Dr. Junaidu and Ernest Ojukwu
11.15-01.00	-	Workshop- Groups continue work on Questions using the draft questions.
01.00-02.30	-	Lunch
02.30-03.30	-	Plenary- Groups report back with sample questions- Ernest Ojukwu
03.30-03.45	-	Plenary- Overview: Attachment Portfolio Assessment- Ernest Ojukwu
03.45-04.30	-	Plenary- General discussion and wrap up – Ernest Ojukwu.

Presentations and participation.

The DDGs and law teachers participated fully except Mrs Adebiyi (Director Academic Lagos Campus) who was absent. List of participants is attached.

Dr. Ismail Junaidu, Director Curriculum Development Centre, NERDC, Sheda Abuja FCT made a presentation on “selecting methods of assessment.” Copy of his power point slides presentation is attached. His presentation was well received by participants. There was also a presentation by Ernest Ojukwu on “Assessment: purpose, goals, methods and objectives”; and “overview of attachment portfolio assessment.” Copies are attached.

Mr. A.O. Onadeko, Dr. N. Usman, Mr. Afolayan and Mr. R. Osamor made presentations on “sharing experience on setting bar examination questions.”

Draft Questions

Representatives of the participants’ groups presented the result of their group work- draft questions; and members discussed the sample questions and suggested the following:

- a. That all subjects should incorporate issues from the law in practice lessons and activities such as letter writing, minutes and report writing, interviewing and counselling, ADR, ICT, law office management, professional ethics and responsibilities, etc;
- b. Criminal litigation and Civil litigation should also incorporate issues of evidence.
- c. Each group should nominate a coordinator who would send the updated draft standard questions to the workshop coordinator within one week. The following were nominated: Mr. Tijani for Criminal litigation; Mr. Alimi for Civil litigation; Mr. Oniekoro for Property Law Practice and Mr. Ogbuanya for Corporate Law Practice.
- d. Draft standard questions should be used by law teachers as template for setting the next bar examinations;
- e. Draft standard questions should be circulated to all law students to guide them in preparing for the examination;
- f. It may be beneficial to have each campus setup committees by modules to produce as many as 20 or more sets of bar questions for bar examination question bank for the Director-General instead of the current practice of having each staff set his/her questions individually. This suggestion was based on the shared experience at this workshop where better output was achieved when questions were generated in groups. It would also eliminate situations where teachers would set questions on limited and same areas of the curriculum and thereby restricting the opportunity for the DG to have access to many questions from diverse sections of the curriculum.
- g. In the future all campuses should produce an analysis of the result of any pre-bar tests.
- h. Days to conduct the bar examination: 2 camps (almost equally divided) emerged on this suggestion.
One camp suggested that in line with the call by students over many years ago that bar examination be spaced out,

that the next bar examination should be taken on the following days:

Saturday (commencement)	-	Substantive paper
Monday	-	Substantive paper
Wednesday	-	Substantive paper
Friday	-	Substantive paper
Saturday (End)	-	MCQ

The second camp suggested that the examination should not be spaced and that it should hold thus:

Monday (Commencement)	-	MCQ
Tuesday	-	Substantive Paper
Wednesday	-	Substantive paper
Thursday	-	Substantive paper
Friday(end)	-	Substantive paper

Attachment Assessment

At the end of the presentation on attachment portfolio assessment, the following suggestions were made by participants:

- a. Campuses should procure all the equipments necessary for the successful execution of the activity including having projectors, laptops and providing office and classrooms.
- b. Adjuncts should be paid some allowance;
- c. The first day of the 3 weeks activity should be set aside for a plenary refresher workshop for all law students in all campuses to ensure that the students understand how to go about their presentations and what to present. That one day would also allow students to prepare 3 copies of their reports and 3 copies of their reflective essays for presentation to the panels particularly the groups to present on the first day of assessment.
- d. Panels need to prepare in advance too. Panel members need to read the essays, reports, log books and files of the students before each presentation.
- e. Strict time keeping must be observed for the students' 15 minutes presentation duration.

- f. An interactive meeting should be held between law teachers and adjuncts in all campuses before the portfolio assessment weeks to enable the adjuncts understand fully the process and their roles.
- g. A uniform assessment form should be produced for all campuses.
- h. Panel members should as much as possible create conducive environment for the students appearing before them. Students should not be harassed or intimidated. Teachers and Adjuncts should note that the aim of the assessment is not to fail students but to find out if they have achieved the objectives of the attachment exercise; and it is also a forum and opportunity to continue a formative learning of law and practice for students and assessors alike.

Conclusion:

The workshop was conducted as planned and the objectives and outcomes were successful. Participants applauded the DG for authorising the workshop and requested that it is made a yearly activity. The workshop ended at about 5.30pm on 29th May 2009.

Dated this 5th day of June 2009

Ernest Ojukwu
Coordinator of Workshop

APPENDIX L

IDF – (COUNCIL OF LEGAL EDUCATION) NIGERIAN LAW SCHOOL LEGAL EDUCATION CAPACITY BUILDING PROJECT:

IT AND INFRASTRUCTURE ASSESSMENT OF NIGERIAN LAW SCHOOL CAMPUSES

CONSULTANTS' REPORT

1. INTRODUCTION

By the letter of 26th May 2010 and the subsequent contract, the Council of Legal Education contracted us to undertake as consultants an assessment of the IT and infrastructure of the four campuses of the Nigerian Law School and submit a report.

Under the joint capacity building project of the Institution and IDF (World Bank), it was noted that the 4 campuses of the Nigerian Law School (located at Bwari Abuja, Enugu, Lagos and Kano) have varying capacities and differing IT and infrastructure and facilities. The assessment therefore targets to pinpoint these differences and also determine the standard of any existing infrastructure and facility in any of the campuses in order to assist the Institution focus its resources and effort properly to achieve its vision and mission.

We identified the **vision and mission** of the Nigerian Law School as follows:

Vision Statement

1. To be a model Institution that aims to attain the highest standards of legal education and vocational training in the world;
2. Train lawyers grounded in the ethics of the legal profession, who can respond to current national and international legal challenges in a diverse society,

providing leadership in many different walks of life;
and

3. To maintain vocational training and capacity building for lawyers to be intellectually and professionally effective for meeting global challenges and ethical values.

Mission Statement

To:

1. educate and train law graduates in vocational skills that would enable them function optimally as barristers and solicitors;
2. adopt skills-based, interactive and clinical methods of learning that would adequately prepare the graduates for their roles as lawyers to function as teachers, advocates, and solicitors, advisers, leaders in private enterprise and public service;
3. train students to conform to the ethics and traditions of the legal profession and exhibit the highest sense of integrity and candour in the discharge of their professional calling; and
4. Inculcate in its graduates the ideals of rule of law, social justice and community service such as providing free legal services to the indigent and encouraging the development of opportunities for access to justice.

We also noted that the Council of Legal Education - Nigerian Law School (a public Institution set up by the Legal Education (consolidation) Act in Nigeria) is managed centrally as one Institution as a parastatal of the Ministry of Justice. The central management is the Director-General whose seat is at the Head quarter of the Institution at Bwari Campus Abuja. The other 3 campuses have Deputy Directors-General as the heads of the campuses and they report to the Director-General. All financial grants to the Institution by the Federal Government go to the Institution as one entity. Internally generated funds mainly from

students' contributions for specific services is also paid to a central fund and thereafter distributed between the campuses based on a formula that favours students' ratio between the campuses.

The estimated population of students in each campus for a normal session is as follows:

Bwari -	1600
Enugu -	750
Lagos -	1200
Kano -	650

2. PROTOCOLS FOR THE ASSESSMENT

The assessment covered the period 29th May to 18th June 2010.

The consultants worked from 29th May to 7th June 2010 meeting, designing and producing assessment and evaluation forms and a template of areas of focus for the assessment; and from 8th to 18th June 2010 visiting and assessing the campuses and completing the report.

The following report which is a result of the on the spot assessment of the campuses is divided into:

PART A	-	Campus by campus assessment of general infrastructure;
PART B	-	IT infrastructure for all campuses
PART C	-	General comments and recommendations;
APPENDIXES-		Composite tables; Examples of forms and templates used for the assessment and other attachments.

The report generally deal with IT and other infrastructure of the campuses but have made comments also with regard to human resources where it is relevant for the assessment of standards of IT and other infrastructure provided.

PART A – CAMPUS BY CAMPUS OF GENERAL INFRASTRUCTURE

(i) NIGERIAN LAW SCHOOL LAGOS CAMPUS, VICTORIA ISLAND LAGOS

History and location

Lagos Campus is located at Victoria Island in Lagos within a busy district of the city. The campus was originally designed and developed for the Nigerian Law School. The size of the compound was originally about 7 hectares but now less due to the fact that a portion of the land has been granted to the Nigerian Bar Association. The premises comprise the academic Premises and Hostel Premises separated by a portion of the Law School land granted to the Nigerian Bar Association. This portion granted the Nigerian Bar Association is now developed by the Nigerian Bar Association and fenced round.

Lecture Hall/Rooms

There is the main auditorium with a 1330 seating capacity. The structure is very good but the ventilation provided by few air conditioners seems inadequate with the central Air conditioner out of service. No provision is made in the auditorium for power outlets at the seating places for powering laptops. The furniture in the auditorium is in good condition but the multimedia projector with make-shift screen has a very low picture quality. The conveniences attached to the auditorium are in bad shape and will require renovation.

Also there are two old auditoriums which have been out of use but presently under renovation. One can seat about 400 students and the other about 200 seats. No provision is made in the auditoriums for power outlets at the seating places for powering laptops or even enough at any point of the auditorium and halls.

Moot Court

There is a moot court that accommodates about 150 seats, but it requires renovation to be effectively put to use. There are obvious signs of roof leakages on the ceiling. No provision is made in the moot court for power outlets at the seating places for powering laptops or even enough at any point of the auditorium and halls.

Legal Clinic

The campus has no legal clinic.

Teaching Aids

The campus has about 14 multimedia projectors. It was noticed that two of them being used in the auditorium for lessons showed poor quality output. The quality of material used as the screen is also poor. **No interactive teaching board** was seen in any of the classrooms/auditoriums.

Library

The library is newly renovated with good lighting and climate control. It has the capacity to seat 224 students with 4 private reading rooms for academic staff and qualified visitors. It also has 20 internet ready ICT resource stations. It has 44 shelves of books with digital library management software (Lib+) that is not at integrated into or connected with the library system and functions. Students were not aware of the availability of any electronic materials in the library.

The number of books provided per title is very inadequate compared with the student population.

The campus does not subscribe to any library data base like Nexis-Lexis.

Electricity

The premises comprise the academic Premises and Hostel Premises separated by a portion of the Law School land granted to the Nigerian Bar Association. Within the academic premises there are two electricity supply phases. The second phase has no public power supply as a result of damage to the supply cable during the

expansion of the Lekki Express way. They have thus relied on Generator for more than 3 years. There is also a general problem of supply of power from the National grid to the Law School and the environs. The campus relies mostly on its generators to provide power for the two premises. They provide power to the Academic premises form 8-6pm while the Hostel premises is expected to be provided power form 7-12 midnight. It was also discovered that the hostel experience low voltage.

Power facilities available includes:

1. 3Nos 500KVA Transformers
2. 1No New 500KVA Generator
3. 1No Old 500KVA Generator (Cummins)
4. 1 No 250KVA Fairly used generator for the student Hostel
5. 1 No 78KVA old (38yrs) Generator
6. 1 No 260KVA not in working condition
7. 1 No 60KVA for the DDG Residence

Water

The two premises are supplied form a single industrial borehole with two storage facility of 216,000 litres for the Hostel and 120,000 litres capacity for the academic complex respectively. It also has water treatment plant and Sewage treatment plant.

General Remark; the water supply facility is not adequate and is not well distributed as 800 students have to fetch water front the tap on the ground floor.

Hostel

The hostel premises, a walking distance from the academic premises has its environment not well organized as there still exist shanties, overgrown weeds and an un kept refuse dump. The building also needs some minor repairs on some leaking expansion joints.

There are 2 main blocks of hostel. One is fully completed and it accommodates 800 students. The second block is yet to be

completed but a wing has been partially completed and could accommodate about 200 students. All the Rooms though intended for 3 students currently accommodates 4 with two rooms sharing one convenience. If the second block of hostel is completed it would solve the problem of students accommodation. There are two cafeterias with total seating capacity for 152 students without adequate ventilation and climate control. Electricity and water supply are inadequate as earlier mentioned above.

There is a reading Room in the hostel and it serves as the only reading venue for students because the academic premises is closed to students from 6pm. The reading room has capacity to seat 108 students. The reading does not have adequate number of chairs, and it is in poor cleaning condition and has no climate control. It also has 20 computers ICT resource centre not presently in use.

Clinic

The clinic which houses a pharmacy and Medical laboratory occupies about 10 rooms on the ground floor of the Hostel. It has 6 beds with 2 full time doctors and 2 NYSC corp members, 3 nurses and one cleaner. The general space and furniture are inadequate. Though clinic is averagely equipped with basic hospital devises and equipments, they have no computers for good data storage. The laboratory lacks equipment like autoclave to carry out advanced test like chemistry analysis.

Sports Facilities

There is a gym under construction. At the hostel, there are 2 table tennis tables.

Staff Offices

The academic staff offices are well furnished with adequate lighting and climate control. There is no common room for staff. On the contrary the office space and furniture for non academic staff are poor. Most of the computers and printers in the non academic staff offices are extremely old and many out of use.

Staff Accommodation

The Campuses accommodates a handful of its senior staff at a set of 16 mini flats at Igbosere Lagos. The building was formerly a hostel of the Law School later converted into mini flats. The Head of Campus is accommodated on campus and there is another lodge on campus for the Director-General. The rest of over 100 staff are not accommodated by the school.

Other facilities

There were very few fire extinguishers seen and all have expired maintenance records.

There are about 7 functional vehicles in the pool: 1 new Toyota 14-seater bus; 2 Corolla Saloon Cars; 2 Peugeot 504 saloon cars; 1 station wagon Peugeot and 1 Nissan 26-seater staff bus that is old.

There is a bookshop.

Private Commercial Ventures operate tuck shops and cafeteria for the students both at the academic premises and at the hostels.

There is a purpose built dinner hall for the formal compulsory dinners of the law students that accommodates about 500 students at once.

General Environment

The general environment at the academic premises is clean though the offices and toilets are not good.

The access road from the hostel requires major facelift.

**(ii) NIGERIAN LAW SCHOOL KANO CAMPUS,
BAGAUDA KANO****History and Location**

Kano Campus is located at Bagauda in Kano State, about 80 kilometres from Kano City. Bagauda is a local undeveloped community. There are no hotels, guest houses, schools or private houses that can be rented by staff and students of the Nigerian Law School. It therefore means that the Campus must provide all required infrastructure and facilities to enable it function up to standard as a modern law school capable of meeting the expectations set in the Vision and mission statement.

The campus was formally the Bagauda Lake Hotel abandoned for many years before it was donated to the Nigerian Law School in 2000. 98% of the buildings there were inherited as part of the abandoned hotel.

The premises is about 240,000 hectares in a beautiful setting bounded on one side by a very large Bagauda Lake.

Lecture Halls/Rooms

There are: One Auditorium; four 60 seated rooms; One reading hall (TChad Hall). There is another building to provide 4 80-seater Seminar rooms under construction- 40% completed donation by Katsina State Government.

The main auditorium that is just a flat hall has 700 sitting capacity without any cooling climate control system.

The 4 units of 80-seater rooms equipped with audio visual teaching aid are not well ventilated and there are no climate control devices. The general environment of the class rooms is not very conducive for learning.

The chairs in the Auditorium and classrooms serve the students but are not very comfortable and befitting for a modern law school. No provision is made in the halls for power outlets at the seating places for powering laptops or even enough at any point of the halls.

Moot Court

The campus has no moot court in spite of the fact that it is a vocation legal education institution.

Legal Clinic

The campus has no legal clinic.

Teaching Aids

The campus has about 7 multimedia projectors only. It was noticed that one of them being used in the auditorium for lessons showed poor quality due to the size of the lumens, and overuse of the lens. The quality of material used as the screen is extremely poor. **No interactive teaching board** was seen in any of the classrooms/halls.

The campus also has one 32" LCD TV, VCD, VCR and one computer dedicated as teaching resource in the auditorium

Library

The library at the Kano campus presently occupies the house built as a kitchen of the inherited hotel resort.. It is well ventilated and equipped with climate control system which is not being used as a result of contractor/Maintenance Department differences on the adherence to the terms of the contract. It has facilities to seat 305 students with 24 shelves of various legal materials. The library is not digitalized and the manual catalogue system is not updated with most of the books in the library or is it functional as a catalogue since it does not assist users in locating books on the shelves. Though the library is equipped with 20 computer work stations, they have never been used even with the availability of electronic resource materials in the library. The electronic materials were not kept properly and students were not aware that they exist.

The number of books provided per title is very inadequate compared with the student population.

The campus does not subscribe to any library data base like Nexis-Lexis.

Electricity

The Kano campus runs 100% on generators. Though it is connected to the national grid through a 500KVA transformer, supply of electric power from the national grid has not been effected for a long time even with every effort to get the Public Power Institution (NEPA or NEP PLC) to supply power. For this reason the institution has relied on its generators of different sizes to provide electricity for the campus in the last one year. This has been a major source of fund draining thereby depriving the Campus of needed capital to develop. The generators available are as follows:

1. 1 Unit 500KVA Generator bought in 2001
2. 1Unit 315KVA Generator bought in 2005
3. 1 Unit 100KVA Generator bought in 2001
4. 1 Unit 27KVA for the DDG's office

Power is provided 8am- 4pm and 7pm - 12 midnight.

Water

The campus is supplied water from its internal 4 unconnected boreholes with small plastic surface tanks that requires constant pumping of water due to high demand. There exists an old water storage systems of about 100,000 litres capacity equipped with treatment facility inherited form the Hotel Resort but cannot be used due to the ruptured nature of its distribution system.

Hostel.

The student hostel at the Kano campus is mostly made out of converted chalet inherited form the hotel resort. Originally the chalet was a one-bed apartment with a car port. The chalets have now been expanded to include the car port. 7 double bunk 8 inch mattresses has been forced into these chalets providing 14 bed spaces with 2 set of convinces. There are 44 units of such

converted chalets, 17 for female 27 for male, providing in all 616 bed spaces which are not evenly ventilated but grossly overcrowded. There is also a block of 30 rooms hostel for 3 beds constructed by Institution that provides additional 90 spaces for male students. These rooms are well ventilated. Adjoined to the chalets are 2 Laundries but there is no students common room.

A 50 room block of hostel has been donated by Kano State Government along with two boreholes with overhead storage tank of 2,500litres each for water supply. It has 6 common rooms with adequate conveniences. This new hostel has not been furnished. It is however observed that the room is not well ventilated due to the choice of a small single sliding window provision with no provision for cross ventilation. These rooms could pose a danger to the health of students due to excessive heat during the hottest time of Kano weather.

Cafeteria.

The cafeteria has the facilities to accommodate 60 people at a time, it is moderately ventilated with no climate control and the building is fast dilapidating and the general environment is not conducive as an eating place. Conveniences attached to the place are not in good condition as well.

Clinic

The clinic at the Kano campus is a newly constructed building with 10 beds, 1 Laboratory, Pharmacy office and Drug Store. The offices are newly furnished but the furniture is wearing out fast; the climate control provided is prioritized to serve the drug store and the Laboratory only to limit the power demand on the generator. The laboratory has no refrigerator, autoclave, and equipment to carry out advanced test like chemistry analysis. They have 2 doctors, 3 Nurses and three cleaners.

Sport facilities

There are some sport and recreation facilities at the Kano campus, these include a football field, four hard court Lawn tennis court of

which only one is in useable condition and a volley ball court that requires renovation. They have no table tennis and equipped gymnasium. It is also observed that other facilities inherited from the resort have not been put to use. They include the water front of the Bagauda lake, an Olympic sized swimming pool and an amphitheatre. All these sports and relaxation facilities and infrastructure require major renovations and reconstructions.

Staff Offices

The Kano campus has one newly constructed block of 13 offices that accommodates its academic staff. Even though most of the lecturers are paired with the exemption of the Head of academics department, the offices are well furnished, well ventilated and well equipped even with wireless internet. They also have a conference room and good conveniences in the building. If the vision of the Institution must be met, then there would be need to employ many more lecturers and therefore there is urgent need to provide more academic staff offices. On the contrary, the non academic staff have no furniture, no printer no copiers and most of them have no laptops.

Staff Accommodation

Staff accommodation at the Kano campus can be described as extremely poor. All the senior staff stay in either chalet or suit inherited from the hotel resort. There are 18 units in all. The chalets are one bedroom apartments, with a convenience but no kitchen. Junior staff stay in 16 blocks of 2 units of two bedrooms flat with two families (averagely 14) share a flat. The buildings need urgent renovation and provision of adequate kitchen and conveniences. There are some staff without accommodation and have to commute to work from far away Kano city.

The campus also has a fully furnished guest house.

Other facilities

We saw a few fire extinguishers without maintenance records.

There are no provisions for street lighting.

There are about 6 functional vehicles in the pool.

There is a bookshop.

There is a site on campus for private persons and businesses to provide shopping and eating support to staff and students. Temporary structures are located there.

There is no purpose built dinner hall for the formal compulsory dinners of the law students.

Road network on the campus require serious rehabilitation.

General Environment

The general environment is not clean, the landscaping is not well maintained and there are some trading spots both legal and illegal that exist due to lack of a commercial centre built for that purpose. The large land mass requires the addition of more casual staff to maintain it. We understand that such deployment would only succeed if more overhead fund is injected to the campus due to its land size. There is also an overcrowded Doom like structure that is used as primary school for staff children. **Over 80% of the buildings require serious rehabilitation and face lift.**

(iii) NIGERIAN LAW SCHOOL BWARI ABUJA

History and Location of Campus

Bwari Campus which serves as the headquarters of the Nigerian Law School and the seat of Council of Legal Education is located in the former compound of the Centre for Democratic Studies at Bwari Abuja FCT. It was taken over by the Council of Legal Education in 1997 on the directive of the Federal Government. The area of the campus is about 115 hectares.

Lecture Hall/Rooms

The Abuja campus has a main auditorium that is well furnished to accommodate about 1,600 students; the assembly hall

accommodates over 700 students while the dining Hall when used for lecture accommodates over 500 students. All of these Halls are well ventilated, equipped with climate control devices but they are not in use because of the power quality issues. No provision is made in the auditoriums and halls for power outlets at the seating places for powering laptops or even enough at any point of the auditorium and halls.

There is an ongoing building project that would make provision for 12 seminar rooms with each room accommodating 60 students. These seminar rooms are not ICT compliant as provision for power socket outlet is just for four students out of 60. It will have its own water storage facility of 40,000 litres overhead tank with additional surface tank to support it.

There are not enough and direct conveniences attached to the lecture halls. There are general conveniences within the academic premises that are badly maintained and are unclean for human use.

Teaching Aid

There about 10-12 power point projectors in the school store. None of the two lecture hall visited made use of any teaching aid. **No interactive teaching board** was seen in any of the classrooms/halls/auditoriums.

Moot court

None exist

Legal Clinic

The campus has no legal clinic.

Library

The library is presently accommodated in one of the buildings inherited from Centre for Democratic Studies and currently sits 200 students with 75 shelves of books, 30 computer systems and a digital catalogue for its operation. The library is found not to be ICT compliant with evidence in the few socket outlets for power access point and no internet facilities. Also observed was the lack of awareness on the part of students and library staff of the electronic materials available in the library. Available electronic materials were not even captured in the list of materials in the

library either in the manual or digital database but were kept by one staff in his office cupboard.

A new library building is 90% completed. Upon completion, it will have 288 sitting capacity, 32 of which are computer work stations for electronic materials. There are four unserviceable fire extinguishers attached to the library.

Electricity

The Abuja campus is powered by public power supply via three transformers; 1 unit of 500KVA, 1 Unit of 300KVA and 1 unit of 800kva transformers. In the event of power failure, the campus relies on its generators to provide power. The number of generators is:

1. 2 Units of 500KVA generators,
2. 1 unit 750 KVA Generator
3. 1 Unit 60KVA Generator for pumping water working condition

Even though the campus enjoys public power supply, the distribution system has been over stretched resulting in low voltage that is not able to power most air conditioners, computer, and other office equipment. To make provision for the projected increase in power demand due to the number of ongoing developments, the process of acquiring a 1000KVA generator has already began and the plinth already constructed. In the event of public power failure, generator is always switched on from 8am -4pm and 7pm to 12 midnight.

Water

The premises get most of its water from the public water supply which is supplemented by two boreholes, with water storage capacity of 25,000 litres and 50,000 litres. This water can be said to be inadequate as they still ration it to the hostel where students come to the ground floor to fetch.

Hostel

The hostel facility is made up of 6 blocks of 158 Rooms with two students occupying a room and two rooms sharing conveniences. These provide accommodation for 1816 students. The environment is well ventilated and very conducive for learning except that students have to fetch water from water taps on the ground floor and also they are yet to have internet in their hostel.

Cafeteria

The dining hall which is used for lecture at our time of visit is originally meant to be used for dinners. It is also used as cafeteria after lecture. Though it is equipped with industrial cooking facilities, they have since been abandoned for fire wood and coal pots. There are also other cafeterias at designated places around the hostel and the mini market complex. The environment is generally clean.

Clinic

The clinic, accommodating the pharmacy and Medical laboratory is a ten bedded male and female wards medical facility with two doctors, (2 additional corp members), six nurses and two pharmacist. They are well equipped and but require space for a bigger drug store, delivery room, x-ray machine and Ultra sound to allow them take delivery and receive NHIS accreditation. It has equipment to carry out advanced test like chemistry analysis.

Sport Facilities.

There is a football field currently in use and a gymnasium with standard equipment that can accommodate not more than 10 students at a time but there is no staff to manage the gym full time and therefore has made the gym not to be put to full use. A standard sport pavilion is under construction. When completed, it will provide four lawn tennis courts, and an indoor sport hall for squash, badminton and staff gymnasium.

Staff Offices

The academic staff offices block is under construction. When completed, it will provide adequate infrastructure for the academic

staff. The building is 40% completed. There are not enough offices for non academic staff and apart from a few senior staff the non academic staff office have no adequate furniture. Also under construction is an administrative Block of three floors to provide Examination preparation room, Council Chamber and the office of the Council Chairman. The Examination preparation room will not be necessary if ICT age is contemplated as the future of examination processes in the Law School. Most of the administrative staff still have their offices in the inherited CDS buildings which are not furnished up to standard and the conveniences are in bad shape.

Staff Accommodation

Accommodation is fairly well provided at the Abuja campus. Of the inherited structures, 14 three-bed room bungalows and 2-rooms Boys Quarters accommodates the director and deputy directors with the rest shared among junior and intermediate staff. In addition, new buildings have been constructed by the Campus. These are 12 Blocks of chalets providing accommodation for 72 junior staff; 5 Blocks of 2 No 2 Bedroom flats for 10 Intermediate staff; 4 Blocks of 4 Units of 2 Bedroom flat for 16 Junior staff; 2 Blocks of 3 Bedroom flats for 8 senior staff and 2 Duplex for the Director-General and the Secretary and Director of Administration. In all they provide accommodation for 151 staff. They also have a fully furnished guest house.

Other facilities

A conference centre and recreational facility (still under construction) with 3 auditoriums; one for 1500 audience and 2 for 120 audience each, with lodging facilities of 4 suits and 38 chalets, kitchen and dining room, four lawn tennis courts and a cool pool. It also has a manager's quarters, 3 bed room flats with 4 units of 2 bedroom flats for other staff.

A telecommunication mast, a church and a mosque are some of the properties inherited from the CDS. Also fuel dump of 45,000 litres capacity for petrol and diesel are available at the Campus.

Vehicles: They have a tanker that doubles as a fire fighting vehicle; 7 saloon cars (one almost out of service used for security patrol); 3 pickup vans and 2 Mini Buses.

A few fire extinguishers were seen and all are out of service.

Road network on the campus requires very serious rehabilitation.

Most street lights are not functioning.

General Environment

The environment is averagely clean but there were visible litters in the compound particularly around the staff houses and hostel. The conveniences were found to be in bad conditions and dirty.

(iv) NIGERIAN LAW SCHOOL AUGUSTINE NNAMANI CAMPUS AGBANI ENUGU

History and Location

The Nigerian Law School Enugu Campus named after Late Justice Augustine Nnamani of the Supreme Court of Nigeria is located at Agbani in Nkanu West Local Government Area of Enugu State. The premises was originally developed for the Nigerian Telecommunications (NITEL) School. Only 4 of its 20 buildings were constructed as new buildings by the Law School. The rest were inherited as completed buildings or partially completed buildings. Though it is located in a rural area of the state, it is close to the city and could take just about 35 minutes to travel to the city. The area covers 57 hectares.

The Council of Legal Education took over the premises in 2000. The campus commenced functions in February 2001.

Auditorium/Lecture Halls

The Main Auditorium has a capacity to accommodate 700 students, it is equipped with a projector and a screen supported with four televisions to boast visibility at the rear of the hall. The hall is moderately conducive with climate control installed. In case of overflow, the sport gymnasium is presently used as lecture hall. Though it is well ventilated, the students are exposed to the elements because the hall is not fully covered. However, a new 755 seat auditorium has been donated to the Law School by the Enugu

State government. Though it has been furnished with executive seats by the Law School, it is not ventilated and there is no provision for climate control. There are also 5 tutorial rooms that can seat 40 students each; there is a new block that houses 15 rooms that can seat 40 students per room. Only 2 floors of it housing 10 rooms have been completed, and are yet to be furnished. All the auditoriums and lecture halls are not ICT complaint and there are no power outlets for users.

Teaching Aid

The campus has 14 power point projectors and 12 televisions. A projector and supporting televisions are installed in the mail auditorium. They also have a well furnished seminar room used as legal clinic and also serve as a moot court. **No interactive teaching board** was seen in any of the classrooms/halls.

Moot Court

The campus has no moot court.

Legal Clinic

The campus has a legal clinic that can only take about 10 clients and 20 students at one time.

Library

The library is presently accommodated on the ground floor of an uncompleted building of three floors. It has space for 150 readers with additional 30 computers for virtual library and 8 laptops for electronic resource materials with internet access. The library is not digitalized as it relies on its manual catalogue system which is not very accurate to guide readers to its 45 shelves. The environment is well ventilated, equipped with climate control but the convenience attached to the library is under lock and opened on demand at the officer's discretion. There are five in-service fire extinguishers attached to the library

Electricity

The Enugu campus is powered by both public power supply (PHCN) via a single 500KVA transformer shared with the

community. In the event of power failure which is very rampant, the campus relies on its generators to provide power. They are

1. 1 Units of 500KVA generators,
2. 1 unit 350 KVA Generator
3. 1 Unit 40KVA Generator procured and shared with Zenith bank.

The distribution system is also over stretched like the Abuja with the power house positioned at the extreme corner of the campus resulting in low voltage that is not able to power most air conditioners, computer, and other office equipment. In the event of public power failure, generator is always switched on between 8am -4pm and 7pm to 12 midnight.

Water

Two out of four constructed borehole supplies water to the Enugu campus with an additional borehole under construction. Two of the existing ones have suffered structural failure thus they have been abandoned. The water supply system comprise a surface thank and an overhead tank with water storage capacity of 25,000 litres. This system could hardly meet 20% of the total water requirement as they continuously pump water from two low yielding boreholes which subsequently require the pumps to be replaced often. It was also noticed that students have to fetch water from the ground floor as other campuses which does not befit a post graduate institution.

Hostel

The hostel facility at the Enugu campus comprises:

- (a) five blocks of one store building (A-f) with 8 rooms per block with 6 students in every room accommodating 222 male students in all with make shift common room and potters lodge. The Rooms are poorly furnished, poorly ventilated and highly overcrowded.
- (b) Hall H is another newly built mail hostel with 44 rooms and 88 occupants. It is well ventilated; well furnished and the environment is very conducive.

The rest of the students' accommodation comprises: one block of three storeys (Hostel F and G- Adam and Eve) with a total of 111

rooms accommodating 580 students in an overcrowded condition. It was also noticed that another block similar to Adam and Eve has been abandoned at the first floor level and presently used for religious activities. If completed, it should provide additional 111 rooms with 248 bed spaces of moderate population.

Cafeteria

The dining hall which is used for dinner and other events also serve as cafeteria. It has 105 seats and it is served by two caterers. The conveniences attached are just three and are in bad condition.

Clinic

The NLS, Enugu campus has a standard building for its 4 bedded clinic with adjoining laboratory and pharmacy. It has just one doctor who is assisted by a corp member of the NYSC; a pharmacist assisted by a pharmacy technician; a Laboratory technologist and seven nurses. There are no laboratory equipment like automated analyzer for clinical chemistry and Haematology, incinerator and electrophoresis tank.

Sport Facilities.

There are two buildings built purposely for sport and recreation but they both serve different purposes at present. The Sport auditorium is presently used as lecture hall to support the auditorium while the gymnasium has one of its rooms used as common room for students. A football field and two badminton courts are also available for staff and student relaxation. There are only 2 table tennis tables.

Staff Offices

The staff offices are the likes of tutorial rooms on the campus partitioned into three with a general office at the entrance to serve as reception. It is not well ventilated and the offices are presently equipped with old and outworn and over used furniture.

Staff Accommodation

There are two blocks of 6 unit 3-bedroom flats and boys' quarters with the flat assigned the senior staff and the BQ assigned to junior

staff. There is a collection of dilapidated 10 Block of 2 bedroom and 2 Blocks of 3 Bedroom bungalows off campus, shared among junior staff and occupied by senior staff. Even though its ownership is being contested by some indigenes, its access road is bad and the water supply there is grossly inadequate. It was also noticed that the guest house has been converted to the ICT centre.

Other facilities

The campus has one Toyota coaster Bus, one Toyota Hiace Bus, One Peugeot 504 saloon car, one ambulance, and 2 Toyota corolla saloon cars.

There are provisions for street lights but they do not function. The campus has put in place some limited alternative flood lighting.

Road network in the main campus and staff housing estate requires major rehabilitation.

General Environment

The environment is very clean and beautified with green lawn and trees.

PART B – IT INFRASTRUCTURE OF ALL CAMPUSES

This part reports on the level of IT infrastructure, staff and students usage levels. The assessment was based on the following:

- a) Connectivity infrastructure*
- b) Bandwidth*
- c) ICT opportunities for staff and students*
- d) Software for Staff and Students.*
- e) Human Resource development for Lecturers and ICT staff*

a) Connectivity Infrastructure:

Abuja campus has two server rooms located at the administrative block and at the Digital Centre respectively. In the Server room in the Admin Block, there is a Network Rack, a Modem (make is SHERON) and a Router –Cisco 1811. There are two Routers that are no longer in use due to major faults. There are three good 24-port Switches - a D-Link 1026G and two Linksys SR224. All the

ports on the Linksys switches are good; while there are eight ports out of available twenty four ports in the D-Link switch that is currently bad. The WAN IP is 81.199.52.43, while the block size is 48. At the Digital Centre, there is a Modem and two Network Racks. There are two functioning 24-port switches inside each Network Rack. Installation of Routers is in progress and the purpose is to extend the network to the Hostels. The Modem in the Server room inside the digital centre is powered by Batteries which can last for a maximum of eight hours.

Inverters are not available in the Server room. There are limited facilities for Wireless Internet Access. There are hotspots in the following areas: Library, Digital Center, Planning and Academic Matters/Audit Block and in some areas in the Large Auditorium. Wireless internet access should be extended to the Hostels, Tutorial rooms and seminar room. It ought also to cover the large Auditorium and the Assembly Hall. In extending wireless access to other locations like the Hostels and Reading rooms, seminar rooms and tutorial rooms, it is recommended that all access points should be powered using the power-over-ethernet (POE) standard. This will eliminate the need for extra cabling for power and provides flexibility to locate access points in places without proximity to power outlets. The POE switch should be domiciled in a telecom cabinet and supported by a 1.2KVA UPS for power autonomy. This recommendation should be noted when implementing extension of wireless access points in all the Campuses of the Nigerian Law School.

The Lagos campus of Nigerian Law School also has a Server room located in the Admin Block, very close to the Library. Inside the Server room, there are two Modems, a Router, two 24-port Switches and a HP Server. There is a 7.4KVA Inverter in the server room of Lagos campus. There are limited facilities for Wireless Internet Access. There are hotspots in the following areas: Lecturers Block, admin block and inside the Library. Wireless facilities should be extended to tutorial rooms, seminar rooms, Auditorium and the Admin Block. There is a back up for

wireless access powered by “Starcomm” for all lecturers in Lagos campus. This enables lecturers in the campus to have interrupted Wireless Access.

The networking materials in the server room of Enugu campus include: a Mikrotik Router, a modem (IRGSS), a 24-port switch. To ensure “seamless” power supply, there is a 2.5KVA inverter which provides back up power supply in the event of a cut in public power supply. Wireless hot spots are available in the Admin Block, Lecturers block and the main Library. For effective coverage and ease of access, wireless internet access should be extended to Tutorial rooms and Seminar room in the first phase of the wireless access expansion programme. In the second phase, it should be extended to the Hostels,

At Kano campus there is a Server Room located at the back of the Academic Block, there is a modem (RG). Wireless internet access is not available. Wireless internet facilities are required in the following places: Admin Block, Large Auditorium, Halls of residence, tutorial rooms and seminar rooms.

The issue of power is a critical factor in any ICT installation; it can make or mar the progress achieved. Thus, we took a critical look at efforts made by each campus to ensure that ICT equipment is protected by unavoidable power fluctuations and power surge. Our findings revealed that Abuja campus has three UPS units in the server room at the Admin Block: The capacities are: 2KVA, 1.2KVA and 600VA respectively. However, considering the capacity of this campus, a minimum 7KVA inverter with in-built surge control is recommended for effective power control of all ICT equipment in the server room. Also, the Server room in the digital centre should also be equipped with a UPS of the same capacity. This will ensure “seamless” power supply and provide adequate protection for ICT equipment installed. At the Lagos campus, there is a 7.4KVA inverter with in-built surge control installed. At Enugu campus there is a 2.5KVA inverter; an external Surge protector is attached. However, a bigger capacity inverter of

not less than 6KVA will be needed to protect ICT equipment. There is no inverter to protect ICT equipment in the Server room of Kano campus; it is strongly recommended that a minimum of 5KVA inverter be installed in the Server room.

There is a need to build a modern ICT centre in Abuja, Lagos, Enugu and Kano campuses. The buildings currently being used as ICT centre or Digital Centre were not built originally to host ICT equipment, thus, the floor design, wiring and lay out of furniture are not of acceptable standard.

Local Area Network:

At Abuja campus, there are LAN points at: The Admin Block, Lecturers offices, Digital Centre and in some designated offices in Students Affairs and Admission. There are also LAN points in Lagos campus. Areas where there are LAN points are: Admin block and Lecturers block, Library, Server Room, hostel reading room, Students Affairs and Establishment block. Other offices requiring cable connections are: Conference room and Clinic.

Intranet:

Intranet facilities are not available in all the campuses of the Nigerian Law School. We have been informed that this will soon be implemented as all arrangements for installation of equipment for effective implementation of intranet facilities have been concluded. It is hoped that with implementation of intranet there will be a reducing cost of producing, accessing and distributing information. This will ensure that the cost of bandwidth utilization, will become insignificant. This will no longer be a limiting factor. The intranet will enrich communication and collaboration within the Nigerian Law School because it will provide a centralized means of sharing knowledge and enriching information. It will also speed distribution of time sensitive data Recommendation: It is strongly recommended that the arrangement for installation for equipment for implementation of intranet be concluded as soon as possible. This will ensure reduced cost of dissemination of information and also enhance increased access.

b) Bandwidth:

The current internet Bandwidth for the campuses is: Abuja 256/1024kbps for a maximum of 128 users; Lagos 256/1024kbps for a maximum of 128 users; Enugu 64/256kbps for a maximum of 32 users; and Kano 32/128kbps for a maximum of 16 users. Abuja campus accommodates 1600 students; Lagos 1200, Enugu 7500 and Kano 650. Drastic increase in bandwidth subscribed in all campuses will ensure a robust internet access and provide an effective and efficient gateway for **Video-Conferencing** though video conferencing is not available presently in all the campuses.

Wireless Access Control: To ensure effective utilization of Bandwidth, there is a need for access control (security). At Abuja campus, there is currently no access control; we were informed that this is to be effectively integrated into the new wireless infrastructure under construction. It is going to be router based and will make use of MAC addresses to ensure maximum security. This new infrastructure, which takes care of specific hot spots, however, does not sufficiently meet the requirement of this large campus. It is hoped that the campus will have an enhanced wireless access that will cover areas where staff, especially academic and students will have internet access with limited hindrance. The NLS, Lagos campus recently installed wireless access control it also makes use of MAC addresses, thus ensuring maximum access control. It is strictly personalized and also time-based. Kano campus has not installed any access control because there are no existing wireless facilities. The NLS, Enugu campus has introduced a wireless access control, we were informed that the software currently in use is a trial version and that its final usage will depend on how robust and effective the software is. It is personalized and time based.

c) ICT Opportunities for staff and students

The Library is a major place where Academic staff and students make the best use of ICT opportunities. The NLS, Abuja campus has eight systems that are networked, the software installed on this system is called Lib+, this software captures information about all

materials – books, journals, periodicals etc available in the Library. The systems are networked to a central server. Also, there is a printer attached which is accessible to all the other systems but serve only limited use. The Antivirus installed on these systems – Bit defender- is updated on regular basis, while there is a yearly renewal which ensures continuous update of the databases. Other read-only software is available but no student interviewed knew about their availability and they were not installed in the systems in the library or any information put up for students. The read-only materials were not even recorded in the library list of materials. There are other computers in the Library that are connected to the internet; these desktops are available for research purposes but students hardly use them. Since wireless facilities are available in the Library, students come in with their laptops. This enables them to make effective use of the laptops for research purposes while in the Library. The NLS, Lagos campus, also has facilities that enable users to have access to on-line resources. There are desktops that are connected through Local Area Network. There is Library software called Lib+, which is being used to capture details about materials available in the Library. However, students are not making the best use of this software because of inadequate information about its existence to staff and students and because of insufficient data capture. The Lib+ at the Lagos Campus serves no useful function as the database is not up to date and not connected with the library shelving. The Library in NLS, Enugu campus also has facilities that enable users to have access to on line resources. There are 30 Desktops and eight Laptops available. Sufficient Legal materials (Laws of the federation, Company Law, objections at trial, Constitution of the Federal Republic of Nigeria, etc) have been installed in the systems. Our observations revealed maximum utilization of existing ICT resources in the NLS, Enugu campus Library. Areas that will require improvement in this Library include increase access to faster internet and a robust software that effectively handles all current manual activities especially the correlation between catalogue and shelves. Also the current configuration of the 30 Desktops in the Library reveals that the capacity of the systems is low (900Mhz processor speed, 96MB

Ram size, Celeron). This systems need to be upgraded in order to have enough memory for storage and ease of access. However, the configuration of the laptops (first of its kind in any campus) is Intel Pentium dual core, 1.8GHz, 2GB RAM, 120GB HDD. This is adequate enough and has been put to effective use with installation of legal software on all the laptops. However, purchase of more laptops for this Library is strongly recommended. At the NLS, Kano campus, we observed that the Library has 20 desktops, these desktops have low capacity (900Mhz processor speed, 96MB Ram size, Celeron). It is being recommended that all the desktops be upgraded (minimum of 1.8GHz processor speed, 512MB Ram and Intel Processor, 80GB HDD). More desktops with a minimum configuration of what was stated earlier will be required in this Library.

We observed that there are no Servers in all the Libraries, the Server is to enhance resource sharing and centralized access to data and information.

We visited the Clinic in all the campuses and observed that in Abuja campus, an HP desktop is allocated to all medical personnel (Doctors, Pharmacist and the Chief Matron), the Principal Medical Officer also has an official Laptop; there is a wireless internet access with a dedicated AP(Bridge) assigned to the clinic because of its remote location. There is in-house developed software for Pharmacy department. At the NLS, Lagos campus, systems are yet to be allocated to Medical personnel, thus all transactions take place manually. At the NLS Enugu the medical doctor has an allocated laptop but the rest of the medical personnel have not been allocated laptops. At Kano Campus, computers are yet to be allocated to Medical personnel.

We recommend that all Medical personnel be provided with computer systems in all the campuses. Computerization of medical records especially drugs as it is in Abuja campus should be extended to Lagos, Enugu and Kano campuses. A carefully

planned networking, that take place in phases for each Unit in Medical department will also enhance efficiency.

Wireless internet access should be extended to the Clinic in Lagos, Enugu and Kano. The signal in the Clinic in Abuja campus is weak, thus the Wireless Access Point should be changed to make the signal stronger. This will enable Medical Personnel to conduct research “seamlessly”, thus improving efficiency, considering the remote location of the Abuja, Enugu and Kano campuses respectively.

No **video conferencing access** has been provided in all campuses.

d) Software for Staff and Students

There is a portal with the URL (www.mynlsp.com). This portal is currently being used for Admission of students, registration of new in-takes, uploading of examination results and display of notices. There is no learning portal that will allow Staff and Students have unhindered access to E-materials for learning and research purposes. The NLS, Lagos campus has a learning portal. We suggest that a general learning portal that will incorporate resources that staff and students can access on a regular basis for learning be developed. Thus, a single learning portal that will display upcoming classes, courses available on line, links to other useful websites is required for the Nigerian Law School. The NLS website is currently being developed. There are limited e-mail accounts for Staff. We suggest that all Management, Academic and Senior staff be provided with e-mail account that ends with the domain name “lawschool.gov.ng”. The current situation where majority of staff in the campuses use the yahoo account should be discouraged. This will ensure security of mails, provide a sense of identity and will enable external organizations that have dealings with the NLS to have confidence in mails sent.

e) Human Resources development for Lecturers and ICT and Management Staff:

None of the ICT staff in the campuses has undergone re-training in Software development and Wireless and LAN networking. We

recommend a continuous re-training program for sharpening of skills for all ICT staff involved in software development and wireless network maintenance

We conducted a study during our tour of all the Campuses of the Nigerian Law School for Academic Staff. The Purpose of the study is as stated highlighted below:

- (a) to assess the Lecturers' knowledge of and ability to use computer and other educational technology in their learning programs;
- (b) to evaluate Lecturers' use of technology for their effective access to online information in their professional and personal life; and
- (c) to provide awareness on and promote the effectiveness of technology in teaching and learning programs and its role and influence in student learning.

We observed the following from the response of the Lecturers: None of the Lecturers in all the campuses stated that he/she has reached an expert usage level in their usage of computers. In fact, 40% of the Lecturers agreed that their current state of computer experience is still at the beginner's level. 65% of the Lecturers stated that they use computers mostly for checking e-mail and search for on line information. We also conducted an enquiry on how the Lecturers developed their computer skills and 80% agreed that they developed their skills through organised training. We also wanted to know how the Lecturers have integrated technology into teaching assignments and we discovered that only 20% of the Lecturers in all the campuses have fully integrated technology into teaching assignment. 90% of the Lecturers interviewed have never set up a projector. 70% of the Lecturers agreed that they cannot use power point to create custom power point show with scheduled timing and other features.

It is strongly recommended that a comprehensive training program be organised for all the Lecturers on how to use technology in teaching and learning. The program should cover but need not be limited to:

- i. how to use technology for presentation;

- ii. how to use imaging devices for educational purpose;
- iii. effective usage of word processing for written tasks;
- iv. how to use databases for retrieving on-line presentation;
- v. computer based file management;
- vi. how to use technology for group discussion; and
- vii. effective usage of Web search engines.

All the areas of computing (1 – vi) mentioned above will also be required for top level management staff of the Nigerian Law School. The training program should however be comprehensive and followed with feed – backs from the trainees to assess knowledge gained during the course of training and to ascertain whether the objectives of training program have been actualised. We note that the professional librarians in all the campuses have undergone several computer and ICT training but most of them are yet to properly and effectively lead the library development of their campuses towards IT integration in the functions of the library.

PART C- GENERAL COMMENTS AND RECOMMENDATIONS

The recommendations for ICT infrastructure are captured in Part B above and the appendixes attached to this report. It must be noted that all the buildings in all the campuses including new auditoriums and classrooms under construction (except for the new library at Abuja) are not wired for ICT access particularly as regards power outlets.

We summarise the some of the recommendations for general infrastructure below as follows:

1. All the campuses would require at least 500% increase in the number of small rooms (in the short run) taking into

consideration staff-students ratio and real interactive students centred learning. At the long run taking the maximum number of students per teacher at 30 – 1 Abuja campus for example would require at least 50 small rooms. There must also be a massive injection of full time and part time teachers to cater for the real interactive learner centred learning introduced by the Law School in all the campuses. Even with the ongoing classrooms project in the campuses, the infrastructure for modern legal education is grossly inadequate.

2. Moot courts do not exist in all campuses. As a skill based vocation legal education, trial advocacy becomes a paramount competence to be developed for students. Each campus require a minimum number of 5 moot courts urgently to meet the expectation of the vision and mission of the Nigerian law.
3. Law clinics are also required to be established in all the campuses to cater for real clients where law students would be required to engage them and learn by experience. Each campus law clinic should have capacity to house at least 40 students and 40 clients at any one time
4. Hostel accommodation at Kano and Enugu is extremely very poor and demeaning to law students. An expansion and of available spaces not to cater for additional students but to provide fair accommodation to existing ones is an urgent necessity. During the visit we were told that most students prefer to go to Abuja or Lagos campuses due to the state of hostel accommodation at Enugu and Kano campuses.
5. Roads are very poor in all the campuses.
6. Most street lights don't function in all campuses.
7. Office and open toilets in all campuses are extremely very poor in the infrastructure and maintenance.
8. There is a general problem of supply from the public Utility Institutions. The self generated water and electricity in the campuses need to be distributed better.
9. Electricity supply and distribution also affects ICT usage.

10. Taking into consideration the ongoing construction of sports pavilion at the Abuja campus, it seems that only Abuja would have good facilities for sports. There is existing infrastructure at the Kano campus which if rehabilitated would create adequate opportunity for sports on the campus. Enugu does not have the infrastructure at all and the same for Lagos campus.
11. The buildings at Enugu and Kano campuses, particularly Kano campus require fundamental renovations and rehabilitation.
12. The library building at Enugu campus needs to be completed to provide better library space for students.

PART D- APPRECIATION

We are very grateful to Ernest Ojukwu, DDG and Head of Enugu Campus who took part in all the tours of the campuses and brought to bear his deep experience with academic and administrative work at the Law School.

DATED THIS 19TH DAY OF JUNE 2010

Prof Isa Chiroma
Consultant

Mr. Gbope Sobanjo
Consultant

APPENDIX M

**NIGERIAN LAW SCHOOL
CAPACITY BUILDING PROJECT**

**ACADEMIC RETREAT
(SEPTEMBER 28 TO OCTOBER 2 2009)**

Introduction and Objectives

The Council of Legal Education, Nigerian Law School for the first time in its history extensively reviewed its academic programme between 2006 and 2008.

The review consisted of several component parts including discussions with relevant stakeholders (law teachers, the judiciary, government and the legal profession), advice from external consultants and a programme of staff development and training.

This process led to the adoption of a new curriculum and teaching method for the Nigerian Law School that came into force in November 2008.

The reason for adopting a new curriculum and teaching method was to achieve a standard of educational practice which reflects current best practices in the training and development of lawyers with requisite skills and values to render services at local and international level.

With the conclusion of the first year of training under the new curriculum and teaching method, it has become needful to review and take stock with a view to fine-tuning the curriculum and further developing the programme.

This is the reason why the Director-General has proposed an Academic Retreat for all law teachers. The retreat would have in attendance the following:

1. Director-General
2. Deputy Directors-General
3. All law teachers
4. International consultants
5. Adjunct teachers/legal practitioners/Judges
6. Law students

The retreat would be for 5 days (September 28 2009 – October 2nd 2009) at the Nigerian Law School Bwari.

Draft Programme

DAY 1

- | | | |
|-------------|---|--|
| 9.00 - 9.30 | - | Registration of participants |
| 9.30 | - | Introductions/Opening Remarks |
| 10.00 | - | Tea Break |
| 10.30- 1.00 | - | Report from Campuses (one report by each campus)- |
| | | i) Content, outcomes and activities of lessons/sessions |
| | | ii) Delivery mode and methods |
| | | iii) Students responses |
| | | iv) Problems, challenges and solutions |
| | | v) Suggestions |
| 1.00 -2.15 | - | Lunch |
| 2.15 – 3.45 | - | Induction Programmes- Report from Campuses (one report by each campus) |
| 3.45- 4.00 | - | Tea Break |
| 4.00- 4.30 | - | Wrap up for the day |

DAY 2

- | | | |
|------------|---|---|
| 9.00-10.30 | - | Attachment and portfolio assessment- Report from each |
|------------|---|---|

		campus
10.30- 11.00	-	Tea Break
11.00- 11.30	-	Live Client Clinic- Report from Advice Center and Law Clinic, Augustine Nnamani Campus Enugu
11.30- 1.30	-	Evaluation- 1. Reports from each clinic on evaluation of programme carried out; 2. Presentation by students on their experience at each campus.
1.30-2.30	-	Lunch
2.30-3.30	-	Presentation by International Consultant
3.30-3.45	-	Tea Break
3.45-4.45	-	Plenary discussions and wrap up for the day

DAY 3

9.00-9.15	-	Review/harmonise lesson plans and case studies/activities- Divide Participants into groups for group work 1. Induction programme 2. Criminal litigation 3. Civil litigation 4. Property law practice 5. Corporate law practice 6. Law in practice 7. Attachment and attachment portfolio assessment
9.15-10.30	-	Group work
10.30- 11.00	-	Tea Break
11.00- 12.00	-	Group work continues
12.00 -1.30	-	Group presentations
1.30- 2.30	-	Lunch
2.30 -4.30	-	Group presentations
4.30-5.00	-	Wrap up for the Day

DAY 4

Workshop on Ethics – Draft Programme to be produced by consultants

DAY 5

Plenary – Discussion and wrap up
Evaluation
Lunch and Departures

Ernest Ojukwu DDG
Coordinator

APPENDIX N

**NGERIAN LAW SCHOOL LEGAL EDUCATION
CAPACITY BUILDING PROJECT**

Funded by the World Bank (IDF)

VALIDATION WORKSHOP ON

- 1. ASSESSMENT OF THE NEEDS OF THE LEGAL PROFESSION**
- 2. ASSESSMENT OF THE IMPACT OF THE NIGERIAN LAW SCHOOL NEW CURRICULUM**

Objectives

The objectives of the workshop are to:

- (i) Determine the validity of the findings of the consultants on the assessments made on the needs of the legal profession and the impact of the Nigerian Law School new academic curriculum;
- (ii) Receive additional input from workshop participants that would assist in writing a final report of the assessments.

Participants

Stakeholders selected from among judges/magistrates, private legal practitioners, law teachers, development workers in NGOs and Civil Society Organisations, media practitioners, non lawyers, recently graduated law students from the Nigerian Law School, Corporate managers, and other stake holders.

Venue: Bornu Hall, Transcorp Hilton Hotel Abuja

DATE: Thursday, 19th May, 2011

Programme

- | | | |
|---------------|---|---|
| 09.30 – 09.45 | - | Arrival and registration of participants. |
| 09.45-10.00 | - | Commencement: Introductions |
| 10.00 – 10.15 | - | Welcome Remarks By the Director General, Nigerian Law School, Dr. Tahir Mamman. |
| 10.15- 10.30- | | Study Background- Assessment of the needs of the legal profession in Nigeria: Dr. Sadiq Isa Radda (Consultant). |
| 10.30-11.30- | | Presentation: Report of Findings on the assessment of the needs of the legal profession: Dr. Sadiq Isa Radda and Mustapha Hashim Kurfi. |

11.30-12.30	-	General Discussion
12.30-01.30	-	Presentation: Impact of the new Law School Curriculum: J.U.K. Igwe, esq (Consultant).
01.30-02.30	-	General Discussion
02.30-03.30	-	Working Lunch/Wrap up/closing

APPENDIX O

REPORT OF CONSULTANT ON ASSESSMENT OF THE NEEDS OF THE LEGAL PROFESSION

By

**DR. SADIQ ISAH RADDA
DEPARTMENT. OF SOCIOLOGY
BAREYO UNIVERSITY
KANO**

INTRODUCTION

Background

Observance of the rule of law is a necessary pre-requisite for the stability and development of any society. Without law anarchy will pervade society. Hence, the institutions that will ensure the development, standardization and utilization of the legal framework have to constantly checked and fine-tuned in line with changing times and societal complexities. In Nigeria, the legal profession is faced with numerous challenges in its efforts to deliver justice to those seeking for it. Among the challenges are the quality, relevance and currency of the skills that lawyers possess. Since the delivery of justice to clients rests on the legal profession and is determined by the socio-economic milieu of a nation, their

competencies have to be regularly gauged in order to update them to the changing dynamics and the current realities of our times. For example, socio-economic, political, administrative and demographic changes brought about by information technology have brought changes in the criminal enterprise thereby requiring change in the legal framework that would render justice to disputants.

A credible dispute resolution mechanism encapsulated in the judiciary and legal education system promotes economic activities by attracting investments. Also, it stabilizes the polity, reduces unnecessary litigation and engenders harmony and peaceful co-existence. Therefore, a critical examination of the Nigeria's legal education system vis-à-vis its capacity to render real time and meritorious service to clients in the light of today's realities is crucial. Additionally, the perceptions of the corporate world, civil society organizations, members of the academic community, law enforcement agencies and even ordinary citizens regarding the members of the legal profession is crucial in any reform measures. This survey was conducted with these ideas in mind and the report covers these areas of concern.

Study Aim and Objectives

The main goal of the research was to find out the best legal education strategies that could empower members of the legal profession meet the appropriate legal needs of their clients. Specifically, the study objectives were to:

1. Assess the level of competence of the members of the legal profession;
2. Identify the consumers of the services of the legal profession;
3. Find out clients' perceptions of the members of the legal profession;
4. Find out the extent to which clients are satisfied with the services of the members of the legal profession;
5. Examine the curricula content and currency of the stuff given to members of the legal profession;

6. Examine the need for curricula change in legal education system; and
7. Identify the needs of the members of the legal profession for optimal performance;

Research Questions

The study was guided by the following research questions:

1. What is the level of competence of the members of the legal profession?
2. Who are the consumers of the services of the legal profession?
3. What are the clients' perceptions of the members of the legal profession?
4. To what extent are clients satisfied with the services of the members of the legal profession?
5. What is the curricula content and currency of the stuff given to members of the legal profession?
6. Is there the need for curricula change in legal education system? and
7. What are the needs of the members of the legal profession for optimal performance?

Study Methodology

In order to garner scientific data that can assist in making generalizations and reaching credible conclusions that would inform policy, a sound research methodology was to evolved and used. Below is an outline of the study methodology:

Study Population

It is evident that there is a wide range of justice seekers that eventually become clients to the members of the legal profession thereby making it impossible to include everyone in the study population. However, to facilitate fieldwork sources of data were categorized as follows:

Category A: The Corporate World

Under this category, data were sourced from Financial Institutions like Banks, Insurance Companies, Pension Commissions, Telecommunication Sector, Internet Service Providers, etc.

Category B: Public Sector

Here data were sourced from Police, Anti-Corruption Agencies, Federal and State Ministries of Justice, Oil and Gas Industry, Legal Aid Council, Human Rights Commission, Judiciary, National Judicial Institute, Regulatory Agencies like CBN, NDIC, NCC, NBC, Infrastructure Regulatory Commission, etc.

Category C: Private Legal Practitioners

In this category Chambers of practitioners were consulted. The Chambers were divided into Giant, Medium and Low Scale Chambers with the aid of a sampling frame.

Category D: Non-governmental Organizations and Civil Society Organizations

Here NGOs that have justice delivery, human rights and law enforcement as their thematic concerns were consulted. Also, CSOs like trade unions, professional associations and Unions were part of the study population.

Category E: Ordinary Citizens and Members of the Academic Community

Data were obtained here principally from academics engaged in teaching law. Both public and private Universities were part of the study population.

Sample Size and Sampling

The study involved a total of 2,000 respondents from whom both quantitative and qualitative data were obtained. Two main methods were used to sample the respondents. The first sampling method was convenience or purposive sampling where those to give data were sampled based on their depth of knowledge regarding the

issue being investigated. The second method was accidental sampling which was based on immediate availability of the respondents and the willingness to respond to research questions. After a pre-test of the research instruments, the appropriate sampling method was devoted to the right set of respondents. Data were collected from Lagos, Enugu, Bayelsa, Kano, Katsina, Sokoto, Abuja, Adamawa, Zamfara and Jigawa States.

Data Collection Methods

The required data were collected via two major methods. The first method was by the administration of a pre-coded questionnaire. This was easy because the respondents are literate. The questionnaire contained both closed and open ended questions. The second method was through in-depth interviews where the respondents that had the required information were rigorously interviewed. An interview guide was developed to guide the Research Assistants. This method yielded qualitative data that were to be tape-recorded and later on transcribed.

Methods of Data Analysis

The quantitative data were processed using the Statistical Package for the Social Sciences (SPSS). The SPSS output was cleaned, refined, categorized and appropriately analyzed. Frequency tables and percentages were used to analyze the quantitative data. The qualitative data obtained through in-depth interviews were extrapolated and used to support the quantitative data.

Expected Outcomes

The research, when completed will make stakeholders in the legal profession, their clients and other actors in the justice delivery sector better informed about what members of the legal profession require to make them efficient and effective in responding to the demands of their clients. Specifically, stakeholders should expect the following outcomes when the survey is completed:

1. There will be a proper assessment of the level of competence of the members of the legal profession;

2. All the consumers of the services of the legal profession will be identified;
3. The clients' perceptions of the members of the legal profession will be gauged;
4. Stakeholders will know the extent to which clients are satisfied with the services of the members of the legal profession and if otherwise to know areas of dissatisfaction for improvements;
5. There will be familiarity with the curricula content and currency of the stuff given to members of the legal profession;
6. There will be proper understanding on if there is the need for curricula change in the legal education system; and
7. The needs of the members of the legal profession for optimal performance will be known and addressed.

EXECUTIVE SUMMARY

The research was conducted in order to assess the needs of the legal profession so that they can perform their jobs efficiently and effectively. The study covered the Six Geo-political Zones that constitute Nigeria. Data were collected from Lagos, Enugu, Bayelsa, Kano, Katsina, Sokoto, Abuja, Adamawa, Zamfara and Jigawa States with the use of quantitative and qualitative methods. The quantitative data were processed with the SPSS while the qualitative data were transcribed and analyzed. The study samples included members of the corporate world, private legal practitioners, civil society organizations, public sector and members of the academic community.

The study findings shows that those who participated in the study were employed, young, male and educated people. Also, findings show the respondents' desire for training. Similarly, respondents identified areas that require priority attention in the training. Additionally, the respondents identified how lawyers could promote development and security: promoting fairness; promoting swift disposal of cases; giving sound legal advice; promoting respect for the rule of law; effective collaboration with police;

effective collaboration with Ministry of Justice; minimizing technicalities during court proceedings; promoting regular legal reform. They also gave insight on public perception of the lawyers in Nigeria and recommended ways of changing the negative perception. The specific findings are as below:

1. Majority of the respondents studied have demonstrated their knowledge of members of the legal profession i.e. lawyers
2. Most of those studied also had contact in one way or another with lawyers in their lives.
3. Greater percent of the study population were satisfied with contact they had with lawyers.
4. A significant number have indicated the need for retraining of lawyers to perform better due to the gap between theories they learned right from the universities to the law schools and realities which makes them to start all over when they come to practice in the society.
5. A sizeable percent were of the view that the main source of dissatisfaction with lawyers lies in poor representations of the clients.
6. The finding revealed that only attendance to international workshops and seminars will improve the level of competency of the lawyers.
7. It was also established in the survey that there is no strong connection between litigation (as caused by lawyers) and development.
8. The study also found that majority do not believe lawyers have major role to play in the development of the society.
9. There is a negative connection between the role of lawyers and the promotion of security in the Nigerian society.
10. It was found that all categories of classes in the society patronize the services of lawyers.
11. The study did not establish the connection between the role of lawyers and the restoration of confidence in the legal system, there is a negative connection between the two variables.

12. The study found a general apathy among the study population in the form of negative perception of lawyers. For example, of the ten variables only four were positive on lawyers while the remaining ten turn out to be negative.
13. The study established that lawyers in Nigeria are competent but frequent adjournment by lawyers creates loss of confidence.
14. It also found that the growing increase in size of the students in the law schools as well as decentralization has created serious problem of management
15. The general decline in the educational sector and the economic down turn in the country has affected the quality of lawyers produced in recent years
16. The negative perceptions of lawyers is gradually changing that everyone now is realizing the importance of lawyers in the society.
17. The level of satisfaction with the services offered by lawyers is contingent on the clients when their cases are won in courts.

APPENDIX P

REPORT ON THE EVALUATION AND IMPACT ASSESSMENT – THE NEW CURRICULUM OF THE NIGERIAN LAW

RESEARCHED, PREPARED & SUBMITTED BY

**J.U.K. IGWE
CHIEF RESEARCH CONSULTANT
LAW DEVELOPMENT, RESEARCH, PUBLICATIONS
AND CONSULTING LTD.**

**INTRODUCTION, PROBLEMS, PROGRAMME
DESCRIPTION /AIMS/OBJECTIVES, SCOPE AND
BACKGROUND OF STUDY**

2.1. Introduction

On 8th April, 2011, by a letter vide reference NLS/593/5.4/1, the Council of Legal Education In Nigeria conveyed to the Consultant¹ the decision to engage him for the purpose of evaluating the impact of the new curriculum adopted by the Council of Legal Education for the training of students at the Nigerian Law School.

A fundamental challenge is how to ensure that graduates from the Nigerian Law School are well equipped and are able to adjust to the realities of issues at the work place consistent with the demands of current practices and standards. Thus, graduates of the Nigerian Law School must be relevant to today's changing world. They must be equipped with practical skills and competencies necessary to compete favourably in the 21st century legal practice.

2.2 The Problems

Three (3) key problems were examined in the course of this research –

- (i) The problem of whether the curriculum introduced in 2008/2009 academic session sufficiently meets the challenge identified in 2.1. above?
- (ii) The problem of analyzing the impact of the new curriculum so far including the successes, challenges on the path to progress and factors imperative in realizing the objectives sought to be achieved?

- (iii) Specifically, the problem of identifying the performances of the Nigerian Law School students internally (in the Nigerian Law School) and externally (in the society) after the introduction of the new curriculum?

The research/study provides the answers to the above problems and further proffers recommendations on enhanced ways of achieving the set objectives of the new curriculum as to have greater impacts on the students, the Nigerian Law School and the Society in general.

2.3 Program Description, Aims and Objectives

The primary objective of the assignment is to evaluate how the new curriculum of the Nigerian Law School had shifted the training of lawyers from the hitherto theoretical approach to the current practical and skills oriented method. Also, to assess how the new curriculum has adopted legal education training to the needs and challenges of the legal profession and Nigerian Society's needs of legal services.

This report therefore, is the result of an action – research exercise embarked upon by the Consultant on instruction of the Council of Legal Education which in the course of the assignment sought *inter alia* to –

- determine if planned goals and objectives of introducing the new curriculum by the Council of Legal Education in Nigeria are actually being achieved;
- document the accomplishments so far and identify the contextual constraints and facilitating factors that have influenced the implementation of the curriculum and effectiveness of the Nigerian Law School students and

Lawyers called to the Nigerian Bar from 2009 – date in the work places.

EXECUTIVE SUMMARY

This study on the impact of the new curriculum of the Nigerian Law School demonstrates if planned goals and objectives of introducing the curriculum by the Council of Legal Education are actually being achieved. It further documents accomplishments so far and identifies constraints and factors that have and would influence further implementation.

Research and Development

This study found that the new curriculum has significantly shifted the system from more of theory to more of practical exercises and addressed several shortcomings of the old curriculum. However, the study found that there is a need for constant review of the curriculum from time to time as to accord with changes in practice. One of the impacts of the new engaging curriculum is greater use of the library. This study recommends the establishment of a virtual library system by the Nigerian Law School. Also, one of the impacts on skill based training is enhanced research – the study recommends an immediate implementation of the recommendation of the Legal Education Review Committee (2006) on requirement for publication by lecturers for purposes of appointment and promotion as well as appointment to professorships. The study believes that lecturers need to be moved to be more engaged in new research and development as to meet the demands of the new skill based curriculum.

The study further suggests establishment of a co-ordinating unit on capacity building programmes as several regulatory agencies may be willing (if properly approached), to assist with research and capacity building needs of the Nigerian Law School. This was evident from Key Informant Interviews in the course of the study. The study further recommends learning visits by students to practice institutions and should be clearly spelt out in the course of chamber attachment.

Weaknesses were traced to the students' foundation in the universities. The study called for strengthening of accreditation criteria of law faculties by the Council of Legal Education.

Chambers/Court and Portfolio Assessment

The study found that several law offices where students are sent on attachment had moved offices and hence need for a regular updating of the addresses. The study called for an auditing of chambers to confirm availability of facilities to assist students in course of attachment in order not to defeat the objectives.

The frank and objective assessments by Honourable Judges in the course of the external study contrasted sharply with usually 'Excellent, Good and Satisfactory' letters sent to the Nigerian Law School after attachment. The study called for mechanisms of ensuring that assessments are in reality done by the courts. It also called for enhanced and more detailed portfolio assessments of students.

Examinations and Identity Fraud

The study found that the Nigerian School still operates manual identification system which impacts negatively on the new curriculum. It called for a safe and secured biometric means of identification to avoid identity fraud which may hamper effectiveness of the new curriculum.

Ethics

Study recommended more attention to ethical issues.

Academic Curriculum

Study found that the curriculum have had greater impact on the Corporate Affairs Commission. However, other agencies, corporate/financial regulatory agencies observed difficulties on the part of new graduates and suggested a more detailed inclusion of other practical issues which will have more positive impacts on the students and the system. This includes – inclusion of other primary

sources of corporate governance laws, practices and ethics in the curriculum.

The study also found that there is need to fortify the contents and more practical approach to be adopted in the teaching of legal writing techniques. The study called for more direct participation of students on discussions to enhance their modes of expression. Detailed suggestions are contained in the Recommendations.

Conclusion

A study on the impact of the new curriculum of the Nigerian Law School demonstrates the successes so far recorded as well as the challenges on the road to greater progress. It is respectfully submitted that based on analysis and findings, the new curriculum no doubt, have shifted the training of lawyers from the formerly prevalent theoretical approach to the current practice and skill-oriented methods. However, essential strengthening along the lines suggested in this study will further enhance the potency and ensure the production of well trained, very confident learned gentlemen of the noble profession able to compete globally in the 21st Century legal practice.

9.0 Recommendations

Conscious of the views expressed at the key informant interviews, Group Discussions, and questionnaires and observations made in the course of this study. It is hereby recommended as follows:

9.1 Addresses and Audit of Chambers

The addresses of Chambers where students are sent on chamber attachment should be regularly updated. This will reduce several serious difficulties which several students encounter at locating Chambers where apparently, a significant number of the addresses have changed.

An audit of the Chambers with the requisite facilities that will enhance the objectives of sending the students on attachment should be conducted and updated annually. This is to ensure that

appropriate facilities are in place in the chambers for actualizing the objectives. Based on the frank views by Legal Practitioners on the performances of students on chamber attachment which contrast with the mostly, excellent, very good and satisfactory ratings usually dispatched to the Nigerian Law School a more proactive approach to ensuring objective assessments should be adopted. Interviews in the course of portfolio assessments should be more stringent.

9.2 Court attachment Reports

Courts should be encouraged by the Council of Legal Education to conduct assessments on conducts and participation of students on court attachment. The divergence of opinions on the letters usually sent back to the Law School on completion of students' attachment and the very objective, and frank observations and recommendations by Honourable Judges in the course of the study should point to the direction of more effective methodology.

9.3 Examination records and prevention of Identity Fraud

The mechanism for identifying students should be fortified. A biometric system should be introduced. At the moment, the manual process of crosschecking students' identity through the hard register is likely to encourage identity fraud. This presents great challenges before the examinations and records department and likely to impact negatively on the current system. A proactive/practical skill based system ought also to attract a proficient, safe and secured means of identification consistent with international best practices. There is therefore the need to identify students through their anatomical characteristics. The examinations and records department should be empowered and be properly trained in capturing the biometric templates or reference of students which should be stored in the data base by the department. In addition to the manual registers, this will be used in matching the identity of students before they enter into the examination halls or whenever the issue of identity becomes paramount.

9.4 Research and Development

- 9.4.1** A virtual library system should be established by the Nigerian Law School. This will enhance research which will impact greatly on advancement and success with the new curriculum. All the libraries of the various campuses may be linked on line. Students will be able to access research materials from anywhere. The impact on the new curriculum will be enormous as academic research and development in all the campuses will become of the same standard in line with the spirit of the new curriculum.

A virtual library will be consistent with the engaging nature of the new curriculum. Virtual Libraries provide new ways of serving a new generation of users. It enhances remote access to the contents and services of the library and other information resources-combining on site collection of current and heavily used materials in both print and electronic network which provides access and delivery for external worldwide library-thereby providing for the Nigerian Law School speedy and wider access to updated information globally.

- 9.4.2** Academic career progression of lecturers will also contribute to greater degree of research and development. The recommendation by the Legal Education Review Committee (2006)⁴⁵ to the effect that ‘for purposes of appointment and promotion, lecturers should fulfill the requirement of publication as lecturers in the university’ should be implemented immediately. Such should lead to appointment as Professors in deserving cases. This will impact positively on the new research and skill based curriculum as the lecturers will be more engaged in research, writing and development of the laws, practices and ethics. The effect on the students and the curriculum will be enormous. There will be far greater positive impact if these lecturers are Barristers and also Solicitors with depth of practice experience.

- 9.4.3.** A Co-ordinating Unit on capacity building programmes, should be established as soon as practicable. Key informant interviews revealed that several regulatory agencies may be willing to assist the Nigerian Law School with capacity building of lecturers and participation of students in seminars and workshops if properly approached. An example mentioned in course of the study was assistance of the Securities and Exchange Commission to the Faculty of Law of the Ahmadu Bello University in setting up studies on Capital Market Laws and the annual capacity building programme sponsored for all judges on capital market laws, practices and ethics annually.
- 9.4.4.** Attendance of these workshops and seminars by students should be made part of the curriculum and should be compulsory. The Co-ordinating Unit may work out details with sponsor organisations, including the participation of resource persons on the pool of regulatory agencies in the target areas which feature prominently in the new curriculum. This will have far greater impact on the practical skills and more effective training which the new curriculum has set out to achieve. Requests for sponsorship of programmes relevant to enhancing practical skills of the students should be sent and followed up with regulatory agencies, such as Securities and Exchange Commission, Central Bank of Nigeria, National Pension Commission, Nigerian National Petroleum Corporation, Corporate Affairs Commission, Nigerian Deposit Insurance Corporation, Assets Management Corporation of Nigeria, to mention a few.
- 9.4.5** The same unit may also tap into more and regular research and development grants nationally and international aimed at ensuring a greater impact of the new curriculum in particular and positioning of the Nigerian Law School in the fore-burners of research and development.

- 9.4.6** The curriculum should be reviewed from time to time as to accord with changes in practice. The duration of studies in the Nigerian Law School should be re-examined. A proper time frame to enable adequate coverage of curriculum should be well thought out with a view to adopting same. This will enhance quality in understanding and effective coverage of the curriculum.
- 9.4.7** Programmes and learning visits should be organised for students to such practice institutions such as the Corporate Affairs Commission, Securities and Exchange Commission, etc.
- 9.4.8** Small class groupings should be adopted for more effectiveness and greater participation of students.
- 9.4.9** The Council of Legal Education should further examine the suggestions on possible steps towards the amendment of the Legal Practitioners Act to provide for a compulsory period of pupillage after graduation from the Nigerian Law School with well established chambers to enhance the objectives sought to be achieved.
- 9.4.10** The Council of Legal Education should take steps in strengthening its accreditation criteria of law faculties. Attitude of young graduates appear to have foundation in weak university structures which impact negatively on the products sent to the Nigerian Law School and indeed, on the entire curriculum.

9.5 Dressing Habits/ Culture:

Formal dressing culture should be enforced in the Nigerian Law School in all lectures and official sessions.

9.6 Ethics

More attention should be given to ethical issues and conducts of the students. Efforts should be made in enhancing e-learning in the Nigerian Law School. Central to this should also be an introduction of contents on cyber ethics. This is important in today's world of technology.

9.7 Portfolio assessment

Mechanisms for ensuring more objective and detailed assessments of students should be adopted. The Council of Legal Education should employ more Adjuncts, particularly with practice experience to assist existing ones. Assessments should be more thorough with the same fair standard for every student.

9.8 Mock Trials

The number of mock trials should be increased to at least once a month to enable students to have more exposure and familiarity with the procedural aspect of the training.

9.9 Law Dinners

Law dinners should continue to feature prominently in the curriculum. However, to enhance the objectives set out in having Law Dinners, the Nigerian Law School should motivate the processes for reunion dinners which will be done by the Alumni themselves on close collaboration with the Nigerian Law School. Part of the understanding with the alumni should be attendance of students on a criteria to be worked out. It will enhance the second objective of enabling students meet senior legal practitioners and Benchers. A clear illustration is the reunion dinner⁴⁶ of the 1968 set of the Nigerian Law School graduates on the 1st November, 2008. The interaction and dinner lecture with the theme, **'The Role of the Judiciary In The Sustenance of Democracy In Contemporary Nigeria'**⁴⁷ was very remarkable in the training of law students and meeting very closely with very Senior Judges and Practitioners at the Headquarters.

9.10 Academic Curriculum (Corporate Law Practice)

9.10.1 Beyond completion of accreditation forms as contained in Topic 1 of the new curriculum, more practical approach of teaching the students the laws, regulations and processes governing regulatory agencies, particularly those in financial services such as Securities and Exchange Commission should be adopted. This will

enhance graduates' performance of admission interviews and relevance to the works of the agencies.

9.10.2 The content on corporate governance should be upgraded to prepare aspiring lawyers for the world of work.

(i) In addition to law practices and ethics from the Companies and Allied Matters Act already reflected in the Corporate Law practice curriculum of studies, it should be modified to include other primary sources of Corporate governance Laws, regulations, practices and ethics in Nigeria: These include:

- Code of Best Practices On Corporate Governance For Public Companies recently approved by the Securities and Exchange Commission (2010).
- Corporate Governance Issues contained in the Investments and Securities Act⁴⁸ 2007 as well as the Rules and Regulations made by the SEC pursuant to the Act;
- Provisions of the Banks and Other Financial Institutions Act⁴⁹ which ensures good corporate governance of banking and finance institutions, for e.g., Ss 10, 11, 17, 18-27, 50, etc
- The mandatory Code of Corporate Governance For Banks In Nigeria Post Consolidation;⁵⁰
- The Code of Corporate Governance For the Insurance Industry In Nigeria (2009);⁵¹
- The Code of Conduct For Capital Market Operators And Their Employees.⁵²

(ii) Corporate fraud, manipulation, Disclosure and Transparency Safeguards should be included in the Corporate Law Practice Curriculum. It presents difficulties to lawyers generally and young ones, particularly, illustrating cases and factual scenarios should be used in the teaching of Nigerian Law School Students in this respect. A plethora of cases currently exist.

- (iii) The curriculum in Corporate Law Practice should contain rudimentary drafting of prospectus as lawyers not exposed to this continuous disclosure document will find it difficult to understand and make any meaningful impacts on the system.
- (iv) International Best Practices, best captured in the works of international organisations like the International Organisation For Securities Commission (IOSCO), The Organisation For Economic Cooperation and Development (OECD), etc as well as international frameworks should be captured as part of the contents of the Corporate Law Practice curriculum. A good knowledge of international best practices on Corporate practices must be an essential expected outcome of study in Corporate Law Practice. This will enable graduates of the Nigerian Law School compete globally and make greater impacts on the system.
- (v) The essential machinery of the Administration Proceedings Committee (APC) of the SEC should be included as part of the dispute settlement frameworks in Corporate Law Practice. More than 70 percent of cases in the field of investments are settled by the APC and may not get to the Investments and Securities Tribunal. This will avoid the current system in the curriculum where the Nigerian Law School student misses out on this essential component and may be confused about the appropriate jurisdiction to file his cases. He only meets his mechanism for the first time after his call to the Nigerian Bar.

9.11 Academic Curriculum (Law In Practice)

Oral and Writing Skills

There is the need to fortify the contents and more practical approach to the teaching of legal writing techniques in the Law In Practice curriculum. A more direct participation of students in discussions in the course of studies should be more rigorously

pursued. Several employers complained bitterly about deficiency of several students in writing and proper mode of expression.

THE VALIDATION WORKSHOP

The validation workshop was held on Thursday, 19th May, 2011 at the Transcorp Hilton, Abuja.

OBJECTIVES

The workshop had the following objectives:

1. Determine the validity of the findings of the Consultants on the assessments made on the needs of the legal profession and the impact of the Nigerian Law School new academic curriculum;
2. Receive additional input from workshop participants that would assist in writing a final report of the assessments.

PARTICIPANTS

The participants included the following Stakeholders selected from:

- (i) Judges;
- (ii) Private Legal Practitioners;
- (iii) Law teachers;
- (iv) Development workers in NGOs and Civil Society Organisations;
- (v) Media Practitioners;
- (vi) Non Lawyers;
- (vii) Recently graduated Law School Students from the Nigerian Law School;
- (viii) Corporate managers and other stakeholders.

REPORT ON THE IMPACT OF THE NEW CURRICULUM

The report on the impact of the new curriculum was presented by the Consultant, J.U.K Igwe. The participants agreed with all the recommendations contained in the draft report. However, emphases were made by the stakeholders, on the need to:

- (i) Conduct a proper audit of the addresses of Chambers where students of the Nigerian School are being sent on the compulsory Law Office attachment.
- (ii) Improve upon efforts in the teaching of writing and drafting skills of the students as well as oral communications. If need be, introduce the use of English in the Nigerian Law School.
- (iii) Put greater efforts in ensuring better degree of good ethics and conducts by the students.
- (iv) Take very seriously, the gaps highlighted by the Consultant between the internal and external assessments.
- (v) Entrench international best practices as part of the new curriculum.
- (vi) Introduce a proficient, safe and secured means of identification of students consistent with international best practices by introducing a biometric system of identification. The essence is to prevent identity and examination fraud.
- (vii) Establish a virtual library and improve the state of library services.
- (viii) Introduce the suggestions by the Consultant on improving the corporate law practice curriculum. Participants will also welcome similar suggestions on the Property Law Practice Curriculum and generally review the curriculum from time to time.
- (ix) Introduce career progression of lecturers as recommended by the consultant.
- (x) Adopt career progression of lecturers which will also contribute to greater degree of research and development as recommended by the Consultant.
- (xi) Seriously pursue Consultant's suggestions on tapping into opportunities presented by possible sponsorship of capacity building programmes for lecturers and students of the Nigerian Law School by regulatory agencies such as; The Securities and Exchange Commission, Central Bank of Nigeria, etc.

- (xii) Adopt smaller groupings on discussions and mock trials for more effectiveness and greater participation of students. Also increase the number of mock trials to at least once a month.
- (xiii) Ensure more objective and detailed assessment of students either by extending assessments and or by employing more Adjuncts.
- (xiv) Set mechanisms in place for law reunion dinners, etc. The presentation was well received by participants.

Acknowledgement

With a deep sense of appreciation, I hereby acknowledge all those who facilitated this study either by words of wisdom or participation in the interviews, discussions and questionnaires. Special gratitude to Dr. Tahir Mamman, Director General of the Nigerian Law School and his able team of Deputy Directors General and Heads of Departments. Special mention must be made of Professor Ernest Ojukwu, Deputy Director General, Augustine Nnamani Campus for all his wise counselling and suggestions at all times. I am also immensely grateful to the following staff at the Nigerian Law School Headquarters for their assistance in the course of the study: Mrs Gloria D. Shajobi, Director Planning and Academic Matters, Mr. T.K. Adeyemi, Mr. R.E. Ejiofor, Criminal Litigation Department, E.O. Onoja (Criminal Litigation Department), E.L. Effiong (Criminal Litigation Department) Maureen Stanley-Idum (Civil Litigation Department), Mrs. Olayinka Tuyo (Principal Librarian), Osho Aderonke, (Examinations and Records Department), Mrs Bora Dorcas (Library), Mr. Yinka Akinwumi (Library) now in the Yenogoa Campus and Mr. Victor Emeregini, the Students Affairs Officer of the Headquarters.

A deep note of appreciation must be given to the following: The Hon. Justice I.N. Auta, Chief Judge of the Federal High Court, Hon. Justice Kate Abiri, Chief Judge, Bayelsa State, The Hon.

Justice A.N Nwankwo, Chief Judge, Ebonyi State, The Hon. Justice R.H. Cudjoe, OFR, Chief Judge, Kaduna State, The Hon. Justice I.E. Akande, Chief Judge, Lagos State and The Hon. Justice Lawal M. Gummi, Chief Judge of the Federal Capital Territory.

Special mention must be made of the Hon. Justice I.U. Bello (High Court of the F.C.T), The Hon. Justice Abubakar Sadiq Umar (High Court of the F.C.T.), The Hon. Justice P.O. Onajite Kuejubola (High Court of Asaba, Delta State); The Hon. Justice Mukhari Yushan (High Court of Gusau, Zamfara State), The Hon. Justice Bello Duwale (High Court of Sokoto, Sokoto State).

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1. Hardware requirements for MS-Office 2007 can be found here ... <http://office.microsoft.com/en-us/suites/HA101668651033.aspx>. The requirements for MS-Office 2003 can be found here ... <http://support.microsoft.com/kb/822129>
2. Xubuntu is a version of Ubuntu Linux that requires less RAM and is especially designed for older PCs that have less RAM. The website is here ... <https://wiki.ubuntu.com/Xubuntu>
3. Open Office's website is here ... <http://www.openoffice.org>
4. More information about Berkman's Rotisserie project here ... <http://h2o.law.harvard.edu/about/faq.jsp#rotisserie>
5. For example... Moodle - <http://www.moodle.org> ;
LAMS - get url; Drupal
6. <http://www.law.cornell.edu/>
7. <http://www.worldlii.org/>

CHAPTER 4

The New Curriculum

The boldest and most radical change that came out of the effort to reform legal education in Nigeria between 2006 and 2008 was the adoption of a (new) curriculum for the Nigerian Law School in November 2008.

The challenges facing legal education in the country at this time are so many that we need to make radical changes in every aspect of the legal education project to be able to get the nation into the present century. We may glean some of those challenges from the Nigerian Law School's Request for IDF Financing Basic Information document stated thus:

The Nigeria National Economic Empowerment and Development Strategy 2004 (NEEDS) recognizes that its success rests on three pillars, one of which is improving the Nigerian legal environment/ It draws a clear link between a stable, predictable and good quality legal framework, strong judicial system and economic growth. NEEDS also emphasizes upon improving access to justice and legal aid. A qualitative improvement in legal training better equips the lawyers to meet the society's challenges and respond to its concerns.

The Nigeria Country Partnership Strategy 2005-09 (CPS) builds on the NEEDS Report and recognizes the inadequate legal and regulatory framework as one of the major impediments to Nigeria realizing its full growth potential. The CPS emphasizes the need to improve the quality of the

Nigerian legal system to improve the business environment and encourage investment flows into the country. Improving the quality of legal services available within Nigeria forms an integral part of this effort.

The Nigeria competitiveness and Growth Report 2006 (i.e. Country Economic Memorandum) ... highlights the delay and cost of enforcing contracts in Nigeria. It suggests the need to reform the law and court systems, expand the use of alternative dispute resolution system, and more importantly, to build capacity of legal professionals.

The insolvency and Creditor Rights ROSC Report ... also recognizes the propensity of some lawyers to raise frivolous arguments and unnecessarily delay cases. While this secures temporary relief for their clients, the overall impact on society is very negative. Improving the training that lawyers undergo will make them understand the costs this imposes on society and strengthens the ethics of the legal professionals.ö

Nigerian Law School stepped out in 2006 to address some these challenges by making changes in its academic curriculum and teaching methods and methodology.

The Nigerian Law School (new) curriculum has the following features and characteristics:

1. There is a guiding vision and mission statement;
2. There are objectives for the curriculum and modules;
3. It is outcomes-based;
4. It is learner-centred providing case studies and interactive activities though still heavily contents-driven;
5. It addresses learning in an integrative way that focuses on knowledge, skills and values;
6. There are clear rules and measures for formative and summative assessments even though the programme is still heavily based on summative assessment;

7. It provides good potential and opportunities for experiential learning and clinical legal education;
8. There are potentials for an evaluation mechanism and delivery of quality standardization and control;
9. There are five modules in the curriculum, namely, Criminal Litigation, Civil litigation, Property Law Practice, Corporate Law Practice, and Law in Practice;
10. The curriculum provides for 40 weeks of academic work including one week of induction (use of library and other issues) for new students, one week of moot and mock trial before the lessons, 12 weeks of externship programme (placement in the courts and law firms), 3 weeks of externship portfolio assessment, one week of post lessons moot and mock trial and one week of final examination;
11. An externship programme that is assessed on a pass/fail basis and a failure grade deprives the student a bar certificate.

Commenting on the new curriculum of the Nigerian Law School, Prof. Richard Grimes who is now the Director of Clinical Programmes University of York, said this:

What you have designed and implemented at the NLS accords with many of the principles of best educational practice for a law school in terms of curriculum design, teaching methodologies and assessment regimes. It should produce students who are equipped with the knowledge, skills and values to become competent and ethically aware practitioners. The programme does however need to be monitored to ensure that what is being implemented meets local and national needs and continues to develop in a robust way.

See the Curriculum on the next page.

**COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL**

CURRICULUM, LESSON PLANS AND CASE STUDIES

Contents

1. Mission and Vision
2. The Curriculum: General Introduction
3. Integrated Curriculum schedule
4. Delivery mode and assessment
5. Civil Litigation
6. Criminal Litigation
7. Property Law Practice
8. Corporate Law Practice
9. Law in Practice
10. Induction Programme

VISION & MISSION STATEMENT:

1. **Vision Statement**
 1. To be a model Institution that aims to attain the highest standards of legal education and vocational training in the world;
 2. Train lawyers grounded in the ethics of the legal profession, who can respond to current national and international legal challenges in a diverse society, providing leadership in many different walks of life; and
 3. To maintain vocational training and capacity building for lawyers to be intellectually and professionally effective for meeting global challenges and ethical values.
2. **Mission Statement**
To:

1. educate and train law graduates in vocational skills that would enable them function optimally as barristers and solicitors;
2. adopt skills-based, interactive and clinical methods of learning that would adequately prepare the graduates for their roles as lawyers to function as teachers, advocates, and solicitors, advisers, leaders in private enterprise and public service;
3. train students to conform to the ethics and traditions of the legal profession and exhibit the highest sense of integrity and candour in the discharge of their professional calling; and
4. Inculcate in its graduates the ideals of rule of law, social justice and community service such as providing free legal services to the indigent and encouraging the development of opportunities for access to justice.

3. The Curriculum

(i) Introduction

The focus of the curriculum is the achievement of a set of outcomes at the end of the training. This curriculum intends to make the students the centre of the learning process. Students must be ready to prepare for lessons, by undertaking reading assignments, exercises, tasks, role plays, etc as would be indicated by the tutors from time to time. Any student who fails or neglects to carry out assignments would be deemed not to have participated in the class. Students should not expect that tutors would come to the class and merely ðfillö them up with knowledge by merely dictating or repeating lines and lines of pages of books, statutes and case reports. Every student shall be required to fully participate in class.

(ii) Duration

There would be:

- (i) 2 weeks of induction (including a week of case studies and mock trials);
- (ii) 20 weeks lecture contact
- (iii) 1 week mock trials
- (iv) 1 week of private revision before bar examination
- (v) 10 weeks of Court and Law Firm attachment (Placement clinic)
- (vi) 3 weeks of Attachment portfolio assessment and evaluation
- (vii) 1 week of bar final examination

See the Integrated Curriculum below:

:

<i>Weeks</i>	MONDAY	TUES	WED	THURSDAY	FRIDAY	
Week 1 AM	EXPECTATIONS OF SOCIAL AND ACADEMIC	HEALTH AND SAFETY	LIBRARY AND LEGAL RESEARCH	INTERNET USE AND LEGAL RESEARCH	LEGAL PROFESSION AND CAREERS	
Week 1 PM	PRACTICAL RESEARCH EXERCISES USING LIBRARY AND INTERNET FACILITIES. STUDENTS WORK IN SMALL GROUPS (FIRMS) LED BY TEACHING, LIBRARY AND IT STAFF				PLEARY DISCUSSION ON PROGRESS SO FAR AND BRIEFING FOR CASE STUDIES	
Week 2	CASE STUDIES (CRIMINAL AND CIVIL) & CONDUCT OF MOCK TRIALS					
	<i>CORE SUBJECTS</i>			<i>LAW IN PRACTICE</i>		
	<i>CRIMINAL LITIGATION</i>	<i>CIVIL LITIGATION</i>	<i>PROPERTY LAW PRACTICE</i>	<i>CORPORATE LAW PRACTICE</i>	<i>SKILLS</i>	<i>ETHICS</i>
Week 3	OVERVIEW OF COURSE & JURSDICTION	OVERVIEW OF COURSE, JURISDICTION & INTRODUCTORY MATTERS	OVERVIEW OF COURSE AND LEGAL FRAMEWORK	OVERVIEW OF LEGAL FARMWORK	OVERVIEW OF LAW IN PRACTICE COURSE; ADR	OVERVIEW OF RULES OF PROFESSIONAL CONDUCT
Week 4	SEARCHES, ARREST & CONSTITUTIONAL RIGHTS	PARTIES TO CIVIL SUIT	DOCUMENTS OF TRANSFER	CHOICE OF BUSINESS ORGANIZATIONS	INTERVIEWING/COUSING SKILLS	LAWYERS DUTY TO CLIENT
Week 5	PRE-TRIAL INVESTIGATIONS & POLICE INTERVIEWS	PRE-ACTION ISSUES & COMMENT OF	DOCUMENTS OF TRANSFER- POWER OF ATTORNEY	CHOICE OF BUSINESS AND NON BUSINESS ORGANISATION	LETTER WRITING	DUTY TO CLIENT GENERALLY & ON ACCOUNTABILITY &

		ACTI ONS IN MAGI STRA TE COUR TS				COSTS/ CHARG ES
Week 6	INSTITUTI ON OF CRIMINAL PROCEEDI NGS	COM MEN CEME NT OF ACTI ONS IN THE HIGH COUR T	DOCUMEN TS FOR TRANSFE R	PRE- INCORPO RATION MATTERS	INTERVIE WING/COU NSELING	LAW OFFICE MANA GEMEN T
Week 7	CHARGES	INTE RLOC UTOR Y APPLI CATI ON	LEASES 6 TYPES AND PRINCIPLE S	PREPARA TION OF DOCUME NTS OF BUSINESS	DRAFTING: BASIC PRINCIPLE S	IT IN LAW OFFICE MANA GEMEN T
Week 8	CHARGES	DEFA ULT/ SUM MARY JUDG EME NT PROC EDUR E	LEASES: COVENAN TS	FOREIGN PARTICIP ATION	DRAFTING: FORMAL DOCUMEN TS	DISCIP LINE OF JUDICI AL OFFICE RS
Week 9	BAIL PENDING TRIAL	PLEA DING S	MORTGAG ES & CHARGES	POST INCORPO RATION MATTERS		LAWYER S DUTY TO COURT, STATE & PROFES SION/C ORRUP TION ISSUES
Week 10	CONSTITU TIONAL. SAFE GUARDS TO ENSURE	PRE- TRIAL L ISSUE S &	MORTGAG ES AND CHARGES	CORPORA TE GOVERNA NCE	DRAFTING: RULES OF INTERPRET ATION & CONSTRUC	CONTE MPT OF COURT

	FAIR TRIAL OF A DEFENDANT	PRE-TRIAL PROCEDINGS			TION OF STATUES/DOCUMENTS	
Week 11	CONSTITUTIONAL. SAFE GUARDS TO ENSURE FAIR TRIAL OF A DEFENDANT	TRIAL: TRIAL PREPARATION & EVIDENCE	MORTGAGE	CORPORATE GOVERNANCE	DRAFTING: LETTER WRITING AND CASH BOOK	LEGAL PRACTITIONERS ACCOUNTS RULES & ACCOUNTS
Week 12	ATTENDANCE OF PARTIES & ARRAIGNMENT	TRIAL: EXAMINATION OF WITNESSES	SALE OF LAND	CORPORATE GOVERNANCE	ADVOCACY PRACTICE	LEGAL PRACTITIONERS ACCOUNTS RULES & ACCOUNTS
Week 13	TRIAL: TRIAL PREPARATION	TRIAL: EXAMINATION OF WITNESSES	SALE OF LAND	COMPANY SECURITIES	NEGOTIATION	REMUNERATION OF LEGAL PRACTITIONERS
Week 14	TRIAL: EXAMINATION OF WITNESSES	CLOSING ADDRESSES AND JUDGMENT	BILLING AND ACCOUNTS ON PROPERTY TRANSACTIONS	COMPANY SECURITIES	ARBITRATION & CONCILIATION	ADVERTISEMENT & IMPROPER ATTRACTION OF BUSINESS
Week 15	TRIAL: PRESENTATION OF THE CASE FOR THE DEFENCE	ENFORCEMENT OF JUDGEMENTS & AND APPLI	WILLS	CORPORATE RESTRUCTURING	MEDIATION	REGULATORY & CONTROLLING BODIES OF THE LEGAL PROFES

		CATI ONS PEND ING APPE AL				SION
Week 16	JUDGMENT AND SENTENCING	APPEALS	WILLS	CORPORATE RESTRUCTURING	MEDIATION	DISCIPLINE OF LAWYERS
Week 17	APPEALS	RECOVERY OF POSSESSION OF PREMISES	WILLS-DRAFTING	COMPANY PROCEEDINGS	ADVOCACY PRACTICE	ADVOCACY PRACTICE
Week 18	REVISION/PREPARE FOR MOCK TRIAL	ELECTION PETITIONS	PROBATE	INVESTMENT DISPUTES	LEGISLATIVE DRAFTING	LEGISLATIVE DRAFTING
Week 19	REVISION/PREPARE FOR MOCK TRIAL	MATRIMONIAL CAUSES	PERSONAL REPRESENTATIVES	WINDING UP	WORKSHOP ON PLACEMENT CLINIC	WORKSHOP ON PLACEMENT CLINIC
Week 20	REVISION	SANCTIONS & COSTS/ FUNDAMENTAL RIGHTS PROCEDURES	PROPERTY LAW TRANSACTIONS	WINDING UP	CLOSING FILE	REVISION
Week 21	PRE BAR EXAMINATION ASSESSMENT	PRE BAR EXAMINATION ASSESSMENT	PRE BAR EXAMINATION ASSESSMENT	PRE BAR EXAMINATION ASSESSMENT	PRE BAR EXAMINATION ASSESSMENT	REVISION
Week 22	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION
Weeks 23-34	ATTACHMENTS - 4 WEEKS COURT; 8 WEEKS LAW OFFICES					

Weeks 35-37	PLACEMENT (ATTACHMENT) CLINIC PORTFOLIO ASSESSMENT AND EVALUATION
Week 38	MOCK TRIALS
Week 39	PRIVATE REVISION
Week 40	BAR EXAMINATION

(iii) The 20 weeks of lectures

There would be a maximum of 4 hours teaching time per day of 5 days of the week. This would give a total of 400 hours. Each day would be devoted to a specific module as shown in the integrated curriculum composite above.

(iv) Delivery Mode

Delivery would be through interactive workshops. It is hoped that the workshops would progressively be held in small groups in line with best practices in legal education and staff-students standard ratio. There would be no special period set out as tutorials. Lessons shall be presented in a way to integrate learning in the modules with values, ethics and skills. This would give students the opportunity to understand how ethics work in real life and demonstrate the skills relevant to the daily application of the subjects of the modules in practical law.

Lessons would take the form of interactive framework teaching, discussions, simulation clinics and activities, role plays, video demonstrations, mock trials, drafting exercises, assignments, quizzes and tests, presentation by guests etc. All sessions would not be passive lessons for students. Students would be expected to participate. Teachers shall be expected to use and adhere to the lesson plans provided for each module as shown below for the sessions and provide stimulating activities and opportunities to make students participate.

Projector slides and power point presentations will be used in the sessions. In addition, video camera and tapes may be used in for effective feedback and reviews by tutors and students themselves.

Students should be given before any lesson materials and exercises or given instructions on the materials that need to be seen before any class.

(v) Assessment:

There would be continuous assessment throughout the course in addition to the Bar final examination. There would be a special portfolio assessment of the court and law office attachment (placement clinic). A student must score not less

than 70% at the portfolio assessment to be eligible for call to the bar irrespective of the candidate's score at the bar examination.

There would be examination in each of the following modules: Criminal Litigation, Civil Litigation, Property Law Practice, Corporate Law Practice and Law in Practice. It must be noted that though the examination in Law in Practice shall cover issues of ethics, professional responsibilities and skills, the other modules shall also test students on values, ethics, professional responsibilities and skills.

(vi) Prerequisite

The curriculum assumes that students already know the core subjects they studied at the University. Their attention must be drawn to this at the commencement that they should ensure their understanding of these subjects or update their understanding. Candidates would also be required to update their knowledge on substantive subjects that are required to be able to use case studies relating to them but which they did not specifically study at the University like Company law and family law as no special lessons would be provided on these subjects.

(vii) Modules, contents, lessons plan and case studies

The following modules are covered under the curriculum: **Criminal Litigation, Civil Litigation, Property Law Practice, Corporate Law Practice and Law in Practice**. The modules (including the plan for the **2 weeks Induction Programme**) detailed contents, lessons plan and case studies are set down below as follows:

CIVIL LITIGATION CURRICULUM, LESSONS PLAN AND CASE STUDIES

Materials to be used in the learning process and base of the course

Candidates would need to have (and read) the following: Civil Procedure Rules of the High Courts of Lagos State and FCT Abuja; Magistrate Court Law of Lagos State; Magistrates Courts Rules of Lagos State; Fundamental Rights Enforcement Procedure Rules; Sheriffs and Civil Process Act and the Judgments Enforcement Rules; Matrimonial Causes Act and Matrimonial Causes Rules; Tenancy Law of Lagos State, 2011; Recovery of Premises Act, Laws of the Federation of Nigeria; the Supreme Court Rules; Court of Appeal Rules; other relevant rules; and the Constitution.

This course would be based only on the rules of the Magistrates court of Lagos State; and High Court Civil procedure Rules of Lagos State and FCT Abuja. Attention may be drawn to the position in other jurisdictions simply for illustrating how the rules function but students should not be made to undertake a comparative study of the Rules of Lagos and FCT Abuja with any other Rules.

The teaching of the course would focus mainly on the skills of litigation and the application of civil procedure rules in practice.

Integration of ethical and constitutional issues into the course

There will be constant reference to:

1. Ethical issues like duty of counsel to court, client and colleagues; abuse of court process, ethical dilemma, conflict of interest, confidentiality, etc;
2. Constitutional issues on fundamental rights; and
3. Access to justice, ADR, and counselling of clients by lawyers on ADR.

Integration of evidence, advocacy, drafting and legal research into the course

1. Evidence and advocacy form part of the course and the teaching of each topic will reflect this fact
2. Though, drafting skill is part of another course, Communication and Legal Writing, it is necessary that students learn under Civil Litigation how to draft processes specifically required for civil litigation.
3. The necessity for thorough research and preparation will be emphasised throughout the course.

Course Content:

- 1.Methods of civil dispute resolution,
- 2.Sources of civil procedure
- 3.Courts with civil jurisdiction.
- 4.Parties
- 5.Pre-action issues.
- 6.Commencement of Action in Magistrate and High Courts.
- 7.Pleadings
- 8.Interlocutory Applications
- 9.Summary Judgment Procedure.
- 10.Pre-trial issues & proceedings
- 11.Trial :Evidence, preparation of witnesses, examination of witnesses, closing address and judgment

12. Enforcement of judgment
13. Applications Pending Appeal
14. Appeals
15. Special causes and procedure- Recovery of premises, procedure for enforcement of Fundamental Rights; matrimonial causes; election petitions.
16. Sanctions and costs

General Learning outcomes:

1. Methods of civil dispute resolution

Students should be able to demonstrate a clear understanding of the various methods of civil dispute resolution-litigation, ADR options etc.

2. Sources of civil procedure

Students should be able to:

- i) Identify and explain the sources of civil procedure and discuss the relevance of each source to civil processes;
- ii) Explain and discuss the aims, scope and application of rules of court.

3. Courts with civil jurisdiction

Students should be able to

- i) Demonstrate an understanding of the appointment and removal of Judges
- ii) Explain & discuss the meaning and scope of civil jurisdiction of the courts and how to apply it in practice
- iii) Identify the appropriate court to approach in a given case or situation.

4. Parties

Students should be able to demonstrate a clear understanding of:

- (i) who are persons that can sue and be sued at law?
- (ii) the appropriate parties in respect of any cause of action
- (iii) the procedures for bringing proceedings by or against various classes of parties.

5. Pre-action issues and Commencement of Action

Students should be able to demonstrate a clear understanding of:

- (i) various matters that need to be considered before commencing or defending an action, such as limitation periods, pre-action notices/conditions precedent, litigation costs, the appropriate venue for an action, exhaustion of available remedies, availability of alternative dispute resolution method, and pre-action counselling; etc.
- (ii) How different types of proceedings are commenced;
- (iii) the steps to take to initiate or contest actions.

- (iv) the ethical consideration of not instituting frivolous actions or avoiding abuse of court process
- (v) the students should be able to draft (complete forms) different types of originating processes;
- (vi) how court documents are brought to the notice of the other party;
- (vii) The principles governing the issue and renewal of originating processes.

6. Pleadings

Students should be able to demonstrate a clear understanding of:

- (i) the rules relating to various pleadings
- (ii) Students should be able to draft different types of pleadings
- (iii) knowing when to file different types of pleadings

7. Interlocutory Applications

Students should be able to demonstrate a clear understanding of:

- (i) the different applications that can be made during the currency of an action.
- (ii) the necessary steps for obtaining interlocutory relief
- (iii) Students should be able to draft and argue simple motions
- (iv) the procedure for applying for an injunction;
- (v) Apply the principles governing the grant or refusal of an injunction in a given case;
- (vi) Understand the meaning and consequences of undertakings given during injunction cases.

8. Summary Judgment Procedure.

Students should be able to demonstrate a clear understanding of:

- (i) the procedures for obtaining different summary judgments under the rules.
- (ii) how to apply for summary judgments in the various jurisdictions.
- (iii) Students should be able to draft and argue applications for summary judgments

9. Pre-trial issues and Proceedings

Students should be able to:

- (i) Explain and discuss the principles relating to proceedings in lieu of demurrer & Striking out of Pleading where no reasonable cause of action disclosed, consolidation and deconsolidation of action; Interrogatories, discovery of documents, inspection of documents, notices to admit, and settlement of issues.

- (ii) Explain & discuss the general principles, objectives & scope of pre-trial Conference and scheduling.
- (iii) Setting down for trial.

10. Trial: Evidence, examination of witnesses, closing address and judgment.

Students should be able to demonstrate a clear understanding of:

- (i) the necessary steps or proceedings to be taken preparatory to trial
- (ii) case analysis / case theory/trial plan
- (iii) Rules of evidence as to competence and compellability of witnesses, burden and standard of proof, admissibility of documentary evidence and necessary foundation to be laid for that purpose; use of primary and secondary evidence, opinion evidence and expert witness.
- (iv) How to prepare witnesses for trial.
- (v) the procedure for presentation of a party's case at the trial.
- (vi) The use of subpoenas and witness summons;
- (vii) How to treat witness statements.
- (viii) Principles & rules of examination of witnesses
- (ix) Ethical issues involved in trial
- (x) the requirement of a valid judgment.
- (xi) the various types of judgment
- (xii) when a judgment is defective for purposes of appeal.

11. Enforcement

Students should be able to demonstrate a clear understanding of:

- (i) The various methods of enforcing court judgments.
- (ii) Students should be able to complete and draft necessary forms for the purpose of enforcement of judgments, e.g., writs of execution, garnishee proceedings and writ of possession.
- (iii) Procedure for enforcement of judgments intra state, inter-state outside Nigeria and the enforcement of the judgment of a foreign court in Nigeria.

12. Applications Pending Appeal

Students should be able to demonstrate a clear understanding of:

- (i) the principles and procedures for preservation of the subject matter of a proceeding pending appeal.
- (ii) Draft applications for stay of execution and proceeding.

13. Appeals

Students should be able to demonstrate a clear understanding of:

- (i) the constitutional and procedural requirements for exercising right of appeal.
- (ii) the ethical consideration when filing or defending an appeals.

14. Recovery of Premises

Students should be able to:

- (i) Explain and discuss the general principles including the courts that exercise jurisdiction for the recovery of possession of premises;
- (ii) State and discuss the material facts to be proved for recovery of possession of premises and the procedure for recovery;
- (iii) Draft a notice to quit, notice to tenant of owner's intention to recover possession of premises, and a writ or plaint commencing an action for recovery of possession of premises;

15. Matrimonial causes

Students should be able to:

- (i) Explain and discuss the general principles including the courts that exercise jurisdiction for Matrimonial petitions;
- (ii) State and discuss the content and material facts to be pleaded and proved in matrimonial causes petition and the explain the procedure and sequences of events up to the conclusion of trial;
- (iii) Draft a matrimonial cause petition and reply;

16. Election Petition

Students should be able to:

- (i) Explain and discuss the general principles including the courts that exercise jurisdiction for Election petitions;
- (ii) State and discuss the content and material facts to be pleaded and proved in election petition cases and the explain the procedure and sequences of events up to the conclusion of trial;
- (iii) Draft an election petition and reply;

17. Enforcement of Fundamental Rights And Sanction & cost

Students should be able to:

- (i) Explain and discuss the general principles, procedure and scope of Fundamental Rights Enforcement procedure Rules;
- (ii) Draft applications under the Fundamental Rights Enforcement Procedure Rules;
- (iii) Explain the similarities and differences between Fundamental Rights Enforcement Procedure rules and Judicial review/writ of Habeas Corpus.
- (iv) List, Explain and discuss the principles, scope and applications of sanctions and costs in Civil Litigation;

LESSON PLAN

WEEK 1- Induction Programme for New Students

WEEK 2- Mock Trials for New Students; Students attention should be drawn to Week 3 Pre-class activities.

WEEK 3- OVERVIEW AND INTRODUCTORY MATTERS

Contents

1. Overview of the civil litigation course
2. Introduction to Civil dispute resolution mechanisms- litigation, ADR
3. Sources of civil procedure.
4. Courts with Civil Jurisdiction and contextualising the problem of jurisdiction.
5. Ethical issues arising from improper use of the rules of court and wrong choice of court

Outcomes

At the end of the lesson, the students would be able to:

- i. Discuss the scope of the Civil Litigation course;
- ii. Identify and explain the sources of Civil Procedure and discuss the relevance of each source to Civil Processes.
- iii. Discuss the different civil disputes settlement mechanisms;
- iv. Explain and discuss the aims, scope and application of rules of court.
- v. Explain and discuss the meaning and scope of the Civil Jurisdiction of the courts and how to apply it in practice.
- vi. Identify the appropriate court to approach in a given case or situation.
- vii. Discuss the ethical implications relating to wrong use of rules of court and wrong choice of court as well as consequential sanction.

Activities before class

1. Students are required to read the topics in advance; read the constitutional provisions on jurisdiction and 1 and 2 case studies provided below.
2. Students are also required to read some case law on the problem of jurisdiction generally and jurisdiction between the High Court of States and that of the Federal High Court specifically. The cases should include the following: *NEPA v. Edegbenro* [2002] 18 N.W.L.R. pt. 798, p. 79; *Onuoha v KRPC Ltd* [2005] 6 NWLR pt. 921 p.393; [2005] FWLR pt. 256, p.1356; *Grace Jack v University of Agriculture Makurdi* [2004] NWLR pt. 865 p. 208; *Tukur v Government of Gongola State* [1989] 4 NWLR pt. 117 p. 517; *NDIC v Okem Enterprises Ltd* [2004] 10 NWLR pt. 880 p. 107. Tutor would provide additional list of these cases to be studied in advance.

3. Each student should prepare a list of the ethical issues arising from wrong use of the rules of court and the wrong choice of court and the consequential sanction.
4. Students should make a list of different dispute settlement mechanisms.
5. Each student to make notes listing all the civil courts and the scope of their jurisdiction including Customary courts/Customary courts of Appeal and Sharia Courts of Appeal.
6. Each student should draw a table correlating the courts with rules and the sources of the rules.

Activities in class

1. Tutor presents an overview of the civil litigation course/questions and answers - **30 minutes**;
2. Tutor presents an overview of sources of civil procedure generally and particularly of rules of court and its aims. And tutor requests students to identify civil procedure rules known to them and their sources; Teacher fills in the blanks. - **30 minutes**;
3. Students make presentations on different dispute settlement mechanisms and a comprehensive list is drawn up- **30 minutes**;
4. Students present table correlating the courts with rules and the sources of the rules-**30 minute**;

15 Minutes Break

5. Tutor presents an overview of the issues of jurisdiction generally and jurisdiction between the Federal High Court and High Court of States with questions and answers. The discussion should include comparison of cases such as *NEPA v Edegbenro* [2002] 18 N.W.L.R. pt. 798, p. 79., *Onuoha v K.R.P. C. Ltd* [2005] 6 N.W.L.R. pt. 921 p. 393; [2005] All FWLR Pt. 256, 1356; *BPE v. National Union of Electricity Employees* (2010) and *Osakwe v. FCE Asaba*. - **45 minutes**;
6. Students are presented with questions/exercises requiring them to identify the appropriate courts having jurisdiction from different perspectives of case studies 1 and 2. The questions/exercises should be done in groups and sample answers taken by the tutor and general discussions follow-**45 minutes**;
7. Sample presentation and discussion on ethical issues and sanctions arising from wrong use of rules and choice of court. **20 minutes**;
8. Assessment- questions and answers **10 minutes** (**NB: Students' attention should also be drawn to Week 4 Pre-class activities**).

WEEK 4 – PARTIES TO A CIVIL SUIT

Contents

1. Types of parties; Capacity to sue and be sued; Classes of legal persons; Representative actions and procedure
2. Joint plaintiffs/Joint defendants;
3. Class actions;
4. Joinder/Misjoinder of parties; Alteration of parties; Survival of parties;
5. Third party notice or proceedings.
6. Ethical issues involved in acting for and against a party in litigation under duties of lawyer to client, courts, the state and the legal profession.

Outcomes

At the end of the lesson, the students would be able to:

1. State the persons that can sue and be sued at law; select the appropriate parties in respect of any cause of action and discuss the capacity in which parties sue or are sued; and explain the effects of suing or being sued in a wrong capacity;
2. Explain the procedures for bringing proceedings by or against various classes of parties and representative suits;
3. Discuss the scope of class actions;
4. Explain the procedure for joinder and alteration of parties;
5. Discuss the principles and scope of third party proceedings.
6. Draft the various applications on parties
7. Identify and discuss ethical issues involved in acting for and against a party in litigation under duties of lawyer to client, courts, the state and the legal profession.

Activities before class:

1. Students would be required to read the topic in advance of the lesson and the cases provided by tutor.
2. Students should make a list of types and various classes of parties and persons that can sue or be sued at law;
3. Students should make a short note on the meaning and scope of class actions under the Lagos State Civil Procedure Rules;
4. Students should prepare their opinion on joinder and alteration of parties using Case Study 2 and come to class with same.
5. Students should bring to class precedent copies of applications for joinder or alteration of parties and third party proceedings application;
6. Students should prepare 3 applications using case study 2 and bring them to class, namely: (a)Joinder of NDIC as a co-defendant; (b)striking out the name of NDIC as co-defendant assuming they were originally joined as party; (c)joining ABC Insurance PLC (the company that insured the consignment).

7. Students should make a list of likely ethical issues that may arise in acting for and against a party in litigation under duties of lawyer to client, courts, the state and the legal profession.

Activities in class:

1. Tutor gives an overview of Nos (i) to (iii) outcomes and presents hypothetical or real cases on (i) to (iii) outcomes and students discuss the cases in their groups and sample presentations and discussions follow ó **50 minutes**;
2. Tutor presents different causes of actions and scenarios for students to identify proper parties – **30 minutes**.
3. Tutor gives an overview on the procedure for joinder and alteration of parties and Students present their opinion on joinder and alteration of parties using Case Study 2 ó **40 minutes**

15 MINUTES BREAK

4. Tutor gives an overview on the principles and scope of third party proceedings ó **20 minutes**
5. Students present the 3 applications namely: (a)Joinder of NDIC as a co-defendant; (b)striking out the name of NDIC as co-defendant assuming they were originally joined as party; (c)joining ABC Insurance PLC (the company that insured the consignment)- **40 minutes**
6. Short Quizzes are given to students on likely ethical issues and discussions follow ó **40 minutes**
7. General assessment ó **20 minutes** (**NB: Students' attention should also be drawn to Week 5 Pre-class activities**).

Notes on Third Party Proceedings

(i)Third party proceedings are special proceedings in favour of a defendant only, or in favour of a Plaintiff who is himself a Defendant in a counterclaim, for joinder of a third party not to prosecute the suit in court but to prosecute another action between the Defendant and the third party in the same suit between the Defendant and the Plaintiff. The object of a third party proceeding is to prevent a multiplicity of actions ó *Bank of Ireland vs. Union Bank of Nigeria Ltd* (1998) 7 SCNJ 385; *Soyinka vs. Oni* (2011)

(ii) A third party may be joined if the court is satisfied that he may bear eventual liability whether wholly or partly, upon an application made ex parte by any of the Defendants ó Or. 13 r. 19(1), Lagos.

(iii) A Defendant desirous of joining a third party shall apply to the court or a judge in chambers by way of ex parte application for leave to issue and serve a third party notice. As in other motions, the application shall be supported by an

affidavit stating the grounds for believing that the third party may bear eventual liability ó Or. 13 r. 19(1), Lagos.

(iv) The effect of a third party notice is to make the third party a party in the suit in the same manner as if he had been sued in the ordinary manner by the defendant.

**WEEK 5 – 1. PRELIMINARY MATTERS: PRE-ACTION ISSUES
2. COMMENCEMENT OF ACTIONS IN THE
MAGISTRATE COURT**

Contents

1. Preliminary consideration before commencing an action or defending an action viz: limitation periods, pre-action notices/conditions precedent, locus standi, the appropriate venue for an action, cause of action, exhaustion of available remedies and their effect on the jurisdiction of a court; litigation costs, availability of alternative dispute resolution method and pre-action counselling, ethics against frivolous actions or avoiding abuse of court process.
2. Reflections on the relevance to the preliminary considerations of matters such as interviewing and counselling skills, letter writing, duty to client, accountability, cost and charges;
3. Commencement of action in the Magistrate

Outcomes

At the end of this lesson students would be able to:

- (i) Discuss and explain various matters that need to be considered before commencing or defending an action, such as limitation periods, pre-action notices/conditions precedent, litigation costs, the appropriate venue for an action, exhaustion of available remedies, availability of alternative dispute resolution method, and pre-action counselling; cause of action; remedies; ethics against frivolous actions or avoiding abuse of court process;
- (ii) Identify preliminary issues in case studies.
- (iii) Discuss the relevance to the preliminary consideration of subjects such as interviewing and counselling skills, letter writing, duty to client, accountability, cost and charges
- (iv) Explain the general principles and procedure for commencing actions in the Magistrate Court of Lagos State.

Activities before class

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1. Students should read case studies 1 and 2 in addition to other case studies to be provided by the tutor and identify in writing the preliminary issues in the case studies.
2. Students should prepare pre-action counselling certificates and bring samples to class.

Activities in class

1. Presentations of pre-class assignments are made by students and discussions follow. Discussions to cover most preliminary issues whether identified in the cases or not **60 minutes**;
2. Students and Tutor brainstorm on the relevance to the preliminary issues of subjects such as interviewing and counselling skills, letter writing, duty to client, accountability, cost and charges **30 minutes**
3. Tutor gives an overview of general principles and the procedure for commencing actions in the Lagos State Magistrate Court **30 minutes**

15 MINUTES BREAK

4. Tutor presents quiz on general principles and procedure for commencing actions in the Lagos State Magistrate Court.- **40 minutes**
5. Using modified case study 1 (modified by the tutor) students complete a Claim (provided to students) to commence an action/ sample presentations and discussions follow **40 minutes**;
6. General assessment **20 minutes** (NB: Students' attention should also be drawn to Week 6 Pre-class activities).

WEEK 6 – COMMENCEMENT OF ACTIONS IN THE HIGH COURT

Contents

Commencement of Action in the High Court: the frontloading concept, originating processes; issue of originating processes, service, renewal of writ, effect of non compliance, appearance and default of appearance; and ethical issues that arise from the conduct of a lawyer in commencing an action in court.

Outcomes

At the end of the lesson students would be able to:

- (i) Explain how different types of proceedings are commenced and the steps to take to initiate or contest actions and the effect of non compliance;
- (ii) Complete writs of summons and list documents that should be frontloaded using case studies 1 and 2;

- (iii) Explain how court documents are brought to the notice of the other party; review and critique sample affidavit of service.
- (iv) Discuss the principles governing the issue and renewal of originating processes;
- (v) Discuss and explain the principles governing appearance and default of appearance.
- (vi) Discuss ethical issues that arise from the conduct of a lawyer in commencing an action in court.

Activities before the class

1. Students in a composite table make a list of different types of proceedings and the form used to commence each type of proceedings.
2. Students are to be given in advance duly completed sample writ of summons and requested to read in advance Orders 1-10 High Court civil procedure Rules Lagos and Orders 1-6, 9, 11-13 FCT Abuja High Court Civil Procedure Rules;
3. Students are to read in advance, Case Studies 1 and 2 and complete 2 writs of summons in advance using the 2 case studies; they should also produce a list of document necessary to be attached on each of the 2 completed writs using the case studies. Students should be required to have these documents in a file.
4. Students make a list of steps to be taken by either party (including filing appearance) after the issue of a writ of summons and the consequences of failure to take any of the steps.
5. Students are to make a list of the Rules of Professional Conduct that may arise from the conduct of a lawyer in commencing an action in court.

Activities in class

6. Tutor presents an overview of commencement of action in the High Court **45 minutes**
7. Tutor presents quiz on different types of proceedings and the form used to commence each type of proceedings **30 minutes**.
8. General discussions on service of documents, issues and renewal of originating processes and a review of a sample affidavit of service presented by the tutor **45 minutes**

15 MINUTES BREAK

9. Students make sample presentation of completed writs and lists of documents to be frontloaded with justifications for listing the documents shown; Discussions on presentations follow **-60 minutes**.
10. Students present list of steps to be taken by either party (including filing appearance) after the issue of a writ of summons and the consequences of failure to take any of the steps and discussions follow- **25 minutes**
11. Students present list of the Rules of Professional Conduct that may arise from the conduct of a lawyer in commencing an action in court ó **25 minutes**
12. Assessment: questions and answers ó **10 minutes (NB: Students' attention should also be drawn to Week 7 Pre-class activities).**

WEEK 7 – INTERLOCUTORY APPLICATIONS

Contents

- (i) Meaning of interlocutory applications;
- (ii) The principles and scope of examples of interlocutory applications and relief like, Interim and interlocutory injunctions, Mareva Injunction, Anton Piller injunction; and interpleader;
- (iii) The meaning, types and contents of a motion;
- (iv) Affidavit evidence;
- (v) Drafting and arguing simple motions (affidavits in support inclusive).
- (vi) Ethical issues involved in abuse of ex-parte injunctions, swearing of affidavits by counsel, suppression of facts in ex parte applications.

Outcomes

At the end of this lesson students would be able to:

- (i) Explain the meaning of interlocutory applications and list examples;
- (ii) Explain and discuss the principles and scope of examples of interlocutory applications and relief like, Interim and interlocutory injunctions, Mareva Injunction, Anton Piller injunction; and interpleader;
- (iii) Explain the meaning, types and List the contents of a motion;
- (iv) Discuss the principles regarding affidavit evidence;
- (v) Draft and argue simple motions (affidavits in support inclusive).
- (vi) Discuss ethical issues involved in abuse of ex-parte injunctions, swearing of affidavits by counsel, and suppression of facts in ex parte applications.

Activities before class

1. Students are to read the subject in advance of the lesson including case law, the case studies, and examples of drafted motions and interlocutory applications; Students are to bring to class precedent samples of motions and interlocutory applications.
2. Students are to make notes on the: (a) meaning of interlocutory applications and list examples; (b) the principles and scope of examples of interlocutory applications and relief like, Interim and interlocutory injunctions, Mareva Injunction, Anton Piller injunction; and interpleader; (c) the meaning, types and the contents of a motion; (d) the principles regarding affidavit evidence;
3. Students are to read the NJC Judges' rule on ex parte applications and make a list of decided cases where abuse of ex parte applications was discussed.
4. Students are to be paired in advance to prepare in advance motions for interim and interlocutory injunctions. Using the case studies, a set of students draft motion for interim injunction (case study 2) while the other set draft a motion for interlocutory injunction (case study 1). Set 1 students hand over the motion for interim injunction to set 2 students while set 2 students hand over their motion for interlocutory injunction to set 1. Set 1 students draft an affidavit in opposition to the motion for interlocutory injunction while set 2 students acting as judges prepare ruling/judgment on the motion for interim injunction. The application for interlocutory injunction should also be accompanied with an address of not more than one page. All students are to come to class with an **e-copy** of their motions, counter affidavit, addresses and judgment.

Activities in the class

5. Students and Tutor discuss meaning of interlocutory applications and list examples ó **30 minutes**
6. Students and Tutor discuss the principles and scope of interim and interlocutory injunctions, Mareva Injunction, Anton Piller injunction; and interpleader ó **60 minutes**.
7. Brainstorm/discussions on ethical issues involved in abuse of ex-parte injunctions, swearing of affidavits by counsel, and suppression of facts in ex parte applications. Discussion should be supported with Rules and case law ó **30 minutes**

15 MINUTES BREAK

8. Students and Tutor discuss the meaning, types and list the contents of a motion, and the principles guiding affidavits and affidavit evidence, tutor assisting ó **40 minutes**
9. Presentations of the motions already prepared by students before class are made by way of moving the motion and opposition arguments/the student-judges' rulings are presented and general discussions follow ó **1 hour 20 minutes**
13. Assessment: Questions and answers/Quiz ó **30 minutes (NB: Students' attention should also be drawn to Week 8 Pre-class activities).**

NOTES: SOME MATERIALS AND REFERENCES

- (1) Interlocutory applications refer to applications made to the court in the course of pending proceedings. Such applications may become necessary due to the occurrence or threatened occurrence of an event while the substantive proceedings are still pending.
- (2) A motion refers to an application made to the court asking it to grant a relief asked for. It may be made *ex parte* (i.e. without notifying the other party) or on notice to the other party.
- (3) Contents of Motion:
 - (a) A motion must be in the prescribed form, containing the heading of the court and the names of the parties in their proper designations, i.e. stating whether they are applicants or respondents.
 - (b) It must state whether it is *ex parte* or on notice.
 - (c) It should state the Law or Rule of Court under which it is brought. However see *Eboigbe vs Nigeria Airways* (1986) 1 QLRN 22 and *Uchendu vs. Ogboli* (1994) 4 SCNJ 64 at 76, where the Supreme Court of Nigeria held that failure to state the Rule or Law under which an application is brought is not sufficient to make the application incompetent, nor would it make the consequential order of the court invalid, provided the court has jurisdiction. Also see *Maja vs Samouris* (2002) 9 NSCQR 546 at 567, where the Supreme Court of Nigeria further held that even where the powers of the court is invoked under a wrong rule, there will be no good reason for refusing to make the order sought for, if the court has jurisdiction to make the order in the first place.
 - (d) It must contain the prayers or reliefs sought.
 - (e) It must be dated and signed by the applicant or his counsel (if he has a counsel).
 - (f) It must contain the Respondent's address for service.

Points to Note:

(i) Every motion (whether ex parte or on notice) must be supported by an affidavit. However, an application founded on points of law alone need not be supported by an affidavit *ó Erejuwa II vs. Deduwa* (1970) MSNLR 15.

(ii) Conflicts in affidavits may be resolved by the court calling for oral evidence. See (*Falobi vs. Falobi* (1976) 1 NMLR 169; *Ebohon vs. A-G Edo State* (1997) 5 SCNJ 163 at 171). However, if there are documentary evidence that can assist the court in resolving the dispute, it may dispense with oral evidence. See *Nwosu vs. I.S.E.S.A.* [1990] 2 NWLR (Pt. 135) 688; *EIMSKIP Ltd. vs. Exquisite Industries(Nig) Ltd.* (2003) 105 LRCN 485 at 510.

(iii) Where there are two motions, one seeking to terminate the proceedings on grounds of irregularity and the other seeking to regularize the irregularity, the latter shall be heard first. See *NALSA & Team Associates vs. NNPC* (1991) 11 SCNJ 51.

Case Law: *Eboigbe vs Nigeria Airways* (1986) 1 QLRN 22; *Uchendu vs. Ogboli* (1994) 4 SCNJ 64 at 76; *Maja vs Samouris* (2002) 9 NSCQR 546 at 567. *Erejuwa II vs. Deduwa* (1970) MSNLR 15; (*Falobi vs. Falobi* (1976) 1 NMLR 169; *Ebohon vs. A-G Edo State* (1997) 5 SCNJ 163 at 171); *Nwosu vs. I.S.E.S.A.* [1990] 2 NWLR (Pt. 135) 688; *EIMSKIP Ltd. vs. Exquisite Industries (Nig) Ltd.* (2003) 105 LRCN 485 at 510. *NALSA & Team Associates vs. NNPC* (1991) 11 SCNJ 51.

Interpleader Proceedings

Where a person is in possession of property or money claimed by two or more other persons, he may apply to the court by way of interpleader to compel the contending claimants to interplead, i.e. to institute legal proceedings between themselves so that the court would determine who is who is entitled to the subject matter *ó Or. 43, Lagos; Or. 26, Abuja.*

(ii) There are two types of interpleaders, namely, the Sheriff's interpleader and the stakeholder's interpleader. The Sheriff's interpleader is used in circumstances where a sheriff in execution of a judgment attaches property, which is claimed by a third party who is not the judgment debtor. Stakeholder's interpleader is one by any other person not being a sheriff.

In Lagos, the application for interpleader is made by summons (Or. 53 r. 5 Lagos), but in Abuja the application is made by originating summons, except where there is already a pending action, in which case it will be by motion *ó Or. 26, r. 3(1) Abuja.*

The application shall be supported by an affidavit stating (a) that the applicant is claims no interest in the subject matter of the dispute except charges for costs, (b) that the applicant does not collude with any of the claimants, and (c) that the applicant is willing to pay for, or transfer the subject matter into court, or dispose of it as the court or judge may direct - Or. 43 r. 2 Lagos; Or. 26, r. 4 Abuja.

WEEK 8 – SUMMARY JUDGMENT PROCEDURE

Contents

Summary Judgment Procedure: types of summary judgment; default judgments; undefended list procedure (Abuja); summary judgment ó order 11 procedure (Lagos); Duty of a lawyer in a summary judgment procedure.

Outcomes

At the end of this lesson Students would be able to:

- (i) List types of and explain the scope of the principles of summary judgments.
- (ii) Explain the procedures for obtaining different summary judgments under the rules and distinguish summary judgments from default judgments.
- (iii) Draft and argue applications for summary judgments.
- (iv) Discuss the ethical duties of a lawyer in a summary judgment procedure.

Activities before class

1. Students read the subject in advance of the class including the rules of Lagos and Abuja relating to summary judgment/procedures.
2. Students in a composite table make a list of the distinguishing factors (comparatively) between undefended list of Abuja FCT High Court Rules and Order 11 summary judgment Procedure of Lagos State High Court Rules. Students are to bring e-copies of the composite table to the class.
3. Students make a list of different types of default judgments.
4. Students should be paired to exchange applications for summary judgment using case study 1. Using the case studies, a set of students draft application for judgment in the undefended list (case study 1) while the other set draft application for summary judgment under Order 11(case study 1). Set 1 students hand over their documents to set 2 students while set 2 students hand over their documents to set 1. Set 1 students draft documents in opposition to the documents served on them while set 2 students do the same. Students must provide all the

documents required by the rules and the presentation in the class would be through power point slides. So e-copies are to be brought to class.

5. Students should prepare in writing ethical issues that may arise and the ethical duties of a lawyer in such cases in a summary judgment procedure.

Activities in class

1. Tutor gives an overview of lesson- **30 minutes**
 2. Students present the composite table comparing undefended list procedure and Order 11 summary judgement procedure; and a list of different types of default judgments - **30 minutes**
 3. Using the writ of summons produced by students in WEEK 6 and case studies 1 and 2 students are grouped to discuss the application of different summary judgment procedures and the consequences of any step to be taken- **25 minutes**
 4. Sample presentations are made by groups and discussions follow ó **30 minutes**
 5. Assessment: Questions and answers - **5 minutes**
- 15 MINUTES BREAK**

6. Some students are made to argue their cases for summary judgment. The rest of the students listen as Judges and write short judgments/ruling. **60 minutes**
7. **10 minutes** interval for students to conclude their judgments/ruling (at this stage the structure of the judgment would not be in issue). Students present their judgments and discussions follow- **30 minutes**
8. Students present ethical issues that may arise and the ethical duties of a lawyer in such cases in a summary judgment procedure ó **20 minutes.**
9. Assessment: questions and answers ó **10 minutes (NB: Tutor also presents WEEK 9 pre-class activities** and take home assignment on the subject PLEADINGS ó References (including books and case law) for advance reading; case studies; Students are paired to use the 2 case studies and exchange pleadings in advance of the class on PLEADINGS, one person acting as plaintiff in case 1 and the other acting as plaintiff in case 2 and the pleadings to be typed. Students also are to be given a precedent statement of claim and statement of defence and they would be required to individually read them and write in typed form a one page opinion on the precedent pleadings.)

WEEK 9 – PLEADINGS

Contents:

1. Functions of pleadings;
2. Drafting of pleadings - Content of pleadings; Facts that must be specifically pleaded; Raising Points of Law in pleadings (See Order 22 Lagos and Order 22 Abuja); Formal requirement of pleadings; What will amount to General traverse, Specific Denial, Admission of facts, Negative pregnant traverse, Confession and avoidance, Set off and Counter claim;
3. Filing and service of pleadings; When to file a reply, reply and defence to counterclaim; Default of pleadings and close of pleadings.
4. Amendment of pleadings, and procedure for amendment
5. Filing further and better particulars of pleading.
6. Value: professional responsibility to disclose all necessary facts so as not to mislead the Court or the opposing Counsel; need not to plead untrue or frivolous facts.

See Orders 15 & 20; 22 and 24 Lagos State High Court Civil Procedure Rules; Orders 23 & 25 High Court of FCT Abuja Civil Procedure Rules.

Outcomes

At the end of this lesson Students would be able to:

- (i) Explain and discuss the principles relating to the functions, and drafting of pleadings;
- (ii) Explain the procedures for filing, service, close and default of pleadings, amendment and filing further and better particulars;
- (iii) Draft pleadings (and observing ethics and rules of professional responsibilities in drafting pleadings);

Activities before class

1. Students make notes on the functions and principles for drafting pleading; procedure for filing, service, close and default of pleadings, amendment and filing further and better particulars;
2. Students are paired to use the 2 case studies and exchange pleadings in advance of the class on PLEADINGS, one person acting as plaintiff in case 1 and the other acting as plaintiff in case 2 and the pleadings to be typed. Students also are to be given a precedent statement of claim and statement of defence and they would be required to individually read them and write in typed form a one page opinion on the precedent pleadings.)

Activities in class

1. Teacher gives an overview of the general principles, with students' contribution; and teacher and students together develop checklists of

principles on the outcomes including ethics and rules of professional responsibilities in drafting pleadings - **1 hour 30 minutes**

15 MINUTES BREAK

2. Students present pleadings exchanged pre-class and the prepared legal opinion on the sample pleadings for general discussion- **2 hours**;
3. General debrief and Assessment: questions and answers- **30 minutes**

Assignment for Week 10- Actions to be completed before week 10 lesson

1. Students as paired in week 9 would, using the Lagos and Abuja Rules, discuss the principles and application of striking out pleadings for disclosing no reasonable cause of action; interrogatories and discovery of documents; make a note for presentation in the class on the relevance of these processes to the pleadings they exchanged for week 9 lesson. If they find the principles relevant, they exchange the necessary documents in typed form but if not relevant, give reasons for this position in a written note for presentation in the class. The same approach should also be taken for issues such as notice to admit facts, inspections, etc;
2. Students should also be grouped in 3s or not more than 4s to commence with the exchange of necessary documents and hold a pre-trial conference using one of the cases in which pleadings were exchanged in week 9. One or two (where they are grouped in 4s) of the students would act as Judge for the pre-trial conference. The Judge is expected to produce a report as the Rules provides.
3. In addition to any other documents that may be produced by a group, each group of 3 or 4 must file (exchange) and settle issues from the pleadings chosen for the pre-trial conference using the Lagos Rules.

WEEK 10 – PRE-TRIAL ISSUES AND PRE-TRIAL PROCEEDINGS

Contents

Striking out Pleading where no reasonable cause of action disclosed, etc; Interrogatories, discovery of documents, inspection of documents, notices to admit, settlement of issues, pre-trial conferencing and scheduling.

Outcomes

At the end of this lesson Students would be able to:

- (i) Explain and discuss the principles relating to Striking out Pleading where no reasonable Cause of action disclosed, etc; Interrogatories, discovery of documents, inspection of documents, notices to admit, and settlement of issues.
- (ii) Explain & discuss the general principles, objectives & scope of pre-trial Conference and scheduling.
- (iii) Settle issues for trial.

Activities:

- 1. Teacher gives an overview of the principles relating to Striking out Pleading where no reasonable cause of action disclosed, etc; Interrogatories, discovery of documents, inspection of documents, notices to admit, and settlement of issues, with questions and answers ó **30 minutes**
- 2. Students make presentations of assignment No. 1 above (given in week 9) and general discussions follow ó **1 hour**

15 MINUTES BREAK

- 3. Groups make presentation of their report of how they commenced and conducted a pre-trial conference and the documents exchanged (filed) including the final report of the pre-trial Judge. Discussions follow ó **1 hour**
- 4. Groups make presentations of issues filed and settled and discussions follow including assisting in fine-tuning settled issues in standard form ó **1 hour**
- 14. Debrief and assessment ó **30 minutes (NB: Students' attention should also be drawn to Week 11 Pre-class activities).**

WEEK 11 – TRIAL – TRIAL PREPARATION AND EVIDENCE

Contents

Case analysis / case theory/trial plan; Rules of evidence as to competence and compellability of witnesses, burden and standard of proof, admissibility of documentary evidence and necessary foundation to be laid for that purpose; use of primary and secondary evidence, opinion evidence and expert witness; the procedure for presentation of a party's case at the trial; The use of subpoenas and witness summons; How to prepare and treat witness statements.

Outcomes

At the end of this lesson Students would be able to:

- (1) Prepare witness statements obeying ethical rules;

- (2) Explain and discuss burden and standard of proof, and admissibility of different types and forms of evidence; competence and compellability of witnesses;
- (3) Prepare a trial plan, a case theory and identify relevant evidence in a case;
- (4) Explain and discuss the procedure for presentation of a party's case at trial and the use of subpoenas and witness summons.

Activities before class;

1. During weeks 9/10 lessons, students were grouped in 3s or 4s to hold pre-trial conference on one of the 2 cases on which they exchanged pleadings. For week 11 lesson, the same group of 3s or 4s should meet to discuss the lesson for week 11 and divide themselves into 2- one group acting for the claimant/plaintiff and the other acting for the defendant. The student(s) acting for the plaintiff should prepare witness statements on oath and serve the other party and the defendant should also do the same for the defence case. Students should also make a list of ethical guideline in the preparation of a witness statement.

2. Students should have samples of subpoenas and witness summons.

Activities in class;

1. Tutor and students in plenary discuss the principles of burden and standard of proof of evidence and admissibility of different types and forms of evidence ó **45 minutes**
2. Tutor presents guidelines/checklist on how to prepare trial plan/case theory- **20 minutes**
3. Students as grouped (see activities before the class) conduct group work and each party (ie either for plaintiff or defendant) produces a trial plan and case theory for their case and also identifying the relevant evidence they would use in their case looking at the issues settled in their case, their pleading and the witness statements produced for this lesson. Students may be free to conduct their work outside the class ó **55 minutes**

15 MINUTES BREAK

4. Groups make presentation of their trial plan, case theory and identified relevant evidence in their case. Discussions follow ó **1 hour**
5. Tutor gives an overview of the procedure for presentation of a party's case at trial and the use of subpoenas and witness summons (for competent and compellable witnesses) using the pleadings and cases produced by the students to question the students for answers and illustration- **40 minutes**

15. Debrief and assessment ó **20 minutes** (NB: Students' attention should also be drawn to **Week 12 Pre-class activities**).

WEEK 12 – TRIAL – EXAMINATION OF WITNESSES

Contents (for weeks 12 and 13)

1. Examination-in-chief
2. Cross-examination
3. Re-examination
4. Tendering documents and other exhibits during examination of witnesses
5. Ethics of examination of witnesses

Outcomes

At the end of this lesson Students would be able to:

- (1) Explain and discuss the role, principles including ethics, scope and techniques of examination -in-chief, cross- examination and re-examination of witnesses;
- (2) Explain and discuss the procedure and foundation for tendering documents and other exhibits during examination of witnesses;
- (3) Examine a witness in chief and tender documents or other exhibits;

Activities before class;

Students are to read the topic in advance of the class lesson and make notes on the role, principles including ethics, scope and techniques of examination-in-chief, cross- examination and re-examination of witnesses; the procedure and foundation for tendering documents and other exhibits during examination of witnesses.

Activities in class;

1. Tutor and students in plenary discuss the role, principles including ethics, scope and techniques of examination-in-chief, cross- examination and re-examination of witnesses; and the procedure and foundation to be laid for tendering documents and other exhibits during examination of witnessesó **50 minutes**
2. Tutor presents guidelines/checklist on examination-in-chief and presents short scripted role plays (including scenarios where documents are tendered) that students would be made to critique in relation to the checklist/guidelines on examination-in-chief- **40 minutes**

3. Each Student is requested to prepare in writing in a sequence they may be presented, examination-in-chief questions based on one of the cases in which the student prepared statement of claim in week 9 and opening statement in Law in Practice Week 12- **30 minutes**

15 MINUTES BREAK

4. Students present activity 3- **50 minutes**
5. Students continue to present activity 3 or Tutor plays video clips like the Inns of Court School of Law Training Series "There are two sides to a story"- **40 minutes**
16. General discussions and Assessment ó **30 minutes (NB: Students' attention should also be drawn to Week 13 Pre-class activities).**

NOTES:

1. **Tutor would need to make the students take note of the manner of presenting examination-in-chief in jurisdictions like Lagos where witness statements are generally adopted.**
2. **Where a video clip is a matter that dwells on criminal litigation, the attention of the students need be drawn to that and noting any difference between any form in the process from civil litigation.**

WEEK 13 – TRIAL – EXAMINATION OF WITNESSES 2

Outcomes

At the end of this lesson Students would be able to Examine, cross- examine and re-examine witnesses including special witnesses like, children, experts and hostile witnesses.

Activities before class

Students are to read the topic in advance of the class lesson and write a note on the principles of cross-examination and re-examination.

Activities in class

1. Tutor and students in plenary review week 12 lesson generally and discuss how to treat special witnesses like children, experts and hostile witnesses ó **40 minutes**
2. Tutor presents guidelines/checklist on cross- examination and re-examination and presents short scripted role plays that students would be made to critique in relation to the checklist/guidelines on cross-examination and re-examination. The guidelines should include the

rules of evidence and professional conduct and examination strategies and techniques- **50 minutes**

15 MINUTES BREAK

3. Students groups (ie those of 3s or 4s) of week 10 would be required to prepare to present examination of witnesses based on the pleadings and witness statements already exchanged. The Judge or judges of the groups in week 10 would now act as witnesses. The witness statements used by the groups in week 11 would be used here. The plaintiff/claimant in the group would prepare the witness for examination in chief (and re-examination if necessary) while the defendant would get ready to cross-examine the same witness- **20 minutes**
4. Party in each group use not more than 5 minutes each to examine or cross-examine a witness and additional 2 minutes for re-examination where necessary. The Tutor acts as Judge and time-keeper. Discussions should follow each group's presentations. No objections should be allowed during each examination but students should be asked to make not of any objections they may have to any question and present it during the discussions that follow- **1 hour 50 minutes**
17. General discussions and Assessment ó **20 minutes (NB: Students' attention should also be drawn to Week 14 Pre-class activities).**

WEEK 14 – CLOSING ADDRESS AND JUDGMENT

Contents

1. Closing address: role and functions; format, structure, content, delivery, and ethics in presenting closing address;
2. Judgment: meaning, characteristics of good judgment, types, requirement and procedure for delivery of judgment.

Outcomes

At the end of this lesson Students would be able to:

- (1) Explain and discuss the role, and functions of closing or final address in a trial;
- (2) Present a closing address;
- (3) Explain and discuss the meaning, characteristics of good judgment, types, requirement and procedure for delivery of judgment.

Activities before class

Students are to read the topics in advance of the class lesson. Students are also to prepare one page opinion on one judgment on a case from the law report pointing out any strengths and weaknesses in the judgment.

Activities in class

1. Tutor and students in plenary discuss the role, and functions of closing or final address in a trial format, and presents guidelines/checklist on, structure, content, delivery, and ethics in presenting closing address - **30 minutes**
2. The week 10 students groups prepare in writing and present within their groups closing addresses in their cases (week 10)- plaintiff/claimant against Defendant while the judges in each group make a note of opinion on the closing addresses- **40 minutes**
3. Groups present the same closing addresses prepared in activity 2 above in plenary and the judges in each group also read their criticism or opinion (not judgments) on the closing addresses. Each person to use not more than 3 minutes to present his/her closing address and the judge's opinion. Discussions follow- **1 hour 10 minutes**

15 MINUTES BREAK

4. Tutor and students in plenary discuss the meaning, characteristics of good judgment, types, requirement and procedure for delivery of judgment- **40 minutes**
5. Students present their opinion on one judgment from a law report and discussions follow- **30 minutes**
18. Tutor presents quizzes on judgments and general discussions and assessment of **30 minutes (NB: Students' attention should also be drawn to Week 15 Pre-class activities).**

WEEK 15 – ENFORCEMENT OF JUDGMENT AND APPLICATIONS PENDING APPEAL

Contents

1. Enforcement of judgment: methods for enforcement and execution, processes and limitations in the enforcement of interstate and foreign judgments;
2. Applications and orders pending appeal.

Outcomes

At the end of this lesson Students would be able to:

- (1) Explain and discuss the best methods for the enforcement and execution of judgments and the processes and limitations involved in the enforcement of interstate and foreign judgments.
- (2) Explain and discuss various forms, purpose, principles, scope and procedure of applications pending appeal.
- (3) Draft applications for stay of execution, stay of proceedings and Injunctions pending an appeal;

Activities before class

Students are to read the topics in advance of the class lesson. Students should also receive from the Tutor and study precedent copies of applications pending appeal.

Activities in class

1. Tutor and students in plenary discuss the best methods for the enforcement and execution of judgments and the processes and limitations involved in the enforcement of interstate and foreign judgments **50 minutes**
2. Tutor presents quizzes and discussions follow review of answers- **50 minutes**

15 MINUTES BREAK

3. Tutor and students in plenary discuss various forms, purpose, principles, scope and procedure of applications pending appeal- **50 minutes**
4. Tutor presents checklist of principles for drafting applications for stay of execution, stay of Proceedings and injunctions pending an appeal and using case studies 1 and 2 as modified by the tutor for this purpose, students draft these applications- **30 minutes**
5. Students present their drafts of activity 4 and general discussions follow **50 minutes**
19. Assessment **10 minutes (NB: Students' attention should also be drawn to Week 16 Pre-class activities).**

WEEK 16 – APPEAL

Contents

1. Right of Appeal and appeal with leave of court;
2. Procedure for appeals and matters related to appeals in the Court of Appeal;

3. Respondents notice and cross-appeal;
4. Drafting notice of Appeal; and
5. Brief of Arguments.

Outcomes

At the end of this lesson Students would be able to:

- (1) Explain and discuss the scope of right of appeal and procedure for appeals;
- (2) Explain and distinguish between a Respondent's notice and a cross appeal;
- (3) Draft a notice of appeal and brief of arguments;

Activities before class

Students are to read the topic in advance of the class lesson. In addition to text books, students should read and familiarise themselves with the Court of Appeal Rules, the 1999 Constitution on the Court of Appeal jurisdiction, composition, right of Appeal, etc; and case law.

Activities in class

1. Tutor and students in plenary discuss the scope of right of appeal and procedure for appeals, notice of appeal, Respondent's notice and a cross-appeal. Tutor would present precedents of notice of appeal and Respondent's notice in hard copies or by power point slides - **50 minutes**
2. Tutor presents short judgments based on case studies 1 and 2 and checklist of guidelines for drafting notice of appeal and students are required to draft 2 notices of appeal- **20 minutes**
3. Students present drafted notices of Appeal and discussions follow- **40 minutes**

15 MINUTES BREAK

4. Activity No. 3 continues ó **30 Minutes;**
5. Tutor presents guidelines for drafting brief of arguments and precedents or examples- **20 minutes**
6. Based on the notices of appeal drafted by students Tutor pairs the students to draft and exchange brief of arguments for and against. One person drafts an appellant's brief in one of the cases and serves the other who drafts a respondent's brief. During this activity each student

would be an appellant in case 1 and Respondent in case 2. Students may carry out this activity outside the class ó **40 minutes**

7. In the class students present their briefs and discussions follow ó **30 minutes**
20. Assessment ó **10 minutes (NB: Students' attention should also be drawn to Week 17 Pre-class activities).**

WEEK 17 – RECOVERY OF POSSESSION OF PREMISES

Contents

1. General principles, jurisdiction;
2. Procedure for recovery of possession of premises; notice to quit and notice of owners intention to apply to recover possession
3. Writ or plaint commencing an action for the recovery of possession of premises.

Outcomes

At the end of this lesson Students would be able to:

- (1) Explain and discuss the general principles including the courts that exercise jurisdiction for the recovery of possession of premises;
- (2) State and discuss the material facts to be proved for recovery of possession of premises and the procedure for recovery;
- (3) Draft a notice to quit, notice to tenant of owner's intention to recover possession of premises, and a writ or plaint commencing an action for recovery of possession of premises;

Activities before class

1. Students are to read the topic in advance of the class lesson; Students are to see and bring copies to the class precedents of notices to quit, notice to tenant of owners intention to recover possession and writ or plaint commencing the action in court.
2. Tutor should present case studies to students in advance of the class lesson.

Activities in class

1. Tutor and students in plenary discuss the general principles including the courts that exercise jurisdiction for the recovery of possession of premises; the material facts to be proved for recovery of possession of premises and the procedure for recovery- **50 minutes**

2. With the case studies presented, students are grouped to discuss and give legal opinion on the cases presented. The grouping and the group discussions - **30 minutes**
3. Groups report in plenary with their opinion on the case Studies and discussions follow- **40 minutes**

15 MINUTES BREAK

4. Students draft notice to quit and notice to tenant of owners intention to recover possession based on the case studies/scenarios presented by tutor ó **20 Minutes;**
5. Students present drafts and discussions follow- **40 minutes**
6. Students draft writ or plaint based on the case studies and the notices drafted ó **15 minutes**
7. Students present activity No. 6 and discussions follow ó **35 minutes**
21. Assessment ó **10 minutes (NB: Students' attention should also be drawn to Week 18 Pre-class activities).**

WEEK 18 – ELECTION PETITION

Contents

1. General principles, jurisdiction and composition of Election Petition Courts/Tribunals;
2. Contents of election petitions
3. The procedure: Commencement of election petition and the sequences of events up to conclusion of trial;
4. Drafting Election Petitions

Outcomes

At the end of this lesson Students would be able to:

5. Explain and discuss the general principles including the courts that exercise jurisdiction for Election petitions;
6. State and discuss the content and material facts to be pleaded and proved in election petition Cases
7. Explain the procedure and sequence of events involved in Election petitions up to the conclusion of trial and the explain the procedure and sequences of events up to the conclusion of trial;
8. Discuss standard of proof in election petitions: (a) on a general proof (b) where fraud, illegality, crime, etc is alleged.
9. Draft an Election petition and the Reply to it.

Activities before class

1. Students are to read the topic in advance of the class lesson including the Statutes (such as Evidence Act, sections 135 & 136), Rules and Case law on the subject, including *Nwobodo v. Onoh*, *Ajasin v. Omoboriowo*, *Torti v. Ukpabi*, *Ngige v. Obi*. They are also to read and bring to the class precedents of Election petitions and Reply.
2. Tutor should present at least 2 case studies to students in advance of the class lesson. Students would be required to use the case studies to draft petitions and replies.
3. Tutor would also present a list of judicial decisions on election petition and request students to read these in advance for discussion in the class.

Activities in class

1. Tutor and students in plenary discuss the general principles including the courts that exercise jurisdiction for Election petitions; the content and material facts to be pleaded and proved in election petition Cases and the procedure and sequences of events up to the conclusion of trial- **1 hour**
2. With the case studies presented, students are paired to draft and exchange election petitions and reply. One student in each group becomes petitioner in one case and the other petitioner in the other case. The pairing/grouping- **10 minutes**;
3. Students draft and exchange their petitions **and each partner drafts a Reply to the petition exchanged**. This can be done outside the class ó **50 minutes**

15 MINUTES BREAK

4. Presentation of report of activity 3 and discussions ó **1 hour**;
5. Tutor presents quizzes, cases or scenarios and students are grouped to discuss them and present their positions/answers (E.g. of quizzes: What would be the implications of filing petitions after the statutory period?... amending petitions after the statutory period?... filing an unsigned or undated petition?... filing a petition that has no prayers/reliefs?... failure to pay for security for costs? etc) ó **25 Minutes**
6. Groups present report of activity 5 and discussions follow ó **25 minutes**
22. Assessment ó **10 minutes (NB: Students' attention should also be drawn to Week 19 Pre-class activities)**.

WEEK 19 – MATRIMONIAL CAUSES

Contents

1. General principles, and jurisdiction Courts for matrimonial causes;
2. Contents of matrimonial petition;
3. The Procedure: Commencement of matrimonial matters and the sequences of events up to conclusion of trial;
4. Drafting matrimonial Petitions

Outcomes

At the end of this lesson Students would be able to:

- (1) Explain and discuss the general principles including the courts that exercise jurisdiction for Matrimonial petitions;
- (2) State and discuss the content and material facts to be pleaded and proved in matrimonial causes petition and the explain the procedure and sequences of events up to the conclusion of trial;
- (3) Draft a matrimonial cause petition and reply;

Activities before class

1. Students are to read the topic in advance of the class lesson including the matrimonial Causes Act and the Rules and Case law on the subject; Students are to see and bring copies to the class precedents of matrimonial petitions and reply.
2. Tutor should present at least 2 case studies to students in advance of the class lesson. Students would be required to use the case studies to draft petitions and replies.
3. Tutor would also present a list of judicial decisions on matrimonial petition and request students to read these in advance for discussion in the class.

Activities in class

1. Tutor and students in plenary discuss the general principles including the courts that exercise jurisdiction for matrimonial causes; the content and material facts to be pleaded and proved in matrimonial causes petition and the procedure and sequences of events up to the conclusion of trial- **1 hour**
2. With the case studies presented, students are paired to draft and exchange petitions and reply. One student in each group becomes petitioner in one case and the other petitioner in the other case. The pairing/grouping- **10 minutes**;

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3. Drafting and exchange of petitions and reply. This can be done outside the class ó **50 minutes**

15 MINUTES BREAK

4. Presentation of report of activity 3 and discussions ó **1 hour**;
5. Tutor presents quizzes, cases or scenarios and students are grouped to discuss them and present their positions/ answers- **25 minutes**
6. Groups present report of activity 5 and discussions follow ó **25 minutes**
23. Assessment ó **10 minutes (NB: Students' attention should also be drawn to Week 20 Pre-class activities).**

**WEEK 20 – 1. SANCTIONS AND COSTS IN CIVIL LITIGATION;
2. FUNDAMENTAL RIGHTS ENFORCEMENT PROCEDURE**

Contents

1. Fundamental Rights Enforcement Procedure: Courts with jurisdiction; modes of application and drafting; remedies; applicable Rules; advantages, disadvantages and limitations of the rules; Comparison of Fundamental Rights Enforcement Procedure with Judicial Review and Writ of Habeas Corpus.
2. Sanctions and costs in civil litigation.

Outcomes

At the end of this lesson Students would be able to:

1. Explain and discuss the general principles, procedure and scope of Fundamental Rights Enforcement Procedure Rules, including the courts that exercise jurisdiction over Fundamental Rights Enforcement.
2. Draft applications under the Fundamental Rights Enforcement Procedure Rules;
3. Explain the similarities and differences between Fundamental Rights Enforcement Procedure rules and Judicial review/writ of Habeas Corpus.
4. List, Explain and discuss the principles, scope and applications of sanctions and costs in Civil Litigation;

Activities before class

1. Students are to read the topics in advance of the class lesson including the Fundamental Rights Enforcement Procedure Rules, provisions of the High Court Rules on Sanctions and Costs, and Case law on the subjects.
2. Tutor should present at least 1 Case Study to students in advance of the class lesson. In the class, the students would be required to use the Case Study to draft Applications to enforce fundamental rights under the Rules.
3. Students would also be required to draw up **in advance** a composite table of sanctions and costs in a comparative manner between the High Court Rules of Lagos and Abuja. Each student would present his/her table in the class. The table should be in this format:

CIVIL PROCEEDINGS SANCTIONS AND COSTS

NO	SUBJECT	LAGOS	ABUJA
1	Irregular proceedings	O.5- May set aside/costs	O.2- May set aside whole or part; costs
2	Late appearance	O.9 R.5- N200 for each day of default	Not specific but general cost (O.52) may apply
3	Frivolous suit	Not specified but general provisions on award of cost against legal practitioner for certain defaults; Questionable cases and abuse of process sanctioned under the rules of professional conduct- R.24(2) & (3).	Counsel personally liable for costs ó O.4 R 17; Questionable cases and abuse of process sanctioned under the rules of professional conduct- R.24(2) & (3).
4			
5			

Activities in class

2. Tutor and students in plenary discuss the general principles procedure and scope of Fundamental Rights Enforcement Procedure Rules, including the courts that exercise jurisdiction over Fundamental Rights Enforcement ó **1 hour**
3. With the case studies presented, students draft applications to enforce fundamental rights under the Rules- **20 minutes**;

4. Presentation of the drafts and discussions ó **40 minutes**

15 MINUTES BREAK

4. Tutor and students discuss the similarities and differences between the fundamental rights enforcement procedure and Judicial review/writ of habeas corpus- **30 minutes**;
- 5 Tutor presents quizzes/questions and answers on Activity 4 - and students are randomly appointed to discuss them and present their positions/answers (E.g. of quizzes: What are the similarities and differences between Fundamental Rights Enforcement Procedure and Judicial Review?... What are the similarities and differences between Fundamental Rights Enforcement Procedure and Writ of Habeas Corpus?... List sequentially the processes involved in fundamental rights enforcement procedure.) ó **30 Minutes**
6. Students present prepared composite tables of pre-class assignment on sanctions and costs under the High Court Civil Procedure Rules of Lagos and Abuja and discussions follow ó **50 Minutes**
7. Assessment ó **10 minutes**

CIVIL LITIGATION

CASE STUDY 1

Crown Kitchen Ltd sued K & T Ltd at the Ikeja High Court Lagos seeking a declaration that the contract between them and the partnership entered into by the parties was still valid and subsisting. Crown Kitchen also sought an order of perpetual injunction restraining K & T Ltd from converting 20 vehicles to its sole use and sought an order directing a division of the vehicles among the parties.

Crown Kitchen Ltd also sought for payment of the sum of N2.17 million being proceeds of a contract performed by the parties from March 1995 to December 1997. The agreement between the parties had been entered into in Ikeja, although the actual performance of the contract was intended to be in Ikoyi, Lagos where K & T had its offices. A clause in the contract Agreement stipulated that the parties shall submit to conciliation before resorting to litigation.

Crown Kitchen Ltd heard that cases are dealt with faster at the magistrate court because it is a court of summary jurisdiction. But Okonkwo & Co., their counsel filed an originating summons at the Ikeja High Court. On being served with the originating summons, K & T entered a conditional appearance and subsequently filed a preliminary objection contending that the Ikeja High Court lacked jurisdiction because-

- a) The matter had not first been submitted to conciliation
- b) That the action was commenced in the wrong judicial division
- c) That the matter was commenced with a wrong originating process.

The court overruled all the grounds of the preliminary objection.

Crown Kitchen Ltd then brought an application for Interlocutory injunction to restrain K & T from converting the 20 vehicles to their sole use. K & T did not file any Counter Affidavit and on the day fixed for hearing of the application, the Counsel to Crown Kitchen contended that K & T cannot be heard since they did not file a counter affidavit.

In Crown Kitchen's statement of claim, they failed to plead the contract agreement. After the trial, the judge in his judgment granted the claimant's claim. K & T are aggrieved and have appealed. They intend also to include their grievance over the overruling of the preliminary objection in the substantive appeal. K& T applied for stay of execution to the high court and while the application was pending, counsel to crown kitchen applied for a writ of *fifa* and executed the judgement.

Some days before the date fixed for hearing of the appeal, the counsel to Crown Kitchen filed and serve a preliminary objection on the ground that leave of court was not sought before the filing of the appeal. The appellant K & T in their notice of appeal raised the issue of the illegality of the contract for the first time. They had 4 grounds of appeal in their notice of appeal. They formulated 12 issues for determination from these 4 grounds. On the date fixed for hearing of the application, counsel to appellant (K&T) was not present in court although he had filed his appellant brief within time. The justices of the Court of appeal Lagos allowed the appeal in part.

CASE STUDY 2

In March, 2000, the Plaintiff, *Mrs. Kayuba Ada*, (now Respondent) entered into a contract in Lagos with *Agricultural Bank PLC* to supply five hundred tons of Cashew nut worth #10,000,000:00 (Ten million Naira) only to the Bank for onward exportation to Malaysia. The *term of the contract* is that down payment of #3,000,000:00 will be made before the exportation and that the balance will be paid when the goods reaches its destination. Subsequent to this, the Plaintiff received the sum of #3,000,000:00 and supplied the goods to its destination in Malaysia.

Since then, Agricultural Bank has refused to pay the Plaintiff the balance sum despite letters of repeated demands sent. However, on *1st June, 2006* *Agricultural Bank wrote a letter* to the Plaintiff of its decision not to pay the

balance because the goods supplied *were inferior* to the standard requested for. The Plaintiff, on **19th June 2006**, instituted an action at the Lagos State High Court against Agricultural Bank claiming the balance of #7,000,000:00, #4,000,000:00 special damages and #3,000,000:00 as general damages. Pleadings were filed and exchanged. Trial commenced, each party opened and closed its case and the court adjourned for judgment.

Before the judgment could be delivered, Agricultural Bank became a no-going concern and was taken over by the **NDIC** with a view to winding up the Bank. **NDIC** brought an application to be joined as a Defendant and *as a necessary party* and the court granted the application. Thereafter, **NDIC** brought a *preliminary objection* for, among others, (i) an Order of Court dismissing the action because it is *statute barred*, (ii) an Order of Court dismissing the action because it is *only the Federal High Court* that has the *jurisdiction* to entertain the matter since Agricultural Bank is in the process of being wound-up.

The trial court refused and dismissed the application of **NDIC**. The Court then delivered its judgment *on 10th June 2008* and granted all prayers of the Plaintiff. The Defendant did not appeal against the judgment and ruling until *18th September, 2008* when it has approached you to help her *appeal against the ruling and judgment*.

CASE STUDY 3-Recovery of premises

Chief Olowo is the landlord of Koko Lodge consisting of 6 flats of 4 bedrooms each. Mr. Dauda Kareem is a tenant in respect of one of the flats. The agreement between the parties is that the tenancy shall be a yearly tenancy commencing on 1st January every year at a rent of N500,000 per annum. After paying rent for the first 2 years in 2006 and 2007, Mr. Kareem has refused to pay further rent but remains in possession till date. Kareem throws noisy parties in the house every week to the annoyance of neighbours. Chief Olowo is fed up and intends to recover possession of the premises from Mr. Kareem.

CASE STUDY 4-Recovery of premises

By an agreement dated the 31st day of December, 2004, Okon Banga put John Thunder in possession of his two bedroom premises at Block 2 Flat 10, Katagun Street, Wuse 6 Abuja in consideration of an agreed rent from year to year with effect from 1st day of January 2005.

John Thunder could only pay for the first year of the tenancy and thereafter fell into arrears of rent as his business suffered a financial setback. About the month of May 2006, Okon Banga orally instructed his solicitors to take legal steps to recover possession of the premises from John Thunder for non payment of rent

pursuant to which instructions his solicitors issued a quit notice dated the 1st the June 2006 and served the same on John Thunder on the 30th day of July, 2006 with the 30th day of December 2006 as the expiry date of the quit notice. John Thunder refused to yield up possession of the premises even after the expiration of the notice to quit. During the hearing of the action, Counsel to John Thunder raised an objection to the competence of the suit on grounds that a further step ought to have been taken by the solicitors to Okon Banga upon the expiration of the quit notice before instituting the action. But the Court overruled the objection and proceeded with the substantive suit. John Thunder had while filing his defence to the action counterclaimed for improvements made on the premises with oral consent of Okon Banga.

CASE STUDY 5-election petition

Dr. Charles Dodo was the gubernatorial candidate of the National Nigerian Party during the recent gubernatorial election in Anambra State. Chief Chris Pius contested the same election on the platform of Unity Congress Party. In order to cause confusion among Dr. Dodo's supporters, Chief Pius caused him to be arrested by the police and detained for 14 days without telling him what offence he committed. He was not released until the declaration of the results. The Independent National Electoral Commission (INEC) declared Chief Pius as the winner of the election having scored the highest number of votes cast during the election. Dr. Charles Dodo is aggrieved. He intends to sue for the enforcement of his fundamental rights and to challenge the election on the grounds of irregularity, indictment of Chief Pius by Economic and Financial Crimes Commission and previous conviction of Chief Pius for the offence of receiving stolen property by Onitsha High Court in 1995.

CASE STUDY 6- election petition

Dr Brown was a senatorial candidate of the National Nigerian Party for Asaba North Federal Constituency, Delta State in 2007 General Elections. Chief Ben Okagbue contested the same Election for the same senatorial district on the platform of Unity Congress Party.

The Independent National Electoral Commission Declared Chief Okagbue as the winner of the Election having scored the highest number of votes cast in the Constituency.

Dr Brown is not satisfied with the Outcome of the Election. He has therefore brought a petition before the National Assembly, Governorship and the House of Assembly Elections Petitions Tribunal sitting at Asaba, Delta State, challenging Chief Okagbue's election on the grounds of irregularity, indictment of Chief Okagbue by the Economic and Financial Crimes Commission and previous

conviction of Chief Okagbue for the offence of receiving stolen property by a high court sitting in Asaba in 1995.

CASE STUDY 7-matrimonial causes

Shola Fineface got married to Bobo Nice less than 2 years ago at the Marriage Registry Ikoyi, Lagos. Bobo Nice is rich and handsome. However, after the marriage, Fineface discovered that Bobo Nice is impotent. Since the discovery, Fineface has become disillusioned and frustrated. She intends to put an end to the marriage.

CASE STUDY 8-matrimonial causes

Miss Lynda Roberts had come to Nigeria in 1996 on an exchange programme from the United States and has since remained here. On 17th January, Lynda and Paul Baba contracted a church marriage at the Congress Hall of the Nicon Hilton, Abuja. The ceremony was performed by Mr Ibekwe, a part-time teacher and an aspiring pastor of the Happy People of God Church. Unknown to Paul and Lynda, Lynda is the daughter of Paul's brother's wife who had naturalized in the United States of America. After the marriage, Paul and Lynda continued to live in Abuja until 14th September 1997 when one day Lynda came home and found a note from Paul stating that he had traveled to Australia on an immigrant visa and was never intending to return to Nigeria again. Paul also made it clear to Lynda that he was leaving her because of those occasions she willfully refused to sleep with him. In any event, Lynda had before now been thinking of how she will get out of the marriage, as she had come to find out that the angel she married saw her as a punching bag to beat up every now and then. Also, she has since found out that faithfulness did not particularly feature in Paul's daily routine as he was in the habit of visiting brothels on a daily basis, from where he had on several occasions contacted STDs

Lynda had finally filed a petition for dissolution of the marriage. At the hearing of the petition, Paul Baba raised several objections to the petition and indeed cross-petitioned. He was also not happy that one prostitute Miss Ada Ogun was joined as a co-respondent with him. He felt that such joinder seriously defamed his character. The court after final addresses by the parties on the 1st of December 1997 adjourned for judgment to the 22nd of March 1998, on which date judgment was entered for Lynda, granting her a decree nisi.

CASE STUDY 9-fundamental rights

Mr. R, has just graduated from the Nigerian Law School and started practice in Kano under Rabo and Rabo Chambers. With interests in politics, Mr. R. spends most of his time in PRR headquarters, a political party which believes in the use of force to overthrow the government if democratic principles fail.

On the 12th of July, 2007 Mr. R was suspected of planning to overthrow the government and was taken to Mushroom police headquarters for questioning. Forty days after his arrests, no clear reasons are formally given for his arrest. Several days after his arrest some of his friends who disappeared after having been picked up by the police are believed to have been implicated by Mr. R. after been tortured by the security forces.

On the 13 of August, the President in a news conference said that he hoped that Mr. R. would be given a long and harsh sentence so that people like him would learn a lesson. Mr. S. who is Mr. R's childhood friend came to the rescue of Mr. R's family by engaging the services of Ms. Q. a renowned lawyer and human rights defender to defend Mr. R. However, she received a letter from the state security that in her own interest she should withdraw from the case or else she would be charged together with Mr. R for terrorism. She forcefully withdrew from the case the next morning.

Mr. R. was arraigned before Mr. T. whose father is currently the Minister of Justice and a very close friend of Mr. President. Mr. R. was charged with terrorism and attempt to overthrow the government. Mr. R. was not represented at the trial by any lawyer throughout the trial and in about five occasions the trial continued in his absence because the judge ordered him to be removed from the court for his disruptive behavior. Mr. R. was found guilty on all the charges, convicted and sentenced to 20 years imprisonment with hard labor. He was taken one of the most over-crowded prisons and confined to a cell with a 250 ó watt electric bulb left on day and night.

CASE STUDY 10-fundamental rights

Mr Teddy King was arrested by men of the State Security Service (SSS) on the 1st day of November, 2002 for allegedly trafficking in Nigerian Currency notes (Naira) and has since been locked up in Kuje prisons Abuja. The Nigerian Government had in reaction to the upsurge in currency trafficking enacted the fake Currency Act 2002. A clause in the Act had provided that ó The arrest and/or the detention of any person(s) pursuant to the provisions of this Act shall not be the subject of any inquiry and/or called into question by or before any court of law in Nigeria.

Mrs King whose husband is now in detention has engaged your services for the purposes of taking legal steps to enforce her husband's fundamental rights.

CRIMINAL LITIGATION CURRICULUM, LESSONS PLAN AND CASE STUDIES

1. INTRODUCTION TO CRIMINAL LITIGATION:
 - i. Overview of Criminal Litigation
 - ii. Sources of the law/rules guiding criminal proceedings
 - iii. Types, sittings and settings of criminal courts

2. JURISDICTION AND VENUE OF COURTS OF CRIMINAL JURISDICTION

Jurisdiction and venue for Criminal proceedings, including International Criminal Courts ó jurisdiction only.

3. SEARCHES AND ARRESTS: authority, execution, admissibility of materials, procedure for challenging searches and arrest and constitutional safeguards relating to these procedure.

4. PRE-TRIAL INVESTIGATION; POLICE INTERVIEWS:
 - i. Police station interviews: conduct, statement forms, police bail etc.
 - ii. Legal representation and right of suspects at police stations.
 - iii. Issues in Police Investigation and admissibility - alibi, confession and Judges rule, identity of suspects, expert opinion and handling of exhibits.

5. INSTITUTION OF CRIMINAL PROCEEDINGS:
 - i. Authorities: Attorney - General, DPP and other officers, Police, other Prosecuting authorities e.g. Custom, ICPC, EFCC, SSS, Private persons, etc.
 - ii. Mode and scope. e.g. Information, Charge, Complaints.

6. CHARGES
 - i. Forms and Contents
 - ii. Rules of drafting charges
 - iii. Amendment of charges
 - iv. Procedure after amendment
 - v. Discuss sample charges
 - vi. Drafting of charges exercise

7. BAIL PENDING TRIAL
 - i. Types, scope and consequences of bail ó bail pending trial
 - ii. Procedure for application
 - iii. Drafting application exercises. e.g. Motions, Summons and Affidavit.

- 8.. CONSTITUTIONAL SAFEGUARDS TO ENSURE FAIR TRIAL OF ACCUSED PERSON
 - i. Right to Counsel, right to silence, access to defendant in custody.
 - ii. Information of the crime alleged committed
 - iii. Provision of interpreter
 - iv. Fair hearing
 - v. Presumption of innocence
 - vi. Offences must be known to law
 - vii. Rule against double jeopardy
 - viii. Right to examine witness called by prosecution
 - ix. Right against trial upon retroactive legislation
 - x. Right against trial for an offence for which accused has been pardoned

9. TRIAL 1: Attendance of parties and Arraignment
 - i. Presence of accused, complainant , witnesses and counsel in court
 - ii. Processes to compel the attendance of the accused. Issue and execution of processes; summons, arrest & warrants
 - iii. Dispensing with presence of accused
 - iv. Presence of complainant
 - v. Duties and roles of Registrar, Counsel and Judge in criminal trials
 - vi. Arraignment: ó arraignment, recording of plea and options open to accused upon arraignment.

10. Trial 2: (TRIAL PREPARATION)
 - i. Rules of evidence as to Burden and Standard of proof; competence and compellability of witnesses
 - ii. How to develop a Case Theory/Trial Plan.
 - iii. The types, issues and use of subpoenas and witness summons.
 - iv. Prepare witnesses for trial.
 - V. Opening address and delivery

11. Trial 3 (EXAMINATION OF WITNESSES)
 - i. What is Examination in Chief?
 - ii. What is cross examination?
 - iii. What is re-examination?
 - iv. What purpose do examinations serve in a trial?
 - v. What questions are not allowed in examination- in óchief?
 - vi. Admissibility of documentary evidence such as confessional statement, expert evidence, police reports e.t.c
 - vii. Admissibility of hearsay evidence.

viii. Procedure for refreshing memory and dealing with hostile witnesses.

12. Trial 4 (PRESENTATION OF THE CASE FOR THE DEFENCE)

- i Options available to an accused person at the close of the case for the prosecution
 - ii No case submission and when made.
 - iii Options open after overruling a no case submission.
 - iv Resting Case on prosecution's case.
 - v Opening address for the defence
 - vi. Procedure for visit to locus in quo
 - vii Application of the ex improviso rule
 - viii Final addresses for the parties.

13. JUDGMENT AND SENTENCING

- i. The contents, types, form and delivery of judgment; Effect of failure to comply with
Section 245 Criminal Procedure Act: Section 269 Criminal Procedure Code;
- ii Time limit to deliver judgment and effect of failure to deliver within time set by
Constitution.
- iii. Conviction; Allocutus: objective, desirability and perspectives
- iv. Sentence: power of court to take other offences into consideration.
- v. Punishment: Types of punishment: mandatory sentence (death sentence);
Form of pronouncing death sentence; effect of failure to comply with the form;
exceptions to death sentence; and the prerogative of mercy.
- vi. Restorative justice.

14. APPEALS

- i. Right of appeal, who can appeal, where to file appeal as well as the time limit for appeals and type of appeal and constitution of the court;
- ii. Difference between appeal and case stated/constitutional reference of question
- iii Appeal from Magistrate's Court to High Court: time limit to file notice, ground upon which prosecution may appeal, ground upon which the accused person may appeal.
- iv Bail pending Appeal
- v. Power of judicial review
- vi. Appeal from High Court to Court of Appeal: when appeal may lie as of right or with leave, notice, compilation of records, filing of briefs of argument, hearing and orders the court can make after hearing.

- vii. Appeal from Court of Appeal to the Supreme Court: when appeal may lie as of right or with leave, notice, compilation of records, filing of briefs of argument, hearing and orders the court can make after hearing.
- viii. Security to prosecute appeal
- ix. Abatement of appeal and abandonment of appeal
- x. Effect of wrongful admission or rejection of evidence, mistrial/miscarriage of justice and circumstances under which a re-trial will be ordered by an Appellate Court.

LESSONS PLAN

WEEK 3- INTRODUCTION TO CRIMINAL LITIGATION

OUTCOMES

At the end of this lesson students would be able to:

1. Discuss the scope of the criminal litigation course;
2. List and Compare the laws/rules applicable in various courts & in various parts of Nigeria;
3. Explain and identify the sources of the laws/rules guiding criminal litigation in Nigeria.
4. Explain the types, sittings and settings of courts.

CONTENTS

1. Introduction to Criminal Litigation.
2. Overview of Criminal Litigation
3. Sources of the law/rules guiding criminal proceedings
4. Types, sittings and settings of criminal courts

ACTIVITY BEFORE CLASS

Students are to research on the laws and rules applicable in all criminal courts in Nigeria. This assignment should be given to the students in Week 2 during Induction.

ACTIVITIES IN THE CLASS

1. Students would be required to read the topic in advance generally;
2. In the class Tutor gives an overview of the course and scope of criminal procedure and laws/rules generally in an interactive session using questions and answers - 40 minutes;
3. Students are grouped to discuss and list laws/rules (and their sources) applicable to various criminal courts.

4. Students are grouped to discuss the sittings and settings of courts ó 20 minutes

15 MINUTES BREAK

5. The group discussion is followed with sample presentations and plenary discussions with guidance of the tutor- 1hour 40 minutes
6. Assessment and feedback ó 20 minutes

WEEK 4- JURISDICTION AND VENUE OF COURTS OF CRIMINAL JURISDICTION

OUTCOMES

At the end of this lesson students would be able to:

1. Discuss and explain the various courts of criminal jurisdiction,
2. Discuss the venue of courts and the relevance to criminal jurisdiction of courts.
3. Explain the jurisdiction and venue of the International Criminal Court

CONTENTS

1. Jurisdiction and venue of courts of General Criminal jurisdictions
2. Jurisdiction of courts of special jurisdiction
3. Jurisdiction and venue of International Criminal Court

ACTIVITY BEFORE CLASS

Students are to read in advance various courts of criminal jurisdiction both general and special in the north and south

ACTIVITIES IN CLASS

1. In class tutor gives an overview of the various courts of criminal jurisdiction. 30 mins
2. Students are grouped to discuss and identify courts of general criminal jurisdiction and the scope of their jurisdiction based on the assignment given in Week 2 ó 45 mins
3. Sample presentations are made and discussions follows at plenary 45 mins

15 MINUTES BREAK

4. Students are grouped to discuss the various courts of special criminal jurisdiction -30 mins
5. Discussion follows with sample presentations-45 mins
6. Students are grouped to discuss the jurisdiction of the international criminal court- 30 mins
7. Sample presentations are made and discussions follows-30 mins
8. Feed back and assessment-15 mins

WEEK 5 ó SEARCHES, ARREST AND CONSTITUTIONAL RIGHTS

OUTCOMES:

At the end of this lesson students would be able to:

1. Discuss and explain the power of arrest and searches in criminal proceedings;
2. Explain how criminal summons, search warrants and warrants of arrest are obtained and executed and the admissibility of materials recovered during searches;
3. List and explain the Constitutional/procedural rights and safeguards of an accused person in these procedures;
4. Complete/draft forms of summons and warrants.

CONTENTS

1. Authority to issue a search warrant
2. Authority to issue a warrant of arrest
3. Execution of search warrant,
4. Execution of warrant of arrest
5. Admissibility of materials obtained in the course of an unlawful search,
6. Procedure for challenging searches and arrest and constitutional safeguards relating to this procedure.

ACTIVITIES

1. Students would be required to read the week 4 subjects in advance. In addition to text books and other materials, students would need to read the constitutional provisions and case law relating to protection of rights.
2. In the class, tutor gives an overview ó 30 minutes
3. Tutor presents a scenario (CHIEF DEDE SCENARIO) on searches, arrest and bail ó 10 minutes
4. Plenary discussions on the scenario and outcomes 1 and 2 follow. Students are to lead the discussion with the assistance of the Tutor ó 1 hour 20 minutes

15 MINUTES BREAK

5. Students are grouped to discuss and list constitutional and procedural safeguards of an accused person in the execution of summons, warrants and arrests ó 20 minutes
6. Sample presentations (with discussions) are made on constitutional safeguards ó 30 minutes
7. Students are grouped to draft/and complete forms of summons and warrants ó 20 minutes
8. Sample presentations (with discussions) are made with power point ó 40 minutes
9. Assessment and evaluation ó 10 minutes

WEEK 6 - Pre-trial Investigation and Police Interviews

OUTCOMES

At the end of this lesson students would be able to:

1. Explain how to Conduct a pre-trial investigation;
2. Participate in a police interview;
3. Discuss how alibi, statements and confessions are recorded at the police station (óJudges Ruleó) how identification parade is conducted and how exhibits are handled.
4. List and explain the Constitutional rights of a suspect at the Police Station;
5. Explain how to apply for assistance for a citizen under the Legal Aid Scheme; and how to obtain a police bail.
6. Explain options available to the suspect upon refusal of police bail ó habeas corpus and fundamental rights enforcement.

CONTENTS:

1. How police interviews are conducted
2. Constitutional rights available to a suspect at the Police Station.
3. Advise on the rights and circumstances of Suspects that may require the services of the Legal Aid Scheme;
4. Advise on the procedure to be followed by the Police in conducting an effective station interview;
5. How to apply for police bail;
6. Advise on circumstances where the Police may grant bail pending further investigations.
7. Options available to the suspect upon refusal of bail by the police.

ACTIVITIES: (to be based on the Ene Agbo scenario)

1. Students are expected to read the topic in advance and would need to read the following: The Constitution; Evidence Act and the Judges Rule; the Police Act; the Criminal Procedure Code; the Criminal Procedure Act; Administration of Criminal Justice Law of Lagos State, (ACJL) 2007 as well as the Legal Aid Act and guidelines.
2. In the class Tutor gives an overview ó 20 minutes
3. Students are grouped to discuss and ascertain the various constitutional rights relating to police interviews; Sample presentations are made ó 40 minutes.
4. Students are grouped to discuss and make sample presentations on the õJudges Rulesö to be observed at the Police Station and the procedure to follow when alibi is raised by a suspect. - 40 minutes.
5. Students are grouped to role play police interviews and role play lawyerø role in such interviews; Discussions follow ó 30 minutes.
6. Mention the options available to the suspect where an application for bail is refused by the police.

15 MINUTES BREAK

7. Students are grouped to conduct an Identification Parade; Discussions follow ó 20 minutes.
8. Students are grouped to discuss and make presentations on the scope of Legal Aid Scheme at the Police Station ó 30 minutes.
9. Students are grouped to discuss the procedure for granting police bail, draft application for bail at the police station and make presentations ó 30 minutes.
10. Students at plenary discuss how exhibits are kept at the police station.
11. Assessment ó 20 minutes.

WEEK 7 - INSTITUTION OF CRIMINAL PROCEEDINGS.

OUTCOMES

At the end of the lesson students would be able to:

1. Explain who can institute (commence) criminal proceedings;
2. Explain how to commence criminal proceedings in the various court in Nigeria.

CONTENTS

1. Persons who have power to institute criminal proceedings
 - a) the Attorney General
 - b) the Police
 - c) private persons
 - d) special prosecutors

2. Limitation of time to commence criminal proceedings
3. Modes of instituting criminal proceedings in the various courts in Nigeria.

NOTE: Students are expected to read the topic in advance paying particular attention to the Constitution, the Police Act, the Criminal Procedure Act, Criminal Procedure Code, Criminal Code and Penal Code and the ACJL, 2007.

ACTIVITIES:

1. In the class tutor gives an overview ó 20 minutes
2. Students are grouped to discuss the prosecutorial powers of the Attorney General and make sample presentation.- 40 minutes
3. Students are grouped to discuss and make sample presentations on the power of the police to prosecute and making comparisons between the power of the police to withdraw under S. 75 CPA and the power of nolle prosequi by the A.G. under the constitution.- 30 minutes
4. Students are grouped to discuss and make sample presentations on the power of a private person to institute criminal proceedings ó 15 minutes.
5. Students are grouped to make sample presentations on the power of a special prosecutor to institute criminal proceedings ó 15 minutes.

15 MINUTES BREAK

6. Students are grouped to make sample presentations on the modes of commencing criminal proceedings in the Magistratesø court in the South - 20 minutes.
7. Students are grouped to make sample presentations on the modes of commencing criminal proceedings in the Magistratesø court in the North - 20 minutes
8. Students are grouped to make sample presentations on the modes of commencing criminal proceedings in the High court in the South - 30 minutes
9. Students are grouped to discuss and make sample presentations on the modes of commencing criminal proceedings in the High court in the North - 30 minutes
10. Students are grouped to make sample presentations on the modes of commencing criminal proceedings in the Federal High Court - 10 minutes
11. Assessment ó 10 minutes.

WEEK 8 ó CHARGES

OUTCOMES

At the end of the lesson students would be able to:

1. Explain the form and contents of a charge sheet;
2. Explain and discuss the rules of drafting charges;
3. Explain the effect of breach of each rule

CONTENTS

1. Form and contents of a charge sheet;
2. Rules of drafting charges, viz:
 - a. The rule against ambiguity
 - b. The rule against duplicity
 - c. The rule against mis-joinder of offences
 - d. The rule against mis-joinder of offenders
3. Effect of breach of each rule
4. How to draft a charge in the various courts in Nigeria

NOTE: Students are expected to read the topic in advance paying particular attention to the Criminal Procedure Act, Criminal Procedure Code, ACJL, Criminal Code, Penal Code and the Constitution.

ACTIVITIES:

1. In the class tutor gives an overview ó 20 minutes
2. Students are grouped to discuss the form and content of charges; sample presentations are made ó 40 minutes
3. Students are grouped to discuss and make sample presentations on the rules of drafting charges ó the rule against ambiguity ó 20 minutes
4. Students are grouped to make sample presentations on the rules of drafting charges ó the rule against mis-joinder of offenders ó 40 minutes.

15 MINUTES BREAK

1. Students are grouped to make sample presentations on the rules of drafting charges ó the rule against mis-joinder of offences ó 40 minutes.
2. Students are grouped to make sample presentations on the rules of drafting charges ó the rule against duplicity ó 40 minutes.
3. Assessment ó 40 minutes

WEEK 9 ó CHARGES CONTD-**OUTCOMES**

At the end of the lesson students would be able to:

1. Draft a charge in the various courts in Nigeria
2. Explain the effect of a defective charge
3. Amend a defective charge

CONTENTS

1. How to draft a charge in the Magistratesø and State High court in the South
5. How to draft a charge in the Magistratesø and State High court in the North
6. How to draft a charge in the Federal High Court
7. The effect of a defective charge
8. Amendment of charges

NOTE: Students are expected to read the topics in advance paying particular attention to the Criminal Procedure Act, Criminal Procedure Code, ACJL, the Criminal Code, the Penal Code and the Constitution.

ACTIVITIES:

1. In the class tutor gives an overview-20 minutes
2. Students are grouped to make sample presentations on charges drafted for filing before the Magistratesø Court in Nigeria ó 40 minutes
3. Students are grouped to make sample presentations on charges drafted for filing before the State High Court in Nigeria ó 40 minutes
4. Students are grouped to make sample presentations on charges drafted for filing before the Federal High Court ó 20 minutes

15 MINUTES BREAK

5. Students are grouped to discuss effect of conviction on a defective charge - 20 minutes
6. Students are grouped to make sample presentations on the procedure for amendment of charges ó 30 minutes
7. Students are grouped to discuss the procedure after amendment of charges ó 30 minutes
8. Assessment ó 40 minutes.

WEEK 10 ó BAIL PENDING TRIAL (based on the Ene Agbo scenario)

OUTCOMES

At the end of the lesson students would be able to:

- a. Identify the nature and types of bail ó bail by the police; bail by court pending trial and; bail by court pending appeal
- b. Explain the methods of applying for bail
- c. Identify factors that govern grant of bail
- d. Explain the procedure for applying for bail after it has been refused by the Magistrate.
- e. Draft application for bail before the court.
- f. Explain the terms and conditions upon which bail may be granted.
- g. Identify the circumstances when bail may be revoked.

CONTENTS

1. Nature and types of bail.
2. Power of the Magistrate court to grant bail
3. How to apply for bail to the High Court after refusal by the Magistrate
4. The procedure for bail application in the High Court
5. Factors that govern grant of bail by the court.
6. Terms and conditions upon which bail may be granted
7. Revocation of bail.

NOTE: Students are expected to read the topic in advance paying particular attention to the Constitution, the Criminal Procedure Act, Criminal Procedure Code, the ACJL and the Evidence Act as well as decided cases such as the cases of Bamaiyi vs. The State and Fawehinmi vs. The State, among others.

ACTIVITIES:

1. In the class tutor gives an overview ó 30 minutes
2. Students are grouped to discuss the procedure for applying for bail before the magistrate court ó 30 minutes
3. Students are grouped to discuss and make sample presentations on the procedure for applying for bail to the High Court after an application for bail has been refused by the Magistrate - 30 minutes
4. Students are grouped to discuss and make sample presentations on the factors that guides the court when considering an application for bail - 30 minutes

15 MINUTES BREAK

5. Students are grouped to discuss and draft motion/summons for bail before the High court together with a supporting affidavit based on a scenario- 40 minutes

6. Students are grouped to move the bail application before the High court based on the Ene Agbo scenario - 30 minutes
7. Students discuss in groups and make presentations on the terms and conditions upon which bail may be granted and the circumstances under which bail may be revoked.- 30 minutes
8. Assessment. - 20 minutes.

WEEK 11 ó CONSTITUTIONAL SAFEGUARDS TO ENSURE FAIR TRIAL OF AN ACCUSED PERSON

OUTCOMES

At the end of the lesson students would be able to:

1. Discuss the constitutional and statutory provisions safeguarding the rights of an accused person in a criminal trial.
2. Discuss the limits of those rights.

CONTENTS

1. Right to be informed of the crime alleged
2. Right to fair hearing
3. Presumption of innocence
4. Right to adequate time and facilities for defence.
5. Right to counsel
6. Right to examine witnesses called by the prosecution
7. Right to interpreter

NOTE: Students are expected to read the topic in advance paying particular attention to the provisions of the Constitution, the Criminal Procedure Act and the Criminal Procedure Code and the ACJL.

ACTIVITIES:

1. In the class tutor gives an overview ó 30 minutes
2. Students are grouped to discuss right to be informed of the crime alleged and sample presentations are made ó 30 minutes
3. Students are grouped to discuss the right to fair hearing and sample presentations are made ó 30 minutes
4. Students are grouped to discuss the right to presumption of innocence and sample presentations are made ó 30 minutes

15 Minutes Break

5. Students are grouped to discuss the right to adequate time and facilities for defence and sample presentations are made ó 30 minutes.
6. Students are grouped to discuss the right to counsel and sample presentations are made ó 30 minutes.

7. Students are grouped to discuss the right to examine witnesses called by the prosecution and sample presentations are made ó 20 minutes.
8. Students are grouped to discuss the right to interpreter and sample presentations are made ó 20 minutes.
9. Assessment ó 20 Minutes

WEEK 12- CONSTITUTIONAL SAFEGUARDS CONTD.

OUTCOMES

At the end of the lesson students would be able to:

1. Discuss the constitutional and statutory provisions safeguarding the rights of an accused person in a criminal trial.
2. Discuss the limits of those rights.

CONTENTS

1. Right to be tried only for an offence known to law
2. Right to silence
3. Right to one trial for one offence
4. Right against trial upon retroactive legislation
5. Right against trial for an offence for which accused has been pardoned.

ACTIVITIES

In class, tutor gives an overview ó 30 Minutes

1. Students are grouped to discuss the right to be tried only for an offence known to law and sample presentations are made ó 30 minutes.
2. Students are grouped to discuss the right to silence and sample presentations are made ó 30 minutes.
3. Students are grouped to discuss the right to one trial for one offence and sample presentations are made ó 30 minutes.

15 Minutes Break

4. Students are grouped to discuss the right against trial upon retro-active legislation and sample presentations are made ó 30 minutes
5. Students are grouped to discuss the right against trial for an offence for which accused has been pardoned and sample presentations are made ó 30 minutes.
6. Assessment/Quiz ó 60 minutes

WEEK 13 ó TRIAL 1: ATTENDANCE OF PARTIES AND ARRAIGNMENT

OUTCOMES

At the end of the lesson students would be able to:

1. Explain what is the legal effect where:
 - a. The accused person is absent at his trial
 - b. Where the complainant is absent

- c. Where both the accused and the complainant are absent
- d. Where a material witness is absent
- e. counsel to the accused is absent
2. Explain the duties and roles of Registrar, Judge and Counsel in criminal trials
3. Conduct a valid arraignment
4. Explain the various options open to an accused person on arraignment
5. Explain the meaning and procedure for plea bargaining

CONTENTS

1. attendance of the accused in court
2. attendance and duties of counsel in court
3. Attendance of the complainant in court
4. Attendance of vital witnesses in court.
5. Roles and duties of Registrars and Judges in a criminal court
6. Arraignment
7. Options open to an accused person on arraignment.
8. Meaning and procedure of plea bargaining

NOTE: Students are expected to read the topic in advance

ACTIVITIES

1. In the class tutor gives an overview ó 30 minutes.
2. Students are grouped to discuss the effect of absence of the accused, the complainant and counsel as well as absence of a vital witness and sample presentations are made ó 20 minutes.
3. Students are grouped to discuss and make sample presentations on the roles and duties of counsel, registrar and judge in criminal trials ó 20 minutes
4. Students are grouped to conduct a valid arraignment using the Ene Agbo scenario. ó 30 minutes
5. Tutor and students interact on the possible objections an accused may raise upon arraignment ó 20 minutes.

15 MINUTES BREAK

6. Students are grouped to discuss and make sample presentations on the effect of the plea of guilty by an accused ó 20 minutes.
7. Students are grouped to discuss and make sample presentations on the plea of not guilty by an accused person. ó 20 minutes.
8. Students are grouped to discuss and make sample presentations on the plea of not guilty by reason of insanity ó 20 minutes.
9. Tutor and students interact on the effect of an accused person standing mute or refusing to plead ó 20 minutes

10. Students are grouped to discuss the meaning and procedure of plea bargaining ó 20 minutes
11. Assessment ó 20 minutes.

WEEK 14 ó TRIAL 2 (TRIAL PREPARATION).

OUTCOMES

At the end of the lesson students would be able to:

1. Explain and discuss the burden and standard of proof, basis for admissibility of evidence in criminal trials, competence and compellability of witnesses
2. Develop a case theory/trial plan
3. Explain the types, issue and use of subpoena and witness summons
4. Prepare witnesses for trial
5. Prepare and deliver an opening address

CONTENTS

1. Rules of evidence as to burden and standard of proof, admissibility of evidence, competence and compellability of witnesses
2. How to develop case theory/trial plan
3. Types, issue and use of subpoena and witness summons
4. Preparation of witnesses for trial
5. Contents of opening address and delivery

ACTIVITIES

1. In class, teacher gives an overview ó 30 minutes
2. Tutor presents a guide/checklist of how to prepare a case theory/trial plan ó 30 minutes
3. Students are grouped to discuss the burden and standard of proof, the basis of admissibility of evidence, competence and compellability of witnesses ó 15 minutes
4. Students are grouped to discuss and make sample presentations on trial plan based on the Ene Agbo scenario ó 30 minutes
5. Students are grouped to discuss and make sample presentations on the use of subpoena and witness summons ó 15 minutes

15 MINUTES BREAK

6. Students are grouped to interview proposed witnesses for the prosecution ó 40 minutes
7. Students are grouped to interview proposed witnesses for the defence ó 40 minutes

8. Students are grouped to prepare a standard opening address for the prosecution and defence, respectively ó 20 minutes
9. Assessment ó 20 minutes

WEEK 15 ó TRIAL 3 (EXAMINATION OF WITNESSES)

OUTCOMES

At the end of the lesson students would be able to:

1. Explain what examination in chief, cross examination and re-examination mean and the purpose they serve in criminal proceedings
2. Examine a witness in chief, cross examine a witness and re-examine a witness.
3. Identify questions that are objectionable in examination in chief.
4. Explain the admissibility of documentary evidence in criminal trials ó confessional statements, expert evidence, police report.
5. Explain the admissibility of hearsay evidence
6. Explain the procedure for refreshing the memory of a witness and dealing with a hostile witness.
7. Identify the limits of the judge's power to put questions to a witness.

CONTENTS

1. What is examination in chief?
2. What is cross examination?
3. What is re-examination?
4. What purposes do examinations serve in a trial?
5. What questions are not allowed in examination in chief
6. Admissibility of documentary evidence such as confessional statements, expert evidence, police report etc.
7. Admissibility of hearsay evidence.
8. Procedure for refreshing memory and dealing with a hostile witness.
9. What are the powers of a judge or magistrate to put questions to witnesses?

NOTE: Students are expected to read the topic in advance

ACTIVITIES

1. In the class tutor gives an overview ó 30 minutes.
2. Students are grouped to discuss the meaning of examination in chief and the role it plays in a trial ó 10 minutes.
3. Students are grouped to discuss the kind of questions that are not allowed in examination in chief and sample presentations are made ó 20 minutes

4. Students are grouped to demonstrate examination skills highlighting admissibility of documentary evidence such as confessional statements, expert evidence and police report using the Ene Agbo scenario - 30 minutes
 5. Students are grouped to demonstrate examination skills highlighting procedure for admissibility of hearsay evidence, refreshing memory and treatment of a hostile witness using the Ene Agbo scenario -30 minutes.
- 15 MINUTES BREAK
6. Students are grouped to discuss the meaning of cross examination and re-examination and the purposes they serve in proceedings. ó 20 minutes
 7. Students are grouped to demonstrate cross-examination skills using the Ene Agbo scenario - 40 minutes
 8. Students are grouped to demonstrate re-examination skills using the Ene Agbo scenario - 20 minutes
 9. Students are grouped to discuss the powers of a judge to put questions to the witness from the bench ó 20 minutes.
 10. Assessment ó 20 minutes.

WEEK 16 ó TRIAL 4 (PRESENTATION OF THE CASE FOR THE DEFENCE)

OUTCOMES

At the end of the lesson students would be able to:

1. Explain the options available to the accused at the close of the case of the prosecution
2. Make a submission of no case to answer.
3. Accused resting his case on that of the prosecution
4. Make an opening address for the defence.
5. Explain the Ex improviso rule ó explain when prosecution may be allowed to call evidence in rebuttal of evidence of the defence.
6. Explain the purpose and procedure for a visit to the locus in quo
7. Make concluding /final addresses for the parties.

CONTENTS

1. What are the options available to an accused person at the close of the case for the prosecution?
2. What is no case submission and when may it be made?
3. When a no case submission is overruled, what other options are available to the accused?
4. The accused resting his case on that of the prosecution
5. Opening address for the defence.
6. Procedure for visit to the locus in quo.

7. Application of the ex improviso rule
8. Final addresses for the parties.

NOTE: Students are expected to read the topic in advance

ACTIVITIES

1. In the class tutor gives an overview ó 30 minutes.
2. Students are grouped to discuss the options available to an accused person at the close of the prosecution's case - 20 minutes.
3. Students are grouped to discuss the meaning and effect of no case submission and presentations of no case submission based on the Ene Agbo scenario are made ó 1 hour
4. Students are grouped to discuss and make sample presentations on accused resting his case on that of the prosecution -10 minutes

15 MINUTES BREAK

5. Students are grouped to discuss the reason and procedure for visit to the locus in quo ó 20 minutes
6. Students are grouped to discuss and make sample presentations of opening address for the defence using the Rampam Alechenu scenario ó 20 minutes
7. Students are grouped to discuss the ex improviso rule ó 20 minutes
8. Students are grouped to present final addresses for the prosecution and the defence based on the Rampam Alechenu scenario ó 40 minutes
9. Assessment ó 10 minutes

WEEK 17 ó JUDGMENT AND SENTENCING

OUTCOMES

At the end of the lesson students would be able to:

1. Identify the contents and form of a valid judgment and the effects of failure to comply with SS 245 & 269 of the CPA & CPC respectively
2. Identify the time limit within which judgment shall be delivered and the constitutional implication of failure to do so within time.
3. Explain the time and procedure for making an allocutus
4. Identify the power of the court to take other offences into consideration before passing sentence and the power to convict for an offence not expressly charged.
5. Identify the various types of punishments including the mandatory sentence for capital offences (death penalty) and the form of pronouncing such sentences.
6. Explain the effect of failure to comply with the form of pronouncing the death sentence as well as the exceptions to the death penalty.
7. Explain the procedure for prerogative of mercy

8. Identify the attractions of restorative justice.

CONTENTS

1. Contents of a valid judgment and effect of failure to comply with the provisions of SS 245 & 269 of the CPA & CPC respectively.
2. Time limit within which to deliver judgment and failure to deliver judgment within the time set by the constitution.
3. Conviction and allocutus
4. The power of a trial court to take other offences into consideration and the power to convict an accused for an offence with which he/she was not expressly charged.
5. Sentencing alternatives including the death sentence and prerogative of mercy.
6. Mode of pronouncing the death sentence and effect of non compliance.
7. Restorative Justice.

NOTE: Students are expected to read the topic in advance

ACTIVITIES

1. In the class tutor gives an overview ó 30 minutes.
2. Students are grouped to discuss the contents and form of a valid judgment and effect of failure to comply with the provisions of SS 245 & 269 of the CPA & CPC respectively - 30 minutes.
3. Tutor presents the Rampam Alechenu scenario and the students as grouped make a critique of the judgment - 40 minutes
4. Students as grouped to make an allocutus on behalf of the convicts in the Rampam Alechenu scenario ó 20 minutes

15 MINUTES BREAK

5. Students are grouped to discuss the various types of punishments - 30 minutes
6. Students are grouped to discuss the power of the court to take into consideration other offences before sentencing as well as the power to convict for an offence not expressly charged ó 30 minutes.
7. Students are grouped to discuss mandatory sentence of death in certain offences, the mode of pronouncing same, effect of complying with the mode as well as the question of prerogative of mercy - 30 minutes
8. Students are grouped to debate the theory of restorative justice and retributive justice - 20 minutes
9. Assessment ó 10 minutes

WEEK 18 ó APPEALS

OUTCOMES

At the end of the lesson students would be able to:

1. Explain the basis of Appeal and appealable decisions.
2. Explain the appeal procedure from the magistrate court up to the Supreme Court.
3. Identify the power of a court to hear appeals and a right of a person to appeal in a criminal matter.
4. Draft Notice and Grounds of Appeal
5. Prepare and argue an application for bail pending appeal
6. Prepare Briefs of Argument.
7. Identify the orders the court may make after hearing an appeal.

CONTENTS

1. What is an appealable decision and who may appeal against a decision of a court in a criminal matter?
2. How is the appeal process commenced? ó Notice and Grounds of Appeal (this would involve the procedure in each court with appellate jurisdiction)
3. Time within which to appeal from the decision of a court and effect of failure to appeal within time. (Application for leave to appeal out of time may be discussed here).
4. Grounds upon which an appellant may appeal against the decision of a court as well as the constitution of a Court to hear appeals. (This should be discussed in line with constitutional provisions as well as the laws and rules of the various courts).
5. Bail pending appeal
6. Abandonment of appeal, abatement of appeal, additional grounds of appeal and additional evidence on appeal.
7. Hearing of the Appeal. This includes filing of briefs of argument in the court of appeal and the Supreme Court.

NOTE: Students are expected to read the topic in advance

ACTIVITIES

1. In the class tutor gives an overview ó 30 minutes.
2. Students are grouped to discuss the right of a person to appeal in a criminal matter as well as the power of the court to hear appeals - 30 minutes.
3. Students are grouped to discuss the appeal procedure from the magistrate court up to the Supreme Court including the preparation of notice and grounds of appeal ó 30 minutes.

4. Students prepare notice and grounds of appeal for filing in the Rampam Alechenu Scenario depending on who lost at the trial court ultimately - 30 minutes

15 MINUTES BREAK

5. Students make presentations of the notice and grounds of appeal prepared and filed before break - 20 minutes.

6. Students are grouped to prepare and argue an application for bail pending appeal based on Rampam Alechenu scenario ó 30 minutes

7. Students as earlier grouped prepare and exchange briefs of argument to be filed at the Court of Appeal in a matter in which appeal emanated from the High Court to that court and arguments are made ó 30 minutes.

8. Students are grouped to discuss the various orders a Court may make after hearing an appeal- 10 minutes.

9. Students are grouped to discuss interlocutory or intervening issues such as application for leave to appeal or to amend, abandonment of appeal, abatement of appeal, additional grounds of appeal and additional evidence - 20 minutes

10. Assessment ó 10 minutes

APPENDIX 1

SCENARIO (CHIEF DEDE)

Following a complaint by Chief Dede, a political rival of Alhaji Atutuwa that the latter has a fake currency printing machine in his house, Inspector Adetola issued a search warrant to corporal Ado to proceed to Alhaji Atutuwa,s house at No. 5 Oduwole Street, Kaduna for purposes of conducting a search on the premises and to remove the machine. At 11.00 pm on 10th September, 2009, Cpl Ado proceeded to the house of Alhaji Atutuwa. On arrival, he discovered that the gate of the house was firmly locked. Without a word to anyone, he kicked the gate and the gate fell. Only Mrs Atutuwa, a muslim woman in purdah was in the house. Cpl Ado was informed by Mrs Atutuwa that Alhaji Atutuwa had travelled to Kano. Cpl Ado entered into every room in the house as well as the whole compound. Not finding anything, he asked Mrs Atutuwa to lead him to her bedroom which she did obediently. Cpl Ado searched all her boxes but found nothing incriminating. He thoroughly searched the body of Mrs. Atutuwa. Finding a golden ring from her brazier which Cpl Ado suspected to be stolen, he handcuffed her immediately and took her to the police station where she was detained for 3 days. Her application for bail to the police was refused on the ground it was a shame for a muslim woman to steal.

APPENDIX 2

SCENARIO (ENE AGBO)

Mrs. Ene Agbo went to Unity Bank, Bwari to withdraw some money. On her way out of the Bank, she flagged a motorcycle rider at the JAMB gate to take her to the Law School. She climbed the bike and the rider rode past the Law School gate towards Kuchiko village. Mrs. Agbo tried to stop the rider but he increased the speed of the bike. About 2 kilometers away from the Law School gate, the rider, Mr. Ikpo, turned into a bush path and stopped.

Suddenly, a young man came out from a near by bush and joined Ikpo and with no resistance. Mrs. Agbo was dispossessed of her ₦20,000. The duo climbed the same bike and zoomed off. Mrs. Agbo reported the incident to the police at the Bwari Police Station. The police have arrested Ikpo and one Burago for the alleged crime. On invitation by the police, Mrs. Ene Agbo came to the police station and subsequently the police brought out Ikpo and Burago from the cell for Mrs Ene to identify if they were the culprits. Mrs Ene Agbo immediately identified them as those responsible for the crime.

Mr Ikpo and Burago made separate statements to the police where they both denied committing the offence but stated that they were with their friends at Jollywell Hotel in Wuse, celebrating. A brother to Burago, Alhaji Mohammed briefed a lawyer, Chris Bamba to apply for police bail. The application for bail was refused on the ground that the suspects were notorious criminals.

The duo has been arraigned before the court. Meanwhile, Burago is an out-patient at the Gwagwalada Specialist Hospital where he has been undergoing treatment for renal failure. His counsel intends to make an application for bail.

APPENDIX 3

RAMPAM ALECHENU SCENARIO

THE STATE	-	COMPLAINANT
VS		
1. RAMPAM ALECHENU }		
2. MUSA UGOCHUKWU }	-	ACCUSED

Background Story

Rampam Alechenu, Musa Ugochukwu and Igho Adetokunboh are OND 1 students of the DORBEN Polytechnic, Bwari. They jointly paid for and occupied a one bedroom flat at the One Love Housing Estate along Nigerian Law School Road, Bwari. On 20th march, 2007, Hon Justice Silas Adetokunboh of the Lagos division of the Court of Appeal decided to visit his son Igho at the estate after the law dinner at the Nigerian Law School Headquarters, Bwari. He was informed that Igho left the quarters a month previously and had not returned. The matter was reported at the Bwari Divisional Police Headquarters

consequent upon which Rampam Alechenu and Musa Ugochukwu were arrested. Upon arrest, Rampam Alechenu informed the police that at all times material to the case, he was away attending a workshop in Lagos. Musa Ugochukwu on his part claimed he knew nothing about the sudden disappearance of Igho but that a few days before his disappearance, Igho and his girlfriend, Ego Ikpotu were discussing about travelling to Canada. Ego is now in Canada but nothing is heard from her concerning Igho. Rampam and Musa have been charged and have been standing trial for the murder of Igho.

The only evidence against the accused persons was the unexplained absence of Igho. The prosecution called 25 witnesses all of whom testified that the trio were together on 20th February, 2007, the day Igho was last seen. A submission of no case to answer was made on behalf of the accused persons at the close of the case for the prosecution which the Trial Judge dismissed without much ado. Rampam entered upon his defence and called 45 witnesses all as to his good character alone. Musa on his part, refused to give evidence. Final addresses were concluded on 12 December 2007 and the judge adjourned to 30th February 2008 for Judgment. The court did not sit again until 16th June 2008 when the Learned Trial Judge, Hon. Justice Maza Maza Suuso delivered the considered judgment of the court in the following terms:

Judgment

This is the judgment of this court. But before I go further, may I request counsel to confirm that the name of the 1st accused is Musa Ugochukwu and that 25 witnesses testified for the prosecution while 45 testified for the defence. This inquiry is absolutely necessary because according to my religious faith I must do justice in any case that involves life and death. May I also mention that the judgment of this court could not be delivered as scheduled because of the partial stroke of the left brain which I suffered on 3rd January 2008? I had to take some time to regain my memory. Thank God I am perfectly alright now.

Now back to the judgment of this court. When this case came up for hearing on 10th August 2007, the prosecution called 25 witnesses. At the close of the prosecution's case a no case submission was made on behalf of the 2 accused persons. I rightly overruled the submission because it would amount to insanity to uphold a no case submission where 25 witnesses have testified in a murder case. Let me mention at this stage that I believe the evidence of the prosecution witnesses. After the no case submission was overruled, the 1st accused entered upon his defence and called 45 witnesses who testified as to his impeccable character. Even a Mai gadi without any proper training would believe the testimony of these witnesses because 45 witnesses cannot come to court and lie consistently on one point. I cannot believe any less. For the avoidance of doubt, I find the case of murder not proved against the 1st accused and he is hereby

discharged and acquitted. However, under the law, I have powers to convict an accused person for a lesser offence. See *Nwachukwu Vs. The State*. I hereby convict the 1st accused person for conspiracy.

For the 2nd accused person, the evidence against him is overwhelming. In fact his refusal to testify after his no case submission was overruled is, in law, itself a testimony against him. Let me also mention that his silence was not only rude but also contemptuous. His counsel identified two issues: one, whether there is evidence that the deceased died. Two, whether there is any evidence linking the accused to the death of the deceased if he ever died. Three, whether my failure to take evidence in long hand or through any other source does not deprive me of the opportunity to have full account of all the evidence led before me.

Let me say without any fear of contradiction that I barely stopped short of asking for the call to Bar Certificate of the learned counsel because I cannot believe that a lawyer of over 10 years standing can argue in this manner. But for purposes of setting the records straight let me put the law in perspective. On the 1st issue whether the deceased died, I must say that the law is well settled that if a person is away for a reasonably long period without being heard of by those who should ordinarily hear from him, he is presumed dead. I consider 6 months reasonable time. It is elementary and I cannot waste precious time on this point. On the 2nd issue whether the 2nd accused is linked to the murder of the deceased, the position of the law which has been long established is *res ipsa loquitur* meaning the thing speaks for itself. The fact that the deceased was last seen with accused is conclusive of that fact.

The last issue merits no comment as there is no legal authority requiring me to take note of evidence or to write down a judgment from a common source or at all. What is important is that I can remember all that transpired in my court.

On the whole, the 2nd accused person is hereby sentenced to death by firing squad. As a deterrent to other liars, he is also to be given 12 strokes of the cane before execution of the sentence of death.

APPENDIX 4

QUESTION 3

Muazu Sule had been driving Alhaji Aminu Keffi diligently for over five years. On August 21, 2000, Sule was approached by one Ahmed Kwali (a Clerical staff of Alhaji Keffi) to remove a cheque leaf from Alhaji Keffi's cheque book. The plan was that Kwali would forge Alhaji's signature on the stolen cheque leaf and insert a figure thereon. They were to present the cheque at his bank, Union Bank Plc, Wuse, Abuja, collect the money and share it equally. Sule obliged and on September 30, 2000, the cheque leaf was presented and with it

they collected the sum of ₦100,000.00. Two days later, they were arrested and the Hon. Attorney- General of the Federation has asked you, a principal state counsel, to draft the charges.

SECTION 96(1) PENAL CODE

“When two or more persons agree to do or cause to be done—

- (i) An illegal act; or
- (ii) An act which is not illegal by illegal means, such an act is called a criminal conspiracy.

SECTION 97(2) PENAL CODE

“Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment for a term not exceeding six months or with fine or with both.”

SECTION 362 PENAL CODE

“A person is said to make a false document -

- (a) “Who dishonestly or fraudulently makes, signs, seals or executes a document... with the intention of causing it to be believed that such document was made, or signed by the authority by whom he knows it was not made at a time at which he knows it was not made”

SECTION 364 PENAL CODE

“Whoever commits forgery shall be punished with imprisonment for a term which may extend to fourteen years or with fine or with both.”

APPENDIX 5

QUESTION 5

On November 2, 2000, two commercial motor cycle riders (otherwise known as “Okada Riders”), Umaru Obi and Ehi Shehu (both carrying passengers) in a convoy manner, meandered recklessly and menacingly through traffic at the Julius Berger roundabout, Abuja. Their motorcycle registration numbers were XLI4 GWA and XD 35 KWL respectively. In the process, they went under a Mercedes 1414 truck with registration number XA 22 ABJ, driven by Mallam

Abass Yaya, who was in fact oblivious of their antics because they went under from the rear of his truck.

One of the passengers, Miss Rose Ogun (driven by Obi) died on the spot. whilst Obi, Shehu and Mr. Joe Ejembi (driven by Shehu) all sustained injuries. Mallam Yaya was immediately surrounded by about fifty other Okada riders gathered in sympathy with their colleagues. He was badly beaten by them and was saved by the arrival of a team of Mobile Policemen. Three of the erring riders (Rex Bola, Ben Kio and Aliyu Garki) were arrested by the police. They are to be tried with Umaru Obi and Ehi Shehu at the Wuse Chief Magistrate Court, presided by His Worship, Mallam Sabo Suleja, Chief Magistrate Grade I.

Draft the charges.

THE LAW

SECTION 5, FEDERAL HIGHWAYS ACT, 1971

“Any person who causes the death of another person by the driving of a motor vehicle on a Federal Highway recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case í shall be guilty of an offence and liable on conviction to imprisonment for a term of seven yearsö

SECTION 6, FEDERAL HIGHWAYS ACT, 1971

“Any person who drives a motor vehicle on a Federal Highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case shall be guilty of an offence and liable on conviction to a fine of four hundred naira or to imprisonment for two years or to both such fine and imprisonmentö.

SECTION 265, PENAL CODE

“Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished -

(b) If grievous hurt is caused to any person by such assault or criminal force, with imprisonment which may extend to three years or with fine or with bothö

APPENDIX 6

SUGGESTED ROLE PLAY ON CLIENT COUNSEL

ALH BABA

- 1 ALH Baba Good night oga lawyer, I am in big trouble
 3 My brother has committed rape again
 5 He was involved in a case of rape while at the university and now they
 have arrested him for rape again.
 7 The police
 9 The police from Bwari police station
 11 He was arrested yesterday at 6:30pm
 13 Three police women came to the house and when my brother was
 identified to them, they arrested him, searched him and took him away.
 15 No
 17 No Lawyer, I hope that the fact that you know that my brother has
 committed rape before will not stop you from helping me
 19 Thank you so much, lawyer

COUNSEL

- 2 Calm down Alh Baba and good morning. Just tell me what the problem
 is.
 4 What do you mean by committed rape again?
 6 Who are they that arrested him?
 8 The police from which police station
 10 When was he arrested?
 12 How was he arrested?
 14 Did they find anything when they searched him?
 16 Was he convicted of rape arising from the incident at the university?
 18 No, the fact that you or any other person thinks that he is guilty, will
 not stop me from defending him.
 20 Don't worry. I shall proceed to the police station to confirm the
 allegation against him and secure his release.
 We shall send our bill to you as usual.

**PROPERTY LAW PRACTICE -CURRICULUM LESSON PLAN,
 MATERIALS AND CASE STUDIES**

“Property” in the first part of this module/course relates to immovable property (land or interest in land). On the other hand, when dealing with the administration of estates, “property” is used to include moveable properties (shares, money, etc). Candidates would need to have read the following: Land Use Act; Conveyancing Act, 1881; Property and Conveyancing Law, 1959; Land Instrument Registration Law of Lagos State; Land Instrument (preparation) Law; Mortgage Institutions Act; Registration of Titles Law of Lagos State; Illiterate Protection Law; Stamp Duties Act; Wills Act of 1837; Wills Laws of Lagos, Oyo, Abia and Kaduna States; Administration of Estates

Law of Lagos State; High Court (Civil Procedure) Rules of Lagos State as they affect probate practice and administration of estates; Capital Gains Tax Act; Personal Income Tax Act ; Land Use Charge Law of Lagos State; Income Tax Management Act; Tenancy Law of Lagos State, 2011; Legal Practitioners' Act and Rules of Professional Conduct.

This course would be based on the above legislations. Attention would, however, be drawn to other relevant legislations when necessary for emphasis and not for purpose of comparison.

The teaching of the course would focus on the knowledge, skills, values and ethics involved in property transactions and administration of estates. It is assumed candidates have good understanding of principles of land law and Nigerian legislation on property.

Mock registries (covering land registry, stamp duties office, and probate) to be manned by volunteer candidates under the supervision of tutors would be used in the teaching of the course.

Integration with other Courses

The course would be taught with constant reference to:

1. Communication Skills, Drafting Skills, Client-interview Skill; and Office Management Skill.
2. Ethical issues such as representation of both parties in a transaction; under valuing of registrable instruments; mishandling of clients money; undervaluing of property for the purposes of stamp duties and property taxation and professional responsibilities which arises from client-solicitor relationship.

COURSE CONTENTS

- | | |
|---------------------------|--|
| 10. Week 3 -- | General Overview & Applicable Laws |
| 11. Week 4 -- | Deeds |
| 12. Week 5 -- | Power Of Attorney |
| 13. Weeks 6 & 7 -- | Contract of sale and Conveyancing |
| 14. Week 8 -- | Registered Titles |
| 15. Week 9 & 10 -- | Leases |
| 16. Weeks 11, 12, & 13 -- | Mortgages & Charges |
| 17. Week 14 -- | Billing & Accounts In Property Transactions |
| 18. Weeks 15, 16, & 17 -- | Wills & Codicils |
| 19. Week 18 -- | Probate Practice |
| 20. Week 19 -- | Administration of Estates, Personal Representatives and Assent by Personal Representatives |
| 21. Week 20 -- | Taxation In Property Transactions |

General Learning Outcomes:

Students would be able to:

1. demonstrate a clear understanding of the laws applicable to (a) the transfer of properties; (b) administration of estates in Nigeria and apply the relevant laws to a given case;
2. take instructions from clients on the Conveyancing approach they want,
3. conduct investigation of title to land and give advice or write appropriate search report,
4. demonstrate clear understanding of the various steps or procedure to perfection of title to land and a clear understanding of the principles affecting documents of transfer of title to land and apply them to specific cases,
5. draft appropriate or suitable land documents to meet clients' specification, and to professional standard,
6. give opinion on the best legal option available to a client in specific cases,
7. have a clear understanding of the various forms of transactions affecting land in Nigeria,
8. apply principles of law to covenants in a lease, mortgage, and assignment of leases in a given case,
9. take instructions from a client for the preparation of a will and be able to draft the will to professional standards,
10. demonstrate a clear understanding of the conditions for validity and revocation of wills,
11. apply the principles on validity and revocation of Will to given cases,
12. commence the process of obtaining probate and letters of administration,
13. identify the duties and liabilities of personal representatives and the steps to take in winding up of an estate and,
14. demonstrate a clear understanding of laws relating to property taxation in Nigeria.

SESSIONS SCHEME

WEEK 3 -- GENERAL OVERVIEW AND LEGAL FRAMEWORK

Outcomes:

At the end of the lesson, students would be able to:

1. explain the objectives, content and scope of this course
2. explain various transactions affecting land and the laws that should apply to given cases
3. apply the applicable laws to given cases
4. identify ethical issues arising from lack of knowledge of appropriate law, and transaction.

Contents

1. Overview of the Property Law Practice (Module) Course

392 LEGAL EDUCATION IN NIGERIA: A CHRONICLE OF REFORMS

2. Applicable laws to property transactions, administration of estates and property taxation in Nigeria.

Pre-Class Activities

1. Students are required to read the topic in advance and carry out pre-class activities/tasks.
2. Students are required to read case studies 1 and 2 in advance

Class Activities

1. Tutor presents an overview of the Property Law Practice Course -40 mins.
2. Students groups discuss and draw up list of transactions affecting land- 20 mins
3. Sample presentation by groups of students- 20 mins
4. Tutor presents an overview of applicable laws affecting transactions on land; administration of estates and property taxation in Nigeria - 30mins
5. Students group makes a list of these laws -10mins

15 Minutes Break

6. Tutor presents the case study 1 on a power point along with questions/exercises -10 mins
7. Students groups discuss and list answers to the questions-30 mins
8. Groups make sample presentations and, a list of the various transactions arising from the case studies is made; and a list of the various laws applicable to these transactions is also made.-30 mins
9. Students groups identify ethical issues arising from knowledge or lack of it of the appropriate law and transaction-15 mins
10. Group sample presentation of ethical issue identified-25 mins
11. Assessment and Evaluation-10 mins

WEEK 4 6 DEEDS

Outcomes:

At the end of the lesson, students would be able to:

1. State the features of a deed
2. identify when a deed is required in a transaction affecting land, and when it is not mandatory
3. identify the various parts and contents of a deed of conveyance
4. draft a deed to professional standards

Contents

1. Features of a deed
2. When Deed is required and when it is not
3. Form and content of a deed

Pre-Class Activity

Students would be required to read the topic in advance.

Class Activities

1. Tutor presents an overview of features of a deed, instances where a deed is mandatorily required and not required in land transactions-30 mins
2. Students to discuss and list features of a deed-15 mins
3. Students to make a list of various transactions that require deed and those that do not require a deed-15 mins
4. Tutor to give an overview of contents of a deed of assignment -30 mins
5. Students to discuss and list the various parts of a deed of assignment - 20 mins
6. Group presentation of the list of parts of a deed of assignment-10 mins

15 Minutes Break

7. Tutor to give case study 2 as modified to include relevant information for a deed of assignment.
8. Different groups to collectively draft an appropriate deed of assignment based on the case study given above by the tutor-1hr
9. Group presentation of the draft-45 mins
10. Assessment and Evaluation-15 mins

WEEK 5 -- POWER OF ATTORNEY

Outcomes:

At the end of the lesson, students would be able to:

1. identify the features of a power of attorney and state types of Power of Attorney
2. distinguish a power of attorney from other documents affecting land transactions(contracts and conveyances)
3. explain the importance, and need for Power of attorney
4. explain the parts of a power of attorney
5. advise on the execution of a power of attorney
6. draft a standard power of attorney

Contents

1. Meaning and features of power of attorney
2. When power of attorney is required and when it is not
3. Distinction between power of attorney and Conveyance

4. Types of power of attorney
5. Drafting of a power of attorney
6. Consideration of issues of ethics

Pre-Class Activities

Students are required to read this topic in advance, carry out pre-class tasks, and study the following cases: Ude v Nwara (1993) 2 NWLR (pt.278) 638; Chime v Chime (1995) 6 NWLR (pt.404) 734; Ezeigwe v Awudu (2008) 11 NWLR (pt.1097) 158.

Class Activities

1. Tutor gives an overview of features of a power of attorney, distinction between power of attorney and a Conveyance; contract of sale of land; mode of creation and types of power of attorney -30 mins
 1. Students discuss and list features of a power of attorney, distinguish it from other documents of transfer, when it is required and ethical issues that may arise from instructions to draft power of attorney-30 mins
 2. Students group to present the above points discussed in their groups-20 mins
 3. General group discussion on types of power of attorney; and revocation of power of attorney (and when power of attorney is irrevocable)-20 mins
 4. Group presentation on types, revocation of power of attorney, and when power of attorney is irrevocable-20 mins

15 Minutes Break

5. Tutor presents case study 2-10 mins
6. Students list information missing in the case study that are (is) required for the drafting of a power of attorney-10 mins
7. Tutor projects, by using power point, to display particulars of information required to draft a power of attorney-10 mins
8. Students draft a sample power of attorney-45 mins
9. Tutor presents a sample power of attorney through power point and projector-5 mins
10. Students to exchange and grade the sample power of attorney prepared by them from the case study.-20 mins
11. General discussion, Assessment and Feedback-20 mins

WEEK 6 6 CONTRACT OF SALE AND CONVEYANCING 1

Outcomes

At the end of the lesson, students would be able to:

1. mention legal restrictions or limitations to sale of land

2. list the various steps or stages in the sale of land (proper Conveyancing stages)
3. explain the need for a pre-contract enquiries
4. mention various types of contract of sale of land
5. state the principles governing each type of contract of sale of land
6. apply the principles governing each type of contract of sale of land to given case
7. state the procedure for and effect of exchange of contract
8. capacity of solicitor to act for both parties
9. draft a formal contract of sale of land

Contents

1. Legal restrictions or limitation to sale of land
2. Steps or stages in the sale of land
3. Types of contract of sale of land
4. Exchange of a formal contract of sale of land
5. Effect of formal contract of sale of a land
6. Ethical issues and Skills involved

Pre-Class Activities

1. Students to read the topic, carry out pre-class tasks, and study the following cases: *Odusoga v Ricketts* [1997] 7 NWLR (pt.511) 7; *Kachalla v Banki* (2006) ALL FWLR (Pt. 309) 1420 in advance.
2. Tutor to choose 2 students and instruct them on a role play on formation of a contract of sale of land. (emphasize usual covenants).

Class Activities

1. Tutor gives an overview of outcome 1-3 and the various types of contract of sale of land, applicable principles, procedure and effect of exchange of contract of sale of land. ó 40mins.
2. Students to list and have general discussion on legal restrictions on sale of land and steps in Conveyancing and the need for pre contract enquiry. ó 15 mins
3. Sample group presentation of restrictions to sale of land and steps or stages in Conveyancing. ó 10 mins
4. Students discuss facts and principles in *Odusoga v Ricketts*, *Kachalla v Banki*, Identifying the principles of law enunciated in them. ó 30 mins.
5. Role play by students on Contract of sale of land. (3 students 1 vendor, 1 purchaser and a solicitor acting for both parties; on terms of contract and exchange of contract). ó 10 mins.
6. Studentsøsmall groups discuss the role play; types of contract of sale of land; applicable principles of law arising from the different types of

contract of sale; and the procedure for the investigation of title and effect of exchange of contract 6 10mins

15 Minutes Break

7. Sample presentation of issues in activities 5-6
8. Tutor gives modification to case study 4 including necessary information for a formal contract of sale. -10 mins
9. Students to draft a formal contract of sale of land; -1hour
10. Tutor presents a sample contract of sale as basis for assessment -5mins
11. Students exchange draft and assess each other -20 mins
12. General assessment and evaluation and give assignment for the next week -10mins.

WEEK 7 -- CONTRACT OF SALE AND CONVEYANCING 2

Outcomes

At the end of the lesson students would be able to:

1. explain how a vendor can deduce his title
2. understand the meaning and uses of epitome, abstract of title and what constitutes a good root of title
3. give examples of a good root of title
4. state the various means of investigating title
5. raise requisitions
6. write a search report
7. state the procedure for completion of sale of land
8. mention the procedure and documents for perfecting title to land
9. identify ethical issues arising from investigation and perfection of title to land

Contents

1. Deducing of Title
2. Investigation of Title
3. Completion procedure
4. Drafting of standard Deed of assignment
5. Perfection of Title

Pre-Class Activities

Students are to read the topic in advance and carry out pre-class tasks

Class Activities

1. Students to be given modification of case study 1 to include particulars of land in Lagos.

2. Tutor gives overview of procedure for deducing title, investigating of title by purchaser and effect of failure to investigate title and constituent of a good root of title.- 40 mins
3. Brain storming on procedure for deducing title; investigation of title by purchaser and effect of failure to investigate title, what constitutes a good root of title ó 30 mins
4. Tutor gives overview of completion procedure, what constitutes a completion statement, when a vendor may not surrender title documents and protection of purchaser in such circumstance.- 30 mins
5. Brainstorming on completion procedure.- 20 mins

15 Minutes Break

6. Group discussion on perfection procedure ó 30 mins
7. Group presentations of detailed steps for perfection, (mention stages, documents for securing Governor's consent, procedure at the stamp duties office and procedure at the lands registry). ó 30 mins
8. Group discussion and presentation on ethical issues in outcome 1-8 15 mins
9. Tutor summarises the procedure for perfection of title, list of documents for processing consent- 35mins
10. General assessment and evaluation- 10mins

WEEK 8 -- REGISTERED TITLES AND ASSENT

Outcomes

At the end of the lesson, students would be able to:

1. explain the differences between title under the RTL and under the Registration of Instruments Law
2. state the procedure for investigation of title under the RTL
3. identify documents for the transfer of interest in land under the RTL
4. complete the forms for transfer of interest in land under the RTL
5. consideration of ethical issues

Contents

1. Procedure for investigation of title under the RTL
2. Differences between title under RTL and under Registration of Instruments law
3. Forms for transfer of interest under Registration of Law (forms 4, 5, 6, 7, and 15)
4. Assent

Pre Class Activities

1. Tutor to seek volunteers to act as land registrar; stamp duties commissioner; and commissioner for lands (formation of the land perfection procedure) to use the mock registry from week 6- week 11.
2. Students would be required to read the topics ahead of the lesson
3. Tutor to provide forms 4,5 and 7 under the RTL for students before day of lesson

Class Activities

1. Students come to class with copies of forms 4, 5, and 7
2. Tutor gives general overview of procedure for investigation of title under the RTL; differences between title to land under RTL, and Registration of Instruments Law, and the forms used for transfer of interest in land under RTL-30 mins
3. Students hold group discussion on procedure for investigation of title under the RTL; differences between title to land under the RTL, and Registration of Instruments Law; listing the various forms for transfer of interest in land (sale, mortgage and lease)-20 mins
4. Selected students to make presentation on above points-20 mins
5. Tutor presents by use of power point modified version of case study 2 to incorporate particulars of information required to fill the RTL forms and drafting of Assent-10 mins
6. Students complete the forms and draft an assent-30 mins
7. Assessment of completed forms-10 mins

15 Minutes Break

8. General assessment, and students given assignment on investigation to be conducted at the school's land mock registry, designated land registries, and search report to be submitted in week 11- 5 mins
9. Individual and Group presentations on filling of RTL Forms and drafting of an assent --1hr 10mins
10. Select groups/students to present on ethical issues arising -20 mins
11. Assessment, debriefing and Evaluation-30 minutes

WEEK 9 -- LEASES 1

Outcomes

At the end of the lesson, students would be able to:

1. state what a lease is
2. identify parties to a lease

3. state the essential elements of a lease
4. apply principles of elements of a lease to a case.
5. distinguish a lease from licence, an assignment
6. mention types of rent and factors to be considered in fixing rent payable in a lease
7. state relevance of a rent review clause
8. consider ethical issues arising from the above outcomes

Contents

1. Meaning of a lease
2. Parties to a lease
3. Types of a lease
4. Essentials of a lease
5. Distinguish a lease from a licence, and an assignment
6. Rent in a lease

Pre-Class Activities

Students are required to read the topic, carry out pre-class tasks and study the following cases: *Bosah v. Oji* (2002) 6 NWLR (pt. 762) 137; *Okechukwu v. Onuorah* (2000) 12 SCNJ146; and *Tejumola & Sons v. UBA* [1986] (pt.38) 815

Class Activities

1. Students to discuss the facts and principles in *Bosah v. Oji* (2002) 6 NWLR (pt. 762) 137; *Okechukwu v. Onuorah* (2000) 12 SCNJ146; and *Tejumola & Sons v. UBA* [1986] (pt.38) 815 -30 mins
2. Selected students present the facts and principles of *Bosah v. Oji* (2002) 6 NWLR (pt. 762) 137; *Okechukwu v. Onuorah* (2000) 12 SCNJ146; and *Tejumola & Sons v. UBA* [1986] (pt.38) 815 as they affect leases-10 mins
3. Tutor gives an overview of meaning of lease, and elements of a lease-40 mins
4. Students discuss and list differences between a lease / licence, leases/ assignment-30 mins
5. Students discuss the Tenancy Law of Lagos state 2011 ó 10 mins

15 Minutes Break

6. Students act a role play on a dispute between a landlord and a tenant on issue of rent (One as landlord, the other a tenant, each having their own solicitor)-20 mins
7. Discussion on the role play-20 mins
8. Tutor and students discuss types of rent, factors to be considered on issue of rent; and essential elements of a rent review clause-40 mins
9. Students draft an appropriate rent review clause-20 mins

10. Students present draft rent review clause ó 20 mins
11. Assessment and Evaluation-15 mins

WEEK 10 ó LEASES 2

Outcomes

At the end of the lesson, students would be able to:

1. explain the various types of covenants that should be in a standard lease and reasons for the inclusion of the covenants in a lease
2. conduct client interview to extract necessary information required for the preparation of a lease
3. explain the various methods a lease may be determined and the various parts of a lease
4. draft a standard deed of lease.
5. identify and discuss ethical issues that may arise in a lease transaction

Contents

1. Covenants in leases --- reflecting the positions in Abuja and Lagos State
2. Determination of a lease
3. Information required to prepare a lease
4. Drafting a lease

Pre- Class Activities

Students are required to read the topic, and see samples of leases in advance

Class Activities

1. Tutor gives overview of covenants that should be provided in a standard lease; and determination of a lease-45 mins
2. Role play by all students (in pairs, one acting as solicitor, and the other acting as lessor) on client interview on creation of a lease, solicitor listing the covenants to be included in the lease; and identifying particulars of information required to draft a lease; and parts of a lease-30 mins
3. Sample presentation (2 groups) of the covenants so listed in activity 2 (giving reasons for their inclusion)-20 mins
4. Debriefing on above presentation-10 mins

15 Minutes Break

5. Group presentation (2 different groups from the above group chosen in activity 2) of the particulars of information required to draft a deed of lease-20 mins

6. Group presentation of parts of a deed of lease (one group but different from the groups in activity 3 and 5-20 mins
7. Tutor displays particulars of information required to prepare a deed of lease, and parts of a lease through power point presentation-10 mins
8. Individual drafting exercise by students using the parties identified from the role play-45 mins
9. Tutor presents a sample lease through the power point-5 mins
10. Students to exchange their drafts and assess them based on the sample lease given by tutor-10 mins
11. Discussion and presentation on ethical issues arising from failure to reflect instructions given and misuse of rents collected on behalf client-15 mins
12. General Assessment and Evaluation-10 mins

WEEK 11 6 MORTGAGES AND CHARGES I

Outcomes

At the end of the lesson students would be able to:

1. explain the meaning of a mortgage
2. list and discuss examples of mortgage institutions in Nigeria and parties in a mortgage transaction
3. explain the various ways of creating equitable mortgage
4. explain the various ways of creating legal mortgage; search report and documents to process or procure Governor's consent
5. understand the ethical issues involved

Contents

1. Meaning
2. Parties to mortgage transaction
3. Mortgage institutions
4. Types of mortgages
5. Creation of Equitable mortgage
6. Creation of a legal mortgage

Pre Class Activities

Students are to read the topic in advance and do the task for the week

Class Activities

1. Tutor gives a general overview of the topic-30 mins
2. Students in groups discuss and list parties in a mortgage and mortgage institutions-20 mins
3. Sample Group presentation of the outcome of activity 2-20 mins
4. Tutor gives case study 3 covering creation of mortgages and ask specific questions-10 mins

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5. Students are required to discuss in group the case study as modified-20 mins
6. Sample Group presentation of the answers to hypothetical case given-20 mins

15 Minutes Break

7. Tutor projects the modified case study 1 to emphasise search report-10 mins
8. Students prepare search report in groups-20 mins
9. sample presentation of search report-30 mins
10. Students in groups discuss and list the various documents required to procure consent of the Governor-20 mins
11. Sample presentation of the documents listed-30 mins
12. General Assessment and evaluation-10 mins

WEEK 12 -- MORTGAGE AND CHARGES 2

Outcomes

At the end of the lesson, students would be able to:

1. explain the various covenants in a mortgage and the importance of the covenants
2. draft a deed of mortgage
3. identify ethical issues involved

Contents

1. Covenants in a Mortgage
2. Drafting of a deed of mortgage

Pre Class Activities

Students are expected to read the topic and case study 1 in advance

Class Activities

1. Tutor gives an overview of covenants in a mortgage-45 mins
2. Group discussion on covenants in a mortgage and the rationale for each covenants mentioned-30 mins
3. Sample Group presentation of the covenants-30 mins

15 Minutes Break

4. Student groups discuss particulars of information required to prepare a deed of mortgage-20 mins
5. Sample presentations by selected groups of students on the particulars of information required to draft a deed of mortgage-10 mins
6. Tutor presents case study 3 as modified to give particulars of information required to draft a mortgage in a power point-10 mins

7. Students draft a simple mortgage (covering commencement; testatum and consideration clauses) and exchanged amongst themselves--40 mins
8. Tutor presents a model deed of mortgage reflecting the particulars supplied to students-10 mins
9. Assessment by students of deed of mortgage drafted and general discussions follow-35 mins
10. General assessment and assignment for students to read *Owoniboy Technical Services Nig Ltd v UBN PLC*; *Olori Motors Nig Ltd v Union Bank Plc*-10 mins

WEEK 13 -- MORTGAGE & CHARGES 3

Outcomes

At the end of the lesson, students would be able to:

1. state when a deed of mortgage needs to be up-stamped
2. write a search report, and a covering letter to a mortgagee (based on the assignment given in week 6)
3. discuss the remedies available to a mortgagee, and a mortgagor
4. state how a mortgage can be discharged
5. appreciate the ethical issues arising

Contents

1. Up-stamping
2. Drafting search report on behalf of the mortgagee.
3. Remedies available to mortgagee, and mortgagor
4. Discharge of a mortgage

Pre Class Activities

1. Students are to read the topics ahead of the lesson
2. Students to read the cases of *Owoniboy Technical Services Nig Ltd v UBN PLC* (2003) 15 NWLR (pt 844) 545; *Olori Motors Nig Ltd v Union Bank Plc* (1998) 5 NWLR (pt.551) 652
3. Students are to come to class with samples of search report prepared from their investigation conducted at the school mock land registry as a result of the assignment of week 6

Class Activities

1. Tutor gives overview of when a deed of mortgage needs to be up-stamped-30 mins
2. Brainstorming on the facts of and principles in *Owoniboy Technical Services Ltd v UBN Plc*-30 mins
3. Selected students to present facts and principles in *Owoniboy Technical Services Ltd v UBN Plc*-20 mins

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4. Students to bring out search report, and covering letter prepared in accordance with assignment of week 6, exchange it amongst themselves for assessment-5 mins
5. Tutor presents a sample of search report and a covering letter for the assessment-10 mins
6. Assessment by students of search report and covering letter drafted by them and general discussions follow-25 mins

15 Minutes Break

7. Tutor presents case study 3 to reflect breach of covenants in a mortgage, in a power point-5 mins
8. Group discussion on the breach and remedies available to mortgagee and mortgagor-20 mins
9. Presentation by three groups of students of remedies available to mortgagee, and mortgagor-20 mins
10. Tutor gives an over view of the various remedies available to mortgagee (emphasis on sale; appointment of receiver; foreclosure and taking of physical possession), and remedies available to mortgagor-40 mins
11. Group discussion on mode of discharging a mortgage-10 mins
12. Sample presentation by two students (selected by tutor) on mode of discharge of mortgage-10 mins
13. Tutor gives a brief overview of discharge of mortgages-10 mins
14. General assessment-5 mins

WEEK 14 6 BILLING AND ACCOUNTS IN PROPERTY TRANSACTIONS

Outcomes

At the end of the lesson students would be able to:

1. state types of fees
2. explain rules and principles guiding billing for professional services
3. apply the rules and calculate professional fees
4. state the contents of a bill of charges
5. explain the procedure for recovery of professional fees and when fees may be taxed
6. draft Bill of Charges
7. identify ethical issues arising from billing and accounts

Contents

1. Types of fees
2. Rules or principles guiding billing for professional services (on property transaction)
3. Application of the rules and principles of professional billing/calculation of professional fees

4. Recovery of professional fees and taxation of fees
5. Drafting of Bill of Charges

Pre-Class Activities

Students are required to read the topic, carry out pre-class tasks, and study the schedule on professional fees in the Legal Practitioners (Remuneration for Legal Documentations and Other Land Matters) Order, made pursuant to the LPA.

Class Activities

1. Tutor gives overview of types of fees; the principles or rules on billing for professional services (acting for one party; acting for both parties-in a mortgage, conveyance or lease) and steps for recovery of professional fees and taxation of fees-40 mins
2. General group discussion on types of fees; the principles or rules on billing for professional services (acting for one party; acting for both parties-in a mortgage, or conveyance; or lease)-30 minutes
3. Sample group presentation of the various rules or principles -30 minutes
4. Tutor gives a hypothetical case involving professional services(Mortgage transaction and sale of the security)-5 minutes
5. Sample group discussion and presentation of steps to be taken for the recovery of professional fees-15 mins

15 Minutes Break

6. Class exercise on calculation of professional fees based on activity 5-1 hr
7. Sample presentation by selected students (2) of the exercise-10 mins
8. General discussion on mandatory elements of a bill of charges-10 mins
9. Presentation by a selected group of students (one or two)-15 mins
10. Tutor summarizes the mandatory contents of a bill of charges-10 mins
11. General assessment and evaluation, and assignment to read *Johnson v Maja* 13 WACA 290; *Adebajo v Adebajo* (1971) ALL NLR 599; and *Nelson v Akofiranmi* (1959) LLR 143 in preparation for week 13-15 mins

WEEK 15 -- WILLS & CODICIL 1

Outcomes

At the end of the lesson, students would be able to:

1. explain the meaning of a will including codicil
2. state types of wills
3. explain the reasons(advantages) for making a will
4. explain persons that can make a will

5. explain the principle of due execution of a will
6. explain effect of being a witness in a will
7. explain capacity of a testator to make a valid will
8. explain how to prove a will or establish the validity of a will
9. identify ethical issues arising from proof of a will

Contents

1. Meaning
2. Types of wills
3. Rationale for making will
4. Who can make a will
5. Conditions for validity (Due execution)
6. Testamentary capacity
7. Proof of validity of a will

Pre-Class Activities

Students are to read the topic in advance, carry out pre-class tasks, and study the following cases: Johnson v Maja 13 WACA 290; Adebajo v Adebajo (1971) ALL NLR 599; and Nelson v Akofiranmi (1959) LLR 143

Class Activities

1. Tutor gives overview of 1-4 above outcomes-35 mins
2. Group discussion of the facts and principles established in Nelson v Akofiranmi (1959) LLR 143-20 mins
3. Sample presentation of the facts and the principles established in Nelson v Akofiranmi (1959) LLR 143-20 mins
4. Tutor gives overview of due execution of a will (mode of executing a will and effect of being a witness)-45 mins

15 Minutes Break

5. Group discussion on the facts and principles in Johnson v Maja 13 WACA 290; Adebajo v Adebajo (1971) ALL NLR 599-20 mins
6. Sample group presentation of the facts and principles established in Johnson v Maja 13 WACA 290; Adebajo v Adebajo (1971) ALL NLR 599-20 mins
7. Tutor gives overview of what constitutes testamentary capacity of a testator-35 mins
8. General discussion on how a will can be proved and ethical issues arising from outcomes 5-8-20 mins
9. Tutor summarizes modes of proving a will-20 mins
10. General assessment and evaluation-5 mins

WEEK 16 6 WILLS & CODICILS 2

Outcomes

At the end of the lesson students would be able to:

1. mention types of legacies
2. explain circumstances under which legacies may fail
3. explain how a will can be revoked, and exceptions
4. explain the revival and republication of a will
5. identify ethical issues on legacies in a will and revocation of a will

Contents

1. Types of Gifts
2. Failure of gifts
3. Revocation of a will
4. Revival and Republication of Wills

Pre-Class Activities

Students are to read the topic in advance, carry out pre-class tasks, and study the case of

Jadesinmi v Okotie-Eboh (1996) 2 SCNJ; [1996] 2 NWLR (pt.429) 128

Class Activities

1. Overview on types and failure of gifts, revocation, revival and republication of wills ó 1 hour
2. Students break into small groups to discuss the outcomes and perform small group tasks - 1 hour

15 Minutes Break

3. Individual and Group presentations - 1hr. 10mins
4. Select groups/students to present on ethical issues arising -20 mins
5. Assessment, debriefing and Evaluation-30 minutes

WEEK 17 -- WILLS & CODICILS 3

Outcomes

At the end of the lesson students would be able to:

1. explain limitations on the testator
2. state the nature of information required to prepare a will
3. mention the various parts of a will
4. explain the effect of the various parts
5. draft a will
6. identify ethical issues arising from 1, 2 and 5 above

Contents

1. Particulars of information required to prepare a will
2. Parts (Contents) of a will
3. Effect of the various parts
4. Drafting a will

Pre Class Activities

1. Students are expected to read the topic in advance and the following cases: *Idehen v Idenhen* (1991) 6 NWLR (pt.98) 382; *Adesubokan v Yunusa* (1971) 1 ALL NLR 225; *Ajibaye v Ajibaye* (2007) ALL FWLR (pt.359) 1321
2. Tutor to chose two students and prepare them in advance for a role play on client interview relating to taking instructions for the preparation of a will

Class Activities

1. Tutor gives overview on the limitations on the right of the testator; information required to prepare a will; parts of a will and effects of the various parts-40 mins
2. Group discussion on the limitations on the testator and parts of a will-20 mins
3. Presentation by selected students on limitations on the right of the testator-10 mins
4. Role play on client interview to extract information required to prepare a will-10 mins
5. Brainstorming on the role play-10 mins
6. Sample presentation on the information required to prepare a will and parts of a will-30 mins

15 Minutes Break

7. Tutor uses case study 6 to give further information required for the preparation of a will- 10 mins
8. Drafting exercise by all students-1 hr
9. Tutor presents a short sample will through power point projector-5 mins
10. Exchange of drafts amongst students and assessment-20 mins
11. Group discussion on issues of ethics arising from the above activities-15 mins
12. General assessment and evaluation-10 mins (students to be informed to collect probate forms and to come to class with them for the next lesson in week 18)

WEEK 18 -- PROBATE PRACTICE

Outcomes

At the end of the lesson, students would be able to:

1. state when application for probate and letters of administration (L.A) is non-contentious, and contentious
2. state the procedure to obtain probate (non-contentious and contentious cases, including need for double probate)
3. state when caveat may cease to be effective against application for probate or L.A
3. mention the documents required to process probate
4. draft (letter of application) and fill documents required to process probate
5. explain the procedure to obtain letters of administration (non-contentious and contentious)
7. mention the documents required to obtain letters of administration
8. fill the documents required to obtain letters of administration
9. identify ethical issues arising from process of obtaining probate

Contents

1. Grant of Probate (Non-contentious and contentious probate)
2. Grant of Letters of Administration
3. Procedure for obtaining probate in either case
4. Procedure for obtaining Letters of Administration
5. Documents to process probate and letters of Administration

Pre-Class Activities

1. Students are to read the topic and the case of Dan-Jumbo v Dan-Jumbo (1999) 7 SCNJ 112 in advance.
2. Students are to come to class with probate documents or forms. Lesson shall be limited to the Lagos High Court (Civil Procedure) Rules and Administration of Estates Law of Lagos State.

Class Activities

1. Tutor gives overview of non-contentious and contentious probate-25mins
2. Group discussion on when probate is non-contentious and contentious-20 mins
3. Sample group presentation on activity 3-30 mins
4. Group discussion on procedure to obtain probate (including double probate, resealing and ethical issues) - 25 mins
5. Sample presentation on the procedure to obtain probate-20 mins

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- a. Non-contentious grant
- b. Contentious grant
- c. Resealing
- d. Ethical issues arising

15 Minutes Break

6. Group discussion on procedure to obtain letters of administration (including L.A with the Will attached) and ethical issues-20 mins
7. Sample presentation on activity 7-20 mins
8. Tutor to give overview of the procedure to obtain probate and letters of administration-40 mins
9. Tutor gives modification to case study 2 for students to list and fill probate forms-5 mins
10. Exercise by students (filling of probate forms)-30 mins
11. General assessment and evaluation-5 mins
12. Students to be given assignment to read the case of *Obusez v Obusez* [2007] 10 NWLR (pt. 1043) 430, *NBA v KOKU* (2006) ALL FWLR (pt.334) 1928

WEEK 19 6 PERSONAL REPRESENTATIVES & ASSENT

Outcomes

At the end of the lesson, students would be able to:

1. explain the various ways personal representatives can be appointed
2. explain who is entitled to letters of administration in intestacy
3. state numbers of personal representatives that can be appointed
4. state the qualities of persons to be appointed as Personal Representatives
5. explain circumstances Personal Representatives can be entitled to remuneration
6. explain how personal representatives can withdraw or renounce representation
7. explain duties and liabilities of personal representatives
8. state the accounts to be maintained and filed by personal representatives
9. state the effect of either failing to file the account or filing inaccurate accounts
10. state how personal representatives can be discharged of liabilities for administering the estate of the deceased
11. state when an assent is required
12. state the essential elements of an assent
13. draft a simple assent (embodying commencement; recital; habendum; indemnity clause; and execution)
14. identify ethical issues arising from the above outcomes

Contents

1. Appointment of personal administrators
2. Numbers of personal administrators
3. Qualities of Personal representatives
4. Remuneration of Personal administrators
5. Cessation of representation
6. Duties and liabilities of Personal representatives
7. Accounts to be filed by personal representatives
8. Discharge of personal representatives
9. Structure and elements of an assent
10. Drafting a simple assent

Pre-Class Activities

Students are to read the topic in advance and study the following cases:
Obusez v Obusez [2007] 10 NWLR (pt. 1043) 430, NBA v Koku (2006)
ALL FWLR (pt.334) 192

Class Activities

1. Tutor presents overview of mode of appointing personal representatives; factors to be considered in appointment of personal representatives by a testator, or the court; numbers, and remuneration of personal representatives; and when representation would cease-40 mins
2. Selected students to make presentation on the facts and principles established in Obusez v Obusez [2007] 10 NWLR (pt. 1043) 430-20 mins
3. Group discussion on modes (ways) of appointing personal representatives; factors to be considered in appointment of personal representatives by a testator or the court; numbers and remuneration of personal representatives and when representation would cease-30 mins
4. Tutor to give overview of the duties, and liabilities of Personal Representatives-30 mins

15 Minutes Break

5. Group discussion on duties and liabilities of personal representatives, and ethical issues arising where a legal practitioner is involved-20 mins
6. Sample group presentation of the various duties, and liabilities of Personal Representatives-20 mins
7. Group discussion of the accounts to be maintained and filed by Personal Representatives; when Personal Representatives will be discharged of liabilities-10 mins
8. Presentation by selected groups of students on the accounts to be maintained and filed by Personal Representatives; when Personal Representatives will be discharged of liabilities-10 mins

11. Tutor gives overview of the accounts to be maintained and filed by Personal Representatives; effect of either failing to file the account or filing inaccurate accounts; and when Personal Representatives will be discharged of liabilities for administering the estate of the deceased-20 mins
9. Brainstorming on essentials (elements) of an assent; when it is required and the part of the country where it may not be required-10 mins
10. Tutor gives a brief overview of when assent is required, and elements of assent-10 mins
11. Students and tutor discussion (by use of short questions) on parts of an assent, and particulars of information required to draft an assent-20 mins
12. General assessment and evaluation-10 mins

WEEK 20 -- PROPERTY LAW TAXATION

Outcomes

At the end of the lesson students would be able to:

1. explain and discuss the requirement for capital gains tax on a property, and the rate
2. explain State taxes payable on transactions affecting land (consent fees; stamp duties; and registration fee) and other forms of taxes payable on property (such as tenement rate; personal income tax)
3. discuss ethical issues arising from breach of the RPC in connection with property.

Contents

1. Capital Gain Tax
2. Taxes arising from transactions affecting land (sale of land; mortgage of land; and long leases)
3. What is stamp duty and who pays it?
4. Nature of personal income tax and tax clearance certificate
5. Other forms of taxation, tenement rate, ground rent, consent fees, registration fees
6. Ethical issues arising from breach of duty of counsel to client; and duty of counsel to state (RPC)

Pre-Class Activities

Students are to read the topic in advance, carry out pre-class tasks, and study the relevant provisions of the following statutes: Capital Gains Tax Act; Personal Income Tax Act; Stamp Duties Act; Land Instrument Registration Law; Land Use Charge Law, Lagos State; value-Added Tax Act, and other relevant laws

Class Activities

1. Students are expected to read the provisions of Capital Gains Tax Act; Personal Income Tax Act; Stamp Duties Act; Land Instrument Registration Law; Land Use Charge Law, Lagos State; value-Added Tax Act; and case study 5.
2. Tutor gives overview of various taxes applicable to property transaction (what it is; who pays; and rate) and ethical issues involved -45 mins
3. Group discussion on activity 2-30 mins
4. Sample presentation on activity 3-45 mins
5. 15 Minutes Break
6. Group exercise on computation of Capital Gain Tax base on case study 5-40 mins
7. Sample presentation by selected students on activity 5-35 mins
8. Tutor summarizes on activities 3-5-30 mins
9. General assessment and evaluation-15 mins

CASE STUDY 1

General Usman Amaechi Adebayo was former military administrator in Rivers State in 1996. He now lives in Abuja being a senator of the Federal Republic of Nigeria. He owns properties in Port Harcourt; Lagos, Ibadan, and Kaduna. He granted Amina exclusive possession of plot 5a, Okoye Street, Port-Harcourt for a period of 5 years. And because of his political involvement, he does not want any direct management of the properties. He therefore authorised Amina to manage his property at plot 5a Okoye Street, Port-Harcourt, by giving out the said property to other persons, collect rents from them and to render account of the rents so collected; to sell his property at 10, Blantyre st, Lagos Island; and the property at Jos Street, Kaduna. Chief Usman Amaechi Adebayo wants to use his property at Ibadan to secure a loan of N50m from Zenith Bank, in preparation for his bid for re-election in 2010. Being conscious of the risks involved in politicking in Nigeria, he has asked his solicitor, Taofeek Ibrahim, to prepare his will in which he intends to devise his properties amongst his children, Peter, Ngozi and Adaeze. He wants his wife, Uju, and his son Peter to be executors of his will.

CASE STUDY 2

Alhaji Usman Amaechi Adebayo inherited the house (twin duplex) at No.10 Blantyre Street, (Ikoyi), Lagos Island from his mother. Who died on 12 January 1985 leaving the house and other personal properties to him by her will dated 31st October, 1980 and admitted to probate in July, 2006. Probate was granted to her executors-Chief Nonso Idonige, Mr. Wakaaka and Alhaji Muktar Hasim.

Chief (Mrs) O. Eskor, of No.11 Park Lane Ikoyi, Lagos agreed to buy the house at No. 10, Blantyre Street with a Title No.LO: 2301 and survey plan no. LA/123W/567 prepared by A.A Ajisegiri licensed surveyor. However, she wants the property to be in the name of her company DEOS Nig. Ltd of the same address. The asking price is 10m naira but the parties have settled for N8m. The sum of N6m will be paid on execution of the contract and the balance within 3 months. Alhaji Usman Amaechi Adebayo lives at No.4, Democracy Layout, Asokoro, Abuja and insisted that the balance must be paid as agreed before title passes. The Owner covenants to indemnify the buyer in case of any adverse claim. Joseph Finelaw, Solicitor to Alhaji Adebayo was later paid the sum of N6 Million; he deposited N3 million into his account and bought a Cherokee Jeep with the remaining money.

CASE STUDY 3

Alhaji Usman Amaechi Adebayo, during the preparation for his senatorial campaigns sometime in 2003, kept the title documents to his two mansions in Port Harcourt with his childhood friend, Ogbuefi Lucky. He wanted to ensure that he has something to rely on irrespective of the outcome of the elections. After the party's primaries in June 2009, Alhaji Usman Amaechi Adebayo discovered that he requires more money if his 2011 re-election ambition was to be a reality. He needs additional sum of N100m naira. To raise the money, he intends to take a loan of N30m from First Bank Plc, with his property in, Ibadan, Oyo State as security for the loan. In addition he has already applied to Zenith Bank for an additional sum of N20m on the same terms and conditions as the earlier mortgage agreement (which had been perfected). Furthermore he believes his childhood friend Ogbuefi Lucky Lucy will be able to personally raise the sum of N50m for him, and he intends to pay back immediately he wins the election.

Zenith Bank, instructed its solicitors, to prepare a draft of the legal mortgage between the bank and Alhaji Usman Amaechi Adebayo. The loan is N50 million naira, to be secured by his duplex at No.4 Iyaganku Street Ring Road, Ibadan. The property is covered by certificate of occupancy dated 12/10/92 with registration no. Is 13/13/92. The parties in their negotiation have agreed to 12% interest rate to be paid within a period of 48 months. However, the bank wants to include a clause to ensure that the interest rate is paid promptly and ensure that there is a consequence for delay in payment. In addition the bank desires that its right to exercise power of sale becomes exercisable earlier than the time stipulated by the law. Also Alhaji Usman Amaechi Adebayo is not to sublet the property without the bank's prior consent; the agreement is to be made subject to obtaining governors consent and the property shall not be redeemable until at least 24 months after the execution of the contract.

Unfortunately, Alahaji Usman Amaechi Adebayo, a year after winning the re-election refused to pay his childhood friend the money he borrowed from him and Ogbuefi Lucky Lucky intends to sell the properties whose title documents were with him to satisfy the debt. Similarly, he is in breach of the mortgage with Zenith Bank. His total outstanding including interest is 80m (loan balance 30m, interest 50m). The bank had instructed auctioneers to sell the house without any form of notice to Alhaji Usman Amaechi Adebayo. The bank believes that the terms are clearly spelt out in the mortgage and there is no need for any form of notification. First Bank also intends to sell the house or take possession; because he is in breach of the covenant not to assign the house without their prior consent. However the Solicitor to First Bank advised them to rather appoint a receiver instead of selling the property; alternatively, he advised that First Bank should procure the services of the Nigerian Army to deal ruthlessly with the Alhaji Adebayo.

Case Study 4

Mrs Eskor is eager to move into the property and she wants to do so upon execution of the contract. She also wants the interest rate to be 22% should the vendor default. To protect himself the purchaser wants the deposit of 8% paid by Mrs Eskor to his solicitor to be held as a stakeholder and he wants his solicitor to act for both parties. In addition he wants the insurance to be taken in his name and the premium paid by Mrs Eskor. Also she is to take the property subject to the occupation of the boys quarters by tenants, whose tenancy will expire in July, 2010. The vendor also wants Mrs Eskor to pay an additional sum of N1m for the custom made door at the entrance to the house. While preparing the contract, the Solicitor to Mrs Eskor put the interest rate at 80% without the authority of Mrs. Eskor.

CASE STUDY 5

Chief Alabi Yahaya bought a plot of land from Lagos State Government in 1990 for N50,000.00. He completed a building consisting a block of 4 flats (3 bed room each). He spent N950,000.00 to complete the project. In 2007 he sold the block of flats to Madam Ayinke Gbajumo, the Iyaloja of Mushin market, Lagos for N4million. Omowe, esq is the solicitor handling the sale on behalf of the parties. He advised Chief Yahaya not to pay any taxes. Madam Gbajumo wants the sale perfected as quickly as possible as she wants to apply for a mortgage facility from Sky Bank Plc and the block of flats is to be used as security. Madam Gbajumo has asked Omowe esq. to do everything possible to assist her so that she does not pay consent and registration fees to government.

CASE STUDY 6

Chief Fidelis Anthonio, is 65 years Old and a buissnessman who is married to Chief (Mrs) Fidelia Anthonio, his wife of over 35 years. He got married to her when they were both studying in England on the 14th of February 1973. He is

from Lagos State. They have six children- Felicia (35), Francis (33), Faith (31), Florence (27), Felix (25) and Fortune (20). He has recently instructed his Solicitor, Kemi Pam to draft a Will for him on the following terms:

- Executors of his will- his wife Chief (Mrs) Fidelia Anthonio, Mrs Felicia Umeh (his daughter) and his son Dr. Francis Anthonio.
- His property at 9 Lagos Street, Ebute Metta, Lagos to be given to his wife
- His house at 14, Obafemi Awolowo Road, Ikeja to be given to all his daughters- Mrs Felicia Umeh, Dr (Mrs) Faith Bickersteth and Mrs Florence Ajani equally.
- He wants his Rolex wrist watch to be given to his first son, Dr. Francis Anthonio, his two walking sticks to be given to his third son, Fortune.
- The house in Ikorodu to be given to his first son to be used as a hospital and it must never be sold
- The shares in first bank, UACN and Nigerian Breweries to be given to his wife.
- The sum of ₦= 500,000 to his second son, Felix.
- The sum of ₦=50,000 to be given annually to the priest of SS&S Catholic Church, Idi óAraba, Lagos.
- Toyota Camry 1998 model Reg. No FT 243 LSR to his third son, Fortune
- Toyota Camry 2002 model Reg. No GW 757 AAA to his Second Son, Felix
- Nissan bluebird Reg. No AX 223 KJA to his driver of twenty years Mr Okon.
- He wants the house at 9, Lagos Street to go to all his sons when his wife dies
- He wants all the children to have all the shares when his wife dies.

CORPORATE LAW PRACTICE CURRICULUM LESSONS PLAN AND CASE STUDIES

I. Objectives/Goals:

This course was originally taught as company Law & commercial Practice and later changed to company law practice, and now redesigned to Corporate Law Practice, to ensure adequate coverage of other Corporate Law Practice areas and focus on practical applications of the rules. Given this background, the objectives/goals of Corporate Law practice are:

- To guide the students on the processes of registering different types of business and non-business organizations, noting the necessity for taking appropriate instruction and complying with the rules and procedures for registration.

- To guide the students on how best to represent the interest of different parties in business/non business organizations & commercial transactions, according to the needs of the clients and requirements of the applicable law/rules.
- To enable the students appreciate the effective handling of the functions of Company Secretary, particularly in respect of Company meetings, filing of Statutory Returns and acting as Legal Adviser and rendering legal opinion on compliance by the organization with relevant laws.
- To acquaint the students with the essence of entrenching corporate governance and responsibilities in corporate management.
- To expose the students to the challenges of modern corporate law practice in respect of corporate amalgamation, restructure, liquidation and company securities as well as capital market practices and corporate dispute resolution.

II. INTERFACE WITH OTHER BAR FINAL COURSES:

- Since corporate instructions/opinions are normally one of the chains of steps which many lead to criminal or civil litigation or negotiated settlement, or professional misconduct trials, emphasis should be laid on effectively integrating professional ethics, property law practice, drafting, communication and ADR skills, in the teaching of corporate law practice.

The module detailed contents and lesson plans and case studies are set down week by week below as follows:

WEEK 3:

TOPIC: 1. AN OVERVIEW OF THE LEGAL FRAMEWORK & REGULATORY BODIES ON CORPORATE LAW PRACTICE IN NIGERIA.

B. LEARNING OUTCOMES:

1. Identify various laws and regulatory bodies on corporate law practice in Nigeria.
2. List the procedure and for accreditation/registration with the regulatory bodies(CAC & SEC).
3. Complete the forms required for accreditation with the regulatory bodies.(CAC & SEC)
4. Identify ethical issues arising from accreditation/registration with the regulatory bodies.

C. CONTENT:

1. Principal laws and regulatory bodies on corporate law practice
2. Features and functions of the regulatory bodies and their relevance to corporate law practice- CAC, SEC, NIPC, OSIC, CBN, NDIC, AMCON, PENCOM, NAICOM & FIRS
3. Procedure for accreditation with CAC and SEC.
4. Completion of forms required for accreditation with CAC. And ethical issues involved.

D. ACTIVITIES.

1. General overview by the Tutor- 45 mins
2. Small groups discussion (question and answer) on Laws and the bodies- 40 mins.
3. Random presentation by students-35 mins.

15 minutes break.

4. Random presentation by students-continue-40 mins.
5. Brainstorming on the ethical issues- 10 mins
5. Assessment by short test- 40 mins

E. **ASSESSMENT:** feedback and Assignment for the next class- 30 mins.

F: **RESOURCES:** Power point slides, Course handbooks, recommended textbooks and Statutes e.g CAMA & ISA.

WEEK 4- TOPIC: CHOICE OF BUSSINESS ORGANIZATION AND FORMATION UNDER PART A (I)

I: companies

A. LEARNING OUTCOMES:

1. State the different types of business organisations that can be registered and advice on their features and suitability. (Companies)
2. Prepare a checklist of documents required for registration of business organisations. (Companies)
3. Conduct Client interview and apply Client instructions towards preparation of documents for registration of the business organisations. (Companies)
4. Identify the professional responsibilities involved in the formation of a company

B. CONTENT:

1. Types of business organisations that can be registered, and requirements and Procedure for registration of business organisations with CAC.

2. Take instruction from Client and apply the instruction to prepare of documents required for registration at CAC.
3. Document required for stamping
4. Documents required to be submitted for registration of business organisations at CAC.
5. Professional responsibility requirements under the RPC

C. ACTIVITIES.

1. Tutor overview- 30 mins
2. Brainstorm: Students give a checklist of different type of business organisations - 20 mins.
3. Buzz group discussion by students- 30 mins.
4. sample presentation- 10 mins
5. **Role** plays by students on client interview (take instruction towards preparation of documents for registration at CAC ó 1 hr.

15 minutes BREAK

6. Question & Answer session.-30mins.

D. **ASSESSMENT:** Random sampling questions and assignment on E-registration ó 10minutes.

E. **RESOURCES:** Power points slides, flipcharts and Electronic and Manual Handbooks.

WEEK 5- 1. CHOICE OF BUSSINESS AND NON BUSINESS ORGANISATION (II);

- i) **Business name/partnership and Incorporated Trustee.**

LEARNING OUTCOMES:

1. Identify various types of business and non business Organization and their features and suitability-.(Business Name & Partnership.)
2. Conduct Client interview and apply Client instruction towards preparation of documents for registration of the business organisation (business name and Incorporated Trustee) at CAC.
3. Give a checklist of documents and items required for registration of business and non- organisation (Business name and Incorporated Trustee) at CAC.
4. State the items to be included in a simple partnership agreement.
5. List the items to be included in the formal constitution of Incorporated Trustee as regulated by CAMA.
6. Identify registrable and non-registrable names and ethical issues arising

A. CONTENT:

1. choice of business and non business organizations- Registered Business Name: Sole Proprietorship, Partnership and Incorporated Trustee
2. Taking instructions/ client interview towards preparation of documents required for registration of companies, business name and Partnership Agreement
3. Checklist of documents/items required to be submitted for registration of the business name and Incorporated Trustee with CAC.
4. Checklist of the items to be included in the Partnership Agreement and constitution of Incorporated Trustee.
5. Registerable and Non- Registerable Names

B. ACTIVITIES.

1. Tutor overview- 45 mins.
2. Small group discussion on key features and requirements for registration of business name (sole /partnership) and incorporated trustees. 25 mins.
3. Presentation by students in the groups of 40 mins.

15 minutes BREAK

4. Brainstorming and presentations by Students on registerable & non-registerable names . - 20 minutes.
5. Role Play by students in small group session on conduct of client interview and items to take instruction on towards preparation of documents for registration of business name and incorporated trustee. - 60mins.
6. brainstorm on ethical issues arising- 10 mins

C. **ASSESSMENT:** Question and Answer. of 20minutes.

D. **RESOURCES:** Power points slides, flipcharts and Electronic and Manual Handbooks.

WEEK 6-

A. PRE-INCORPORATION MATTERS

B. i. Promotion of Companies and Pre-incorporation contracts

C. LEARNING OUTCOMES: At the end of the Lesson, students would be able to:

1. State the relevance of promotion activities and duties of promoter.
2. Discuss the incidences, types and features of pre-incorporation contracts (Joint venture and Shareholders agreement.).

3. Discuss the relationship between Memorandum & Articles and pre-incorporation contract
4. List the contents of Shareholders Agreement, Joint venture Agreement and commercial Memorandum of understanding
5. Draft Pre-incorporation contracts.
6. Identify ethical issues involved in pre-incorporation matters.

C. CONTENT:

1. Promotion and Nature of Promotion activities and duties of promoter.
2. Types and feature of different pre-incorporation contracts (Joint venture and Shareholders Agreements)
3. Drafting of Pre-incorporation contract
4. Ethical issues involved

D ACTIVITIES:

1. Tutor gives an overview by way of plenary discussion on promotion activities, duties and Responsibilities of promoter- 40 mins.
 1. Students list the type of promotion activities/pre-incorporation contracts familiar with that take place before formation of Company- 20.minutes.
 2. Small group discussion by students on features of pre-incorporation contracts e.g (Joint Venture Agreement/ Share Holders Agreement/ Memorandum of Understanding in commercial transactions) and drafting of samples. ó 50 mins

15 minutes BREAK.

4. Students in groups present samples of draft pre-incorporation contracts- 50minutes
5. Brainstorming on ethical issues arising- 15 mins

E. **ASSESSMENT:** Questions and answers/Assignment. -35 minutes.

F. **RESOURCES:** Power point slides, Course hand books and Flip charts.

WEEK 7.

A TOPICS: PREPARATION OF DOCUMENTS OF BUSINESS AND NON -

BUSINESS ORGANIZATION AND REGISTRATION

1. Document of Business Organisation-(Memorandum & Article of Association,

Partnership Agreement)

2. Documents of Business name and Incorporated Trustee- constitution.

B LEARNING OUTCOMES:

1. prepare MEMOART for registration of companies
2. complete statutory forms for companies, business names and incorporated trustees
3. list a checklist of content of incorporated trustees and partnership agreement
4. Identify and stamp relevant incorporation document.
5. Identify ethical issues involved in preparation of documents for registration of business and non business organization

C CONTENT:

1. preparation of various incorporation documents and partnership agreement
2. completion of incorporation forms
3. stamping of relevant incorporation document
4. professional responsibility requirements

D. ACTIVITIES:

1. Tutor overview on completion of statutory forms - 30 mins.
2. Small group brainstorm on key components of the statutory forms- 20 mins
3. Students in small groups complete various statutory forms for incorporation and registration of business and non business organizations- 40 mins.
4. Presentation of the completed statutory forms ó 30 mins.

15 minutes BREAK

5. Tutor over view on e-registration and preparation of MEMART, Partnership Agreement and Constitution of Incorporated Trustees- 30 mins
6. drafting of key components of MEM ART , partnership agreement and constitution of incorporated trustees by students in small group- 30 mins
7. Presentations by Students. - 20 minutes.
8. Simulation of CAC Registry, Stamp duty and e- registration by students- 30mins.
9. brainstorm on ethical issues arising- 5 mins

- E. **ASSESSMENT:** Questions and Answers. ó 5mins.

- F. **RESOURCES:** Power points slides, flipcharts and Electronic and Manual Handbooks.

WEEK 8- FOREIGN PARTICIPATION IN NIGERIAN BUSINESS SECTOR

B. OUTCOMES:

1. Identify the various laws regulating participation in business in Nigeria by foreigners.
2. Identify companies / entities exempted from registration.
3. Identify the difference between foreign direct investments and foreign portfolio investment.
3. List the various incentives, permits and approval available under the law to encourage foreign participation in business in Nigeria.
4. Draft documents to be submitted to the relevant government agencies seeking reliefs and Approval on behalf of companies.
7. Give a checklist of documents to be attached in support of application to relevant Regulatory Agencies (NIPC, NOTAP & Immigration)

C CONTENT:

1. Various laws regulating foreign participation in business in Nigeria.
2. Government agencies regulating foreign participation in business in Nigeria and their features.
3. Types of companies that can be exempted from registration and steps involved in applying to Relevant government agencies.
4. Permits/Approval/Reliefs/Incentives available under the law to encourage foreign participation.
4. Application for permits/approval /reliefs to relevant regulatory bodies

D ACTIVITIES:

1. Tutor overview on the various laws regulating foreign Participation in Nigeria and type of companies exempted from registration- 40mins
2. List different laws regulating foreign participation in business in Nigeria.- 20mins
3. Small group discussion by students on steps and requisite documents involved in applying for /incentives/reliefs/approvals, with sample presentation by each group-60 mins.

15 minutes break.

4. Tutor overview on requisite permits/approval/reliefs/incentives/approval
5. Drafting of documents/application for exemption

E. ASSESSMENT: Questions and Answers and Assignment on case study NO 2 as modified.-15minutes.

F.RESOURCES: Handbook, power point slides, relevant statutes and recommended textbook.

WEEK 9.

TOPIC: POST-INCORPORATION MATTERS

- a. **Preliminary Steps before Commencement of Business**
- b. **Conversion of Companies and Alteration of Registered Documents**

A. OUTCOME:

1. Identify the necessity and legal requirements for publication of Name, and significance for distinction between Corporate name and trade name
2. prepare a checklist of statutory books and their uses
3. identify the necessity and procedure for alteration of registered documents
4. Prepare board and company resolutions and other relevant documents in respect of the alteration of status of registered companies (conversion)
5. Prepare necessary documents relating to amendments/alteration of registered documents.
6. Conduct corporate searches and prepare report
7. Identify ethical issues arising in post-incorporation matters

C. CONTENT

1. checklist of relevant statutory books and preliminary steps before commencing business
2. publication of name
3. corporate searches
4. conversion of companies
5. alteration of registered documents- types and procedures
6. ethical issues arising in post-incorporation matters

D. ACTIVITIES

1. Overview by Tutor statutory books and preliminary matters before commencing business relevant statutory books and corporate searches- 40 mins
2. small group discussion on relevant statutory books and preliminary matters, and corporate searches -20 mins
3. prepare checklist of statutory books and corporate search report- 20 mins
3. sample presentation by the groups - 40 mins

15 minutes BREAK

4. Tutor overview on conversion of companies and alteration of registered documents- 30 mins
5. Preparation of documents of conversion and alteration by the small groups- 30 mins
6. Presentation by the small groups-30 mins
7. Brainstorming on ethical issues arising in post incorporation matters-10 mins

E. ASSESSMENT - Question & Answer- 20 mins

F. RESOURCES: Power point slides, flipcharts, CAMA and recommended text books.

WEEK 10- CORPORATE GOVERNANCE(I): OFFICERS OF COMPANY-(DIRECTORS AND SECRETARY)

A. LEARNING OUTCOME:

1. Identify how Directors and company Secretary are appointed.
2. List duties of Directors and, Secretary in Corporate Governance.
3. Identify the breaches of statutory duties and processes for enforcement/remedies.
4. Complete the various statutory forms and Draft resolutions for appointment/removal of Directors and Secretary
5. Identify ethical issues arising in corporate governance- officers of companies

B. CONTENT.

1. Directors- types, duties, appointment, election, retirement, removal.
2. Secretary- , appointment, duties, dual status and removal.
3. Breach of statutory duties and processes for enforcement/remedies.
4. Drafting of resolution for appointment and removal of directors, and company secretary.

C. ACTIVITIES.

1. Tutor presents an interactive overview on types, appointment, duties and removal of Directors - 40mins.

2. Students prepare checklist of types and duties of directors - 20m.
3. Discussion by Students in small group session on case study 2 as modified on the
Appointment and removal of Directors and Secretary -20 mins
4. Sample presentation by each group - 40mins

15 MINUTES BREAK.

5. Students prepare checklist of types of duties of Secretary - 20mins.
6. Discussion by Students in small group session on case study 2 as modified on the
appointment and removal of Secretary -20 mins
7. Small group exercise on drafting of resolution for appointment/removal of directors and secretaries based on case study 2 as modified with sample presentation by each group - 40mins
8. Students simulate holding of board/general meeting for removal of director/secretary based on case study 2 as modified - 20mins
9. Brainstorming on Ethical issues in the appointment, duties, and removal of directors and secretary- 20 mins.

E. **ASSESSMENT:** Questions and Answers- 10m.

F. **RESOURCES:** Power point slides, flipcharts, CAMA and recommended text books.

WEEK 11- CORPORATE GOVERNANCE (II) :(MEMBERSHIP, MEETINGS & RESOLUTIONS).

B. LEARNING OUTCOME:

1. Identify various ways of acquisition of membership of company
2. Identify types of company meetings and resolutions
3. Prepare the relevant documents of company meeting.
4. Identify ethical issues in company membership, meetings and resolutions

C. CONTENT

1. Overview by Tutor on membership, meetings and Resolutions.
2. Checklist of becoming a member and the types of meetings and Agenda of Meeting.
3. Preparation of meetings and Proceedings of meetings-Notices, Agenda, venue, voting, attendance, Minutes of Meeting, and different types of company resolutions.
4. Ethical issues involved in company membership, meetings and resolutions.

D. ACTIVITIES.

1. Tutor presents an overview on becoming member, types of meetings, preparation and proceedings of meetings and resolutions.
2. Students list types of membership, meetings and resolution- 10m.
3. Discussion by students in small group session of the modified exercise in case study 2
in respect of company meetings and proceedings -15 mins
4. Sample presentations by each group on the legal issues involved in the exercise - 40m
5. Drafting by students in small group sessions of Notice / Agenda of AGM and relevant Resolutions.-20m

15 MINUTES BREAK.

6. Sample presentation 640 mins
7. Simulation of AGM of a Company -40 mins
7. Consideration of ethical issues arising 6 10 mins

E. ASSESSMENT: Questions & Answers.- 10m.

F. RESOURCES: Statutory forms, Electronic Handbooks, Power point slides/flip charts and recommended textbooks.

WEEK 12- CORPORATE GOVERNANCE 3: MINORITY PROTECTION & FINANCIAL STATEMENTS /STATEMENT OF AFFAIRS

A. OUTCOMES

1. Identify the principles of Corporate Sovereignty and the scope of the Rule in *Foss V. Harbottle*.
2. Prepare relevant petitions to CAC, resolutions and Court processes relating to the institution of minority actions at the Federal High Court
3. Identify various aspects of financial statements and persons entitled to receive financial statement.
4. Preparation of statement of affairs

B.CONTENT:

1. Principles of Corporate Sovereignty and Scope of the Rule in Foss V.Harbotle.
2. Application to CAC and Court processes for minority protection
3. Financial Statement /Statement of Affairs.
4. Ethical issues arising from preparation of financial statement/statement of affairs.

ACTIVITIES

1. Tutor overview on financial statement and minority protection-30 mins
2. small group discussion on financial statement and minority protection-30 mins
3. sample presentation- 30 mins
4. brainstorming and presentation on ethical issues on publication of financial statement/statement of affairs-30 mins

15 MINS-BREAK

5. small group discussion on corporate sovereignty and minority protection/exception to the rules -20 mins
6. presentation by small group on minority protection -20 mins
7. Drafting of letter to CAC for investigation- 20 minutes.
8. Preparation of checklist for petition on ground of oppressive and prejudicial conduct-20 minutes.
9. Presentation of the letter for investigation to CAC and checklist of fact constituting oppressive and prejudicial conduct- 30 minutes.

E. Evaluation-Q& A 6 10 minutes.

F. **RESOURCES:** Statutory forms, Electronic Handbooks, Power point slides/flip charts and recommended textbooks.

WEEK 13- CORPORATE GOVERNANCE : LEGAL FRAMEWORK/ CONCEPT OF CORPORATE GOVERNANCE AND INTERNATIONAL BEST PRACTICES(AUDIT & AUDITOR COMMITTEE AND ANNUAL RETURN)

A.LEARNING OUTCOMES

1. Identify the principles of Corporate Sovereignty and guidelines on Corporate Governance and International best practices..
2. Identify the procedure for appointment, duties and removal of Auditors,
3. Identify the Composition and Function of Audit Committee
4. Filing of annual return forms

B. CONTENT:

1. Principles of Corporate Governance and guidelines on Corporate Governance and International best practices.
2. Appointment of Auditor/Audit Committee
3. Function of Audit Committee
4. Annual Return

ACTIVITIES

1. Tutor overview on Auditor and Audit Committee-30 mins
2. small group discussion on appointment of auditor and Audit Committee-30 mins
3. sample presentation by small group on appointment of Auditor/Audit Committee- 30 mins
4. Discussion on function of Audit Committee- 30 mins

15 MINS-BREAK

5. small group discussion on guideline on International best practices -30 mins
6. presentation by small group on guidelines on international best practices -30 min
7. Small group discussion and drafting of annual returns for companies, business names and Incorporated trustees- 30 minutes
8. Presentation by small group- 20 minutes

E . ASSESSMENT: Question and Answer-10 minutes.

F. RESOURCES: Statutory forms, Electronic Handbooks, Power point slides/flip charts and recommended textbooks

WEEK 14- TOPIC: COMPANY SECURITIES 1(SHARES & DEBENTURES)**B.LEARNING OUTCOME:**

1. Identify and advise on various types of shares with the rights/obligations attached.
2. List the method and procedure for acquisition of shares.
3. State the steps involved on each mode of acquisition of shares.
4. Prepare a checklist of the types of debentures that can be created.
5. State the procedure for perfection, registration and discharge of charges.
6. Prepare a checklist of records a company keeps upon creation of debenture.
7. Complete the relevant CAC Forms (CAC8, CAC9) for debenture transactions.

C. CONTENT:

1. Overview of types of shares, rights and obligations attached.
2. Modes of acquisition of shares and their features
3. Procedure for allotment/transfer of shares.
4. Debenture ótypes and their features-.
5. Procedure for perfection and registration and discharge of charges
6. Remedies of debenture holders.
7. Records kept by company upon creation of debenture/charge.
8. Completion of Statutory Forms for return of allotment/creation of a charge.

D. ACTIVITIES:

1. Tutor overview on shares and debenture.-1 hr
2. Small group discussion on acquisition of shares - 20 mins
3. Sample Presentation by each group

15MINUTES BREAK.

4. Small group discussion on debenture - 20 mins
5. Sample Presentation by each group- 20 mins
6. Preparation of checklist of procedure for perfection, registration and discharge of charge.-10m.
7. Preparation of checklist of records to be kept by the company on the creation of debenture/charge- 10mins.
8. Drafting and presentation - filling of transfer form, return of Allotment and Resolutions- 30m.
9. Brainstorming and presentation on ethical issues involved in shares and debentures-20 mins

E. ASSESSMENT: Questions and Answers and random question by tutor-10m.

F. RESOURCES: Power point slides, Flipcharts, recommended textbooks/E-handbook.

WEEK 15.

A. TOPIC: COMPANY SECURITIES 2: (FLOATATION OF SECURITIES AND COLLECTIVE INVESTMENT SCHEMES)-

- i. Public Offer/ Sale of Securities/Collective Investment Scheme.**
- 2. Capital Market Practice and Procedure.**

B. LEARNING OUTCOMES:

1. List the methods of public offer/sale of securities-Direct offer, offer for sale & placement.

2. Identify and list the steps and procedure involved in flotation of shares in the capital Market.
3. State the legal nature of collective investment schemes and their significant difference From shares and other form of investments.
4. List the procedure for creation and management of collective investment scheme.
5. Identify the roles of Solicitors in capital market transaction.

C. CONTENT.

1. Modes of public offer and sale of securities of óshares, debenture, GDR and bonds.
2. Steps and procedure for flotation of shares, debentures, GDR, bonds in the capital market.
3. Collective investment scheme/organs of collective investment scheme.
4. Procedure for creation and management of collective investment scheme.
5. Role of Solicitors in capital market transaction.

D. ACTIVITIES.

1. Tutor overview-40 mins
2. Students list mode of flotation of shares, GDR and bonds ó 20mins.
3. Small group discussion on modes of flotation of securities- 20 mins
4. Sample presentation by students- 20 mins

15MINUTES BREAK.

5. Tutor overview on the creation and management of collective investment scheme. ó 30 mins.
6. Students lists types and features of collective investment scheme-10 mins
7. Group discussion on modes of creation and regulation of mutual funds, real estate funds, unit trust scheme, and community scheme- 20 mins
8. Sample presentation ó 30 mins
9. Brainstorming on the role of solicitor in capital market transaction distinction between investing in share and collective investment scheme -20 mins
10. Brainstorming on ethical issues in floatation of securities- 10 mins

E ASSESSMENT: Random questions by tutors and questions and answers-10m.

F. RESOURCES: SEC Rules, I.S.A, Power point slides and E-handbook.

WEEK 16

A. TOPIC: CORPORATE RESTRUCTURING 1(OPTIONS AND INTERNAL)

B. LEARNING OUTCOME:

1. State the options available for corporate restructuring.
2. Identify the relevant bodies concerned with the regulation of corporate restructuring
3. List the types and procedures involved in internal corporate restructuring.
4. Draft the relevant documents for corporate restructuring.

C. CONTENT:

1. Types of corporate restructuring-options.
2. Steps and procedures for corporate restructuring.
3. Regulatory bodies concerned with corporate restructuring.

D. ACTIVITIES:

1. Tutor overview.-30 mins
2. Students to list various options of corporate restructuring and regulatory bodies -20mins.
3. Brainstorming on the internal options
4. Students in small groups to write a legal opinion on the appropriate option for corporate restructuring based on case study 2 as modified 20mins.
5. Sample presentation of the draft legal opinion 640mins.

15 MINUTES BREAK

6. prepare checklist of relevant documents and draft resolutions involved in internal restructuring- 30 mins
 7. Students present sample presentation on the checklist and drafts. 6 15mins
 8. Brainstorming on ethical issues in internal restructuring- 10 mins
- E. **ASSESSMENT:** Questions and Answers -10mins.
- F. **RESOURCES:** Precedents , power-point slides, flip charts, et.c

WEEK 17 CORPORATE RESTRUCTURING2 ó (EXTERNAL OPTIONS)

B. LEARNING OUTCOMES: At the end of the lesson, the students should be able to:

1. List the options in external restructuring

2. State the Regulatory roles of the Securities and Exchange Commission and other relevant regulatory institutions in external restructuring- merger, take over, management- buy- out and purchase ó and ó assumption.
3. Identify the steps and procedure involved in external restructuring.
4. Compliance with professional responsibility and disclosure in external restructuring

C. CONTENT:

1. Options in external corporate restructuring.
2. Regulatory role of the SEC and other Institutions involved in external corporate restructuring.
3. Procedure and steps involved in external restructuring.
4. Professional responsibility and obligation in ensuring adequate disclosures in the Scheme documentations.

D. ACTIVITIES:

- (1). Interactive overview on the rationale, definition of terms and the legal framework for external restructuring ó 1 hour.
- (2). Group discussion on the options in external restructuring-20 mins.
- (3). presentation - 40m.

15MINUTES BREAK.

- (4). Small group discussion by students on Case study - Wadata & Sons Nig. Ltd case. - 10 mins
- (5). presentation- 20 mins.
- (6.) Brainstorming on regulatory bodies involved in external corporate restructuring and their roles ó 10 Minutes.
- (7.) Drafting exercise: pre-merger Notice, Merger application and application to Court ó 20 Minutes.
- (8). Drafting of checklist of items in merger and take over schemes ó 20 Minutes
- (9). Sample presentation ó 20 Minutes
- (10). Brainstorming on ethical issues arising from internal restructuring-10 Minutes

E. **ASSESSMENT:** Questions and Answer session. -10 Minutes

F. **RESOURCES:** Power point projector, flip charts, stationeries.

WEEK 18- TOPIC: COMPANY PROCEEDINGS & INVESTMENT DISPUTE.

A. LEARNING OUTCOME:

1. State the alternative dispute resolution options available to companies in lieu of litigation.
2. Draft the heading and prayer clause of an Originating Summons and Petition for winding up.
3. Valid service of court processes and documents on companies
4. State the jurisdiction, powers and functions of the IST in investment dispute resolution
5. Identify suitable applications to court in respect of investment disputes resolution.
6. State the ADR options available to parties to investment disputes in place of litigation.

C: CONTENT:

1. Modes of application for court proceedings involving companies. (Originating Summons, Originating Motion & Petition
2. Jurisdiction of Federal High court in company proceedings
3. Composition and Jurisdiction of IST
4. ADR as alternative in the resolution of disputes involving companies.
5. Service of processes and documents on companies.

D. ACTIVITIES.

1. Tutor over view- 30- mins
2. Students give a Checklist of relevant rules, modes of commencing company proceeding 15mins
3. Students role played the case study 2 as modified on company proceedings. -40 Mins.
5. Discussion by students on the role play 35minutes.

15MINUTES BREAK.

7. Small group discussion on Composition and jurisdictions of IST 6 20 mins
8. sample presentation by each group- 30minutes
9. Drafting exercises on headings and reliefs of an Application -30 mins.
10. assessment of the draft by student- 20 mins
11. Brainstorming on jurisdiction of IST and mode of enforcement of its judgement- 10 mins

E: ASSESSMENT: Question and Answer -10 Minutes

F: **RESOURCES:** PowerPoint Projector. Flip Chart, Statute books, FHC Rules and IST Rules.

WEEK 19- WINDING UP OF BUSINESS ORGANIZATIONS 1(COMPANIES)

B LEARNING OUTCOME: At the end of this lesson, you will be able to:

1. Identify the significance of the concept of winding up of companies.
2. List the various types and features of winding up under CAMA.
3. Identify the various officers and rules governing the winding up and dissolution of companies in Nigeria. .
4. Identify the relationship between winding up and dissolution of companies
5. Identify ethical issues in the winding up of companies.

C. CONTENT:

1. Legal effect of winding up and dissolution of company.
2. Types of winding up recognized by the Companies and Allied Matters Act
3. Officers involved in winding up.
4. Applicable Rules for the Winding up of Companies
5. Procedure for different types of winding up of companies.
6. Ethical issues involved in company winding up

D.ACTIVITIES:

1. Tutor overview on company winding up- 40 mins
2. Students prepare a checklist of types of winding up, various rules and officers involved in company winding up-15minutes.
3. Role play on one of the grounds for winding up a company as contained in the case study 2 by students- 45 minutes.
5. Discussion by students based on the role play- 20 mins

15MINUTES BREAK.

6. Simulation of court proceedings on winding up a company by students based on case study 2.- 35 Minutes
7. Discussion by students in small group session and drafting of winding up resolution, declaration of solvency and petition for winding up -30 mins
8. Sample presentation by each group.- 30mins.
9. Brainstorming on ethical issues arising from winding up of company- 10 mins

E . ASSESSMENT: Questions & Answers- 15mins.

F: RESOURCES:

PowerPoint Projector, flip Chart, Statute books, Winding up Rules and SEC Law Report.

WEEK 20.

A.TOPIC: WINDING UP OF BUSINESS AND NON –BUSINESS ORGANIZATION 2: (PARTNERSHIP, INCORPORATED TRUSTEE)

B. LEARNING OUTCOME: At the end of this lesson, you will be able to:

1. List the procedure and steps for dissolution of partnership/
business name
and incorporated trustee
2. List the various rules governing the dissolution of companies
and
Incorporated Trustee
3. Identify ethical issues in the winding up and dissolution of
incorporated
trustees, partnership/business name.

C.CONTENT:

1. Rules for winding up and dissolution of incorporated trustees
2. Procedure for the dissolution of Incorporated Trustee.
3. Procedure for dissolution of partnership and business name

D. ACTIVITIES.:

1. Tutor overview on dissolution of partnership/ business name 40
mins
2. Students prepare a checklist steps and procedures in winding up
and
dissolution of incorporated trustee and dissolution of business
name/
Partnership- 20m
3. Presentation by small groups- 30 mins
4. Small group discussion by Students- 30 mins

15MINUTES BREAK.

5. Tutor over view on dissolution of incorporated trustee 40 mins
- 6.Role play on the dissolution of incorporated trustee- 40 mins
- 7.Drafting of relevant resolutions and document 20 Minutes

E: ASSESSMENT: Question and Answer (10 Minutes)

F: RESOURCES: Flip charts, Course hand books, Statute.

CASE STUDIES**CASE STUDY 1:**

At the recently concluded Abuja International Trade Fair, Abdullah Ibn Seikh and Abubakri Amin, Malaysian businessmen signed an M.O.U. with Chief Nosakhire Iyare, the Sole Proprietor of Nosak Palm Produce (Nig.) Enterprises towards the formation of Nigerian Limited Liability Company. The Malaysians are eager to know the position of the Nigerian Law on participation by non-Nigerians in the country's economy. Part of the agreements in the M.O.U. is the incorporation of a Company at the CAC with a minimum share capital of 10,000,000 ordinary share of N1.00 each after signing the usual pre-incorporation documents. The proposed names of the company are (1) Gold Palms (Nig) Ltd or (2) West Coast Palms (Nig) Ltd. For the purpose of the incorporation, the subscribers to the memorandum and article of association will also be the first Directors. Their particulars are:

- (1) Chief Nosakhide Iyare, (73 years), 2,000,000 (ordinary shares) out of which 40% will be paid for through the provision of its business premises at No1 Ikpoba Road, Benin City, Edo State, as office accommodation for the company when formed.
- (2) Abdullah Ibn Seikh (31 years) 5,000,000 (ordinary shares)
- (3) Abubakri Amin (17 years) 3,000,000 (ordinary shares).

The Malaysians are very optimistic that the Nigerian Company will gain immensely from their wealth of experience in Palm Produce business and are therefore looking forward to increasing the share capital and converting to a Public Company to take advantage of the fast growing Nigerian capital market all within five years of incorporation.

They desire to know the procedure and cost implication ahead of time.

The Directors are also desirous of knowing the sources and types of Company capital in Nigeria as well as the procedure for the various restructuring options available to:

- (1) Private Companies in Nigeria and
- (2) Public Companies in Nigeria.

Directors also want to know the procedure and cost implication of registering a non-profit organization to enable their Company fulfill the CSR statutory obligations now imposed on Public Companies operating in Nigeria.

Five years after incorporation as a Public Company, Gold Palms (Nig.) Plc. employed Abdullah Ibn Seikh as managing Director and Miss Fyneface Adah, a lawyer as Company Secretary. Six months after the Managing Director, gave the Company Secretary a sack letter for failing to honour a dinner date at Transcorp Hilton. The Board of Directors is bent on removing the MD which they believe will also automatically operate as his removal from office as a Director in the Company because of his insubordination and overbearing

disposition to the Board of Directors. Mr. Abdullah has been served a letter to this effect.

As a result of the internal wrangling of the Board of Directors, the Company suffered series of financial losses that has prevented it from servicing the ₦1 Billion syndicated loan facility advanced to it by Zenith Bank (Nig.) Plc. Intercontinental Bank (Nig.) Plc and Skye Bank (Nig.) Plc; The Banks have resolved to exercise their rights as

Creditors to wind up the Company and apply the proceeds to satisfy their outstanding loans and accrued interest.

As one of the young lawyers in the law firm engaged by the persons involved, identify the legal issues arising from the above scenario and proffer appropriate legal remedy within the confines of the Nigerian Corporate Law and Practice.

CASE STUDY 2

Alhaju Aminu Wadata carried on the business of importation and sale of sugar in Kano under the name of Wadata and Sons. Due to expansion of the business, he has decided to establish a Sugar factory in Wadata, a village in Kano State. His first son, Bala wo holds an MBA from Harvard has prevailed on his father to incorporate a private company limited by shares to take over the business carried on by Wadata and Sons. In addition, Bala has been able to persuade two of his foreign friends to take part in the business.

The new company is to begin with a share capital of N5b divided into 5 billion ordinary shares of N1.00 each. The business of Wadata and Sons is to be acquired by the new company for the sum of N2.5b for which shares of that value is to be credited as fully paid up shares. While Bala and his 17 old sister would take 450m and 50m shares respectively. The remainder of the shares would be subscribed to equally by Bala's friends Ken Wood, an American and Richard Stone, a Briton. In addition, Ken Wood has promised to bring in loan from an American Bank to shore up the capital base of the Company

- (1) As the legal adviser to Alh. Aminu Wadata, explain to him the steps you will take to register the new company
- (2) What other issues would you have to ask for clarification in order to register the new company
- (3) Draft the memorandum of association of the company showing the first two object clauses
- (4) Outline the fiscal advantages that may accrue in Ken Wood's plan to bring in the foreign loan
- (5) Explain the extant laws relevant to the participation of Wood and Stone in this venture
- (6) Itemise all the documents that you would need to file in order to register the company

After Wadata and Sons Limited was incorporated, it was discovered that the capital of the company was insufficient to run the business as planned. In order

to raise capital from the public, it was suggested that the company be re-registered as a public company. However, Alh. Aminu prefers that the name of the company be changed to Wadata International Limited. In addition, he was of the opinion that they should include sale of salt in the business of the company. State the procedure you would adopt and the documents you would file in the following circumstances

- (a) In effecting the re-registration from Wadata and Sons Limited to a public company
- (b) Assuming they decided to change the name of the Company to Wadata International Limited
- (c) Assuming they decided to include the sale of salt as part of the business of the company.

As a result of the company's decision to go public, Richard Stone signified his intention to opt out of the company. He indicated that he has concluded agreement to sell his shares to Mr. Ali Bambur, a Ghanaian friend of his. His decision did not go down well with Bala Wadata who has now moved that Richard Stone's shares be transferred to his elder brother, Sale Wadata and Mr. Stone be removed as an Executive Director with immediate effect.

- (i) Explain what steps Mr. Stone would take to effect the transfer of his shares. Assuming he is transferring only 50% of his shares, would the procedure be the same?
- (ii) State the detailed steps required to remove Mr. Stone

The company had embarked on an ambitious project of setting up a world class sugar factory. For this purpose, it borrowed \$5M from Nat-West Bank Ltd., to finance the setting up of its factory. Unfortunately, the company could not obtain the much needed raw material i.e. sugarcane as a result of draught that persisted. In addition the government has since lifted the ban on importation of sugar. The loan taken from the Nat-West Bank had become due for payment since December 2005. The company is considering winding up the company

- 1(a) Briefly discuss the various types of winding up provided for under the CAMA
- (B) Assuming the North West Bank Ltd wants to get their own man apart from the directors to run the company, how will they achieve their aim.
- 2(a) Draft the statutory letter of Demand
- (b) State the procedure that is to be adopted to enable the Bank have an upper hand in the winding up process
- 3(a) Who are the persons that may bring a winding up petition
- (b) Draft the resolution where the company requires that its affairs be wound up by the court
- 4(a) Assuming the company is able to pay its debt, state the procedure where it intends to wind up the company
- (b) Draft the necessary Declaration
- 5(a) Mention the steps you will take in presenting a winding up petition
- (b) Distinguish between

- a. Official Receiver and a Receiver
 - b. Provisional Liquidator and Liquidator
6. Draft the Petition for winding Up

LAW IN PRACTICE: SKILLS ETHICS AND PROFESSIONAL RESPONSIBILITY

There are two modules presented under Law in Practice comprising skills subjects and ethics and professional responsibility. The titles of these two modules are:

1. Communication and ADR Skills (skills);
2. Professional Responsibility (ethics).

The skills and ethics sessions shall be in small groups and the lessons shall be presented in a way to integrate the learning from the following modules- Criminal litigation, civil litigation, corporate law practice, and property law. This would give students the opportunity to understand how ethics work in real life and demonstrate the skills relevant to the daily application of the subjects of the modules in practical law.

1. Professional ethics and responsibility

Goals

1. To equip the students with the knowledge of the ethics of the profession as well as their professional responsibilities in the course of their legal practice and leadership roles.
2. To impart in the students the knowledge of relevant statutes and bodies which regulate the legal profession, including the judiciary.
3. To educate the students on how to set up, equip and manage law offices including the staff.
4. To acquaint the students with elementary accounting procedures relating to the keeping and management of the statutory (obligatory) accounts.

General course outcomes

1. At the end of the course, students will be able to exhibit a high degree of professional conduct in the course of their practice of the profession and in their relationship with the society in general.
2. Students will be able to set up, equip and manage a law firm.
3. Students will also be able to maintain and manage the statutory account and make entries in the relevant books of accounts.

Course Contents

There are three parts of the course.

Part A**Professional ethics:**

1. Introduction.
2. History of the legal profession and regulations.
3. Controlling bodies of the legal profession.
4. Dressing and comportment.
5. Court room decorum and etiquette.
6. Dinner etiquette.
7. The role and duties of counsel to court and contempt of court.
8. The rights of a legal practitioner and restrictions.
9. Duty of court to counsel.
10. Duty of counsel to client.
11. Relationship with and duty of counsel to colleagues.
12. Duty of counsel to the community.
13. The qualities of a good advocate.
14. Duty of counsel in special circumstances.
15. Improper attraction of business.
16. Professional discipline of legal practitioners.
17. Appointment and discipline of judicial officers.

Part B**Law office management**

1. Introduction.
2. Establishment of a law firm.
3. Classification and organization of a law firm.
4. Law office, layout and administration.
5. Using information technology for administrative, financial, library and case management.
6. Planning and time management.
7. Remuneration, fees and recovery.
8. Management skills.

Part C**Legal practitioners' account**

1. General overview of legal practitioners' account rules.
2. Types of accounts.

3. Books of accounts.
4. Inspection and enforcement of accounts.
5. Legal practitioners (Remuneration for Legal Documentation and other Land Matters Order).

2. **Communication and ADR Skills (skills)**

This is divided into 3 parts:

Part A- Interviewing and counselling skills

General Outcomes

The ability to plan, prepare and conduct an effective interview, and to provide the client with appropriate counselling and advice following the interview.

Contents:

1. Meaning and purpose of client interview and counselling
2. Stages of the interview and counselling-
 - (i) Preparation for the interview
 - (ii) Starting the interview
 - (iii) Let the client tell the story
 - (iv) Develop a chronology
 - (v) Counselling
 - (vi) Closing the interview

General criteria for an effective client interviewing and counselling

1. Establishing an effective professional relationship: The lawyer should establish the beginning of an effective professional relationship and working atmosphere. At an appropriate point, the lawyer should orient the client to the special nature of the relationship (confidentiality, fees, mutual obligations and rights, duration, and plan of interview, methods of contract, etc) in a courteous, sensitive and professional manner;
2. Obtaining information: The lawyer should elicit relevant information about the problem from the client. "Relevant information" may include matters that affect the client considerably but are not "legally" relevant. They should develop a reasonably complete and reliable description of the problem and reflect this understanding to the client;
3. Learning the client's goals, expectations and needs: The lawyer should learn the client's goals and initial expectations and, after, input from the client, modify or restate them as necessary, giving attention in doing so to the emotional aspects of the problems;
4. Problem and analysis: The lawyer should analyse the client's problem with creativity and from both legal and non-legal perspectives and

- should convey a clear and useful formulation of the problem to the client;
5. Legal analysis and giving advice: Legal analysis and the consequent legal advice given should be both accurate and appropriate to the situation and its context. If appropriate, the lawyer should give pertinent and relevant non-legal advice.
 6. Developing reasoned courses of action (options): The lawyer, consistently with the analysis of the client's problem(s), should develop a set of potentially effective and feasible options, both legal and non-legal;
 7. Assisting the client make an informed choice: The lawyer should develop an appropriate balance in dealing with the legal and emotional needs of the client. He/She should assist the client in his or her understanding of problems and solutions and in making an informed choice, taking potential legal, economic, social, and psychological consequences into account;
 8. Ethical and moral issues: The lawyer should recognise, clarify and respond to any moral or ethical issues which may arise, without being prejudicial in judgments;
 9. Effectively concluding the interview: The lawyer should conclude the interview skilfully and leave the client with a feeling of reasonable confidence and understanding; appropriate reassurance; and a clear sense of specific expectations and mutual obligations to follow.

Part B - Legal Writing

General Outcome: The students should approach legal writing in a practical rather than academic manner and be selective, precise and efficient in the identification and utilisation of resources.

Specific outcome: Students should be able to:

- Learn how to produce error free documents.
- Learn how to use appropriate language and style in writing
- Develop a bird's eye for mistakes ó proofreading
- ðplanð ðwriteð and ðreviseð approach to effective writing
- Understand the client's needs
- Learn how to plan for drafting.
- Use precedents
- Cover all relevant legal or other formal requirements
- Use proper grammar and avoiding ambiguity
- Meet the client's goals, carry out the client's instructions and address the client's concerns.

Content:

1. This will involve an overview of the contents below on which students would have earlier been given reading assignments on-

- i) Stages of Drafting;
- ii) Habits to Avoid in Drafting;
- iii) Aid to Clearness and Accuracy;
- iv) Sentences and Paragraphs;
- v) Letter Writing;
- vi) Designing the Draft;
- vii) Rules of Interpretation.

2. Special attention will be given to exercises in letter writing, opinion writing, letter before action, written submissions, agreements, power of attorney, minutes writing, wills, report writing, emails and research reports.

3. By the conclusion of this aspect of the course students should be able to draft a range of business letters, prepare legal opinion indicating an understanding of available facts, general principles and legal authority, in a structured, concise and persuasive manner.

4. The students will devote their time to practically learning the following by directly applying their skills on a case study to be made available to them prior to the session on -

i) Simple opinion writing on the essentials of the endorsement of the Governor's consent for a valid deed. This must pay particular reference to the stages of drafting which shall include design, planning and outline of a draft, composition, scrutiny, editing and checking the draft.

ii) Draft of a Deed of Conveyance. Particular attention must be placed on habits to avoid in drafting with particular reference to archaic words, passive language, verbosity, excessive and intricate expressions, unfamiliar words, tone, and inconsistency.

iii) Particular attention must also be placed on aid to clearness and accuracy in drafting which include- certain words that should be avoided, certain words that should be used to avoid context, ambiguity, punctuations, capitalization, definitions and interpretation clauses, interpretation act, The use of schedule, marginal notes and cross headings and computation of time.

iv) Sentence structure and paragraphing techniques must also be practised.

v) Information Letter and Persuasion Letter.

Note that these letters must pay particular reference to words of negotiations; letter headed paper; letter layout; the form of a letter which include letter references; date; status of a letter; name and address; attention; salutation; subject heading; body of the letter; subscription or complimentary close; signature; name; enclosures; copies and continuation sheet.

vi) Report writing.

vii) Minutes writing. The exercise will be taken only after the topic Company Meetings has been treated in the course Corporate Law Practice. With the corporation of the Corporate Law Practice Department, a short mock company

meeting will be shown to the students during one of the large group sessions of Corporate Law practice using videos. The students will be given instructions to record the proceedings of the meeting and write the minutes. Each small group will be subdivided into five subgroups who will write and each submit a minutes of the mock company meeting.

5. Legislative Drafting.

Part C – Alternative dispute Resolution (ADR)

1. THE GOALS AND OBJECTIVES OF THE COURSE

- (a) To educate the students on the availability of other methods of resolving disputes without recourse to Litigation and the advantages associated with the processes.
- (b) To acquaint the students with the ethical values of the legal profession when engaged in an alternative dispute resolution process.
- (c) To equip the students with the necessary skills and techniques needed for engaging in an Alternative Dispute Resolution process.

2. Contents and outcomes:

General

- (i) Ability to explain to a client what ADR processes are and the differences between them, Knowing how to identify clients needs.
- (ii) Demonstrate understanding of the law and procedure of arbitration
- (iii) Demonstrate understanding of the principles and processes of negotiation and mediation
- (iv) Conduct a negotiation and mediation
- (v) Explain the scope and mechanisms of court- connected ADR centres.

Negotiation:

- (i) Overall aims:

The student should be able to:

- (a) Demonstrate an understanding of the importance of negotiation as a means of settling a case;
- (b) Demonstrate an understanding of the importance of planning a negotiation;
- (c) Select strategies and methods for conducting a negotiation that further the client's best interests;
- (d) Demonstrate an understanding of the need to observe professional ethics when conducting and concluding a negotiation.

(ii) Planning

When planning a negotiation the student should be able to:

- (a) Identify the factual and legal issues and how they relate to each other;
- (b) Identify the objectives of the client and of the other side;
- (c) Identify any conflict in the objectives of both sides and identify means of resolving such conflicts;
- (d) Prioritise objectives;
- (e) Identify the strengths and weaknesses of each side;
- (f) Counteract the perceived weakness of his/her own case, undermine the strengths of the other side's case, and exploit weaknesses of the other side's case;
- (g) Identify the best alternative to a negotiated settlement (BATNA) and bottom line as appropriate.

(iii) Conducting

When conducting a negotiation the student should be able to:

- (a) Choose and implement a strategy or strategies for achieving the realistic objectives of the client;
- (b) Modify and/or change the chosen strategy or strategies as appropriate;
- (c) Construct and work within a structure that allows the negotiation to proceed in a clear, logical and coherent fashion;
- (d) Present arguments clearly and in a confident and persuasive manner;
- (e) Present the case in a favourable light by emphasizing its strengths and mitigating its weakness and in a way that is likely to achieve its desired ends;
- (f) Pick up points made by the opponent and reply in a way that progresses the client's case;
- (g) Respond to offers made and make concessions where it is in the client's best interest to do so, but not otherwise;
- (h) Seek to protect the client's position against the arguments of the opponent and respond in a way that is likely to achieve the desired ends;
- (i) Demonstrate an understanding of the need to observe professional ethics, when conducting and concluding a negotiation.

Mediation:

The overall learning outcome is to educate students in the mediation process and in mediation advocacy so that, when they begin to practice or work, they may provide well-informed advice on all aspects of mediation and represent clients effectively in mediations.

In order to do this, students need to become acquainted with the skills and techniques adopted by mediators and need to acquire an insight into how mediators work. However, the course does not set out to train them as mediators. The course will cover the following:

- (i) Knowledge-based Aspects of Mediation
 - (a) The essential characteristics of mediation
 - (b) Mediation compared and contrasted with other forms of ADR, especially negotiation, arbitration and litigation.
 - (c) The scope of mediation in various contexts
 - (d) The suitability or otherwise of mediation
 - (e) The structure and stage of the mediation process
 - (f) Different models of mediation
 - (g) Ethical issues, including relevant codes of practice
- (ii) Mediation Skills
 - (a) Advising and preparing and representing lay clients
 - (b) Organization concern
 - (c) Advocacy and negotiation in a mediation
 - (d) Awareness of the mediator's skills and techniques
 - (e) Drafting case summaries and settlement agreement.

Arbitration:

1. Arbitrable matters and arbitration clause/agreement

OUTCOME: Able to:

1. Explain arbitrable and non arbitrable matters
2. Identify the law that governs arbitration in Nigeria
3. Explain the features of an arbitration agreement
4. Draft an arbitration clause

CONTENTS:

1. Arbitrable and non arbitrable matters
2. Arbitration agreement
3. Draft an arbitration clause
4. Ethics in arbitration

2. Arbitration proceedings, challenge and enforcement of award.

OUTCOME: Able to:

1. Describe arbitration proceedings
2. Explain how to challenge an arbitral award

3. Explain how to enforce an arbitral award

CONTENT:

Arbitration process or proceedings:

- i. Notice of arbitration
- ii. Constitution of the arbitral tribunal/challenge/jurisdiction
- iii. Commencement
- iv. Pleadings
- v. Hearing
- vi. Award, challenge and enforcement
- vii. Termination of proceedings

WEEK 3- OVERVIEW

1. Overview of Law in Practice Course
2. Various methods of disputes resolution and discuss the advantages/ disadvantages of one over the other;
3. The scope and mechanisms of court- connected ADR centres like the Lagos and Abuja Multidoor Court Houses;
4. Requirement of the rules of professional conduct for lawyers and High court Rules with regard to advising on ADR;
5. Overview of the Rules of Professional Conduct for Legal Practitioners

OUTCOMES

At the end of the lesson students would be able to:

1. Discuss and Explain the scope of the Law in Practice course;
2. Describe the various methods of disputes resolution and discuss the advantages/ disadvantages of one over the other;
3. Explain the scope and mechanisms of court- connected ADR centres;
4. Describe requirement of the rules of professional conduct for lawyers and High court Rules with regard to advising on ADR;
5. Review the rules of Professional Conduct for Legal Practitioners

ACTIVITIES:

1. Students are required to read in advance of the lesson the following: any texts on dispute resolution, and ADR methods; the Lagos State/Abuja High FCT Multidoor court House Rules; and the Civil Litigation Case Studies 1 and 2;
2. Tutor reviews the scope of the Law in Practice Course and how it would be integrated with the other courses, with questions and answers ó 30 minutes
3. Students are grouped to discuss and list various methods of dispute resolution and the advantages/ disadvantages of one over the other ó 30 minutes

4. Sample presentations are made and general discussions follow ó 30 minutes
5. Students are grouped to discuss the civil case studies 1 and 2 and decide if, and at what stage the matters can be settled outside litigation, the type(s) of ADR to be deployed and the limitations of the one(s) suggested ó 10 minutes
6. Sample presentations and general discussion follow ó 15 minutes
7. Tutor gives an overview of the multidoor court house and questions and answers follow ó 10 minutes

15 MINUTES BREAK

8. Tutor gives an overview of the History of the Rules of professional conduct, the enabling law(s) and enacting body with questions and answers ó 10 minutes
9. Tutor requests students to discuss in groups and state acts that they consider should be misconduct under the rules ó 10 minutes
10. Sample presentations are made with general discussions on the list ó 15 minutes
11. Tutor projects using power point slides questions relating to acts that may or may not fall within the Rules and requests students to respond to each on whether the act(s) constitute misconduct under the Rules with reasons. These questions should include the requirement on advising on ADR before litigation. Tutor explains the correct position on each issue- 1 hour and 15 minutes
12. Assessment and Evaluation ó 5 minutes

WEEK 4- INTERVIEWING AND COUNSELLING SKILLS/ETHICS- LAWYER'S DUTIES TO CLIENTS OUTCOMES

At the end of this lesson students would be able to:

1. Discuss and explain the lawyer's duties to the client;
2. Explain the purpose, stages and criteria for an effective client interviewing and counselling;
3. Plan and prepare for a client's interview
4. Conduct an interview

ACTIVITIES

1. Students read in advance rules 14- 25 Rules of Professional conduct for legal practitioners; S. 170(1) Evidence Act and the case of *R v Egbuabor* (1962) 1 All NLR 287;

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2. In the class, tutor presents short questions, issues and examples of scenarios drawn from the subjects of week 4 modules related to these duties and students would be required to answer/discuss the questions/issues/examples presented ó 1 hour 45 minutes
3. Assessment and evaluation ó 15 minutes

15 MINUTES BREAK

4. Tutor gives an overview of client interviewing and counselling with questions and answers-30 minutes;
5. Tutor presents a scripted role play that raises issues of meet and greet stage, starting the interview and telling the story stage; and issues of conflicts of lawyers interest and confidentiality. (The role play would not extend to counselling stage) ó 15 minutes
6. Students discuss the role play and the issues raised ó 20 minutes
7. Students perform additional role plays or video clips are shown; debrief and discussions follow ó 40 minutes
8. Assessment ó 5 minutes

WEEK 5 – LETTER WRITING/DUTY TO CLIENT GENERALLY AND ON ACCOUNTABILITY AND COSTS/CHARGES

OUTCOMES

1. Discuss and explain the lawyer's general duties to clients and on accountability and costs/charges;
2. Write client's letter

ACTIVITIES

1. Tutor and students reviews week 4 lesson on duties to clients; other general duties to clients and duties on accountability and costs/charges-30 minutes
2. 2 Role plays are presented ó 5 minutes
1. Discussion of the roles (This will entail discussions on the first Role Play which is on Legal Practitioners' general duty on charges of professional fees; the second role play which is on the procedure for the recovery of professional fees by legal practitioners.; and Judicial authorities on professional charges and recovery of professional fees will also be discussed here) ó 35 minutes
2. Tutor presents a checklist of guidelines for standard lawyer's letter to client and discussion follows- 40 minutes
3. Assessment and evaluation ó 10 minutes

15 MINUTES BREAK

4. Tutor presents short case studies connected with the subjects of week 5 modules and students are required to write client letters on these case studies ó 40 minutes
5. Sample letters are presented and plenary discussions follow using the checklist of guidelines for writing standard client letters- 1 hour
6. Assessment and evaluation ó 20 minutes

THE ROLE PLAYS

ROLE PLAY 1

- Barrister:** Good Morning. Yes can I help you?
Mr. Ameh: Good Morning Sir. I have a legal problem and I need the services of a lawyer.
Barrister: You are welcome. Please sit down and let me know your problem.
Mr. Ameh: First I must let you know that I have no resources to pay legal fees. I am hoping to get legal services on humanitarian grounds. I have been out of job for two years now and my wife and kids are barely surviving. Can you help me?
Barrister: I may. What is your problem?
Mr. Ameh: I noticed that the 2 plots of land allotted to me two months ago as my portion of the family land is being encroached upon by an unknown trespasser.
Barrister: You have no problem. I will handle the case for you and if you are successful, you will assign one of the plots to me as your payment for my professional services; or you sell the two plots and we share the money equally.

ROLE PLAY 2

- Barrister:** *(A knock on the door)* Yes who is it?
Mr. Onuh: Good Morning. You sent for me.
Barrister: *(Immediately frowns on recognizing him and says angrily in a rather loud voice)* Let me sound a note of warning to you. No body, I mean no body trifles with me and gets away free. I sent you a bill of charges last week. Why haven't you paid?
Mr. Onuh: *(Looking shocked and ruffled stammers)* I.. I was going to send you a cheque before the end of the week and have already instructed...
Barrister: *(Interjects him in a loud voice)* Look here. If you do not pay up this money before the end of today I will send my boys to teach you a lesson. That way you will realize that no one, I mean no one plays a fast one on me on my charges. Understand?

WEEK 6 – Law Office Management/Interviewing and Counselling**Law Office Management**

1. Establishment, classification and organisation of law firms; How to find and establish a law office; How to acquire office equipment and list the various office equipment, machines and supplies;
2. Law office administration; How to efficiently run and manage a law firm- Time management; Filing system; Law office records;
3. Classification and organisation of law firms; Classification of law firms and criteria for the classification of law firms; small, medium and large firms, criteria for classification: location, client base, facilities, status and number of lawyers in the firm; various types of law firms; the advantages and disadvantages of each type of law firm; explain the restrictions placed on lawyers by the rules against forming partnership with non lawyers; sole practitionership, sole proprietorship, associateship, partnership, advantages and disadvantages of each unit of practice, restriction on law partnership;
4. Planning and time management; three types of planning; the external environment that affects planning; types of planning: strategic, tactical and operational; social, political and economic environments; items requiring planning; items of planning: finance, service, clients, facilities, staff; types of legal work in time management; order in which legal work may be prioritised; handling office correspondence; legal component, non-legal component, office correspondence, prioritising of legal work; personal reminder systems (office and firm diary, personal computer), firm-wide reminder system (pre-printed form, office computers).;
5. Management structures; the four classes of management system of law firms; management by sole owner; management by managing partner; management by a committee of partners; management by all partners; drafting vision, mission statement and goals ;
6. Management functions: planning; explain the components of planning as one of the management functions in running a law office; the types of planning; things to plan for in a law office; finance, service, clients, facilities; and staff ; Management functions: organising & coordinating; identify the strategies for implementing the plans; explain the main resources of a law firm; explain how to co-ordinate the work flow of a law firm; how to implement the planned areas; how to organise resources of the firm; assignment/delegation of work in the firm and harmonisation of work for efficiency;
7. Management functions: controlling & evaluation; Explain how to measure planned areas with set goals to ensure effectiveness; Identify when a firm is well staffed, under staffed or under-utilized; Explain how to evaluate the financial state of law firms; How to monitor the

- performance of work; How to monitor facilities, staff and clients of the firm; Measurement of services rendered to clients and clients' relationship with firm; How to evaluate financial performance of firm;
8. The various management skills required to run a law firm- organizing and co-coordinating functions in the firm;
 9. The mandatory requirement for registration of legal practitioners once the person commences business under Rule 13 Rules of Professional Conduct.
 10. The requirement of the rules for the appointment of SAN regarding law offices.

OUTCOMES

At the end of this lesson students would be able to:

1. Explain and discuss the requirements for the establishment, classification and organisation of a law firm;
2. Explain the purpose for developing a chronology of a story during a clients interview and the principle of counselling
3. Conduct an Interview and counsel.

ACTIVITIES

1. Students are to prepare the topic(s) in advance of the class work;
2. In the class, tutor gives an overview of law office management ó 30 minutes
3. Students are grouped into firms and required to draw up list of advantages and disadvantages of various types of law firms; make a choice and draft mission/vision statements and goals of the proposed firm and how they would go about the evaluation of the firm after setting it up. The Groups may carry out this activity outside the class ó 40 minutes
4. In the class, presentation of sample group work and discussion ó 40 minutes
5. Assessment ó 10 minutes

15 MINUTES BREAK

6. Tutor reviews week 4 lesson on interviewing and counselling drawing attention to the check list ó 10 minutes
7. Tutor presents case studies (from any of week 6 modules) for Students to conduct interviews before the plenary focusing on developing a chronology of a story, counselling and closing the interview. There should be a debrief/discussion/critique of each presentation by students and tutor- 1 hour 30 minutes
8. Assessment: questions and answers ó 20 minutes

WEEK 7- Drafting: Basic principles/IT in Law Office management

Drafting: Basic principles

A. GENERAL OVERVIEW ó DESIGNING THE DRAFT

General Outcomes

1. demonstrate how to plan for drafting
2. demonstrate how to use proper language and grammar and avoid ambiguity in drafting.
3. demonstrate how to use precedents in drafting documents.
4. demonstrate how to produce error free documents
5. observe the need to adequately represent the intention of the clients in drafting documents.

B. STAGES OF DRAFTING

- a. Design
- b. Planning and outline of a draft
- c. Composition
- d. Scrutiny
- e. Editing and checking the draft

C. HABITS TO AVOID IN DRAFTING

1. Identify the difference between the traditional way of drafting and the modern form of using plain, simple and precise English.
2. Identify words and phrases which act as pitfalls to good drafting technique
 - i) Words and phrases that are uncommon and intricate Expressions.
 - ii) Verbose statements and excessive use of words.
 - iii) Archaic words and expressions.
 - iv) Latin words and phrases.
 - v) Use of pronouns instead of nouns, adverbs instead of verbs.
 - vi) Improper use of words e.g. will, may, shall.
 - vii) Clumsy and inelegant words and phrases
 - viii) Redundant words/phrases, jargon and technical terms.

D. AID TO CLEARNESS AND ACCURACY

- i) punctuations
- ii) Capitalizations
- iii) Use of Definitions
- iv) Use of Interpretation Clauses
- v) Words in use to avoid context, ambiguity
- vi) Conveyancing Law and Interpretation Act 1964, SS14 & 18. E.g.
(a) Month (b) person
- vii) Brackets
- viii) Schedule (A.G.V.Lamplough (1878) 3 EXD 214)

- ix) Repetition of preposition
- x) Enumerating particulars and the Exclusion of the 'Ejusdem generic rule' (Cotman v. Brougham (1981) A 514).
- xi) Cross headings and Computation of time.

NOTE the value is the importance of making use of appropriate words and phrases to adequately represent the intention of client.

E. SENTENCES AND PARAGRAPHS

- i) Sentences- a) Sentence; b) Lengths of sentences; c) Use of active words
- ii) Paragraphing technique
- iii) Lengths of Paragraphs
- iv) Numbering and indentation in Paragraph

NOTES: Identify and define sentences and paragraphs; Identify a legal sentence in sentence structure; Observe how to form and write straight forward and meaningful sentences; Observe paragraphing technique.

Information technology in law office management

A. Using Information Technology for Administrative legal work

The role and impact of information technology on effective Law office administration.

B. Using Information Technology in solicitor's financial transactions

- i. The use of accounting software
- ii. Book keeping and accounts through the use of computers by solicitor

C. Using Information Technology in a law library

- i. The meaning of e-library/virtual library;
- ii. The usefulness of e-library/virtual library to legal research

D. Using Information Technology for effective case management

- i. The meaning of case management
- ii. How to use effective case management in law office management

OUTCOMES

At the end of this lesson students would be able to:

1. Explain and discuss the basic principles of drafting
2. Draft basic documents
3. Discuss the use of information technology in a law office

ACTIVITIES

1. Tutor gives an overview of basic principles of drafting/questions and answers ó 30 minutes
2. Tutor presents examples and students use the examples for exercises that illustrates the basic principles -30 minutes
3. Using any of the case studies from any of the modules, and a check list, students draft a short legal opinion- 20 minutes
4. Sample presentations of the drafted legal opinion are made and discussions follow ó 30 minutes
5. Assessment ó 10 minutes

15 MINUTES BREAK

6. Tutor gives an overview on the use of IT for administrative legal work, solicitor's financial transactions, law library, and case management ó 30 minutes
7. Students are grouped to prepare for presentation, advantages/disadvantages; challenges and solutions to the challenges in the use of IT in Nigeria for Lawyers administrative legal work, financial transactions, law library and case management- 30 minutes
8. Presentations and general discussions follow- 40 minutes
9. Assessment ó 20 minutes

NOTES: Tutor should give the students take-home assignments. The assignment would be submitted and reviewed as part of the Law Office attachment portfolio assessment. The following are the assignments:

- i) Each Student should create a data base of the students in his/her group;
- ii) Tutor should present an assignment where the students would use a software to create a simple financial transaction like a statement of account to a client

WEEK 8 – Drafting: Formal documents/Appointment and discipline of judicial officers

OUTCOMES

At the end of this lesson, students would be able to:

1. Draft minutes of a meeting
2. Draft a curriculum vitae
3. Explain the qualification and procedure for the appointment of Judicial Officers

4. Discuss and explain the grounds and procedure for disciplining judicial officers

NOTES: Students should read in advance the following:

1. The Constitution
2. Code of Conduct
3. Case Law on the discipline of Judicial officers
4. Revised National Judicial Council Guidelines and procedural rules for appointment of Judges and Kadis
5. Code of conduct for Judicial Officers of the Federal Republic of Nigeria

ACTIVITIES

1. Tutor gives an overview of the guidelines for drafting generally and requests random presentations from students on format of minutes of meetings and curriculum vitae ó 30 minutes
2. Students are grouped to hold a meeting of their law firm and each student in the group to write minutes of the meeting ó 30 minutes
3. Sample presentations of minutes and discussions follow in plenary ó 30 minutes
4. Random discussions between tutor and students on the qualification and procedure for appointment of Judicial Officers ó 30 minutes;

15 MINUTES BREAK

5. Each student prepares applications to be appointed a Judge of the High Court and a Kadi Sharia Court of Appeal/Judge of Customary Court of Appeal. The application should be short but must indicate why the student thinks he/she is qualified for the appointment. Students are to prepare a Curriculum Vitae as part of the application ó 30 minutes
6. Sample presentations are made and discussions follow ó 20 minutes
7. Random discussions between tutor and students on the grounds and procedure for disciplining and removal of judicial officers ó 50 minutes
8. Assessment ó Questions and answers- 20 minutes

WEEK 9 – Lawyers Duty to Court, State and Profession/ Corruption Issues

OUTCOMES

At the end of this lesson, students would be able to:

1. Explain lawyer's duties to the court, state and the legal profession;

2. Identify and discuss concretely and specifically what aspects of the legal system are troubling as to their unethical or corrupt nature and unjust results and how these encourage or pressure lawyers to behave in corrupt or unethical ways;
3. Suggest concretely and specifically what lawyers could do to make the system act more ethically and justly as well as how lawyers can and should behave when the system is operating as it is.

CONTENTS

1. Duty to observe the rule of law, promote and foster the course of justice, and maintain a high standard of professional (and ethical) conduct ó Rule 1;
2. Corruption and economic crimes and the lawyers' role;
3. Duty to prevent admission of unfit and unqualified persons into the legal profession and aiding the unauthorized practice of the law - Rules 2 and 3
4. Avoidance of intermediary in the practice of the law and association for legal practice ó Rules 4 and 5
5. Engagement in business and lawyers in salaried employment- Rules 7 and 8
6. Notification of legal practice; payment of practicing fee; use of stamp and seal; and mandatory continuing legal education (see www.icle.nigerianbar.org for the rules and guidelines for mandatory continuing legal education) ó Rules 9 - 13
7. Lawyer as officer of Court- Rule 30
8. Duty of lawyer to Court and conduct in Court ó Rules 31- 36
9. Responsibility for litigation- Rule 24
10. Employment in Criminal Cases and Lawyer for an Indigent accused ó Rules 37 & 38
11. Investigation of facts and Production of witnesses, etc.- Rule 25
12. Improper attraction of business ó Rules 39 - 47
13. Fellowship and Precedence- Rule 26
14. Good faith and fairness among lawyers ó Rule 27
15. Associating with other lawyers in matter and change of lawyer ó Rules 28 & 29

ACTIVITIES

NOTE: Students are expected to read the topics in advance of the class activities including Rules of Professional Conduct for Legal Practitioners, case law, case studies, and scenarios on the subjects; Statutes on corruption, economic crimes and codes of ethics, like the Criminal and Penal Codes, Economic and Financial Crimes Act, etc.

1. In the class, students meet in small groups to: (i) Identify and discuss the impact of corruption unethical behaviour, and injustice generally in the society; (ii) Identify and discuss concretely and specifically, (a) what aspects of the legal system are troubling as to their unethical or corrupt nature and unjust results and, (b) how these encourage or pressure lawyers to behave in corrupt or unethical ways; (iii) Suggest concretely and specifically what lawyers could do to make the system act more ethically and justly as well as how lawyers can and should behave when the system is operating as it is- **45 minutes**
2. Report back session on Activity 1: In the larger group small groups share their discussions and conclusions- **45 minutes**;
3. **Tutor** to present scenarios, quizzes (either in hard copies or projected on power point slides), and role plays on the duties to the court, state and profession and engage the students in small group discussion of these scenarios, quizzes and role plays applying the rules and case law on the rules. As much as possible the scenarios, quizzes and role plays should be taken from real or realistic examples (considered from factual contexts in which the issues come up) and applied to modules/ case studies - **30 minutes**;

15 MINUTES BREAK

4. Group work/discussions on Activity 3continue ó **45 Minutes**;
5. At plenary, sample presentations are made by the students on the discussions of the scenarios, quizzes and role plays (and discussions follow) ó **1 hour**
6. Assessment ó **15 minutes**

WEEK 10 – 1. Drafting-Rules of Interpretation and construction of statutes and documents;

2. Contempt of Court.

Contents

1. General principles (and maxims) of Interpretation of Statutes, Deeds and contracts. Examples, literal rule, golden rule, mischief rule, ejusdem generis, contra proferentum, etc;
2. Types, purpose, procedure and punishment for contempt of court.

Outcomes

At the end of this lesson, students would be able to:

1. Explain and discuss the scope and application of rules of interpretation and construction of statutes and documents;
2. Explain and discuss the types, purpose, procedure and punishment for contempt of court.

Activities

NOTE: Students are expected to read the topics in advance of the class activities including case law, case studies, and scenarios on the subjects. See also Nworka, Chidi, "Putting the law and practice of contempt of court in proper perspective" *Nigerian Bar Journal*, Vol. 6 No. 1 Feb 2008, p. 27.

1. In the class, students (tutor assisting) lists and explains rules and maxims of interpretation known to them. The scope and application of these rules and maxims to be illustrated with interpreted judicial cases (case law) and documents drafted in week 9/10 modules and other drafted examples of statutes and documents- **45 minutes**;
2. Tutor presents sample drafts of statutes and other documents using power point slides/hard copies and students are grouped to discuss the samples and identify issues on rules and construction of documents ó **30 minutes**
3. At Plenary groups make presentations of work in No. 2 activity and general discussions and questions and answers follow- **45 minutes**.

15 MINUTES BREAK

4. Tutor gives an overview of contempt of court including the procedure and punishment ó **25 Minutes**;
5. Tutor presents role plays/written scenarios/quizzes dealing with contempt and students are grouped to discuss the role plays/scenarios and quizzes ó **30 minutes**
6. At plenary, presentations are made by the groups on the discussions of the scenarios, quizzes and role plays (and discussions follow) ó **55 minutes**
7. Assessment ó **10 minutes**

**WEEK 11 – 1. Drafting-Letter Writing 2 and cash book;
2. Legal Practitioners Accounts Rules and accounts**

Contents

1. Drafting ó letter writing;
2. Legal Practitioners Accounts Rules;
3. Obligatory accounts, books of accounts, objectives and values for keeping various books of accounts;

4. Sources of clients money; rules on clients and trust money;
5. Drafting- cash book

Outcomes

At the end of this lesson, students would be able to:

1. Write clients letter;
2. Explain and discuss the provisions of Legal Practitioners Accounts Rules;
3. Explain and discuss types of accounts, types and objectives for books of accounts, sources of client's money and how to deal with clients and trust money.
4. Draft a cash book

Activities

NOTE: Students are expected to read the topics in advance of the class activities including case law, case studies, and Example 3 and 4 in Students Hand book.

1. In the class, tutor gives an overview of the Legal Practitioners Accounts Rules and its application; types of accounts, types and objectives for books of accounts, sources of client's money and how to deal with clients and trust money- - **40 minutes;**
2. Tutor presents sample quiz/questions and students answer in writing- **20 minutes;**
3. Students present answers for plenary discussion ó **30 minutes;**

15 MINUTES BREAK

4. Tutor gives an overview of how to draft cash book, using examples ó **25 Minutes;**
5. Using Example 4 in Students Hand book or any other example presented by the tutor, students draft a cash book ó **20 minutes**
6. At plenary, presentations are made by students of activity 5 (and discussions follow) ó **30 minutes**
7. Tutor presents short case studies connected with any of the subjects/topics of week 11 modules and students are required to write clients letter on the case study (Reference should be made to the check list presented in week 5) ó **30 minutes**
8. Sample letters are presented and plenary discussion follow on the letters- **30 minutes**
9. Assessment ó **15 minutes**

WEEK 12 – **1. Advocacy Practice;**
 2. Legal Practitioners Accounts Rules and accounts 2.

Contents

1. Introduction to trial advocacy; presentation of opening statement in civil trial;
2. Classification of accounts transactions
3. Drafting- Ledger
4. Inspection of accounts and enforcement of accounting.

Outcomes

At the end of this lesson, students would be able to:

1. Discuss the general principles (including the essence and ethics) of advocacy in the context of a trial;
2. Present an opening statement in a civil trial;
3. Explain and discuss classification of transactions into personal and impersonal accounts;
4. Explain the rules and procedure for inspection and enforcement of lawyer's accounts.

Notes on Advocacy

The function of a trial is to resolve factual disputes. Trials are held in order to allow the parties to persuade the judge by recounting their versions of the historical facts. The starting point must always be your theory of the case or the story you want to tell. You would then need to present the story persuasively.

A persuasive story can establish an affirmative case if it has all, or most of these characteristics: (1) it is told about people who have reasons for the way they act; (2) it accounts for or explains all of the known or undeniable facts; (3) it is told by credible witnesses; (4) it is supported by details; (5) it accords with common sense and contains no implausible elements; and (6) it is organised in a way that makes each succeeding fact increasingly more likely. In addition to persuasiveness a story presented at trial must consist of admissible evidence.

While presenting a persuasive story, the lawyer is under duty to be bound by the truth under the rules of ethics and Rules of professional conduct. The lawyer would therefore consider his ethical boundary in storytelling under circumstances where he knows the truth; he does not know the truth, and the greater burden of the prosecution in criminal matters than that of the defence.

To prepare a persuasive trial story, envisages the following stages:

- i) Prepare a story that has a theory and a theme;
- ii) Plan your final argument;

- iii) Plan your case in chief considering your potential witnesses and exhibits; evaluating each witness individually in terms of factual weaknesses, evidentiary problems and credibility problems; Decide which witness to call;
- iv) Plan your cross-examination; and
- v) Outline your opening statement.

See Lubet Steven, *Modern Trial Advocacy, Analysis and Practice*, 2nd ed., NITA 1997, pages 1-14.

The essence of advocacy is communication. Trial advocacy is to communicate clearly and persuasively. This means three things ó ability to speak with clear voice; listen carefully and accurately noting the language indicators, and ability to question effectively. Language indicators, include speech, intonation, speed, hesitation, attitude, body posture and facial expression. You need to apply the proper etiquette to the forum or audience, like how to address magistrates as distinct from Judges; Use good and plain English. See Inns of Court School of Law Legal Skills Training Service öDo you want to hear a story.ö

Notes on Opening Speech or statement

The way to make an opening speech depends on the context- civil or criminal trial; before the judge or jury (no jury trial anymore in Nigeria); before a magistrate or a judge; in a summary trial or on information, etc.

Generally an opening statement is an outline of the story and one must be moderate in what one says, excluding references to inadmissible evidence, avoiding personal opinion adverse to the facts or likely credibility of a witness; and the statement must have structure.

Activities before the lesson

Students are expected to read the topics in advance of the class. Students prepare opening statements based on the 2 pleadings exchanged by students in week 9 civil litigation, the issues settled in week 10 (the issues settled which must include issues of facts) and the case theories developed by each party to the cases in week 11 lesson.

Activities during the lesson

1. In the class, tutor gives an overview of Introduction to trial advocacy and presentation of opening statement - **20 minutes**;
2. Tutor presents special opening speech or plays video clips of an opening speech like the Inns of Court School of Law Legal Skills Training Service öDo you want to hear a storyö .Special attention must be paid to the distinction between making opening speeches before a

Judge or Jury or between a civil and criminal trial; discussions follow ó **50 minutes;**

3. Parties present short opening speeches in their civil cases. The tutor(s) shall be the presiding Judge- **50 minutes.**

15 MINUTES BREAK

4. Tutor gives an overview of Classification of accounts transactions and drawing up ledgeró **25 Minutes;**
5. Using Example 3 in Students Hand book or any other example presented by the tutor, students draft a ledger ó **20 minutes**
6. At plenary, presentations are made by students of activity 5 (and discussions follow) ó **30 minutes**
7. Tutor gives an overview of the rules and procedure for inspection and enforcement of lawyerø accounts and presents quizzes/questions for students to answer in writing or orallyó **40 minutes**
8. Assessment ó **10 minutes**

WEEK 13 – 1. Negotiation; 2. Legal Practitioners Remuneration

Contents

1. Negotiation- Meaning, importance, planning and conducting negotiation; and ethical issues in negotiation;
2. Legal Practitioners Remuneration: tit-bits for charging- time charging, gearing, use of deposits, quotations, discounts, over billing, billing by writing, etc; Guide to fixing fee, retainers, division of fees, contingent fees; suing for fees- right to sue, competent court, conditions precedent, ascertaining proper charges by the court, taxation, awards and quantum meruit; scale of charges, charges for documentation and in contentious business; acquiring interest in litigation, security against remuneration and interest on disbursement, charges Rules making organs, ethical issues in charging and the application of Legal practitioners accounts Rules;
3. Drafting bill of charges;
4. Drafting statement of claim for recovery of charges.
5. *Pro bono* and legal aid.

Example of Negotiation Guidelines

1. Preparing for Negotiation:
 - i. Understand the facts and issues
 - ii. Decide what is the least and most you can expect

- iii. What is not negotiable
- iv. What does the other side care about/
- v. What is in both your interest

2. The Negotiating Process

- i. Try to build a good relationship with the other side
- ii. Be friendly and cordial
- iii. Speak about what you would like (eg I think, I feel)
- iv. Find out what the other side would like
- v. Brainstorm solutions or options to solve the problem
- vi. Do not make unfair or unrealistic demands
- vii. Do not become abusive, over emotional or threatening
- viii. Offer to give something away in exchange for something from the other side

3. Moving and reaching an agreement;

- i. Identify your common interests
- ii. Try to move the process if the other side does not
- iii. Consider offering a compromise
- iv. Try to make the agreement as fair as possible
- v. Use objective criteria to measure compliance with the agreement
- vi. To as much as possible to get your agreement into writing

Outcomes

At the end of this lesson, students would be able to:

1. Explain and discuss the meaning, importance and process of negotiation;
2. Plan and conduct a negotiation taking into consideration appropriate ethical challenges arising in the conduct of negotiation for a client;
3. Explain and discuss the rules and principles applicable to legal practitioners remuneration including the process of recovery of charges;
4. Draft bill of charges and statement of claim for the recovery of charges.

Activities before the lesson

Students are expected to read the topics in advance of the class activities including case law, Legal Practitioners Act, Rules of Professional Conduct for Legal Practitioners.

It must be NOTED that the lesson on remuneration has to be studied in conjunction with and noting what was covered in PROPERTY LAW PRACTICE WEEK 12 Lesson and the CIVIL LITIGATION Case studies 1 and 2.

Activities during the lesson

1. In the class, tutor generates discussion with students on the meaning and importance of negotiation; and gives an overview of the principles, and process of negotiation- **30 minutes**;
2. Tutor presents a negotiation role play or video clip like the Inns of Court School of Law Legal Skills Training Service *Old see you in court*- **40 minutes**;
3. Tutor presents check list of negotiation guidelines and students are paired (the way they were paired during the civil litigation lesson on pleading) to conduct a negotiation using the case as stated in one of the pleadings they had exchanged in week 10 Civil litigation lesson **20 minutes**;
4. Students as paired report at plenary and questions/answers and discussions follow guided by the guidelines- **30 Minutes**

15 MINUTES BREAK

5. Tutor gives an overview of the rules and principles applicable to legal practitioners' remuneration including the process of recovery of charges. The dimension of the values of *pro bono* matters and involvement of legal practitioners in legal aid for the poor should be discussed too **40 Minutes**;
5. Using Civil litigation case studies 1 or 2 each student is to assume that he/she had concluded the client's case in court and prepare a bill of charges- **10 minutes**

6. Examples of the bills are presented and discussions follow- **20 minutes**
7. Using Civil litigation case studies 1 or 2 each student is to assume that he/she had concluded the client's case in court but that the client had failed or refused to pay the bill and prepare a statement of claim which assumes that a writ has been filed claiming the lawyers charges- **15 minutes**
8. Examples of the statement of claims are presented and discussions follow- **25 minutes**
9. Assessment of **10 minutes**

**WEEK 14 – 1. Arbitration and Conciliation;
2. Advertisement and Improper attraction of Business**

Contents

1. Arbitrable matters, arbitration clause and agreement/conciliation;
2. Arbitration proceedings, challenge and enforcement of award;
3. Lawyer advertisement; distinction between advertisement and soliciting;
4. Proper and improper attraction of business.

Outcomes

At the end of this lesson, students would be able to:

1. Explain and discuss arbitrable and non arbitrable matters; the principles and the laws/rules governing arbitration and conciliation in Nigeria;
2. Describe arbitration proceedings and explain how to challenge and enforce an arbitration award;
3. Draft an arbitration clause;
4. Explain the meaning of advertisement and solicitation and discuss the scope of proper and improper attraction of business under the Rules of Professional conduct.

Activities before the lesson

Students are expected to read the topics in advance of the class activities including case law, Legal Practitioners Act, Rules of Professional Conduct for Legal Practitioners and Arbitration and Conciliation Act.

Activities during the lesson

1. In the class, tutor generates discussion with students on arbitrable and non arbitrable matters; the principles and the laws/rules governing arbitration in Nigeria- **30 minutes**;
2. Tutor presents quiz/multiple choice questions and students give written answers; discussion follow- **30 minutes**;
3. Tutor presents an overview of arbitration proceedings and explain how to challenge and enforce an arbitration award/the content of arbitration clauses ó **30 minutes**;
4. Tutor presents precedent and case study and students draft arbitration clauses- **25 Minutes**
5. Assessment – **5 minutes**

15 MINUTES BREAK

6. Tutor gives an overview of the meaning of advertisement and solicitation and discusses the scope of proper and improper attraction of business under the Rules of Professional conduct. Tutor presents this overview with the aid of real precedents like newspaper cuttings on advertisement, solicitations etc and case studies/quizzes ó **30 Minutes**;
7. Students are grouped (not more than 6 in a group) to present a debate for and against: òIn reality there is no difference between advertisement and solicitation by the lawyer under the Rules of professional conduct.öTutor guides the groups to present their debates using **PRES** (P- Point of View; R- Reason/Ground for the view; E- Evidence/Example for the point of view; S- Summary or conclusion). As much as possible each student in a group would speak within the groupsø presentation plan using **PRES**. The groups prepare their presentations. Tutor to give time-limit for each presentations and be the time keeper during the presentations - **15 minutes**

8. The Debate- **I hour**
9. Discussion/Assessment ó **15 minutes**

ASSIGNMENT for WEEK 15- Students as grouped in week 14 lesson would discuss the lesson on regulatory bodies in advance and expected to make group presentations on General Council of the Bar, Nigerian Bar Association, the Mandatory Continuing Legal Education (MCLE) Board; Council of Legal Education, the Body of Benchers, Legal Practitioners Privileges Committee, Legal Practitioners Remuneration Committee, and Legal Practitioners Disciplinary Committee.

WEEK 15 – **1. Mediation;**
 2. Regulatory and controlling Bodies of the Legal Profession

Contents

1. Regulatory bodies and organs of the legal profession: General Council of the Bar, Nigerian Bar Association, the Mandatory Continuing Legal Education (MCLE) Board; Council of Legal Education, the Body of Benchers, Legal Practitioners Privileges Committee, Legal Practitioners Remuneration Committee, Legal Practitioners Disciplinary Committee,
2. Mediation: characteristics, steps, the mediation process and the value;

Example of Steps in a Mediation

1. Introduction:
 - i. Put parties at ease
 - ii. Explain the ground rules and the mediation process
2. Telling the story
 - i. Each party tells their story
 - ii. No interruptions
3. Identifying the facts and issues
 - i. Mediator helps to identify facts and issues
 - ii. Clarifies facts and issues with parties
4. Identifying alternative solutions
 - i. Everyone thinks of solution
 - ii. Solutions are listed
5. Revising and discussing solutions
 - i. Mediator helps parties review solutions
 - ii. Solutions agreeable to both sides are identified
6. Reaching an agreement

- i. Agreement is written down
- ii. A clause is inserted to cover a breach by either party.

Outcomes

At the end of this lesson, students would be able to:

1. Explain and discuss the legal framework, powers, functions and composition of the regulatory and controlling bodies and organs of the legal profession;
2. Explain, discuss and describe the characteristics, steps and the mediation process; the values of mediation and ethical standards required of mediators;
3. Take part in a mediation exercise.

Activities before the lesson

Students are expected to read the topics in advance of the class activities including case law, statutes and rules, on the topics.

Students as grouped in week 14 lesson would discuss the lesson on regulatory bodies in advance and expected to make group presentations on outcome No. 1 above during the lesson.

Activities during the lesson

1. In the class, groups make presentations as assigned before the lesson on the different regulatory and controlling bodies and discussions follow- **1 hour 30 minutes;**

15 MINUTES BREAK

2. Tutor and students discuss the principles, characteristics of mediation (distinguishing it from other forms of dispute settlement); when mediation works and does not work; and the value of mediation and ethical standards required of mediators- **30 minutes;**
3. Tutor presents a scripted role play on *what mediators do*. Here students volunteer for a short role play which illustrates the difference between how lawyers tend to approach clients during interviews and what mediators do. The role play is debriefed- **20 minutes;**
4. Tutor presents check list of steps in mediation and the mediation process- **20 minutes**
5. Students are grouped in 3s to conduct a mediation exercise using one of the case studies (as modified by the tutor) in the Civil litigation

lesson. While 2 of the 3 students in each group prepare for the mediation, the tutor calls out a third student from each group and briefs them together on the mediation steps and process and their role in the exerciseó **10 minutes;**

6. The mediation exercise is then conducted by every group- **20 minutes**
7. Tutor debrief the mediation from the groups in plenary- **20 Minutes**
8. One group conducts the same mediation exercise in plenary- **20 minutes**
9. Debrief and assessment- **10 minutes**

**WEEK 16 – 1. Mediation 2;
2. Discipline of lawyers**

Contents

1. Mediation Exercises,
2. Discipline of lawyers: scope of LPA, Rules and case law; Disciplinary Procedure

Outcomes

At the end of this lesson, students would be able to:

1. Explain and discuss the legal framework, rules and procedure for the enforcement of discipline against legal practitioners;
2. Take part in a mediation exercise.

Activities before the lesson

Students are expected to read the topics in advance of the class activities including case law, statutes and rules, on the topics.

Activities during the lesson

1. In the class, tutor and students review week 15 lesson on mediation and the steps in mediation- **15 minutes;**
2. Students are grouped in 3s to conduct a mediation exercise using one of the case studies (as modified by the tutor) in the Civil litigation lesson or a scenario produced by the tutor. Those who acted as mediators in week 15 lesson should act as party to the mediation this time. While 2 of the 3 students in each group prepare for the mediation to familiarise themselves with the facts of the case, the tutor calls out the third set of student from each group and briefs them together on the mediation steps and process and their role in the exerciseó **10 minutes;**

3. The mediation exercise is then conducted by every group- **20 minutes**
4. Tutor debrief the mediation from the groups in plenary- **40 Minutes**
5. One group conducts the same mediation exercise in plenary- **20 minutes**
6. Debrief and assessment- **15 minutes**

15 MINUTES BREAK

7. Explain and discuss the legal framework, rules and procedure for the enforcement of discipline against legal practitioners;
8. Tutor reviews the legal framework, rules and procedure for the enforcement of discipline against legal practitioners- **40 minutes;**
9. Tutor presents written quizzes on the legal framework, rules and procedure for the enforcement of discipline against legal practitioners and students answer in writing - **30 minutes;**
10. Students present their answers in plenary and discussions follow- **40 minutes**
11. Assessment – **10 minutes**

WEEK 17 – Advocacy Practice;

Contents

Advocacy practice: examination and cross-examination of witnesses with emphasis on cross-examination.

Outcomes

At the end of this lesson, students would be able to:

3. Discuss the principles of examination in-chief and cross-examination;
4. Cross-examine a witness;

Activities before the lesson

1. Students are expected to read the topics in advance of the class activities including case law, statutes and rules, on the topics.
2. **Tutor** should provide in advance to the students a scripted record of examination in chief of a witness based on a scenario/case study in a criminal and civil case. See week 14 criminal litigation, weeks 9-11 civil litigation and week 12 Law in Practice.

Activities during the lesson

1. In the class, tutor and students review week 14 criminal litigation lesson and week 12 civil litigation on examination of witnesses- **20 minutes;**
2. In the class video clip of NITA's "the ten commandments of cross-examination" is previewed- **55 minutes;**
3. There is a general discussion on the video clip, with tutor assisting in drawing attention to the scope and extent of application of the various commandments to Nigerian jurisdiction showing differences if any between civil and criminal litigation- **30 minutes**
4. Tutor provides a scripted record of examination in chief and requires students to conduct short cross-examinations on a witness based on the scripted recorded examination-in-chief and discussion follow. Preparation for this exercise is **15 minutes**
(Note that students should be allowed to object to any question asked by their colleague in the exercise and the student objecting would be required to give reasons for the objections and takeover the cross-examination where the objection is sustained).

15 MINUTES BREAK

5. Actual conduct of Exercise No. 4 above- **1 hour 30 minutes;**
6. General discussions, Assessment and evaluation- **30 minutes**

WEEK 18 – Legislative Drafting

Outcomes

At the end of this lesson, students would be able to:

1. Explain the parts of a legislation;
2. Explain and discuss the principles, stages, and formalities of legislative drafting;
3. Critique a legislation or a draft;
4. Draft parts of a legislation/legislation

Activities before the lesson

1. Students are expected to read the topic in advance of the class activities.
2. **Each student is to bring to the class copies of at least 2 Laws.**

Activities during the lesson

474 LEGAL EDUCATION IN NIGERIA: A CHRONICLE OF REFORMS

1. In the class, tutor and students review the parts of a legislation, principles, stages, and formalities of legislative drafting - **50 minutes**;
2. Tutor presents a checklist of guidelines of principles of standard drafting of legislation and with the guidelines students are to review privately the laws brought to the class to be able to critique the laws for or against conforming to the principles. The opinion of the students should be set down in writing- **30 minutes**
3. Students present their written opinion on the laws and discussions follow ó **40 minutes**

15 MINUTES BREAK

4. Activity No.3 continue- **30 minutes**;
5. **Tutor presents case studies and requests students to draft legislation- 30 minutes**
6. Students present the legislation drafted in activity No. 5 and discussions follow- **50 minutes**
7. **Assessment – 10 minutes**

WEEK 19 – Workshop on Placement clinic (Court and Law Office attachment for law students)

Objectives of the Placement Clinic are to ensure that:

1. Each law student is exposed to a learning experience that provides reasonable opportunity to achieve the outcomes of learning at the Nigerian Law School;
2. Appropriate mechanisms are put in place for the Law Firms, Courts and the Nigerian Law School to quality assure the experience.

Contents

1. Range of experiences students are expected to engage in during the placement;
2. Submission of a portfolio;
3. Content of a portfolio
4. Presentation of a portfolio through power point slides/projectors;
5. Criteria for scoring a portfolio;
6. Code of conduct for the placement

Outcomes

At the end of this workshop, students would be able to explain the rules, activities and presentation of portfolios of the placement.

Activities during the workshop

1. In the class, tutor and students review the rules and guidelines for the placement including: the range of experiences students are expected to engage in during the placement; Submission of a portfolio; Content of a portfolio; Presentation of a portfolio through power point slides/projectors; Criteria for scoring a portfolio; Code of conduct for the placement- **30 minutes**;
2. Tutor presents guidelines for entering activities in a log book and writing reflective reports- **20 minutes**;
3. Students carry out an exercise entering activities in a log book and writing reflective reports-**25 minutes**
4. Students present activity No. 3 and discussions follow- **50 minutes**;

15 MINUTES BREAK

5. Tutor presents guidelines for writing reports and presentations by power point slides with multimedia projectors. The guidelines would include the rules for using slides- **25 minutes**
6. Students are grouped to practice setting up projectors and presentations and preparing slides- **5 minutes**;
7. Groups carry out the practice in activity No. 6- **40 minutes**;
8. Students are made to set up the projectors in plenary and show sample slides and presentations from their group work – **40 minutes**;
9. Assessment- **5 minutes**

LAW IN PRACTICE CASE STUDIES

Read the following Scenarios from which you will carry out respective tasks that may be required of you during lessons on law in practice.

WEEK 3

Scenario 1

- I practice as a Law Officer in the Ministry of Justice, Cross Rivers State. I have a degree in Law from Ahmadu Bello University, Zaria in 1973 but was not opportune to go to the Nigerian Law School. Is it right that I have a right of audience in Court?

Scenario 2

- I studied in England and was called to the English Bar in 1969 and have been practicing there till date. I was recently invited to handle a

matter that involves a sensitive public interest in Nigeria in a Nigerian court. Do I have a right of appearance in a Nigerian Court?

Scenario 3

- I am a Nigerian. I studied Law at a university in London and I want to Practice Law in Nigeria. What should I do to achieve this?
- What happens if I go ahead to practice law in Nigeria in my current situation?

WEEK 6 Role Play

IN THE LAW OFFICE OF ABAJE & CO.

In the office of the principal, the principal is seated in his office with the client seated in the chair in front of him; both looking seriously engaged in a discussion.

Principal: *(Looking distracted and appears to be listening for something, suddenly gets up and says)* -Please excuse, it seems the front door to the office just opened. I need to find out if a prospective client has just walked in

Principal: *(Comes back looking very ruffled)* -Eh! Eh! continue what you were saying *(As the client continues, he abruptly gets up again and walking out of the office to the front door, repeats again)* -Continue what you were saying. I don't have a receptionist so I have to mind the door *(The client is looking harassed when the principal returns)*

Principal: *(In a very off hand manner states)* -Please can you continue what you were saying? Do you think I have the whole day for you? Even from what you have said so far I suspect you are at fault! *(The client gets up from his seat looking shocked, walks out).*

WEEK 7: General Drafting Exercises in Legal Matters.

Scenario

ABC Limited had a contract with ROCK CONTRACTORS LIMITED where the former agreed to supply the later one thousand bags of cement. ABC Limited supplied the cement but ROCK CONTRACTORS Limited has refused to pay for the value claiming that half of the consignment was bad.

WEEK 8 - Minutes of meeting

As a Lawyer in the Chambers of Okeke & Co, a firm of Legal Practitioners, located at No.51 Ozumba Mbadiwe Street, Victoria Island, Lagos, you have been instructed to take and produce the Minutes of the quarterly Meetings of the Firm. The meeting scheduled to assess the firm's 1st Quarter's Activities for the year 2010 took place on the 1st of November 2009. The External Training Consultant, Prof. Richard Grimes of the Oxford University, London is in attendance for purposes of ensuring compliance with all the training modules to which Lawyers in the firm had been exposed in the last two years. The Meeting was presided over by the Head of Chambers.

Using the following Guidelines of a Minutes, develop the appropriate body of the Minutes to be assessed.

1. Heading; (Minutes of í state nature of, place, date, time)
2. Present (List of Members present);
3. In attendance (List of those in Attendance);
4. List of those Absent (if practicable);
5. Opening Remarks/Prayers
6. Adoption of Agenda
7. Adoption of the Minutes of the last meeting;
8. Matters Arising;
9. Issues discussed following the Agenda;
10. Reports
11. Resolutions
12. General issues
13. Conclusion
14. Adjournment and Closing Remark/Prayer (if any);
15. Signatories.

GUIDE LINES TO CREATING A CURRICULLUM VITAE

NAME:

ADDRESS: including e-mail and telephone number.

State of origin:
Schools attended:
Educational qualification:
Area of specialization:
Employment record:
Present position:
Summary of present job schedule:
Cognate experience:
Referees:
Signature and date

Uche, is a lawyer in the Law firm of Adaobi & Co. He took up the employment immediately after his NYSC and has been there for six years. Recently he has experienced job dissatisfaction and desires to explore other areas of legal practice. SPDC has advertised the position of a legal officer. Draft the guidelines that Uche would adopt to prepare his Curriculum Vitae.

WEEK 9

SCENARIO

Chinedu is a legal practitioner representing Henry Alli in the case between Henry Alli and the EFCC. It was Chinedu who approached Henry Alli after his arraignment to represent him and Henry alli consented. Chinedu also advised Henry to stay away from court in order to avoid tendering a document in court on the next adjournment. On the 17th of June, 2009, Chinedu arrived in court at 10 am by which time the judge was sitting. Chinedu quickly puts on his wig and gown and asked for permission to announce his appearance. The judge ordered him to sit down but he retorted that his case was the first on the cause list and consequently he must be heard. The judge was very angry and asked him to enter the dock and show cause why he should not be committed for contempt.

WEEK 10: Contempt of Court:

Scenario One

Registrar: Suit No. HC/C/0110/2008. Between Maria Ade v. George Bada

Alex Victor: May it please this Hon. Court, Alex Victor appears for the Plaintiff.

Francis Ibe: May it please my lord, Francis Ibe for the Defendant.

Justice Boniface: Yes counsel.

Alex Victor: My lord, since the Ruling of this Hon. Court ordering the defendant to remove his earth-moving equipment (Caterpillar) from the Premises pending the determination of this substantive Suit, the defendant has refused to comply with the Order of this Court. My Lord, my Client is apprehensive that the continued stay of this equipment may result in the eventual demolition being threatened. We seek that his Lordship orders the enforcement of his earlier ruling.

Justice Boniface: Is that the position, Counsel?

Francis Ibe: (stammering) ye..yes, to some extent my lord. Since the equipment and the premises are properties of my client I don't think it matters if it remains on the premises.

Justice Boniface: Are you demeaning the authority of this honourable Court, or you are trying to subject my order to your own personal interpretation?

Francis Ibe : My lord, we have filed a Motion to have our claim proved within the shortest time possible.

Justice Boniface: In spite of whatever steps the defendant intends to take, the Ruling of this Court must first be complied with and must be so done before the next adjourned date.

Scenario Two

Justice Randy: So my dear New wig, what can I do for you?

Miss Eko: *(With her right hand on her waist, looking elsewhere)*. My lord, I take serious exception to being addressed as 'my dear new wig'; I am two years at the Bar and besides, if you look at your records, my name is Angela Eko (Miss) and not 'my dear'.

Justice Randy: Oh well, your point is noted. Can you now tell this Hon. Court what the matter is for, my dear, sorry, Miss Eko.

Miss Eko: The matter is for report of service. All the defendants in this Suit have been adequately served and we shall be asking for a date for Mention.

Justice Randy: See me in Chambers for a convenient date for this matter.

Miss Eko: I will do no such thing my lord. Dates are supposed to be given in open courts; and it is against the ethics of my religion to be caught

behind close-doors with one of the opposite sex. *(She packs her books and storms out of court)*

WEEK 11 6 LETTER WRITING SKILLS

Mr. Chukwu, lawyer to the Vendor (Chief Agba) has concluded negotiations for the sale of Plot 2311 Ahmadu Bello Way, Central Business District, Abuja for the sum of N10m and requires confirmation of instructions to proceed to execution.

WEEKS 11 AND 12- solicitors' accounts

Mr. Chukwu has received a deposit of N5m pending the completion of contract on behalf of his client Chief Agba. Mr. Chukwu also has incurred some costs relating to courier services, secretarial and legal expenses at the rates of N20,000; N10,000 and N50,000 respectively. He has also lodged the deposit in his firm's Account from which he draws for personal and chambers expenses.

Advise Mr. Chukwu as to the type of accounts to be kept as a Legal Practitioner. Draft a Cash / Ledger Book Account.

WEEK 12 - Advocacy Skills

In a criminal trial for Murder, the following was the opening address Made by Mr. Oko Inyang, the Prosecuting Counsel. "My lord, we have brought before you a water-tight case against the accused Which I am sure will convince the Court to convict and sentence him to death. The case was well reported in all the National Dailies which we intend to rely on for the proof of the murder against the accused. All persons who heard about the crime out-rightly condemned the perpetrators of it and no doubt his lordship will agree with me that the accused person cannot go unpunished for his action. The Prosecution is ready to show that the accused is not remorseful ever since he was arrested and has often boasted of his Constitutional rights even while in Police detention. The case offends the laws of not only the Federal and State Governments but also that of the Local Government and even all other constituted authorities and right thinking members of the public."

WEEK 13 - Ethics

Mr. Chukwuma Obilewa who acted for both the Mortgagor and the Mortgagee in a property worth N150m located at Awolowo Road, Ikoyi 6 Lagos has drawn his bills of professional charges at the rate of 5% to each party; asking them to settle same within 10 days failing which he intends to recover these in a law suit.

Discuss the rules and principles applicable to Legal Practitioner's Remuneration;
Itemize processes for the recovery of the Legal Practitioner's Charges;
Draw a Bill of Charges;
Draft a Statement of Claim for the recovery of Charges.

WEEK 15 – Mediation

Scenario 1

Mr. & Mrs. Lele Dim have been married for about 5 years and have 2 children (a boy of 4 years and a girl of 2 years). About 2 years ago, after the birth of their second child, his company desirous of expanding, decided that Mr. Lele Dim should relocate from Lagos to Abuja to head the newly opened branch office there. He was happy, but his wife gave different reasons why the whole family could not relocate at that time; he went back to Abuja alone. He returned home on weekends, however, this became a source of friction in the home.

About a month ago, the wife paid an unscheduled visit to Abuja and met a lady called Miss Cecilia yahat in his apartment. All hell has been let loose since. She is bent on a divorce although her husband insists that it was all her fault. He said her refusal to relocate from Lagos amounted to her placing him lower than her job and family, she claimed that the baby was too young to be moved about. In any case, Mr. Dim is indifferent about the divorce option. However, after much persuasion from family members, they have agreed to accept mediation in the matter.

SCENARIO 2

Mr Okon Samuel was allotted plot 1268 Maitama cadastral district by FCDA Abuja on 20th January, 1990. In 1995, he carried out a survey of his property and commenced the development of a 6 storey office complex. He was on the fourth floor when Mr. Sule Onigbanjo went to court to obtain an injunction restraining him from continuing the development on his (Mr. Onigbanjo's) land. On inspection of the cadastral survey map of Maitama, it was discovered that the plot Mr. Okon had been developing was the adjacent plot 1266. The parties have agreed to submit their dispute to mediation at the instance of the District Governor of Rotary International District 9130 under which is their Club, Rotary club of Maitama. Both of them are Rotarians. The parties have agreed to respond to mediation by Chief Oloro.

WEEK 16 - Discipline of lawyers

Quiz

1. State the laws regulating the discipline of lawyers in Nigeria

2. What rule or rules are applicable to the discipline of lawyers in Nigeria?
3. What are the conducts for which a legal practitioner may be disciplined?
4. State the organs for discipline of legal practitioners as contained in the Legal Practitioners Act
5. What are the directions under the discipline of lawyers?
6. To whom does a complainant make his complaint?
7. What is the composition of the LPDC?
8. How many members of the committee can form a quorum for the purpose of hearing a complaint?
9. On whom are the documents laying the complaint against a legal practitioner served?
10. What is the duty of the NBA Disciplinary Committee when it receives a complaint? State the organs for discipline of legal practitioners as contained in the Legal Practitioners Act
11. What are the directions under the discipline of lawyers?
12. To whom does a complainant make his complaint?
13. What is the composition of the LPDC?
14. How many members of the committee can form a quorum for the purpose of hearing a complaint?
15. On whom are the documents laying the complaint against a legal practitioner served?
10. What is the duty of the NBA Disciplinary Committee when it
16. Hearing of the LPDC is always in private. True or False?
17. State the directions that the LPDC can make.
18. When does such a direction become effective?

SCENARIO 1

Mr Olorioko Bale the family head of Ijogbon family sold a piece of family land sometimes in April 2007 to Mr Jeje Nuhu for the sum of ₦1.5m and issued him a purchase receipt to that effect. He later sold the same piece of land in August 2008 to Mr Chukwuma Salami for the sum of ₦3.5M and he executed a deed of assignment in his favour. Mr Chukwuma through his lawyer Mr. Kule Taiwo registered same at the lands registry Ikeja. Mr. Kunle Taiwo has been the Ijogbon family's solicitor in respect all land transactions since 1988.

WEEK18 - Legislative Drafting

Scenario 1

Omitowoju Local government area of Osun State is known to be very rich in gold and tantalite. Since 2004 when the Federal Government shifted

development emphasis in Mining to solid minerals there has been an upsurge in the mining of gold and tantalite in the area in a very indiscriminate and unregulated manner. These mining activities have started have harmful environmental impact. There is strong gully erosion as a result.

The Governor of Osun State, after many deliberations with the senators from the state has agreed that there is an urgent need for a Law regulating mining and prohibiting the mining of these minerals without a government mining license. And, for penalties to be imposed on offenders who violate the proposed Act - The Act will be retroactive.

Draft:

- (a) The commencement;
- (b) Short Title;
- (c) Long Title; and
- (d) Enacting Clause

WEEK 20 - ROLE PLAY ON CLOSING FILES

Barrister: *(Briskly walks into his office with his brief case and says to his secretary)* Good Morning Miss Oche. Please can I see you in my office?

Miss Oche: Good Morning Sir. Right away Sir *(She follows him to his office)*.

Barrister: I wanted to discuss an issue concerning an appointment I have slated for 12.00noon this afternoon but first I am concerned that our records room is full and I will want you to get rid of the irrelevant files right away.

Miss Oche: I wouldn't know which ones are irrelevant Sir and how do I get rid of them.

Barrister: Well the matters we concluded and have obtained judgments on; the two matters I had to withdraw my services from last month because the clients were trying to take advantage of me; and of course the file we opened for that client from Taraba State who never showed up to complete his instructions even though he left his documents with us. You may burn the files. Better still give them to the Akara seller across the street to be in her good will.

Miss Oche: I will do that right away sir.

WEEK 20 – Closing a file; and Revision

Outcomes

At the end of this lesson, students would be able to:

1. Explain the necessary matters to be dealt with at the time of closing a file;
2. Draft a letter to a client closing a file;
3. Discuss and review aspects of law in practice

Examples of matters to be dealt with at closing a file

Fees, custody of documents, length of period for keeping documents, right to original or other documents, etc.

Activities

1. Tutor and students discuss relevant matters to be dealt with at closing a file- **25 Minutes**
2. Students draft a letter to a client closing a file ó **15 Minutes**
3. Students present activity No. 2 and discussions follow on the content and structure of the letter s- **40 Minutes**

15 Minutes Break

4. Revision of Law in Practice: Discussion of matters arising from past lessons on law in practice and the modules/questions and answers ó **2 hours.**

WEEK 21- Pre Bar exams assessment tests (Plan for Tutors)

Pre- bar exam assessment tests would be held as follows:

Criminal Litigation; Civil Litigation; Property Law Practice; Corporate Law Practice; and Law in Practice.

Objectives

Prepare students for the Bar examination.

Activities

1. Tutor prepares the students and the classroom/auditorium for the test. Loose sheets of paper should be used for the test and students shall be required to write only their registration numbers on it- **10 minutes;**
2. A test lasting not more than one hour is administered on the students ó **1 hour**
3. Tutor and assisting personnel retrieve the answers scripts- **10 minutes**

15 Minutes Break

4. Tutor and assisting personnel redistributes the answer scripts to students, ensuring that students do not receive their own answer scripts. Tutor may retain a few scripts for his own grading- **10 minutes**
5. Tutor presents marking scheme (slides or hard copies) and explains it- **10 minutes**
6. Students mark the scripts using the marking scheme. Tutor also marks the few scripts retained by him/her ó **30 minutes**
7. Students/Tutor present marked scripts and discussions/feedbacks follow ó **1 hour 20 minutes**
8. Assessment: questions and answers ó **10 minutes.**

INDUCTION PROGRAMME**DAY 1 - SOCIAL AND ACADEMIC EXPECTATIONS****OBJECTIVES**

To get the students familiarised with the new curriculum.

To enable the students understand courses they will offer, the text books/materials to use for the courses; the mode of teaching and the rules and processes for bar examination, assessment and classification.

To acquaint the students with the environment, its regulations and other members of staff.

Contents

Courses offered in law school, introduction of lecturers and other principal members of staff

Courts and law office attachments

Modes of dressing

Principles of good behaviour

School rules and regulations

Examination rules/regulations and assessment, grading/classification

Attendance at lectures and signing of register

Activities

Introduce the subject teachers and other principal members of staff 15 MINUTES

Discuss the main courses and the allied subjects 30 MINUTES

General discussion on the rules and regulations of the school (concept of õfit and properõ, modes of dressing, dinner etiquette, and attendance and signing of register).60 MINUTES

BREAK 15 MINUTES

General discussion on courts and law office attachments 40 MINUTES
The students will be divided into groups and given a tour of the facilities on campus- 60 MINUTES
Question and answer session and Wrap up 20 MINUTES
Evaluation
Question and answer session will be held in which the students will seek clarifications on issues that may arise in the course of the discussion.

DAY 2- HEALTH AND SAFETY

OBJECTIVES

To acquaint the students with the available health and sporting services and facilities on campus
To enable the students know how to prevent and manage health and safety issues.
To enable the students know how to manage fire disasters
To be able to pursue their academic activities stress free

Content

Identifying common diseases on campus
Discussing medical and recreational facilities on campus
Discuss how to stay healthy
List common causes of fire outbreak and prevention
List steps to be taken in cases of emergency/accidents
Discuss healthy usage of drugs
Discuss causes of stress and stress management
Discuss importance of laboratory
List environmental safety methods

Activities

Enlightenment by medical personnel 30 MINUTES
Discussion on healthy usage of medicine 20 MINUTES
General discussion on the sporting facilities on campus 20 MINUTES
Overview on fire management and prevention 30 MINUTES

BREAK 15 MINUTES

Discussion on accident and emergency management and how to prevent them 25 MINUTES

Tour of the health centre and the sports facilities 40 MINUTES

Evaluation: Question and answer session

Resources: Power point presentations; Fire extinguishers; Medical Equipment; Sporting materials

DAY 3- LIBRARY AND LEGAL RESEARCH

OBJECTIVES

Explain basic terms in manual library use
Locate available materials within the library
Locate information through the library automated system
Conduct legal research

Content

Explain card catalogue definition, types and uses
Classification schemes, definition and types
Definition and uses of indexes, bibliographies, abstract, references source

Activities

General overview and discussion on use of library rules and regulation 40 MINUTES

Students are divided into groups of four each spending some time in the library under the supervision of lectures and library personnel 1 HOUR 20 MINUTES

BREAK 15 MINUTES

Questions and answer session 1 HOUR 30 MINUTES

Wrap up 15 MINUTES

Evaluation: Questions and answers

Resources: Handouts; Library; Flip charts and pens

DAY 4- INTERNET RESEARCH

OBJECTIVES

Discuss the meaning of keywords and the use of the internet.
Identify and state the uses of the internet.
Conduct research on the internet.

Contents

Internet keywords such as e-mail, search engines, legal websites, etc
Use of the internet e.g. sending e-mails and research generally.
Legal research on the internet

Activities

Overview of the internet for legal research and law office administration 50 MINUTES

Division of the students into small groups to send an e-mail into a specified mailbox as well as carry out legal research from a specified search engine 60 MINUTES

BREAK 15 MINUTES

Question and answer sessions 1 HOUR 30 MINUTES

Wrap up 25 MINUTES

Evaluation; Student feedback; Supervision of students

Resources: Computers; Flash drives; Power point slides

DAY 5- LEGAL PROFESSION AND CAREER

OBJECTIVES

Students should be able to know their career prospects in the legal profession.
Students should be acquainted with how they will be disciplined, challenges in the legal profession.

History of Legal Profession and Continuing Legal Education in Nigeria.

E-Lawyering and Paperless Law Firm

Contents

Career prospects in the legal profession

Discipline and challenges in the legal profession

History of the legal profession

Continuing legal education, contemporary emerging issues in legal education

E-lawyering and paperless law firm in Nigeria

Activities

General Overview /Discussions on each content by an individual or a panel of resource persons 45 MINUTES

Interactive Sessions 40 MINUTES

BREAK 15 MINUTES

Seminars 60 MINUTES

Mini-workshops 1 HOUR 20 MINUTES

Students will be given scenarios to use for the Mock Trials for the following week.

Evaluation: Question and answers session

Resources: Power point slides; Flip charts

INDUCTION WEEK 2

MOCK TRIALS

OBJECTIVES

Students will be able to describe progress of civil and criminal trials from beginning to conclusion

Students will be ready for the rigours of what they will be doing through out the year.

Contents

Interviewing of client; Drafting of processes; Preparation for trial; Trial

Skills: Interviewing; Drafting; Advocacy

Values: Courtroom decorum; Comportment

Activities:

Day 1

The students are shared into Civil and Criminal groups.

Students share the roles to be played amongst themselves

Interviewing of clients 2 HOURS

BREAK 15 MINUTES

Further Interviewing of clients 1 HOUR 25 MINUTES

Question and answer sessions with supervisor after activities 20 MINUTES

Day 2

Interlocutory applications

Drafting of processes 1 HOUR 45 MINUTES

BREAK 15 MINUTES

Further clarifications to perfect drafts and exchange 40 MINUTES

Question and answer sessions with supervisor after activities 20 MINUTES

Day3

Preparation for trial 2 HOURS

BREAK 15 MINUTES

Further preparations for trial 1 HOUR 30 MINUTES

Question and answer sessions with supervisor after activities 15 MINUTES

Day 4

Trial 2 HOURS

BREAK 15 MINUTES

Continuation of Trial 1 HOUR 30 MINUTES

Question and answer sessions and clarifications with supervisor after activities 15 MINUTES

Day 5

Trial 2 HOURS

BREAK 15 MINUTES

Continuation of Trial 1 HOUR 30 MINUTES

Question and answer sessions and clarifications with supervisor after activities 15 MINUTES

Evaluation: Question and answer sessions with supervisor after activities 20 MINUTES

Making Presentations on Day 5

Resources: Classes/Rooms for rehearsals; Tables and Chairs; Access to printers and photocopy machines

Evaluation: Questions and answer sessions; Video coverage of the Mock Trials.

CIVIL LITIGATION

CASE STUDY 1

On the 3rd of October, 2009 Mr. Oke Madu entered into Diamond Super Market at No. 10 Ogui Road, Enugu where he bought a bag of semovita and paid at the counter. On his way out, Mr. Okoro a Security man at the entrance gate of the super market asked him for the receipt of purchase. He searched the pocket of

his trousers without finding the receipt, forgetting that it was in the breast pocket of his shirt, where he actually kept it.

While he was still searching for it, fighting started as Okoro felt that Mr. Madu had no receipt for the purchase because he was wasting his time and he shouted at Madu "You thief, you have stolen the semovita to the hearing of one Chika, another customer of the super market.

Chika is a friend to Miss Ndidi who is Mr. Madu's fiancée. On returning home, Miss Chika informed Miss Ndidi of the events that transpired at the super market. On the basis of this information, Ndidi said she would no longer marry Mr. Madu.

However, Mr. Oke Madu saw the receipt on the breast pocket of his shirt and presented it to Mr. Okoro. Nonetheless, Mr. Madu had filed a suit for defamation of character against Mr. Orji at the High Court of Enugu State.

CASE STUDY 2

City Links Transport Company limited is thriving transport company with a fleet of buses. Mr. Darlington Okoye (a.k.a. Osama) is one of the drivers of the company. On the 14th of February, 2009, Dr. Henry Obama, a Consultant Physician at the National Hospital, Abuja, was travelling, from Lokoja to Abuja in his brand new Mercedes Benz ML 340 jeep car with Registration Number ABJ 999 BWR, which he bought for Eight Million Naira (N8,000,000. 00) only.

On getting to Giri Junction, near Gwagwalda, in the Federal Capital Territory, Dr. Henry Obama who was then driving at a speed of 120 KM per hour noticed a motor cycle rider attempting to cross the road and applied his break to avoid hitting him. Immediately, Dr. Henry Obama was hit from behind by a bus belonging to City Links Transport Company Limited and driven by Mr. Darlington Okoye (a.k.a Osama).

Dr. Henry Obama's car was badly damaged as a result of the accident. In fact, it was a write-off. Dr. Henry Obama also sustained serious injuries and had to be rushed to the University of Abuja Teaching Hospital, Gwagwalada, Abuja, where he received treatment and was discharged after one week. The treatment, in all, cost him one Hundred Thousand Naira (100,000.00) only, for which the hospital issued him a bill and a receipt.

Dr. Henry Obama has now commenced an action for negligence at the High Court of the Federal Capital territory; Abuja against Mr. Darlington Okoye (a.k.a Osama) and City Links Transport Company Limited claiming general

damages to the tune of Five Hundred Thousand Naia (N500, 000.00) only, and special damages of Eight Million and One Hundred Thousand Naira (N8, 100,000.00) only for his damaged car and treatment.

CASE STUDY 3

Dr. Vincent Brown was a senatorial candidate of the National Nigerian Party for Asaba North Federal Constituency, Delta State in the 2007 General Elections. Chief Ben Okagbue contested the same election for the same Senatorial district on the platform of Unity Congress Party.

The Independent National Electoral Commission declared chief Okagbue as the winner of the election having scored the highest number of votes cast in the Constituency.

Dr. Brown is not satisfied with the outcome of the election. He has therefore brought a petition before the National Assembly, Governorship and House of Assembly Elections Tribunal sitting at Asaba, Delta State, Challenging Chief Okagbue's Election on the grounds of irregularity, indictment of Chief Okagbue by the Economic and Financial Crimes Commission and previous conviction of Chief Okagbue for the offence of receiving stolen property by a High Court sitting at Asaba in 1995.

SEE JAMES IBRORI V. AGBI

MOTIONS

1. An injunction by the Petitioners seeking to restrain the Senate President and the Clerk of the National Assembly from swearing in the 1st Respondent as a Senator of the Federal Republic of Nigeria pending the determination of the partition.
2. A motion on Notice by the petitioner seeking to join Unity Congress party as 4th Respondent in the petition.

CASE STUDY 4

On 1st April, 1992 Mr. Kunle Komolafe was employed as a medical doctor in the medical department of First Atlantic Petroleum Company Nigeria. Ltd, a subsidiary of Nigeria Petroleum Corporation (NNPC). By the year 2004 he was elevated to the post of General Manager, Medical Department. Upon his appointment and as part of his total package he was given a 4 bedroom Duplex in the official quarters of his employers at first Atlantic Petroleum Staff quarters,

Lekki phase 1, Lagos as a service tenant. His housing allowance was deducted at the beginning of each year as rent for his occupation of property.

On 28th February, 2006 his appointment with First Atlantic petroleum Company Nig. Ltd. Was terminated with immediate effect without any good reason or any just cause . A cheque for the sum of N750,000.00 was enclosed as payment for 3 months salary in lieu of notice. Also in the same letter, he was asked to vacate his official quarters immediately. On that same day, some men acting as agents of the company entered into the premises of Mr. Kunle Komolafe threw out some of his properties in an attempt to forcefully eject him form the property. Fortunately for Mr. Kunle Komolafe was able to resist all attempt made to unlawfully & forcefully eject him. Presently, he still remains in occupation of the property. Mr. Kunle Komolafe has instituted an action at the Lagos State High Court, Lagos Judicial Davison asking for the following reliefs:-

1. A declaration that the purported termination of his employment by virtue of the letter dated 28th February, 2006, is invalid, null and void and of no effect.
2. A declaration that he is still a staff of First Atlantic Petroleum Company Nig. Ltd. In the alternative.
3. N10mø as his salary till the age of compulsory retirement at 65 years of age.
4. An order of injunction restraining the First Atlantic Petroleum Company Nig. Ltd. And their agents from forcefully and unlawful ejecting him form his official quarters.
5. The sum 10mø of damages for unlawful trespass committed when the agents of the defendants unlawfully invaded his house.
6. The sum of N5 million special damages for the destruction of the plaintiffø properties by the agents of the defendants during their attempt to unlawfully eject him from his quarters as follows.
 - i. Damage done to his Kia Rio Car - N3.5 million naira
 - ii. Damage done to his his Plasma Sony T.V Set.- N750,000.00
 - iii. Damage done to his Jewelries and wrist watches-N750, 000.00

ISSUES FOR INTERLOCUTORY APPLICATIONS

Interlocutory injunction by the plaintiff restraining the defendant and or their agents from forcefully and unlawfully ejecting him from his official quarters pending the final determination of the suit.

Preliminary objection by the defendant that the Lagos State High Court has on Jurisdiction to hear the matter.

READ:

1. **BEN CHUWUMA V SHELL B. P (1993) 5 S. C. N.J Pg 1**
2. **NWANA V. F. C.D (2004) 13 N. W. L.R (PT 889) 128.SC**

CRIMINAL MOOT TRIAL SCENARIOS

CASE STUDY 1

Angela Idoko is a clerical officer at the Admissions office of the Nigerian Law School, Bwari, Abuja. Because of the volume of work during the period of admissions in September, Angela has had to work late into the night, closing sometimes as late as 10 pm. On the 17th September, 2009, Angela closed from the office at about 11 pm. The following day, when she reported in the office, the cleaner, Mrs. Amina Belloway informed Angela that she did not see the desktop computer with which Angela worked the previous night. Angela was the last person to leave the office on the 17th September, 2009. Angela screamed and yelled at Amina accusing her of stealing the computer. The security department was alerted and a few days later, the computer was found in sharp-sharp super shop, a dealer of second hand computer systems and accessories. When Mallam Paapawa was invited to the Police Station, he said that he bought the computer from Angela Idoko at the sum of N10, 000.00 and he presented a receipt which Angela issued him. The market price of the computer is N15, 000.00. Angela has been arrested and is to be arraigned before the Chief Magistrate's Court 1, Bwari, Federal Capital Territory, Abuja.

CASE STUDY 2

Achanya Michael and Onoja Paul are childhood friends of about the same height and weight. Both of them work at MADE IN NIGERIA HOUSEHOLD LIMITED in Gwagwalada but reside at the company's official quarters at Lugbe, each of them occupying a 2 bedroom flat. Both of them are married, Onoja to Bimbo and Achanya to Nwakaego. They resume work at 2.00p.m and close at 11.00p.m daily and it takes them about 30 minutes to reach home from the office in the official bus after closing each day. On 15th June, 2008, Onoja was directed by the Managing Director of the company to travel to Lagos on urgent official assignment. This was about 5.00p.m . Onoja handed over his small bag containing his house spare key, a bottle of perfume and his jacket together with a note for his wife to Achanya for onward delivery to his wife since Achanya

was to close at 6.00pm on that day because of the power cut in the company's premises.

Achanya did not go to Onoja's house until 11.30pm. A few metres away from the house, he wore Onoja's jacket and took out the spare key from Onoja's bag with which he opened the rear door leading to Onoja's bedroom. Mrs. Onoja (Bimbo) was already asleep. At the movement of the door, she turned and on catching the sight of her husband in the fairly dark room, she murmured a welcome and slept back. Achanya went to bed and had sexual intercourse with Bimbo during which Bimbo expressed her love to her husband for being unusually nice that night. In the morning, Bimbo woke up only to see Onoja's bag on the table with a note from him informing her of his trip as well as his jacket and the spare key. She quickly reported the matter to the police and after due investigation, Achanya was arrested. He is to be arraigned before the High court of FCT, Gwagwalada Judicial Division. Abuja, for rape.

CASE STUDY 3

A Popular fast food Restaurant (Known as 'Quick-Servers') has six service points, each manned by a service attendant. The mode of operation at Quick-servers is that customers are free to approach any of the six service attendants and place their orders. The Management of Quick-servers provides each service attendant with serially-numbered booklets from which they must issue receipt vouchers to the customers. Each receipt voucher is valued at N300.00 being the unit price per pack of the fast food. On January 10, 2009 it was discovered that two receipt vouchers were missing from the bottom of the booklet issued to Miss Bunmi Jegede (Service Attendant No.3.). On February 18, 2009 a similar thing was discovered involving her, but this time it was three vouchers that were missing from the middle of the booklet.

On April 22, 2009 four receipt vouchers were also missing from the booklet issued to Miss Jegede. On this day, however, the Manager (Mr. Johnie Walker) directed the supervisor, Miss Onyokomita to conduct a search on Miss Jegede. Upon search, the sum of one thousand two Hundred Naira (N1, 200.00) was found on Miss Jegede.

CASE STUDY 4

Mr. Dauda Babamiga lives at No. 14 Agogo Street, Enugu State. He works with the Newera Bank as an Accountant and happily married to Kate and has three children.

On 17th February, 2007 at about 9. 30pm while watching television with his family there was a bang on the gate and a voice saying we have come, open the

gate. Mr. Dauda Babamiga was afraid and refused to open the gate. The gate was later pulled down and two hefty looking men armed with dangerous weapons gained entrance to their apartment.

Mr. Dauda Babamiga and his family were robbed, the robbers made away with valuable items. Mr. Kate Babamiga narrowly missed being raped as she was in her menstrual period but her daughter was sexually molested. The incident was reported at the police station.

Three days later, while going to the market Mrs. Kate Babamiga spotted one of the robbers at a relaxation spot known as the 'Black Spot' and hurriedly reported at the police station and thereafter the robber who gave his name as Yutem Tanga was arrested and charged to Court for Armed Robbery.

- Bolanle v State [2005] 7 NWLR (pt 925) page 431.
- A. Applications:
 1. Bail
 2. No Case submission
 - B. Full Trial
 - C. Judgment

ETHICAL SCENARIOS/CASE STUDIES

CRIMINAL LITIGATION

A

Utako Ogbole, a senior member of the Bar petitioned the Commissioner of Police, FCT on behalf of his client, Senator Uduak Adebayo Abubakar alleging threat to life against his political rival Isa Isaiah Okechukwu. Utako Ogbole gave the sum of \$5,000 to the Commissioner of Police (a lawyer of 20 years standing) to aid the movement of his officers. On 20th November, 2011, Isa Isaiah was arrested by the Police and arraigned before the Magistrate's Court 5, Wuse. The Magistrate adjourned the matter to 10th December, 2011 and granted bail to the accused in the sum of N50,000.00 and 2 sureties in like sum. When Utako was informed of the court and the action of the Magistrate, he was furious: 'that wicked, unrepentant and holier than thou Magistrate, we cannot get justice there. Hon. CP. , I want the case to be taken before the Area Court, Gwagwalada, presided over by Edumoga Oholi. He is a good boy. In fact, my client is the one who recommended him for that job', he retorted. On 24th November, 2011, another F.I.R. was filed before the Area Court, Gwagwalada. Isa was immediately ordered to be remanded in prison custody for 12 days for attempting to pervert the course of justice before the case is mentioned. Meanwhile, Isa's wife approached Omole Joseph Atta, SAN to

handle the husband's defence, but much more urgently, to secure his bail. The learned SAN asked her to deposit the sum of N2M consisting of N1m consultation and filing fees and N1m for logistics. The woman paid after all attempts at reduction failed. When the bail application was moved on the 27th November, 2011, it was refused on the ground that the offence of threat to life is as bad as culpable homicide. While still standing in front of the court entrance after the ruling, Omole SAN telephoned the Chief judge who directed that the case be transferred to the High Court while the accused should proceed on bail unconditionally.

B

Chief Do-good is angry that Mr. God-dey a poor neighbor has refused to sell his land to him. He briefed Barrister Bob-Musa to assist in persuading Mr. God-dey to sell the land. Barrister Bob-Musa met the Divisional Police Officer of the area and Mr. God-dey was arrested and detained for one week but still refused to sell. Barrister Bob-Musa later wrote a petition to the Commissioner of Police on behalf of Chief Do-good falsely alleging that Mr. God-dey was threatening his life. Mr. God-dey was subsequently arraigned in court before a Chief Magistrate Court. Barrister Bob-Musa met the Magistrate in their club house and requested that the bail granted to Mr. God-dey should be revoked but the magistrate refused. Barrister Fair has now undertaken to defend Mr. God-dey free of charge. Chief Do-good has given Barrister Bob-Musa N2m to pass to Barrister Fair to drop the case. Barrister Fair has reported Barrister Bob-Musa to the NBA branch for disciplinary action,

Law in Practice Scenario Based on Civil Litigation

Scenario One

Alhaji Dike Bako a landlord of Plot 175 Jankara Street, Agege, Lagos comprising a block of six two bedroom flats approached Lawyer Do It Fast to eject his tenant, Abdul Okoye. Abdul Okoye is a yearly tenant, whose tenancy commenced on 1st January 2010. He is in arrears of rent and he is always playing loud music to the annoyance of other tenants in the premises. Lawyer Do It Fast assured Alhaji Dike Bako that he would get the tenant out of the premises within a week.

Immediately Lawyer Do It Fast was briefed, he wrote a letter to Abdul Okoye to vacate the premises immediately or pay the arrears of rent. On receiving the letter, Abdul Okoye approached Lawyer Do it Fast and paid the sum of N120,000.00 being the full yearly rental value of the property. The Lawyer paid the money into his personal account and it was never accounted for.

A month later, Alhaji Dike Bako complained to the lawyer that the tenant is still in the premises. The lawyer advised Alhaji Dike to remove the roof of the apartment Abdul is occupying. Alhaji Dike instructed his boys to remove the roof as a way of getting him out of the premises. Abdul Okoye immediately got a carpenter to replace the roof. On hearing this development, Lawyer Do It Fast arranged with a Court Bailiff to produce proof of service of necessary documents purportedly served on Abdul Okoye. A week later, a Court Bailiff in company of Police men armed with a warrant of possession arrived at the premises and forcefully ejected Abdul Okoye. Abdul Okoye is aggrieved at the action of Lawyer Do It Fast and has contacted you as his counsel for redress because he believes that he has suffered injustice.

Scenario Two

The Oloye Sheriki Family of Lagos State approached Barrister Itam Shehu with respect to the land dispute between the family and one Chief Ali Okon. Barrister Itam who has not paid his practising fees for two years proceeded to file a Writ of Summons, Statement of Claim, Witness Statements on Oath and List of Witnesses. On the day the matter was scheduled for Pre-Trial Conference, Barrister Itam was not present in court and failed to inform the court of the reason for his absence. As a result, the matter was dismissed.

Barrister Itam brought an application for relisting of the suit. In the affidavit, he failed to state the reason for his absence. The court eventually relisted the matter. On the day scheduled for Pre-Trial Conference, before the Pre Trial Judge sat, Barrister Itam conceded to Barrister Dele Basi (the Defence Counsel) that he was not going to object to his tendering a Deed of Assignment at the hearing. During hearing, to the surprise of Barrister Dele Basi, Barrister Itam objected vehemently to the admissibility of the Deed of Assignment. When Barrister Dele Basi reminded him of his earlier concession, Barrister Itam sharply retorted that if Barrister Dele Basi had actually passed through Law School he would have known better than to produce such a worthless document in court. When the Pre Trial Judge tried to remind the counsel of their responsibility to maintain decorum in court, Barrister Itam accused the Judge of having descended into the arena of conflict.

At the trial and in the course of cross-examining the Claimant's witness, Barrister Dele Basi harassed him and shouted at him "Shut up! You are a liar!" Barrister Itam was incensed and objected to the line of questioning. Barrister Dele replied that since it is cross-examination, the sky is the limit. The judge adjourned the matter for continuation of hearing. Immediately after the adjournment, Barrister Itam approached his client asking for some money to settle the judge in view of the way and manner the matter was going.

PROPERTY LAW PRACTICE**ETHICAL SCENARIOS 1**

- Adisa Emmanuel SAN, an Ibadan based legal practitioner is a distinguished legal practitioner and a Real Property Developer. He is a major shareholder OF Emmanuel Properties Ltd, a registered company involved in the development and sales of real properties in Abuja.
- In 2009, Adisa Emmanuel SAN was briefed by a client Chinua Balogun Maliki to negotiate the sale of his property at Abuja with Emmanuel properties Ltd. Having been informed of the desperate financial need of his client, Adisa Emmanuel SAN, one of the Directors of Emmanuel Properties Limited thought it was a good opportunity for his company to negotiate a better deal and informed the Company Manager of his clients desperate need for money and the possibility of capitalizing on his vulnerability to negotiate a better deal. Although Estate Valuer's had valued the property for N150,000,000:00, Emmanuel Property Limited was able to negotiate a deal of N70,000,000.
- After executing the document of transfer, Chief Chinua Balogun Maliki became aware that Adisa Emmanuel SAN and Emmanuel Properties Ltd are related and has approached you for advice.
- Adisa Emmanuel acted as counsel to Chief Chinua Balogun Maliki during the negotiations for the sale of the house. He has written to Chief Maliki demanding for payment of fourteen million naira being 14% of the purchase price.

ETHICAL SCENARIOS 2

- Ojo Adamu Esq was called to the Nigerian Bar in 2005. Having been trained by his parents who are poor, he is determined to succeed in the legal profession in order to change the status of his family because of their sacrifice throughout his stay in school. In order to secure briefs within and outside Nigeria, he has put out calls for client on CNN and major bus stops in Lagos.
- Chief Okpko Abiri Suleman , a Nigerian Doctor based in Canada having accessed his phone contact through CNN has briefed him to create tenancies in respect of his house situate at 10 Bordylon Road, Ikoyi Lagos, to execute the tenancy documents and to render account for sums received and has for this purpose donated a power of Attorney appointing Ojo Adamu Esq his Attorney .

- Ojo Adamu Esq let out the house to Mr & Mrs Adaka Momoh for N8,000,000:00, he paid the money into his account and changed his phone number cutting any contact with Chief Okpko Abiri Suleman . Six months later, while the tenancy was still pending, Esien Akpak, a Nigerian Businessman desirous of buying the house approached Ojo Adamu Esq for that purpose. They agreed on a selling price of N50,000,000:00, after which Ojo Adamu Esq executed all the documents of transfer which were prepared by Esien Akpak's property agent Mr. Peters , a Surveyor but franked and signed by Ojo Adamu & Co. On receiving the purchase price, Ojo Adamu Esq paid for his long desired house at Dubai.
- After several failed attempt to contact Ojo Adamu Esq , Chief Okpko Abiri Suleman returned to Nigeria to investigate the implementation of his instruction and the state of his house, on arrival he discovered tenants in his house who acknowledged that the name of their Landlord is Esien Akpak . He feels betrayed by his lawyer and feels that his lawyer is in breach of his professional duties. He has approached you for professional advice.

Advise him on whether Ojo Adamu Esq owes him any duty that has been breached and whether he has any remedy by law and rules of professional conduct.

LAW IN PRACTICE – SCENARIO 1 ETHICS

Mr. Ojo Abubakar is a Legal Practitioner practicing under the name and style of ABUBAKAR & CO.

His client, Mrs. Ngozi Hanza, a widow, instructed him to obtain letters of Administration in respect of her late husband's estate. Officers at the Probate Registry are insisting on him paying the sum of N50,000 to facilitate the matter being completed expeditiously.

He has decided to borrow the money from "Clients account" and to refund the money as soon as the letters of Administration is obtained and paid his professional fee.

After obtaining the letters of Administration, Mr. Abubakar informed his client that he will only release the documents to her if she agrees to have amorous relationship with him, after all she has no husband, and she needs to be taken care of.

LAW IN PRACTICE – SCENARIO 2 ETHICS

The Law firm of Uche, Adamu & Adigun, is a reputable law firm specializing as Maritime, telecommunication & Oil and Gas.

Members of the Law firm believe that they must always deliver to their clients no matter the cost. During Christmas the firm is reputed to give exotic and expensive hampers to Judges and rams plus other gifts to Judges during Muslim festivities.

Among the partners, they have an unwritten rule to give a number of Judges #5000 towers vacation.

Within the legal community, the firm is recognized as successful and clients struggle to engage their services.

CORPORATE LAW PRACTICE – SCENARIO 1
ETHICAL SCENARIO IN CORPORATE LAW PRACTICE

Barrister Asuquo Ibiam, a Corporate Law Consultant was requested by the client, Magnum Finance Ltd., to increase its share capital from N10m to N100m, to enable the Company register as portfolio Management Company with the securities & Exchange Commission (SEC). He received the brief and charged for both professional fees and cost. He however, increased the share capital from N10m to N50m and pocketed the balance of the stamp duty and registration fees.

He forwarded the certificate of increase of share capital issued by the Corporate Affairs Commission (CAC) showing that the share capital now stands at N50m. The Company Secretary Miss Lizabel Brggs. A Lawyer, received the documents and recommended payment of his fees and he was paid.

The Company thereafter forwarded the certificate of increase of share capital to SEC to complete the registration process as portfolio management company. SEC rejected the registration on ground of inadequacy of minimum share capital of N100m.

Scenario

Corporate Law; Criminal Litigation; Law in Practice; Civil Litigation; Property Law.

CORPORATE LAW PRACTICE – SCENARIO 2

A counsel was briefed to incorporate a Company. The necessary instructions were given to him together with the proposed name of the Company. Both the incorporation and professional fees were duly paid to him. Thereupon, he conducted the availability check and reversion of name with the Corporate Affairs Commission, and the name was reserved for 60 days.

The Council failed, refused and, or neglected to incorporate the Company as requested. At the expiration of the 60 days, the name was removed by the Commission from the reversed list, and was used by another person.

When they did not hear from the Counsel, they made several unsuccessful efforts to reach the Counsel. They subsequently briefed another Counsel to conduct a search at the Commission to ascertain what happened. The Company was dismayed to note that the same name which was reserved for them. And with which they have interest into same contractual relationship had been used by another person to incorporate a Company.

In another development, a Company, a going concern, wanted to make some changes on the particulars of directors (CAC FORM 7), and (CAC FORM 2) for allotment and return on allotment of shares of the company. They briefed a Counsel to take the necessary steps to effect the changes as required by the Company.

The Counsel discovered at the Commission that the names which the Company intended to remove were not even contained in the relevant forms ó CAC 2 and 7.

The Company was amazed that the Counsel they briefed sometime in 2005, did not make the necessary changes after his brief was duly perfected by the Company at the time.

CHAPTER 5

Externship Programme

Another radical change made to the curriculum during the reform process was the transformation of the 45 years old work based Court and Law Firm Attachment Programme of the Nigerian Law School to an Externship Programme under the Placement Clinic.

The Externship Programme has the following features:

1. There are clear goals for the programme;
2. The Rules of engagement by the School, students, assessors, supervisors and mentors are very clear. Both students and field supervisors now have handbooks to guide them through the programme.
3. For the first time in the history of the School, students now have mentors formally appointed for each person;
4. The academic component of the Placement clinic is outcome based and learner-centred;
5. Students are now required to keep logs of activities as part of their portfolios during the programme;
6. The programme also encourages reflective learning particularly on ethical dilemmas and law office management;
7. Students' portfolios are assessed by teachers and legal practitioners at the end of the placement period and there is a pass or fail mark that qualifies or disqualifies a student from enrolling at the Bar;
8. Students' portfolios include: log books of daily activities, reflective essays, law firm survey to be

completed by externs, court survey to be completed by externs, samples/evidence of work performed by the extern during the placement, and confidential law firm field supervisor's evaluation of extern form.

9. The Externship programme introduced the best opportunity for formative assessment and growth of the professional learner;
10. There are clear rules for accreditation of law firms (though yet to be implemented);
11. There are provisions for a continuous evaluation of the programme and implementation for proper standardization and effectiveness; and
12. A code of conduct for students, mentors and assessors, and field supervisors has been provided under the programme.

Externship Programme Goals

The Nigerian Law School Externship Programme is designed to achieve the following goals:

1. Develop the Externs' lawyering skills.
2. Make the Externs understand various aspects of the legal system as well as the legal profession.
3. Inculcate in the Externs a sense of professional responsibility and values.
4. Develop the Externs' ability to reflect on and learn from their experience.

The Externship Programme offers the Externs the opportunity to learn lawyering skills (and values) through a process that is systematic as well as pragmatic- See Page 10 Externship Students Handbook, 2012.

The earliest design of the programme was in 2008 when the new curriculum was developed but a more comprehensive programme

was re-designed in 2012 following the Placement Committee's Report of 2012. The Placement Committee was set up by the Director-General, Dr. Tahir Mamman after the December 2012 Academic Staff Retreat.

NIGERIAN LAW SCHOOL
PLACEMENT CLINIC COMMITTEE REPORT

TO: DIRECTOR-GENERAL

**FROM: ERNEST OJUKWU (CHAIRMAN
PLACEMENT CLINIC COMMITTEE)**

DATE: 18TH SEPT 2012

**SUBJECT: PLACEMENT CLINIC COMMITTEE
REPORT**

A. INTRODUCTION

The Placement Clinic Committee was setup by the Director-General on 1st December 2011 during the Academic Staff Retreat at Uyo from 29th November to 2nd December 2011 with the following membership:

1. Ernest Ojukwu- DDG (Chairman)
2. Dr. Nasirdeen Usman- DDG (Member)
3. Prof Isa H. Chiroma- DDG (Member)
4. A.F. Afolayan- (Member)
5. O.O. Orimogunje (Member)
6. Dr. R.K. Salman (Member)
7. Y.D.U. Hambali (Member)
8. S.A. Osamolu (Member and Secretary)

The Committee was mandated to review the attachment programme and make suggestions for reform if necessary. The Committee held meetings on 9-10 May 2012, 25-26 June 2012 and 25-26 July 2012 and made far-reaching decisions.

B. CHANGE OF NAME OF THE PROGRAMME

The Committee unanimously agreed that the Court and Law Firm attachment programme of the Nigerian Law School should be renamed so as to clearly define the purpose of the programme and integrate it into the global practice. The suggested new name is 'Externship' Programme and the placements will be 'Court Placement' and 'Law Firm Placement'.

C. GOALS OF THE EXTERNSHIP PROGRAMME

The Committee identified the following broad goals for the externship programme:

1. Develop the extern's lawyering skills.
2. Make the extern understand various aspects of the legal system as well as the legal profession.
3. Inculcate in the extern a sense of professional responsibility and values.
4. Develop the extern's ability to reflect on and learn from their experience.

D. DAILY ACTIVITIES AND REFLECTIVE WRITING

1. The Committee agreed that the current quantitative reflection by externs at the expense of qualitative reflection should be reviewed. It should no longer be compulsory for students to reflect on all activities per day. Externs can select any of the activities bothering on any of the four goals and reflect on it in a day. No reflection should go beyond one page.
2. The current Log Book for Court and Law Office attachment should be retained. However, the column for 'Activities' should be modified to also provide for 'Time Log' so that externs can endorse the duration for each activity with a view to ensuring that the mandatory eight-hour daily activity is achieved by every extern.

E. FINAL REFLECTIVE ESSAYS AND FINAL REPORTS

1. The Committee further observed that the current scope of the final essay on the 'Most Significant Thing' written and presented by students during Port folio

assessment is open-ended and should be further narrowed down. The Committee therefore agreed that externs shall submit final reflective essays on each of the following areas: (a) Management and organization of the placement office; and (b) Professional responsibility- ethical dilemma (hypothetical or real).

2. The Committee also observed that instead of the separate Court and Law Firm's Placement Reports as currently submitted by externs, they should be made to complete two evaluation forms, one each on Law Firms and Court Placements, respectively.
3. The Reflective writings and essays should contain the following: Date; Heading; Playback (Brief description of what happened); Analysis (which may include: challenges, problems, fears or apprehension, expectations and how problems or challenges were solved including ways to avoid recurrence of the challenges/problems again); Reflection (What was good? Give example. What was not so good? Give examples. Emotionally, how did you react? Why? Were your expectations met? Would you have gone about the programme differently?

F. MENTORING:

The Committee agreed that students from each Campus should be grouped under Mentors who should be academic members of staff. Each mentor should have about 20 Students depending on the students' population in the Campus subject to a maximum of 40 students per group. Adjuncts in the Campuses may be assigned as mentors.

G. EXTERNAL SUPERVISION OVERSIGHT BY THE NIGERIAN LAW SCHOOL:

The Nigerian Law School shall exercise supervision oversight on the Externs. The Committee identified the following ways for achieving this:

- a. Students' evaluation upon return from placement office.
- b. The need to train and re-train supervisors
- c. Accreditation of law firms to be undertaken by law teachers of the Nigerian Law School.
- d. On the spot visit by the Nigerian Law School teachers to supervise externs.
- e. Ensure that Placement Office/Student ratio is kept at a maximum 1-4.
- f. Ensure that Court Supervisor/ Student ratio is kept at 1-4.
- g. The Nigerian Law School should always sponsor sessions at the NBA Conferences and other meetings to bring the New Curriculum in general, and the Externship Programme in particular to the fore so that more lawyers in attendance will have first hand information on what is expected of the Bar as our partners in the Externship programme.
- h. Constant sensitization at the monthly branch meetings of the Nigerian Bar Association by the Campuses.
- i. The Committee agreed that in order to elicit sustained interest of the Bar in the Externship programme, participation in the NLS Externship Training from time to time should be made a condition precedent for accreditation of Law Firms. The list of accredited Law Firms for Externship should be published periodically on the NLS/NBA websites.
- j. The Committee also agreed that participation of Law Firms in the Externship programme should earn credits in the Mandatory Continued Legal Education for Legal Practitioners in Nigeria.
- k. Law firms' field supervisors shall submit a report on each extern which should be addressed to the Director General or the Deputy Directors - General as the case may be in a confidential cover.
- m. Field supervisors will be required to subscribe to a code of conduct.

H. LAW FIRMS ACCREDITATION GUIDELINES AND SELF-ASSESSMENT FORM

Weighted points have been allocated to benchmarks for accreditation purposes. Over all, a law firm must score 60% and above to be accredited as a placement venue. See the accreditation guidelines and self assessment form attached as Appendixes A,B and C.

I. PORTFOLIO ASSESSMENT

- (a). Each Campus should appoint a Coordinator who is an academic staff (to be supported by a designated administrative officer) to manage portfolio assessment exercise.
- (b). All Portfolio assessors to subscribe to a code of conduct for assessors.
- (c). There should be pro-active training of portfolio assessors (both full time teachers and adjuncts).
- (d). Adjuncts shall be required to complete an evaluation of each portfolio assessment exercise.
- (e). Log books, to be officially printed by each Campus using approved template, to be signed by the mentors.
- (f). An assessment panel should spend a minimum of 35 and maximum of 40 minutes with each extern during the assessment to enable the panel give adequate feedback to the extern.
- (g). No panel should attend to more than 8 students per day.
- (h). No academic staff should be exempted from the exercise where a Campus lacks sufficient faculties.

See Appendix D for the criteria for Portfolio assessment.

J. INSTRUCTIONS FOR LOG BOOK ENTRIES

1. An extern is required to keep 2 foolscap paper sized (34.3cm by 43.2cm) hard cover note books (otherwise known as log books) for the court and law firm placements.
2. The pages of the log books should be numbered serially and dated at the top.
3. Page 1: personal details: NAME, REGISTRATION NUMBER, SESSION, NAME OF CAMPUS,

NAME OF LAW FIRM/ COURT, ADDRESS OF LAW FIRM/
COURT, DURATION OF EXTERNSHIP (LAW FIRM/COURT),
NAME OF PRINCIPAL/JUDGE

1. Page 2: goals of the externship programme.
2. Page 3: instructions
3. Page 4: code of conduct for externs.
4. Page 5 odd page and all subsequent odd pages, time-logged activities.
5. Page 6 even page and all subsequent even pages, reflections on only one activity.
6. The daily activity and reflective pages shall be signed by the extern immediately below the last entry.
7. In the case of court placement, entries in the log book should be counter-signed on weekly basis by the Judge or his/her nominee who would be an officer of not less than an Assistant Registrar, or lawyers appointed as Legal Assistant or Research Assistant to the Judge.
8. In the case of law firm placement, entries in the log book should be counter- signed by the Principal Partner or Principal Associate or Head of chambers.
9. Log books should be endorsed by the Mentor assigned to the extern before an extern departs the school for the externship programme.
10. Extern shall not endorse "court not sitting" in his/her log books. Where a court is not sitting, extern must go to the nearest court that is in session for his/her daily activities.
11. Where an extern is posted to an office that is not active or faced with other serious challenges, the extern shall revert to the nearest Campus of the Nigerian Law School for reposting or report to the Chairman of the Nigerian Bar Association in his locality who will repost such extern and in turn report to the Nigerian Law School.

K. DURATION OF THE PLACEMENTS

The Committee found that most externs have in the past stated that they benefited more from the Court placements than the Law Firm Placement. The Committee noted the fact, that if the suggestions made for reform of the externship programme are implemented, the complaint that little is learnt from law firm placement will be a thing of the past. The Committee therefore recommends that the duration for placement should be equal between the court and law firms and that each should last for about 6 weeks.

L. ADMINISTRATION OF THE EXTERNSHIP PROGRAMME

The Committee noted that so many challenges have been thrown up in the past because the externship programme has been under the management of administrative staff. The Committee feels that the externship programme (likewise academic planning) is purely an academic programme and that it should be managed by Academics to reduce to the barest minimum the problems created by the disconnection between the administrative managers and the academic implementation managers.

M. EXTERNSHIP PROGRAMME HANDBOOKS

The Committee recommends that the Placement Committee should publish detailed handbooks on the Externship Programme for the Nigerian Law School, before the commencement of the session.

DATED THIS 18TH DAY OF SEPTEMBER 2012

Ernest Ojukwu
Chairman

EXPLANATORY NOTES ON THE CRITERIA FOR ACCREDITATION OF LAW FIRMS FOR STUDENTS EXTERNSHIP PROGRAMME

Introduction:

As part of the vocational training programme for aspirants to the Nigerian Bar, the Nigerian Law School places students on externship programme in Courts for a total period of about 12-15 weeks. The goals of the externship programme are:

To deliver the goals for the programme, the Nigerian Law School will partner with the legal profession to accredit law firms periodically. Self assessment forms will be provided by the School for law firms to duly complete. Experts will be deployed to the law firms by the School for the accreditation exercise. The result of the accreditation exercise may be published in selected national dailies, the website of the Nigerian Bar Association as well as the official website of the Nigerian Law School. Please study explanatory note set out below and carefully complete the attached form.

1. Weighted points are allocated to benchmarked items to be assessed for accreditation purpose. Over all, a law office must score 60% to be accredited as a placement venue.
2. Notes on specific benchmarks:
 - a).Qualification ó All persons to be considered here must be legal practitioners within the meaning of the Legal Practitioners Act. Varying weighted points are awarded in accordance with post Call to Bar cognate experience. The Principal Partner/Associate/Head of Chamber, as the case may be, must be at least 5 years post Call. Where Principal/Head of Chamber/ Principal Associate is 1. 5 to 10 years post Call (6 points); 2. 10 years and above (8 points); 3. Benchers and Senior Advocates of Nigeria (10 points).

b).Number of Lawyers ó The numerical strength of each law firm will be considered. Only firms with at least 2 practitioners will receive externs. This is for ease of supervision and attention for the externs. 1. 2 legal practitioners (6 points); 2. 3 to 10 legal practitioners (8 points); 3. 11 and above (10 points).

c).Office accommodation ó 1. A law firm must occupy an approximate size of 60sqm or 2 office rooms in addition to a reception (3 points); 2. Accessible toilet (1 point); 3. Accessibility to the location of law firm (1 point); 4. client interview cubicle (1 point); 5. Conference room (1 point); 6.Kitchenette or cofee room (1 point); 7. Window blinds (1 point).

d).Office equipments ó A. Adequate/standard furniture means provision of at least: 1. Chairs and tables for all legal practitioners in chambers; 2. Visitors ÷ chairs; 3. Office secretary's table and chair; 4. At least 2 chairs and a small table in the reception area for visiting clients/guests; 5. Centre table and chairs in the conference room ; 6. Electric kettle/ tea pot; cups; tray, cutleries and refrigerator in the kitchenette; 7. A table and one or two chairs in the clients' interview cubicle (4 points).

B. ICT facility means: 1. provision of desk top or lap top computers for all practitioners and secretary in chamber. 2. A printer/photocopying machine; 3. Internet access; 4. Telephone; 5. Intercom; 6.multi media projector (3 points).

Others ó 1. Air conditioners/ standing or ceiling fans (1 point); 2. Power supply (1 point); 3. Refrigerator (1 point).

e). Library ó 1. Quantity and relevance of available titles which should include textbooks, periodicals, law reports and statutes (4 points); 2. Currency of titles (3 points); 3. Accessibility of library (2 points); organization i.e. serialization, cataloguing and attendant (1 point).

f). Staffing ó 1. Minimum of 2 para ó legal staff (6 points); 2. 3 to 10 staff (8 points); 3. 11 staff and above ó (10 points).

g). Office organization and management ó 1. Record keeping e.g. register of cases, journal, case management register (4 Points); 2. Operation of general (Solicitor's)/client account (4 points); 3. Regular law office meeting ó (1 point); 4. Scheduled working time (1 point).

h). Engagement in professional activities ó 1. Pro bono services (3 points); 2. Membership and participation in Bar activities (3 points); 3. Participation in mandatory continuing legal education for all lawyers (4 points).

i). Payment of practising fee ó 1. Payment within stipulated time of the year (10 points); 2. Payment outside stipulated time of the year (8 points).

An accredited law office for externship programme shall be due for re-accreditation after three (3) years.

The list of accredited law offices may be published yearly in all major national dailies; Nigerian Bar Association website as well as the Nigerian Law School website.

CHAPTER 6

Transforming the Reforms: The Road Ahead

So much has been done in the 8 years of Dr. Tahir Mamman's leadership at the Nigerian Law School. So much more needs to be done to transform the reforms into best practices for legal education.

The New Curriculum

1. A learner-centred curriculum can only be successfully implemented as a learner-centred programme if there is a fair teacher-students ratio that will permit a complete assessment programme with adequate feedback to the learner. A small class lesson is the key to achieving this. See proposal submitted by this author in 2012 on small class lessons marked **APPENDIX A** in this chapter.
2. There should be a radical shift from a dominant summative assessment programme to a more formative assessment regime.
3. The curriculum should be continually reviewed and redesigned to move away from a dominant contents-driven curriculum to a more qualitative outcome-based one. There should be greater focus on delivering (at this stage of legal education), client-focused values, ethics, trial advocacy skills, communication skills, justice education and knowledge and skills for delivering services in a global context. The present curriculum is still heavily (irrelevant and time wasting) contents driven.

Teachers' Capacity

Hiring of teachers at the Nigerian Law School should be based in greater proportion on merit. It is very difficult and very expensive to convert a mediocre to a good teacher. Teachers should continually be retrained and new ones should undergo training as soon as they are hired. The first such Law School wide training of new teachers took place in the Nigerian Law School only in December 2012 (fifty years from the establishment of the school). The training was conducted/facilitated by Ernest Ojukwu See **REPORT** marked **APPENDIX B** in this chapter.

Quality Assurance

The Council's Committee on Legal Education Review suggested in its 2007 Report the setting up of a Quality Assurance Department for the Nigerian Law School. Dr. Tahir Mamman sought the approval of the Council to establish this Unit in 2012 and the Council directed that it should be set up as a Committee of Council. That Committee was constituted on July 11 2013. It is composed as follows: Ernest Ojukwu (Chairman); Garba Tetengi SAN; JUK Igwe, SAN; Prof Ayo Atsenuwa; Prof Dakas CJ Dakas, SAN; Prof MM Akanbi; and Mrs Beatrice Shuwa (Secretary). The terms of reference specifically states as follows:

1. Ensure the design and delivery of programmes uniformly across campuses;
2. Stock taking and review of academic support resources such as library holdings, etc;
3. Obtain and review students input on resources and students evaluation of teachers;
4. Provision of teachers manual and students learning resources;
5. Advise on general or individual academic support;
6. Analysis of students' academic performance to know areas of need;

7. Develop and advise on electronic resources support;
8. Review and advise on students' externship programme.

See **APPENDIX C** in this chapter.

The road ahead must have a quality assurance unit of the Law School as the driving mind and force to raise and maintain standards across the campuses that are now six. An ad hoc committee of Council may not effectively do the work. A committee may have an oversight but nothing more. The Unit must have some autonomy. Its work will extend to review and evaluation of the programmes, training and retraining of staff, designing and developing programmes, assessments, examinations, case studies, learning materials and resources, evaluation of academic projects, maintain a publication department, oversee the maintenance of a dynamic website in relation to the academic programme, and general monitoring of the academic programme, lessons, law clinics, externship programmes, library services, and personnel.

I will like to repeat the comments of Prof. Richard Grimes (who is now the Director of Clinical Programmes University of York) on our new curriculum here:

What you have designed and implemented at the NLS accords with many of the principles of best educational practice for a law school in terms of curriculum design, teaching methodologies and assessment regimes. It should produce students who are equipped with the knowledge, skills and values to become competent and ethically aware practitioners. The programme does however need to be monitored to ensure that what is being implemented meets local and national needs and continues to develop in a robust way.

Academic Staff Retreat

One of the main achievements of Tahir Mammam as Director-General was the conduct of academic staff retreats to review the curriculum and programmes at reasonable intervals. It happened in October 2009, November-December 2011 and May 2013. See **REPORTS** as **APPENDIXES D** and **E**. This is a recommended road map for transformation of the reforms. An annual academic retreat will be ideal.

Campus Live Client Clinic

The reform envisages the establishment and development of campus based live client clinics. Such clinics will not only address the experiential learning component of the training but also be vehicle to making the students at least appreciate the connection between law and social justice. Augustine Nnamani Campus of the Nigerian Law School established its Law Clinic in 2009 named Client Advice Centre and Law Clinic. Abuja Campus established its law clinic in 2012 and it is named Abuja Law Clinic. Yola Campus established its clinic this year and it is called Yola Campus Law Clinic. Kano Campus law clinic was established in 2012 and it is named Bagauda Law Clinic. Lagos Campus established one this year and it is named Lagos Campus Law Clinic. Yenagoa Campus established its law clinic this year and it is named Yenagoa Campus Law Clinic. The clinics are still operated as volunteer units. The clinics are not integrated into the mainstream curriculum of the Nigerian Law School. There is need to set out a concrete plan and integrate the live client clinics into the programme and make it mandatory for all students to experience contact with live clients or live cases under supervision. Such work should be assessed and the student given adequate feedback.

ICT

An efficient delivery of best practices for legal education requires an efficient internet communications technology. Nigerian Law School needs to develop and maintain a dynamic website, and software for its programmes including teaching and assessment software.

Facilities and Infrastructure

We cannot successfully implement best practices in legal education unless we have the right and adequate facilities and infrastructure in the institution.

For example, to move from large class traditional lessons to small class lessons will require small classrooms. Dr. Mamman addressed this during his tenure and today there are small classrooms in all the campuses meant for the move from large classes to small-class focused lessons. There is need to now abandon an auditorium mentality and provide adequate number of these small classrooms and properly equip them and make them comfortable for modern legal education. The general facilities and infrastructure in the campuses should be upgraded for proper standards including the libraries and hostels. The hostels, libraries and classrooms in all campuses should be upgraded in order to have the right environment to model our students with the right attitudes to compete globally.

The Bigger Picture Transformation- Lessons for Law Faculties

Traditional legal education in Nigeria separates legal education between a liberal art bachelor of laws programme at the law faculties and the bar programme at the Nigerian Law School. I describe this process of compartmentalisation as the oil and water approach to learning. It may be too late (or too early) to suggest an abolition of one part but the best practice requires

that law should be taught at any and all levels of education both as a liberal art and as a vocation during which learning should be inter-disciplinary integrative of knowledge, skills, competencies and values.

The bigger picture transformation of legal education in Nigeria must focus on reformation of legal education at the bachelor of laws degree level where the trainee spends 5 years of a 6 years legal training preparing for the profession. The Law Student from the first year should be trained holistically using an integrated liberal art and vocational approach. This is whether or not the trainee intends to join the profession or not. Medical schools or engineering schools do not separate their students during training between those who intend to finally become medical practitioners or not and between those who plan to be practicing engineers or not. Learning must be student-centred, interactive, and active with heavy doses of experiential learning- to prepare for the profession.

More than 50 years after independence, it is time for us to set goals for our legal education. Law Faculties must set goals for their legal education. Law Faculties must design curricula that are complete with objectives, outcomes, and assessment and evaluation mechanism. Law teachers must be trained in teaching skills and curriculum development to begin to approach legal education from a facilitator's learner-centred perspective rather than from the 'sage on stage' attitude.

Dr. Tahir Mamman during his tenure recognised that the successful transformation to best practices of reforms on legal education will depend on the law faculties' willingness to accept change and join the process. That was the reason for inaugurating the Deans of Law Conference in November 2009. See page 99, Chapter 3.

In 2012 Dr. Mamman presented another request to Council of Legal Education (which by the way has as its members all law

deans), to set up a legal education curriculum reform committee for the LLB programme. Luckily, the Council approved this and the committee has been set up. See **APPENDIX F**.

The Committee has the following members: N.Awa Kalu, SAN (Chairman); Ernest Ojukwu (Member and Secretary); Prof. Roger Burrige; Prof Oyelowo Oyewo; Prof Lawal Ahmadu; Prof M.O. Adediran; Prof M.I. Said; and James Uko Kalu Igwe, SAN.

The Committee's specific terms of reference are:

1. Consider the nature/philosophy and objectives of the LLB programme in Nigerian universities;
2. Consider the course structure of the extant LLB programme in the light of domestic and international competence requirements of lawyers;
3. Review the current courses offered in the law faculties and the curriculum of each course;
4. Review the mode of teaching;
5. Propose the minimum criteria of academic standards for accreditation of law programmes in the universities. Provide further criteria and requirements for the classification of accreditation status of a faculty into provisional, interim and full.

It is therefore hoped that the transformation will happen sooner than later.

APPENDIX A

NIGERIAN LAW SCHOOL
PROPOSAL FOR SMALL CLASS LESSONS AT THE
NIGERIAN LAW SCHOOL: DATA OF REQUIRED NUMBER
OF CLASSROOMS AND TEACHERS

BWARI ABUJA CAMPUS

1. Student population (2011 / 2012 Session) - 1676
 2. Class rooms for small group sessions - 18 (that means more than 20 students per small group)
 3. Number of Regular Teachers $\hat{=}$ 15
- 1676 x 20 per class = 84 sessions per module per week.
84 sessions \div 3 periods of 2 hours each per day = 28 periods per module
28 Periods x 5 modules = 140 periods per week

To cover the 5 modules per week using 3 sessions per day will require 28 classrooms to be active at the same times per day.

If the ratio is changed to 1-30 then each module will require 56 sessions and at 3 periods per day the 5 modules will require 18-19 classrooms to be active at the same times per day.

If the ratio is changed to 1-40 then each module will require 42 sessions and at 3 periods per day the 5 modules will require 14 classrooms to be active at the same times per day.

Teachers Engaged for 10 hours per week

At ratio 1=20, if each teacher is engaged for 10 hours per week, we will require 17 teachers per module; At ratio 1-30 11-12 teachers per module; and at ratio 1-40 we will require 8-9 teachers per module.

Teachers Engaged for 12 hours per week

At ratio 1=20, if each teacher is engaged for 12 hours per week, we will require 14 teachers per module; At ratio 1-30 9-10 teachers per module; and at ratio 1-40 we will require 7 teachers per module.

Teachers Engaged for 14 hours per week

At ratio 1=20, if each teacher is engaged for 14 hours per week, we will require 12 teachers per module; At ratio 1-30, 8 teachers per module; and at ratio 1-40 we will require 6 teachers per module.

AUGUSTINE NNAMANI CAMPUS

1. Student population (2011 / 2012 Session) - 887

2. Class rooms for small group sessions ó 14 Usable places. 5 classrooms on the ground floor of the tutorial building that was recently built up were not completed by the contractor. If these 5 classrooms are completed we would have 19 usable spaces. We also have a space on the last floor of the uncompleted library building and that space can provide up to additional 5 classrooms.

3. Number of Regular Teachers - 13 (excluding the DDG)

44-45 sessions per module per week at 20 per class;

30 sessions per module per week at 30 per class;

22 sessions per module per week at 40 per class.

To cover the 5 modules per week using 3 sessions per day will require 15 classrooms to be active at the same times per day.

If the ratio is changed to 1-30 then each module will require 10 classrooms to be active at the same times per day.

If the ratio is changed to 1-40 then each module will require 8 classrooms to be active at the same times per day.

Teachers Engaged for 10 hours per week

At ratio 1=20, if each teacher is engaged for 10 hours per week, we will require 9 teachers per module; At ratio 1-30, 6 teachers per module; and at ratio 1-40 we will require 5 teachers per module.

Teachers Engaged for 12 hours per week

At ratio 1=20, if each teacher is engaged for 12 hours per week, we will require 8 teachers per module; At ratio 1-30, 5 teachers per module; and at ratio 1-40 we will require 4 teachers per module.

Teachers Engaged for 14 hours per week

At ratio 1=20, if each teacher is engaged for 14 hours per week, we will require 7 teachers per module; At ratio 1-30, 5 teachers per module; and at ratio 1-40 we will require 3 teachers per module.

YENAGOA

1. Student population (2011 / 2012 Session) - 248
2. Class rooms for small group sessions ó 4
3. Number of Regular Teachers - 6 (excluding the DDG)

13 sessions per module per week at 20 per class;
8-9 sessions per module per week at 30 per class;
6-7 sessions per module per week at 40 per class.

To cover the 5 modules per week using 3 sessions per day will require 5 classrooms to be active at the same times per day.
If the ratio is changed to 1-30 then each module will require 3 classrooms to be active at the same times per day.
If the ratio is changed to 1-40 then each module will require 2-3 classrooms to be active at the same times per day.

Teachers Engaged for 10 hours per week

At ratio 1=20, if each teacher is engaged for 10 hours per week, we will require 3 teachers per module; At ratio 1-30, 2 teachers per module; and at ratio 1-40 we will require 2 teachers per module.

Teachers Engaged for 12 hours per week

At ratio 1=20, if each teacher is engaged for 12 hours per week, we will require 3 teachers per module; At ratio 1-30, 2 teachers per module; and at ratio 1-40 we will require 1 teacher per module.

Teachers Engaged for 14 hours per week

At ratio 1=20, if each teacher is engaged for 14 hours per week, we will require 2 teachers per module; At ratio 1-30, 2 teachers per module; and at ratio 1-40 we will require 1 teacher per module.

LAGOS

1. Student population (2011 / 2012 Session) - 1,334
2. Class rooms for small group sessions - 10
3. Number of Regular Teachers ó 9 (excluding the DDG)

67 sessions per module per week at 20 per class;
45 sessions per module per week at 30 per class;
34 sessions per module per week at 40 per class.

To cover the 5 modules per week using 3 sessions per day will require 23 classrooms to be active at the same times per day.
If the ratio is changed to 1-30 then each module will require 15 classrooms to be active at the same times per day.
If the ratio is changed to 1-40 then each module will require 12 classrooms to be active at the same times per day.

Teachers Engaged for 10 hours per week
At ratio 1=20, if each teacher is engaged for 10 hours per week, we will require 14 teachers per module; At ratio 1-30, 9 teachers per module; and at ratio 1-40 we will require 7 teachers per module.

Teachers Engaged for 12 hours per week
At ratio 1=20, if each teacher is engaged for 12 hours per week, we will require 11 teachers per module; At ratio 1-30, 8 teachers per module; and at ratio 1-40 we will require 6 teachers per module.

Teachers Engaged for 14 hours per week
At ratio 1=20, if each teacher is engaged for 14 hours per week, we will require 10 teachers per module; At ratio 1-30, 7 teachers per module; and at ratio 1-40 we will require 5 teachers per module.

Dated this 28th Day of April 2012

Ernest Ojukwu
Deputy Director-General

CAM PUS	STU DEN TS POP ULA TION	RATI O	NO OF CLA SSES PER MOD ULE	TEA CHE R NO @10 HRS	TEA CHE R NO @ 10H RS	TEA CHE R NO @12 HRS	TEA CHE R NO @12 HRS	TEA CHE R NO @14 HRS	TEA CHE R NO @14 HRS		
				PER MO DUL E	TOT AL MO DUL ES	PER MO DUL E	TOT AL MO DUL ES	PER MOD ULES	TOT AL MOD ULES		
AB UJ A	1676	20	28	17	85	14	70	12	60		
				30	19	12	60	10	50	8	40
				40	14	9	45	7	35	6	30
AU GU STI NE NN AM AN I	887	20	15	9	45	8	40	7	35		
				30	10	6	30	5	25	5	25
				40	8	5	25	4	20	3	15
LA GO S	1334	20	23	14	70	11	55	10	50		
				30	15	9	45	8	40	7	35
				40	12	7	35	6	30	5	25
YE NA GO A	248	20	5	3	15	3	15	2	10		
				30	3	2	10	2	10	2	10
				40	3	2	10	1	5	1	5

APPENDIX B**Nigerian Law School****Report - 3 days Teacher Training Workshop for new Law Teachers of the Nigerian Law School**

To: Director-General Nigerian Law School

From: Ernest Ojukwu, Coordinator Workshop for New Law Teachers

Date: 6th December 2012

Subject: 3 days Teacher Training Workshop for new Law Teachers of the Nigerian Law School, 3rd – 5th December 2012-Coordinator's Report

1. Introduction

The Nigerian Law School-organized 3 days teacher training workshop for new law teachers of the Nigerian Law School took place at Abuja Campus Bwari on the 3rd, 4th and 5th December 2012. The workshop focused on an introductory training for teaching skills of new law teachers employed in 2011 and 2012 in order for them to understand the academic programme of the Institution and be able to use appropriate teaching methods and techniques at lessons and other academic activities.

2. Participants

17 new law teachers registered for the workshop and 16 participated

3. Programme and activities

The workshop lasted 3 days. It was very interactive and all the participants took part very actively. The participants showed zeal and interest throughout the programme. I assessed their participation very good and understanding of the activities good.

Prior to the workshop, participants completed pre-workshop assessment forms. Their answers formed the basis of discussions throughout the programme on thematic issues like:

- (i) Goal of legal education;
- (ii) Lawyering skills;
- (iii) Teaching techniques and evaluation;
- (iv) Learner-centred and teacher-centred education; and
- (v) Outcome based teaching.

Participants presented lesson plans individually and in teams and observed demonstration teaching by the facilitator on ethics that focused on the values of an ethical lawyer.

Participants also discussed the following:

- (a) Clinical legal education;
- (b) Law clinic; and
- (c) Learning styles, strategies and procedure at the Nigerian Law School.

At the end of the workshop, participants completed post-workshop evaluation forms. The majority of the participants evaluated the workshop as follows:

- | | | |
|---|---|----------------|
| i) Achieving workshop objectives | - | Excellent |
| ii) Content of the programme | - | Excellent |
| iii) Prerequisite for the workshop | - | Excellent |
| iv) Time allotted for the workshop | - | Good |
| v) Facilities and technical equipments | - | Good |
| vi) Handouts and advance materials | - | Excellent |
| vii) Effectiveness of audio-visuals | - | Excellent |
| viii) Practical information from the workshop that can be used by the participants- | | Strongly agree |
| ix) Clear communication of concepts by the facilitators | - | Strongly agree |
| x) Effective presentation skills by the facilitators | - | Strongly agree |

12 of the 16 participants suggested use of lesson plan as the most significant thing gained from the workshop. All the 16 registered participants indicated that they received adequate communication about the workshop well in advance through electronic means. An unregistered participant who joined the workshop on the second day indicated that he only knew of the workshop informally 3 days in advance and therefore could not make adequate arrangement to be at the workshop at the commencement of the programme.

The participants also generally suggested the following:

1. A training for them on preparation of examination questions and grading;
2. A training for them on ICT;
3. Provision of accommodation for all participants at the venue of future workshops to allow for participants' interaction;
4. A teacher training/refresher training for the new law teachers and regular training for them in the future.

4. Facilitators

The training was conducted/facilitated by Ernest Ojukwu (Nigerian Law School)- Workshop Coordinator; and assisted by Dr. Ismaila Junaidu (National Education and Research Centre Sheda Abuja) as external facilitator.

5. Conclusion

The participants expressed gratitude to the Director-General for organizing the programme and the facilitators for the execution of the training. Some of the materials used at the workshop are attached to this report.

Ernest Ojukwu (DDG Nigerian Law School)
Coordinator

APPENDIX C

COUNCIL OF LEGAL EDUCATION

SECRETARY TO THE COUNCIL AND CHIEF CLERK
OF ADMINISTRATION

Mrs. Elizabeth O. Okonkwo, LL.B., LL.M.
Justice and Tutor of the Supreme Court of Nigeria
Direct Line: 0814-808-2256
Website: www.nigerianlawschool.edu.ng
E-mail: nls@nls.gov.ng/secretary@nls.gov.ng



NIGERIAN LAW SCHOOL
HEADQUARTERS, BWARI
P.M.B. 170
GARKI - ABUJA,
NIGERIA.

NLS/34/S.11/Vol 1

July 25, 2013.

Mr. Ernest Ojukwu
Deputy Director-General,
Nigerian Law School,
Bwari, Abuja.

Establishment of Quality Assurance Committee for the Nigerian Law School:

The Council of Legal Education at it's Meeting of July 11, 2013 constituted a Quality Assurance Committee for the Nigerian Law School. The Membership of the Committee is as follows;

- | | | | |
|----|---------------------------------|---|-----------|
| 1) | Ernest Ojukwu Esq. | - | Chairman |
| 2) | Garba Tctengi, SAN | | Member |
| 3) | J.U K Igwe, SAN | | Member |
| 4) | Professor Ayo Atsenuwa | | Member |
| 5) | Professor Dakas C.J. Dakas, SAN | | Member |
| 6) | Professor M.M. Akanbi | - | Member |
| 7) | Mrs. Beatrice Shuwa | | Secretary |

The Terms of Reference of the Committee are to:

- i) Ensure the design and delivery of the programme uniformly across the campuses.
- ii) Stock taking and review of academic support resources such as library holdings, etc.
- iii) Obtain and review students input on resources and students evaluation of teachers.
- iv) Provision of teachers' manual and student learning resources.
- v) Advice on general or individual academic staff support.
- vi) Analysis of students' academic performance to know areas of need.
- vii) Develop and advise on the electronic resources support.
- viii) Review and advise on students' externship programme.

APPENDIX D**NIGERIAN LAW SCHOOL
ACADEMIC RETREAT
NOVEMBER 27 TO DECEMBER 3 2011****Coordinator's Report By Ernest Ojukwu**

60 Law teachers of the Nigerian Law School including the Director-General (Dr. Tahir Mamman) and the Heads of all the campuses participated at an academic retreat at Uyo Akwa Ibom State from November 27 to December 3 2012. The retreat was aimed at reflecting, taking stock and reviewing the curriculum and teaching method and methodology of the Nigerian Law School that was introduced in 2008.

The retreat programme focused on the following thematic issues:

1. Use of the Library under the new curriculum;
2. Establishment of In-house Law Clinics in all campuses;
3. Assessment;
4. Reflective Practice and reflective report writing;
5. Placement Clinic
6. Teaching ethics and values;
7. Review of teaching methods and Actual execution; and
8. Review of Nigerian Law School Curriculum.

USE OF LIBRARY UNDER THE NEW CURRICULUM

Participants found as a fact that though there has been a rise in the use of the library by students since the introduction of the new curriculum, yet usage is still low. This has been attributed to failure of the induction programme due to non participation of majority of students at the induction programme caused by late resumption of students at the commencement of the programme and failure of teachers to give students focused assignments during the course of the programme. Report from the library also indicated that less than 10% of teachers use the library. The

Library unit has not done any serious survey of the use of the library or any needs assessment. Participants recommended the following:

- (a) Every student should be made to take part in the library induction programme no matter the date and time the student completed registration during the session. For a better management of the induction programme that will make it more interactive and hands-on, the library staff should conduct the induction for students in batches of small groups of students.
- (b) Teachers should give students more focused assignments that will require them to visit the library as often as required.
- (c) Teachers should use the library for their personal research as their presence in the library will assist in mentoring students.
- (d) Library staff has played little or no role as an academic unit of the Institution. Library staff should assist with data by conducting on yearly basis, research and surveys on the use of the library, library materials and general needs assessment and make available the result of these research and surveys for an effective link between the library, the curriculum and teaching methods adopted by the Institution.
- (e) Management should provide modern and standard libraries in all the campuses, in order to make our libraries attractive and conducive for learning.

ESTABLISHMENT OF IN-HOUSE LAW CLINICS IN ALL CAMPUSES

Report presented showed that only Augustine Nnamani Campus has an in-house live law clinic out of 6 campuses of the Law School. Participants agreed that there is need to establish in-house live law clinics in all the campuses and generally further resolved as follows:

- (a) The In-house live law clinic would initially be a voluntary programme for law students until such a time when all campuses would be able to involve all students.
- (b) The in-house clinic should initially focus on the following units- outreach programmes for communities around each campus, Prison Pre-trial detainees, legal advising and mediation.
- (c) The law clinic programme is a primary assignment for law teachers and all law teachers in each campus shall participate in the programme.
- (d) DDGs should immediately set up law clinic committees that will assist in the management of law clinics.
- (e) Law clinics shall produce manuals with identifiable objectives and rules. The primary aim of our clinics shall be educational goals. Individual Clients to be served must pass a means test which shall be based on the Legal Aid Act indigent means rule.
- (f) Any law student who is engaged in the law clinic shall be supervised by a law teacher or an adjunct lawyer qualified to practice in Nigeria.
- (g) Since law clinics shall be voluntary for law students for the time being, no credits shall be awarded to law students, but students who participate should be given special recommendation letters.
- (h) Students may be posted to the in-house law clinics for their law office attachments.

ASSESSMENT

Participants discussed assessment from the following perspectives:

- (i) Pass mark for the bar examination
- (ii) Grading and classification of Bar examination results
- (iii) Continuous assessment
- (iv) Assessment of portfolios from placement clinics (court and law firm attachments).

The conclusion of participants at the end of this session on assessment is shown below as follows:

- (a) There was unanimous agreement that pass mark for the bar examination should be raised from 40% to 50%;
- (b) 58 participants were polled on whether to abolish classification of the bar examination results as is the practice now or not. 43 participants voted to retain classification in its present form while 15 voted to abolish classification as is used presently and in its place introduce Pass with distinction/Pass/Fail and a pre-admission test. Participants were further grouped into 5 groups to determine how marks should be awarded for the classification as is presently used. 3 groups suggested some modifications as follows:
 - A- Provided no course is failed, 1st class-400 over 500, 2.1 350 over 500, 2.2 300 over 500 and Pass 250 over 500.
 - B- Provided no course is failed 1st class 80% in 4 subjects out of 5, 2.1-70-79% in 4 out of 5 subjects, 2.2-60-69% in 4 out of 5 subjects, Pass minimum of 50% in 5 subjects, and Reference where there is only one subject that is less than 50% but not less than 40%.
 - C- Provided no course is failed 1st class-70% in all subjects, 2.1-60-69% in all subjects, 2.2-56-59% in all subjects, Pass 50-55% in all subjects.
 - D- 2 groups suggested that the present formula should be retained thereby eliminating the pass grade since 50% pass mark was accepted by all.
- (c) Participants agreed that there was great need to introduce continuous assessment in the Law School programme to get the students to engage more actively in the learning process and also assist them in formative learning. Majority suggested that the final bar examination should attract a maximum of 80% made up of 60% essay questions and 20% multiple choice questions. 20% should be assigned for continuous assessment made up of 5% for attachment

portfolio assessment, 5% class activities, 5% pre-bar examination test, and 5% mock trial.

- (d) For Assessment of portfolios from placement clinics (court and law firm attachments), majority of participants suggested that we should alter the assessment criteria to-

Evidence of attendance and active participation in court	-	10
Evidence of attendance and active participation in law firm	-	10
Proper entries in log book	-	10
Proper reflections in log book	-	10
Responses during panel interview	-	20
Documents in portfolio	-	10
Presentation skill during portfolio presentation including how the power point slides are organized-		20
Essay	-	10

REFLECTIVE PRACTICE AND REFLECTIVE REPORT WRITING; AND PLACEMENT CLINIC

Participants agreed that reflective practices and reflective report writing under our curriculum should be focused on the Placement clinic portfolios submitted by the students and lessons on ethics. Participants agreed that the goal of reflection should be primarily as a vehicle for the student to deepen the knowledge and understanding of substantive law, procedure, skills and values and how the legal profession and legal system functions and should function.

Participants generally suggested the following:

Reflective Essay

- It was agreed that the reflective narrative essay on the most significant thing I learned during the attachment must relate to legal knowledge, or values or legal skills. It

must identify with the rule of law or be based on legal issues.

- The event to be reflected upon must be an outstanding event related to the practice of law related to our curriculum, ethics, customs and tradition of the legal profession.
- Examples of these events are court proceeding, In-chamber activities, law seminars and workshops, formal practices of the profession like oath taking by judges, special court sessions for new legal year, or in honour of dead colleagues and judges, appointment of senior advocates of Nigeria, etc.
- Reflection must have a structure composed of an introduction, body (narration of the event and its impact on the student), observation and conclusion.
- It must have a logical development and coherence. Essay should be written in simple English, appropriate punctuations and simple grammatical constructions.
- Font type should be Times New Roman; Font size should be 12.

Reflective Journaling

- Events to be recorded must account for every day of the attachment period.
- Activities recorded and reflected on will be what transpired in the courts or chambers, which the student witnessed firsthand.
- Reflection should focus directly on activities that touch on legal knowledge, skills and values.
- Activities to be recorded in law office include every activity pertaining to the organisation and operation of the firm, organisation of legal character e.g. letter writing, client interview, filing of documents etc.
- The journal should assess compliance to form and neatness kept.

Challenges

Participants identified the following challenges:

- Inoperative law firms, attitude of some firms and large number of students posted to some firms militate against effective participation of student in activities and reflection.
- Long periods when courts are not sitting.
- External assessors (Adjuncts) are not properly briefed/trained.
- Fear by the student of being victimised if he/she is frank in his/her observation/reflection.
- Plagiarism by students and false reporting of activities.
- Ineffective supervision by Judges and Law Firms.
- Objectivity of supervisors in their reports on students.
- Limited time for portfolio assessment.
- Staff-students ratio.
- Identified lack of adequate training and preparation of our students before they proceed for placement programmes.
- Lack of commitments of some Lecturers and Adjuncts in some campuses towards the assessment of law students at portfolio presentations.
- Failure of Abuja Campus to adhere to the directive that a panel for portfolio assessment must be made up of a full time teacher and an adjunct.

Further Suggestions

Participants suggested the following:

- Teachers should conduct active and deep pre-attachment workshops for students in all campuses. Case studies from past students portfolio activities and essays should be used in the workshops.
- Assessors (Teachers and Adjuncts) shall be required to submit reports at the end of the assessment.
- A census should be carried out to assess law firms and determine their operational levels and standards.
- Law Firms should be accredited.

- Workshops should be organised for law firms and the supervisors from law firms and courts.
- Judges should be fully briefed on the goals and implementation of the placement clinic.
- External assessors should be properly briefed and trained.
- All portfolio assessment panels should be made up of a full time Lecturer and Adjunct in all campuses.
- A minimum of 40 minutes should be used for the presentation and assessment of each student and maximum of 10 students per panel per day so as to have an effective assessment.
- Panels should give adequate feed backs to students since the exercise is intended to help the student deepen his knowledge on substantive law, procedure, skills and values.
- Erring students should be sanctioned and be informed of their sanctions before attachment.
- Council must facilitate continuous inspection of law offices by law teachers when students are on attachment.
- There should be live recording of portfolio assessment proceedings.
- As a matter of practice all students' essays should be read and analysed as soon as students are back by assessors.
- In addition to the scoring criteria for the portfolio assessment, a student who passes the portfolio should earn 5% marks towards the bar final examination.

As part of the outcome for this session/theme, a placement Clinic Committee was constituted comprising the DDGs Ernest Ojukwu, Dr. Nasir Usman, Prof Isa Chiroma, Messrs Afolayan, Osamolu, Orimogunje, Hambali, and Dr. Salman. The committee was mandated to produce guidelines for the placement clinic and provide a template and guidelines for assessors.

TEACHING ETHICS AND VALUES

Participants agreed that while the scope of our curriculum is standard on ethics and professional responsibility, there has been

less attention by teachers at teaching ethics properly. One of the reasons suggested for this state of affairs was that no specific teacher was assigned to take charge of the module Law in Practice in each campus. Teachers were also affected by the attitude of apathy by the citizens and the legal profession towards issues of ethics in society. Participants generally agreed that it is the responsibility of law teachers to reverse this trend and generally resolved as follows:

- **On what we should teach regarding ethics and values.** It was resolved that students should be taught the Rules of Professional Conduct (RPC) and how they relate to everyday conduct and activities of a lawyer; students should be prepared for the moral and ethical dilemmas they may face in different contexts and how to resolve conflict between these ethics, values, morality and the discharge of their professional responsibilities.
- **On Why we should teach it**
Lawyers are indispensable in the administration of Justice and so students must be taught to understand their duties to the profession, the public, to clients and the court. Students should be taught to be good role models so as to have positive impact on the larger society and build confidence among citizens towards the legal profession.
- **How should we teach it?**
In addition to law office/court attachment, video clips of professional legal activities that has ethical issues should be used for lessons in addition to newspapers, magazine clips of reported incidents torching on ethics and values and reported disciplinary cases. Lessons on ethics should be taught through reflective practices; should be interactive and case studies and brainstorming used. Our students should be able to recognise and deal with red flags in simulated and real cases relating to values, ethics, wrong-right, professional conduct and good behaviour. Ethics should continue to be taught under Law in Practice module

and perversely through the other 4 modules. Teachers should implement the lesson plans on ethics and make sure lessons on ethics are not glossed over in any module. Case studies produced by participants are attached to this report as APPENDIX II.

- **Who should teach it**

All teachers in each campus should participate in the teaching of Law in Practice particularly the aspect relating to ethics. There should be a coordinator for law in practice module in each campus. Retired Judges, senior members of the Profession, Magistrates, and even non lawyers should be invited to share life experiences of ethics and values related issues in our lessons to students.

Other suggestions

- The Council of Legal Education should in conjunction with N.U.C. mandate universities to develop curriculum and teach ethics and values throughout the stages of the law undergraduate studies.
- There should be training and continuing retraining of law teachers and adjuncts on ethics learning and teaching.

REVIEW OF TEACHING METHODS AND ACTUAL EXECUTION

Discussions on the review of teaching methods and execution centred mainly on the challenges of implementation of the new curriculum with regards to pre-class activities, student participation, adjuncts, class groupings, feedback, portfolio assessment, timing of induction and mock trials, and challenges. Participants were grouped based on their subject areas to consider these issues. During the plenary the groups presented their reports with details of general challenges encountered and solutions suggested. Finally during the wrap up for the day, the challenges

and solutions were harmonised and the following resolutions agreed:

- (i) Team Teachers need to discuss implementation of their class activities amongst themselves earlier before the class. Adequate preparation is foundation to proper delivery of a lesson.
- (ii) Lesson plans should be adhered to strictly and lecture time kept. If students do their work in advance less time will be spent in class. No campus should keep the students in the class beyond the prescribed 4 hours of lesson.
- (iii) Activities should be restructured in a manner that will focus on essential outcomes.
- (iv) Teachers must guide students to understand what activities to prepare in advance of lessons.
- (v) Advanced Assignments should be focused and not general.
- (vi) All new law teachers and all adjuncts should undergo some teacher training and understudying of other teachers before they are allowed to conduct lessons.
- (vii) Lecturer/Adjunct relationship should be one of cooperation, since each is there to complement the other. A harmonious, healthy relationship can only be in the overall interest of the students and would additionally enhance effective and efficient implementation of lesson plans.
- (viii) Students should be grouped in permanent small groups for pre-class assignments. Groups should as much as possible not be more than 20 students.
- (ix) More teachers should be employed whether as full time or as adjuncts to reduce the present overwhelming staff-students ratio to manageable ratio.
- (x) More classrooms should be provided in each campus to enable small class lessons. Auditoriums and classrooms should be upgraded to make it easy for use of modern teaching equipments and the use of computer and internet by students and staff. Adequate teaching aids and facilities should be provided in all campuses.

- (xi) Feedback from students is very important and evaluation forms should be given to students at the end of each term to assess lessons and the teachers. Peer review mechanisms amongst teachers will help them assess each other too.
- (xii) Teachers must also give students adequate feedbacks during lessons.
- (xiii) Teachers should continue to be exposed to continuous training on teaching methods.
- (xiv) The academic retreat should be an annual event.
- (xv) Professorial cadre should be introduced in the Law School to encourage retention of skilled teachers.
- (xvi) There should be an academic quality assurance unit for the Law School. In the meantime each head of campus should be the head of quality assurance for each campus.

GENERAL REVIEW OF THE CURRICULUM

Participants were grouped under the different modules to review generally the curriculum and each group made suggestions towards the modification of the curriculum. The suggestions are attached as APPENDIX III to this report.

CONCLUSION

The retreat was very successful. Teachers pledged to cooperate with the management to see to the successful implementation of the new curriculum. The Director-General promised to do all within his powers to implement the recommendations emanating from the retreat including the introduction of the professorship cadre for law teachers that deserve it to help attract and keep the best skilled teachers and scholars within the Nigerian Law School.

Ernest Ojukwu
DDG and Coordinator.
15th December 2011

APPENDIX E**NIGERIAN LAW SCHOOL
2013 ACADEMIC RETREAT****TRANSFORMING LEGAL EDUCATION**

HELD AT TINAPA RESORT CALABAR MAY 5 TO MAY 11,
2013

COORDINATOR'S REPORT BY ERNEST OJUKWU**Introduction and Objectives**

Nigerian Law School based on its new vision and mission adopted a new curriculum and introduced new teaching methods in 2008. The new curriculum has been used for 4 years and there has been positive feedback from stakeholders on the impact of the reform. Academic retreats were held in 2009, and 2011.

The retreat aimed at taking stock, and reflecting on the implementation of the reform, discussing and adopting means and ways of transforming the change to best practices in legal education.

The theme of the retreat was "Transforming Legal Education".

The 5th and 11th May 2013 was arrival and departures days respectively for participants. The retreat/workshop working days were from 6th to 10th May 2013.

64 teachers (including the Director-General of the Nigerian Law School) from the 6 campuses of the Nigerian Law School participated at the retreat.

DAY 1

On the first day of the retreat, Dr. Tahir Mammman, Director-General of the Nigerian Law School, made welcoming and opening speeches restating the importance of the programme to the development of the teachers' capacity and the Institution to enable the Nigerian Law School adequately fulfill its role in nation building. The Director-General also presented goodwill message of the Chairman of Council of Legal Education. After the Director-General's remarks the Cross-River State Attorney-General and Commissioner for Justice presented the Goodwill message from the Governor of the State His Excellency Governor Imoke.

Proposal for Small class lessons

The first working session on the first day was on Proposal for Small class lessons at the Nigerian Law School. The Director-General Dr. Tahir Mammman presented the proposal for review by participants and Ernest Ojukwu conducted the group work and presentations by participants. Participants were required to identify problems and challenges that may likely arise with the implementation of small class lessons at the Nigerian Law School and suggest possible solutions and time plan for implementation. The small class lesson requires that a lesson should not have more than 40 students. The proposal is attached to this report.

Participants agreed that small class lessons is very desirable for the process of effective practice based teaching and learning and that it will give the opportunity for adequate one-on-one training of students, interactive learning, mentoring, assessment and feedback.

Participants did not agree on one implementation time-plan. Options suggested were: 2 years, 3 years and 5 years from this year.

Participants also identified some challenges and problems that may arise from the implementation of small class lessons and also made suggestions to tackle these challenges as follows:

1. Staff Workload and Capacity Challenges

Participants were of the opinion that as presented and with the current small number of teachers in all the campuses, teaching and administrative burden on the teachers will be too heavy. They therefore suggested a drastic increase in the number of full-time and part time (adjunct) teachers to maintain a 1-40 teacher-students ratio. Teachers (whether part time or full time) should receive continuing training locally and internationally for capacity building, and development. To get the best output from teachers, their remuneration and other compensations and allowances (such as excess workload) should be introduced/enhanced and also provide adequate welfare and conditions of service including re-designating the nomenclature of highest teaching positions from Deputy Directors/Directors to Associate Professors/Professors to increase motivation and retention of staff at the Nigerian Law School.

Participants did not agree on a teaching workload limit. 2 groups suggested 6 hours; 2 groups suggested 8 hours and 1 group suggested 12 hours per week. These teaching workload periods will be in addition to the teacher's other workloads like administrative duties, examination functions, Institutional extra-curricular activities, law clinic work, preparation time for lessons, research and writing, etc.

2. Quality Control/Assurance

Participants suggested the establishment of an independent academic quality control unit at the Main Campus of the Institution and campus quality control committees at the Campuses.

3. Provide adequate/Upgrade Infrastructure and facilities

Participants suggested that Law School should provide adequate infrastructure and facilities and upgrade existing ones to cope with small class lesson regime. These include, staff offices, classrooms, mock courts, library, students

hostel, toilets, teaching aids and equipment, internet and communication facilities and establishment of properly designed active website and portal; electronic data for research, electronic software and applications, etc. Participants noted that at present the Institutions' infrastructure and facilities are very poor and inadequate.

4. Improve Curriculum

Participants suggested that there would be need to re-design the current curriculum of the Nigerian Law School to accommodate a limit of 2 hours to 2.5 hours lesson per module instead of a 4 hours lesson and that the altered curriculum and lessons would have more students activities as pre-class and post- class assignments and that standard portals should be developed for students assignments and assessment.

5. Reform Legal Education at the Universities

Participants suggested a radical reform of the curriculum and teaching methodologies of the Law Faculties in our universities to give an opportunity for desired adequate training of students before they arrive at the Law School for professional training.

6. Funding

Participants were unanimous that the Nigerian Law School is grossly underfunded and that little attention is being paid to it as an educational institution. Participants suggested that there should be adequate funding and that the status of the Nigerian Law School should be altered by the Federal Government from a mere agency/parastatal to an educational institution that should benefit from the budgetary allocation on education and other educational support.

Presentations of Reports on the Establishment of Law Clinics on all Campuses

The third part of the programme on the 1st day was on Presentations of Reports on the Establishment of Law Clinics on all Campuses. Ernest Ojukwu Coordinated this session. All campuses presented their reports using the following template:

Name of Clinic
 Brief Description of Location
 Name of Coordinator
 Management Structure
 Type of Clinic and services/activities
 Students intake (plans, procedure/criteria adopted, number etc)
 Students Supervision arrangement
 Any Clinic Guidelines/Handbook developed
 Challenges/solutions
 Any other

The reports showed that all campuses have established in-house law clinics or have completed preparation to establish one. Participants agreed and set up a committee to produce a model law clinic handbook for adaptation by all the law clinics. The Committee is made up of the following Campus Law Clinic Coordinators:

- | | | |
|------------------------------------|---|----------|
| i. S. Osamolu (Abuja) | - | Chairman |
| ii. O. Akinola (Augustine Nnamani) | - | Member |
| iii. N.I. Tijani (Lagos) | - | Member |
| iv. E. Nnadozie (Yenagoa) | - | Member |
| v. Aliyu Lamido (Yola) | - | Member |
| vi. Ibrahim Sule (Kano) | - | Member |

Participants agreed that the Committee should have one month to produce the model law clinic handbook.

From the reports of the campuses, only 2 Campuses had complied with the requirement of separate accounts for the Law Clinics. Participants agreed that it was necessary for all campuses to open and operate 2 accounts for a clinic's day to day expenditure and a client's account to conform to the Rules of Professional Conduct

and also give the clinics the autonomy it requires functioning effectively.

Participants also unanimously supported the promise of the Director-General at the retreat of 2011 to release take-off grants to all law clinics.

DAY 2

On the second day, participants were grouped to discuss 'Setting Bar Examination, Problems, Challenges and Solutions'. The group work was restricted to identifying problems in Law in Practice (LIP) Module; general problems in the bar examination questions generally; and suggesting possible solutions to identified problems and challenges. At the end of the group work, participants made the following suggestions:

1. Questions should cover aspects of knowledge, skills and value outcome;
2. Questions should not be too many, demanding, narrow, direct and simple, wide, vague;
3. Scenarios for questions should be as real as possible;
4. Testing on ethics should endeavour to require examinees to make real choices, example between conflict of interests and dilemmas;
5. Questions must be connected to the scenarios provided;
6. Questions for each module should be restricted to the module outcomes;
7. We should not create scenarios without follow-up questions;
8. Sub scenarios should be connected with the main scenario;
9. Avoid use of real known names in questions;
10. Past questions should not be recycled;
11. Questions that require disclosure of students' personal data should not be asked and when necessary to be asked, clearly give instructions for students to use unreal names and data;

12. Case studies and scenarios should cover adequate facts/scenes to validate the questions and answers;
13. Questions should be generated in teams at the Campuses;
14. Questions should not refer to invalid laws as if the laws were extant;
15. Questions should be prepared in a way that will make students to avoid studying by memorizing;
16. Avoid emphasis on any word or phrase in any question;
17. Standard English grammar should be used;
18. Set up an experts committee on each campus for the review of LIP questions before being sent to the examination bank;
19. Appoint specific teachers/create a department to focus on teaching and setting examination on LIP;
20. Appoint Quality Assurance Units for each Campus and the entire Law School who will also have the mandate to review questions but also organize continuing education on setting of examinations and assessment;
21. Stop manual transportation and distribution of questions between the main campus and other campuses. E-transfer of bar questions should be used;
22. Teachers and teams at each campus must strive to prepare questions in good time before the submission deadlines to avoid bad work;
23. Marking schemes should always be prepared for each question provided;

The Director-General's contribution to the discussions on setting bar examination was to remind participants of the following:

- (a) The need to have all teachers participate in teaching and examining LIP for the capacity development of a well rounded law teacher whose primary role is to train skilled, and ethically competent professionals as LIP is connected with all the modules at the Nigerian Law School;

- (b) While all teachers should continue to participate in the teaching of LIP, it may become likely that in the future examiners will be independent of law teachers.
- (c) Any Campus that is yet to appoint a Coordinator for LIP should do so immediately.

DAY 3

Prof Leah Wortham (Columbus School of Law of the Catholic University of America) and Prof Clark Cunningham (Lee Burge Professor of Law and Ethics, Georgia State University College of Law) conducted day three workshops that focused on ethics. The day's activities included plenary remarks by Prof Leah Wortham and Prof Clark Cunningham on ethics for lawyers and the four component models of morality. Thereafter video clip of Richard Attenborough's Gandhi was shown and participants were grouped to discuss and report on "An exemplary Lawyer" highlighting the qualities of such lawyer (s) chosen by each group. The groups further discussed and presented pressures faced by young law graduates that may make them fail to abide by the qualities of an exemplary lawyer.

Prof Cunningham showed a video demo on the subject of Money laundering in parts 1, 2 and 3.

At the end of part 1 of the video, participants were grouped to discuss and report on the following:

“In your jurisdiction, should the lawyer do further investigation before completing the sale?

ó If so, what should he investigate?

In your jurisdiction, if the lawyer completes the sale without further investigation, does he risk- Civil liability?, Criminal prosecution? Loss of license to practice law?”

Following the exercise on part 1 of the video demo, part 2 was played and participants also were grouped to discuss and report on the following: “In your jurisdiction, if the lawyer now completes

the sale does he risk- Civil liability? Criminal prosecution? Loss of license to practice law?ö

The next session was a video clip of Amistad film and discussions was on Client centred lawyering with a focus on ethics. Participants then received a briefing on the plan for Day 4.

DAY 4

On the 4th day, Prof Wortham presented Anna's case study. Cunningham, Wortham and Ojukwu role played characters from the Anna's case and participants discussed the case based on the following objectives:

1. Students understand what Rules of Professional Conduct are pertinent to the problem.
2. Students can differentiate what would be required under the Rules versus where a lawyer may exercise discretion.
3. Students begin to acquire a framework for making ethical decisions in which, in addition to being able to identify pertinent law and differentiate mandatory duties from discretion, they also have an overall conception of the lawyer's role that assists them in exercising discretion. For this problem, students should understand three competing models of lawyer and client decision-making that present different conceptions of the lawyer's role with respect to counselling.
4. Particularly if the teaching situation were a clinic rather than a classroom professional responsibility course:
5. Students can put objectives 1-3 in action in a counselling session with a client.

The next session on the 4th day was on using client-centred approach to teach understanding the rules of professional conduct for legal practitioners. Cunningham played the role of a client and groups of participants were assigned different sections of the Rules of Professional Conduct to explain to the client. Groups were made to discuss their assigned rules and nominate a participant to present their advice to the client.

The following Rules of Professional Conduct were used:

Rules 14(3), 15(4), 17(2), 19(2) and (3), 28(1) and (3), 32(30), 37(3), 49(2)a-b, 49(3)(a) and (4), and 52(1) and (2).

The last session on 'Ethics' on the 4th day was on 'Writing a good case problem'. Participants were grouped to use the laundering case study or the Anna's case study to write the case study based on the Nigerian circumstance and the objective for the case study as agreed by each group. Participants presented case studies attached to this report.

Afternoon was free and interested participants toured the Calabar Marina and the Slave History Museum.

DAY 5

Two sessions were held on the 5th day of the retreat: Discussion on the Externship Programme of the Nigerian Law School; and a general discussion session where committees were set up to review the curriculum generally. Ernest Ojukwu conducted these sessions.

Externship Programme

Groups of participants discussed problems, challenges of the Externship programme and likely solutions to some of the problems and challenges. The highlights of the suggestions presented and decisions reached were as follows:

1. Log books printed by some campuses like Abuja Campus had insufficient pages and added unnecessary and grammatically error filled statements on the log books. This was identified as one of the reasons why the Externship Programme should be managed by the Academic Department;
2. Log books should have a space for mentors' signatures;
3. There should be continuing training of teachers, mentors, assessors and field supervisors on the externship programme.

4. Law School should embark on a nation-wide robust sensitization of Judges and lawyers and law firms on their roles for a successful implementation of the externship programme. Opportunities such as judges' conferences, NBA conferences and meetings should be explored plus special workshops on the externship programme;
5. Each Campus should set up a committee to review and summarise the reports/evaluation of law firms and courts turned in by students and Law School should implement the suggestions made based on those reports to avoid repetition of the same mistakes year after year;
6. Externs' placement should be done in good time to give adequate time for correcting any placement errors;
7. Since making contacts between mentors and mentees cost money, mentors should be adequately compensated for the expenses incurred in their role as mentors;
8. The Industrial Training Fund should be approached to include law students in our externship programme in the scheme for industrial training funding;
9. The rule of 8 hours a day engagement at placements should be relaxed for the court placement where some courts stop work before the end of 8 hours. Assessors should have the discretion to determine if an extern adequately participated during court placement;
10. Any extern who fails to meet the required percentage attendance at placements for whatever reason, whether approved or not must be made to complete or redo the externship and portfolio assessment. Legitimate reasons for not attending at placements should only be reason for assisting the extern undergo another or complete a programme at the earliest opportunity so that the extern will not suffer unnecessary penalty.
11. Accreditation of law firms should be undertaken without further delay;
12. Law teachers should be used for the accreditation of law firms and site visits of courts and law firms/supervision of

externs during placement periods by law teachers should be re-introduced.

13. Directors of Academics are only to take part in the portfolio assessment voluntarily.
14. Portfolio assessors should spend a mandatory period of not less than 40 minutes for each extern in order to give the extern adequate feedback.
15. Assessor should not have more than 8 externs and at most 10 a day during portfolio assessment. The rule that a panel of assessors cannot have 2 adjuncts should be relaxed and campuses where adjuncts have been used for normal academic lessons or where adjuncts have repeatedly taken part in portfolio assessment should deem those kind of experienced adjuncts as full-time staff for the purpose of portfolio assessment.
16. Adjuncts should be compensated at least for their expenses.
17. Campuses should ensure that each extern is given a letter of posting to his/her court or law firm of placement.
18. Students Affairs officers should also receive continuing training relating to the externship programme.

General Discussions

This session focused on the **academic curriculum** and other issues of general nature.

Participants set up committees by module to review and submit reports on the curriculum so that the reports would be discussed at a larger forum of law teachers on a day before the marking of re-sit bar examinations of June 2013 commences. The committees' members were nominated as follows:

CRIMINAL LITIGATION

R.E Osamor, F.E. Ojeih, N. Tijani, A. Nasiru (Dr), Mrs Egomonu, K. Adedamola

CIVIL LITIGATION

M. Stanley-Idum (Mrs), D. Efevwerhan (Dr), L.O. Alimi, O.Orimongunje, A. Chukwu, J. Agaba

PROPERTY LAW PRACTICE

Mr. Olowoloni, O.T. Odusote, F. Oniekoro, T. Yusuf, F. Eimunjeze (Ms), M.E. Onoriedo (Mrs)

CORPORATE LAW PRACTICE

S.A. Osamolu, Ibrahim Saad, M. Egbe (Mrs), H.Y. Bhadmus, E.C. Nnadozie, Lamido Aliyu

LAW IN PRACTICE

E.L. Effiong (Mrs), P.A.N. Ahiaramunnah (Mrs), R.K. Salman (Dr), A. Obi-Okoye, I. Adesina (Mrs)
Ibrahim Mohammed

Other issues of general nature discussed included the request by teachers to change the designation of directors to the professorial cadre or at least introduce the appointment of associate professors and professors at the Nigerian Law School to motivate teachers to give their best and remain in the Institution longer than is the case at the moment.

The retreat ended on a good note with participants expressing appreciation for the hosting of the programme and the actual conduct of the sessions.

Ernest Ojukwu
Coordinator

APPENDIX F

COUNCIL OF LEGAL EDUCATION

SECRETARY TO THE COUNCIL AND DIRECTOR
OF ADMINISTRATION

Mrs. Elisabeth O. Nwa-Uba, LL.B, BL, ACIS
Barister and Solicitor of the Supreme Court of Nigeria
Direct Line: 0814-686-2255
Website: www.nigerianlawschool.edu.ng
E-mail: max-uba.ojonyene@lawschool.gov.ng



NIGERIAN LAW SCHOOL
HEADQUARTERS, BWARI
P.M.B. 170
GARKI - ABUJA,
NIGERIA.

NLS/34/S.11/Vol. 1

July 25, 2013.

Mr. Ernest Ojukwu
Deputy Director-General,
Nigerian Law School,
Bwari, Abuja.

Committee on the Review of the LL.B Curriculum and programme of the Universities.

- 1) The Council of Legal Education at its meeting of Thursday, July 11, 2013 constituted the above Committee. Council also approved your nomination as a Member & Secretary of the Committee. Other members are:
 - i. N. Awa Kalu, SAN - Legal Practitioner, Victoria Island, Lagos (Chairman)
 - ii. Professor Roger Burrige - Dean of Law, University of Warwick, UK (Member)
 - iii. Professor Oyelowo Oyewo - Former Dean, University of Lagos (Member)
 - iv. Professor Lawal Ahmadu - Dean of Law, Usmanu Danfodio University, Sokoto (Member)
 - v. Professor M. O. Adediran - Dean of Law Obafemi Awolowo University, Ife (Member)
 - vi. Professor M.I. Said - Faculty of Law, Usmanu Danfodio University Sokoto (Member)
 - vii. James Uko Kalu Igwe, SAN - Legal Practitioner (Member)
- 2) **The terms of reference of the Committee are as follows:**
 - i) Consider the nature/philosophy and objectives of the LL.B programme in Nigerian Universities.
 - ii) Consider the course structure of the extant LL.B programme in the light of domestic and international competence requirements of Lawyers.
 - iii) Review the current courses offered in the Law faculties and the Curriculum of each course.
 - iv) Review the mode of teaching.
 - v) Propose minimum criteria of academic standards for accreditation of Law programmes in the Universities. Provide further criteria and requirements for the classification of accreditation status of a faculty into provisional, interim and full.

CHAPTER 7

The Man Tahir Mamman, OON



Dr. Tahir Mamman was born in 1954 to the family of Late Mamman Dabari Thakma-ra Wange in Ghenjawa-Moda, Nkafa District, Michika, part of the greater kingdom over which his great grand-father was the ruler. Dr. Tahir is therefore from the royal family of Ghenjawa and entire Nkafa community of Michika.

Dr. Tahir started his educational career from Mbororo Primary School from where he proceeded for Secondary School at the then National High School, Aiye-Ekiti, Western Region, as one of four students from the North East in 1970. He later finished in Government Secondary School, Yola (*Tiddo Ya Daddo*) in 1974. He proceeded to the Ahmadu Bello University, Zaria, where he graduated as one of the best graduating students in the year. He also finished from the Law School as the only person with, *Upper Second Class division* from among all universities in the North in that year.

Dr. Tahir switched job upon graduation following pressure on him from Ahmadu Bello University and University of Maiduguri. He opted for University of Maiduguri and therefore left the services of the then Gongola State for the University of Maiduguri. Shortly after, he proceeded to the University of Warwick England, for masters and Ph.D degrees in Law.

He returned to the University of Maiduguri and rose through various cadres, as Head of Department, briefly Ag. Dean of Law, substantive Dean of Students Affairs, member of Senate and many other committees.

He has garnered diverse experience outside the university as well, some of which are:

- i. Member, Committee on All Nigeria Laws Project, Institute of Advanced Legal Studies, Lagos.
- ii. Member, Federal Government Technical Committee on Privatization.
- iii. Member, National Universities Commission

- Accreditation Panel to University Law Faculties ó 1996 -1997.
- iv. Member, Local Government Election Tribunal, Adamawa State ó 1997.
 - v. Adviser/Part-Time Consultant to the Houses of Assembly of Adamawa, Borno and Yobe States ó 1999-2000.
 - vi. External Examiner, Ahmadu Bello University, Zaria ó 2001 ó 2002.
 - vii. Member, Steering Committee on the Establishment of Adamawa State University ó 2000-2001.

Dr. Tahir is a Patron to numerous Associations and Organisations. He is author of books, Chapters in books, many academic publications and a member of many learned local and international organizations.

He left the university community in 2001 to join the Nigerian Law School as a Deputy Director General and pioneer Head of Kano Campus and crowned his career with the post of Director General of the Nigerian Law School, the first person to achieve this feat outside the South-West of Nigeria.

Since his employment, he has brought enormous changes in the management of the institution, which include creation of additional two Campuses located in Adamawa and Bayelsa States. Through diligent use of funds, he provided a lot of infrastructural development to the School. At the early days of his administration, he was instrumental to the clearing of thousands of backlog of students who hitherto could not secure admission to the Nigerian Law School. His administration will however be better known for the profound changes he brought to the programme of the School where he introduced an entirely new curriculum and teaching methods which is in tune with the professional, skills nature of the Nigerian Law School.

He engineered the establishment of the Nigerian Law School Curriculum Review by the Council of Legal Education to review the curriculum of the Universities, as well as a Quality Assurance Committee to monitor standards across the Campuses of the Nigerian Law School.

Dr. Tahir Mamman, OON is indeed a tireless reformer and an asset to the legal profession and our country.

He is happily married and blessed with children.

BELOW ARE SOME OF DR. MAMMAN'S PRESENTATIONS ON LEGAL EDUCATION

THE GLOBALISATION OF LEGAL PRACTICE: THE CHALLENGES FOR LEGAL EDUCATION IN NIGERIA

**BEING A PAPER DELIVERED BY DR. TAHIR MAMMAN –
DIRECTOR GENERAL, NIGERIAN LAW SCHOOL
AT THE 2ND ANNUAL BUSINESS LUNCHEON OF S.P.A
AJIBADE & CO – LEGAL PRACTITIONER ON THURSDAY
19TH NOVEMBER, 2009**

Background and Context

“Every practitioner of the art of legal education moves in a landscape which has already been mapped by his predecessors but it is almost impossible for him to hit upon a trail here or an obstacle there which others had not noticed before.” (*O. Kahn Freund*).

Broadly speaking the phenomenon of globalisation can be understood in the economic interdependence of countries around the world due to the large scale increase in volume and diversification of international investment activities, easy and rapid deployment of funds facilitated by technology. It is now a common feature of investment arrangements to have global concerns with manufacturing operations domiciled in one jurisdiction, information technology facilities and support services in another with yet the headquarters and regional offices elsewhere. E-

commerce, communication and transport have shrunk physical space and mode of doing business.

Globalisation has also impacted markedly in cultural, social and political spheres.¹In all these, the Law and Legal practice play an important facilitative role. The Law provides a framework which guides global system. Bilateral and multilateral arrangements such as **WTO, NAFTA, EU, ECOWAS** among countries are underpinned by legal frameworks which regulate international trade and investment and relationships. This necessarily means the availability of legal services to provide for the legal needs of these entities and activities - requiring significant adjustment in the nature of legal practice and legal education and training that feeds it. ² All lawyers can therefore be expected to be involved in legal matters with international components.

A noteworthy impact of globalization and changing landscape of legal practice is the seeming conversion of the legal profession from a profession to business, with profit rather than principle as the basis for legal practice. ³

In consequence, everywhere in the new set up, professions are striving to define their mission, their role and secure a place in this dynamic society. The initial response of developing countries to the intrusion of international business in their countries especially soon after independence was one of nationalization, protectionism in others to reversal of policy through the current predominant policy of deregulation, privatization and incentives for foreign direct investment. Since legal practice has mounted this global stage as a business, it must then adjust its strategies and strengths. So, the adage of if you can not defeat them, join them was adopted as a realistic philosophy.

¹ Ademola O. Popoola "Restructuring Legal Education in Nigeria: Challenges and Options". LEGAL EDUCATION FOR TWENTY FIRST CENTURY NIGERIA, I.A. AYUA & D.A. GUOBADIA Leds (NIALS) 2000

² E. Clark and M. Tsamenyi "Legal Education in the Twenty-First Century: A Time of Challenge" in P. Birks ed, What are Law Schools for? (Oxford, Oxford Univ. Press) 1996;

³ Kim Economics, edited Keynote Address to the Dutch and Flemish Law and Society Assoc "http://111.ru.cn/usr (Dec) 2005 Pgs. 8-9

Legal education and training at the local level accordingly have to recognize and train lawyers who can understand and deal with these new pressures.

Philosophy and Structure of Current Legal Education

Shortly before independence, a need had already been recognized in United Kingdom for a system of legal education of Africans within Africa to provide manpower for its system of administration of justice, and also as administrators and legislators.⁴

As a follow-up to independence, the Unsworth Committee was established to consider and make recommendations on the future of legal education in Nigeria with specific concern for legal education, admission to practice, right of audience before the courts, reciprocal arrangements with other countries, conduct, control and discipline of members of the Bar.

The Committee's report (the Unsworth Report) recommended inter alia that:⁵

- a. Legal education should be provided locally and adapted to the needs of Nigeria.
- b. Law faculties should be established at University of Ibadan and any other subsequent universities to offer degrees in Law.
- c. A Law School should be established in Lagos to provide practical training for Law graduates.
- d. A Law degree should be a requirement for practice of Law in Nigeria.

The federal government accepted the recommendations and provided for them through two Acts, - the Legal Education Act 1962 and the Legal Practitioners Act 1962, subsequently replaced and consolidated in the Legal Education (Consolidation, etc) Act (Cap 206) Laws of the Federation of Nigeria 1990 and the Legal Practitioners Act (Cap 207) L.F.N 1990. While the former regulates legal education, the latter regulates the practice of Law in Nigeria.

⁴ C. O. Okonkwo ðA Historical Overview of Legal Education in Nigeriaö in Ayua & Guobadia, Supra; Report of the Committee on Legal Education for students from Africa CMND 1255 (1961)

⁵ Report of the Committee 1959 (Federal Government Printer, Lagos),. C. O. Okonkwo for more detailed discussions.

The recommendations and follow-up legislation put in place an adaptation of the two tier system of legal education and training in the United Kingdom which separates the academic from the vocational stages but unifying the Barristers and Solicitors by providing for a Law degree as the basis of qualification. This provided for a single point of entry to the profession as against the United Kingdom which has multiple entry and exit points for the legal profession. More significantly the framework provided for the possibility of a thorough and in-depth study of Law in the university through a law degree in contrast to the United Kingdom which permits other non degree qualifications for entry to the profession.⁶

A further opportunity provided that needs to be stressed is the provision of the Legal Education Act that provides for the adaptation of legal education to the needs of Nigerians. One could imagine that it sought to capture the earlier reason which led to the establishment of the Denning Committee before independence to review legal education that would cater for Africans studying in the United Kingdom.⁷ Apart from the technical need to provide lawyers that will serve as administrators, legislators and manage the institutions of justice, Law has long been identified as a key medium for communicating and transmitting the culture and intrinsic values of a community or society.

Differences between legal systems are therefore, the expression of self identity as differences between individual people are and as such are to be respected.⁸ As further forcefully put by Zamora "Legal Systems (and the institutions and doctrines that comprise them) are deeply imbedded in national and local cultures that vary greatly according to history and geography. The phenomenon referred to as globalization does not

⁶ For an interesting debate among earlier British Scholars on the desirability of doing a degree in Law in the university as against the apprenticeship system in the UK see Sec O. Kahn Freund "Reflections on Legal Education" *The Modern Law Review*, Vol. 29 March 1966 No.2, PP 121-136.

⁷ Okonkwo, *Supra* P.2

⁸ Sief van Erp "Editorial" *EJCL*, Vol.5.1 March 2001. <http://222.ejcl.org/51/editor/51.html>; Steven Zamora, "The cultural context of International Legal Cooperation" 3/4/2008. <http://www.aacs.org/2000international/English/3/4/2008>

change this fact.⁹ In essence, from the general and generic like wording of the Legal Education Act, there was a window and infact that seems to be the intendment of it, to develop a uniquely Nigerian legal education system that captures our traditions, history, values and needs as a society. At this early stage too, the universities were at liberty in the development of the curricula and teaching method.

In practice however, the curricula menu and method of teaching did not deviate significantly from the curriculum structure in the United Kingdom. For clarity, the names and contents of the courses were of course localized such as Nigerian Constitutional Law, Nigerian Criminal Law, Nigerian Law of contract, Nigerian Customary Law and Family Law. But, their philosophical undertones and case law were heavily English Common Law, and prescription to apply certain statutes of general application and principles of equity.¹⁰ These were reinforced by the rules which prescribed a requirement of proof and compatibility as pre-condition for the enforcement of customary laws. It needs to be stated that this interpretation does not discount the immense scholarly work of these pioneers of legal education in Nigeria, who apart from offering the best in the tradition of the common law legal education, produced excellent scholarly materials and together, the four faculties worked as a team to produce within only two years of their start off, the first and a high quality Law Journal in Nigeria ó the Nigerian Law Journal.¹¹ The aim of the interpretation therefore is to refocus attention on the philosophy and structure of legal education for Nigeria to assess whether it could have been different given the general legal framework provided with the possibility of producing Nigerian Lawyers who have the skill and mental preparation to solve problems that are uniquely domestic and Nigerian and still have capacity to be effective at the global stage.

⁹ Ibid, p1 for a comparative discussion on the interface of culture and Law, see Legal Culture ó Wikipedia, the free encyclopedia; 2/29/2008.

Dr. Irene Watson óSome Reflections on Teaching Law: whose Law, yours or Mineö in indigenous Law Bulletin. <http://www.austlii.edu.au/journals/ILB/2005/2/29/2005>

¹⁰ Obilade: öThe Nigerian Legal Systemö ó 1979. Publisher: Sweet & Maxwell (London)

¹¹ Okonkwo öA Historical Overviewö, Supra P.7

The inevitable conclusion is that the educational system both at the university degree level focused on disconnected individual subjects and their contents with little attention on concepts, issues, and philosophy and policy considerations underlying that area of law, with students unable to see the big picture by themselves.¹² With progressive massification of university education,¹³ decline in number of lecturers in faculties, the technically qualitative legal education fostered by the early generation of law teachers took a nose dive.

In the final analysis, it became self evident that in practice, and in significant ways, despite proclamations to the contrary by policy makers of higher education, there is a consensus which comes close to a bleak caricatured view of the aims of a Law School described by James Boyd White thus:

The focus on discrete texts, which is the key to the concentration of attention in the first year, thus becomes a focus on doctrine in a vacuum. The student can reduce the course to the black-letter law, either through the hornbook or the more laborious method of reading the case, or to the application of theory; the teacher cannot prevent it, and his examination in any event often seems to ask for nothing that a bright student cannot provide on the basis of hornbook reading. Law School on such terms trivializes Law and education alike. The traditional casebook presents severely edited opinions as if they were all that one needed to know, and often does the same with other writers as well as a paragraph each from Bentham, Kant, and Plato for example. The whole thing feels to some like a charade, a complex way of doing something that is at heart rather simple and unimportant. Legal education seems no longer to be learning to think like a lawyer but learning to think like a bar examination.¹⁴

With this perspective, students acquire a trade school mentality (with endless attention to trees at the expense of the forest) which is reinforced by institutional practices in post qualification attitude of lawyers to each

¹² TAN CHENG HAN "Challenges to Legal Education in a Changing Landscape of Singapore" PP. 106 -131

¹³ There are now 36 universities with accredited faculties of law and about 4 more in the pipeline.

¹⁴ James Boyd White, "Doctrine in a vacuum" in *From Expectation to Experience: Essays on Law and Legal Education* 8, 13-14 (University Michigan Press 1999)

other to be an exercise largely in the reproduction of hierarchy.¹⁵ The institutional practices of lawyers orient students while in School to accept willingly and often times unquestioning participation in the hierarchical roles of lawyers. In effect, the uncritical curriculum structure and delivery method, the classroom experience and post qualification institutional practices have the real capacity to undermine the production of lawyers who can develop a theoretically critical attitude and reflection towards the system, the problems of his society and beyond.

Against this background regarding the aim or probably aimlessness of our system of legal education but especially in the light of the coming on board of many state and privately owned universities, the federal government established the National Universities Commission.

National Universities Commission and Other Interventions

Legal education does not exist in a vacuum, consequently, general developments in higher education impacts on and as a necessity require a response by legal educators to the needs that threw up the change. The challenges and pressures it would appear as generally voiced by students, professionals, government and the public were to provide, and improve and subsequently ensure the maintenance of standards. The pressure especially has been much louder from the profession which had consistently voiced its concern over the quality of qualified lawyers and the time and resources it takes for ònew wigsö to master the basic rudiments of practice skills. Surprisingly, until the National Universities Commission was established, the Council of Legal Education which remained the sole regulator of legal education, itself maintained a minimalist approach to its responsibilities, focused less on contents and methods and more on infrastructure of law faculties. In terms of contents, it prescribed six courses described as òcore coursesö which all faculties must offer and to be taught by faculty member of a rank of at least Lecturer I. Compliance is enforced through periodic indeterminate accreditation exercises. The core of its power, a strong one for that matter lies in refusal of recognition to the degree of an erring university as being not sufficient for admission to the Nigerian Law School for vocational training and subsequent Call-to-the-Bar.

¹⁵ Duncan Kennedy, òLegal Education as Training for Hierachy.ö Citation.

In the Nigerian context with essentially only one exit point for qualified lawyers, it is a potent tool that could be harnessed to effect significant direction in Legal education, especially at the university level. Nothing fundamental was pushed through the legal education system at the degree level by the Council of Legal Education using this enormous powers.

The establishment of the National Universities Commission therefore marked the most profound and overarching official intervention in the management of higher education in Nigeria since independence.¹⁶

The rationale for it was to ward off the threat by the new universities to quality education and international respect earned by the older universities. The NUC sought to achieve its aims through the provision of high and uniform minimum academic standards applicable to all universities in Nigeria as well as a system of accreditation that ensures maintenance of the standards.¹⁷ Without going into its details, the Law setting up the Commission mandates it to provide 'the balanced and co-ordinated development of all universities in Nigeria and such plans shall include, inter alia, programs that are fully adequate to meet national needs and objectives.'¹⁸ The philosophy and purpose of higher education is captured in generic terms by the Education (National Minimum Standards and Establishment of Institutions) Act as set out in S.11 thus:¹⁹

- a. The acquisition, development and inculcation of the proper value-orientation for the survival of individuals and society.
- b. The development of the intellectual capacities of individuals to understand and appreciate their environment.
- c. The acquisition of both physical and intellectual skills to enable individuals to develop into useful members of the community.
- d. The acquisition of an objective view of local and external environment.
- e. The making of optimum contributions to national development through the training of higher level manpower.

¹⁶ For more extensive discussion of the NUC intervention in legal education see Okonkwo, *Supra*

¹⁷ Idris A AbdulKadir, Executive Sec. NUC in the NUC Approved Acad. Standards in Law for All Nigerian Universities, P.iii

¹⁸ S.4 (1) (b) (i) National Universities Commission Act, {1974 N0.1} CAP N81.

¹⁹ CAPE3

- f. The promotion of national unity by ensuring that admission of students and recruitment of staff into universities and other institutions of higher learning shall, as far as possible, be on a broad national basis.
- g. The promotion and encouragement of scholarship and research.

For Law and Legal Education, specifically, its general philosophy and objectives were well laid out. The programme is designed to ensure that the law graduate understands the contextual role of law within a certain social, economic and political milieu and for the lawyer to use law as a social tool for the resolution of problems in terms of Rosco Pound's social engineering role of law.

In furtherance of this, Law will be studied in a multi-disciplinary context. This reminds us of the often quoted Blackstone, who 18 years before the publication of Adam Smith's *Wealth of Nation*, drew attention to this approach to study when he said "Sciences (and all social sciences) are of a sociable disposition, and flourish best in the neighborhood of each other; nor is there any branch of learning but may be helped and improved by assistances drawn from other arts."²⁰ He thought in terms of history and philosophy as the supporting members, which still retains its validity today.

It needs to be stated that, although not explicitly stated in the National Universities Commission requirements, this form of training must be aimed at instilling in the mind of the student "the desire and capacity for critical thought" that is, the courage to form and express a reasoned opinion without any fear of a so-called "authority."²¹

Prescribed Courses

To achieve the stated objectives and philosophy of "a good social lawyer," it prescribed twelve compulsory core law courses and seven non-law courses which "may be important in the life of a lawyer" and also some elective law and non-law courses.

The compulsory Law Courses are: Legal Methods, Nigerian Legal System, Contract Law, Constitutional Law, Company Law, Commercial

²⁰ O. Kahn Freund, of *ócit ó* p.128

²¹ *Ibi*, P.128

Law, Criminal Law, Law of Equity and Trusts, Law of Evidence, Land Law, Law of Torts, Jurisprudence

Compulsory Non-Law Courses are: Logic and Philosophic Thought (GS), History and Philosophy of Science (GS), Nigerian People and Culture (GS), Use of English (GS), Introduction to Computer and Applications, Social Science, English Literature.

Eleven Optional Law Courses are provided for thus: Administrative Law, Banking and Insurance Law, Conflict of Laws, Conveyancing, Criminology, Family Law, Industrial or Labor Law, Islamic Law, Public International Law, Revenue/Taxation Law.

Optional Non-Law Courses are: Economics, Elements of Business Management, Political Science/Elements of Government, Philosophy, Social Relations, Psychology.

The universities were enabled to add or drop courses as they become irrelevant or unimportant. The prescribed standards were accompanied by forceful statements on accreditation regimes to enforce compliance with requirements which itself included staff-students ration (1:20), pyramidal structure of faculty members in the range of Professors to Assistant Lecturers and percentage by category, infrastructural facilities, etc.

The first noteworthy observation one can make is that, although the process involved extensive input from the university community, it adopted a prescribed course curricula format as against an outcome based academic structure.

Given the reason for the introduction of the Minimum Approved Standards (MAS) itself, it would appear to be incongruous to adopt a pure outcome structured curriculum, despite its advantages as being flexible, less totalitarian in terms of safeguarding academic autonomy, thus providing some harmony between the interests of educators on one hand and policy makers and regulators on the other.²² Some additional

²² A. Boon, F. Flood and J. Webb: Cardiff University Law School 2005, Blackwell Publishing Limited, 9600 Garsington Road, Oxford OX4 2DQ, UK and 350 Main Street, Maiden MA, 02148, USA <http://ssrn.com/abstract=873885>

reasons against an outcome based policy would be the usual factors associated with inefficient bureaucracies in third world such as implementation of a complex system of regulation and audit of education providers, more extensive for role for supervisors, what type of evidence will be enough or sufficient to conclude that outcome is met, what criteria will be appropriate, etc. These are critical questions especially in a society where benchmarks are hardly respected, and if at all with difficulty and of minimalist level. The direction of training in the USA have largely been outcome based while the United Kingdom since 1980s and into 1990s shifted away from a course presented curricula to outcome structured one as way of providing flexibility in academic development and maintain autonomy in academic work.²³

The second observation is that there were no criteria or process put in place to ascertain that the required outcomes as a result of the prescribed subjects are being achieved at any point in time. That the law graduate can either within a certain period of his or her studies or upon qualification demonstrate the competences expected of him from the programme. The third observation is the absence of specific statements on teaching methods. There is a good case for encouraging, if not insisting on the use of problem based and, active learning which includes some form of the varieties of clinical legal education.

In practice, key among other elements that seemed not to have enabled the attainment of the philosophy and goals of the Minimum Academic Standards is the traditional lecture type teaching method prevalent in all universities. Even the computer courses are taught through lectures, in some institutions with or without computers. A further aspect of it is the absence of connections between the courses, even among the Law courses and of course exacerbated in the case of non-law courses which most students see as a nuisance rather than a new route to learning law contextually. The teachers who handle the non-law courses are domiciled outside the law faculty and have little or no particular orientation on the reason Law students are offering those non-law courses.

²³ The Lord Chancellor's Advisory Committee on Legal Education and Conduct: First Report on Legal Education and Training 6 April 1996.

A fourth noticeable defect is the insular, inward looking direction of the courses in a world that is heavily globalized in all ramifications. While it is true that most law graduates commence their professional life at the national level and deal with issues most of which may be domestic which affect matters of either private, economic, constitutional law, criminal law or administrative law in respect of the official bar, complete absence of international law courses does not help in providing some level of initial start off competence for those with aspirations further afield or in the complex corporate world of business or practice that transcend national boundaries in their activities, part of which activities may be in the lawyer's domain.

Some faculties do however have private and public international law as optional courses. For these and many more reasons, there has been a growing feeling of anxiety and conclusions that legal education has taken a race to the bottom and has not helped in mitigating the gap between lawyers especially from USA, Europe and Asia and Nigeria.²⁴ As a result of these perceived lapses in legal education, for the first time since Unsworth, the Attorney-General of the Federation and Minister of Justice at the time of Chief Bayo Ojo set up a Committee to review the state of legal education in Nigeria, specifically with the following terms of reference²⁵.

1. Develop a strategic and comprehensive blueprint for the reforms of Legal Education in Nigeria.
2. Propose modalities for the training of students for the Nigerian Bar and develop proposals for amendment of the laws pertaining to legal education; and
3. Make other recommendations as may be necessary to improve the quality of legal education as well as continuing legal education of lawyers with a view to bringing the same in line with international standards.

²⁴ This anxiety came out strongly at the NBA Summit on Legal Education in 2006, The theme of the Nigerian Association of Law Teachers Conference in 1986 was the subject of Legal Education while the NIALS organized a high profile National Conf. on Legal Education in 1999 which and published in a book of the same title the contributions, as above cited

²⁵ Chief Bayo Ojo, SAN of "Rethinking Legal Education in Nigeria" - being an address by the former Honorable Attorney General of the Federation and Minister of Justice at the Opening Ceremony of the Nigerian Bar Association Conference on Legal Education on 2nd May, 2006.

The aim and objectives of the set up of the Committee and its work was severely undermined by public expressions of anxiety and deep suspicion in the profession that the motive was infact to dispose off the Nigerian Law School and generally bring private sector providers into the vocational training of lawyers in Nigeria.

While a section of the profession and public too welcomed the privatization plan which the Minister himself denied, the former Chief Justice of Nigeria ó Justice Uwais and former Head of State, General Yakubu Gowown voiced the view that it was an idea whose time has not yet come. Nothing more has been heard about the report of the Committee since its submission to the government.

The Council of Legal Education/Nigerian Law School

The Nigerian Law School established to provide vocational, practice training for law graduates as the second and final stage of formal training of lawyers in Nigeria had come under scrutiny. As a finishing school, its role was essentially envisaged to be the provision of training in skills, procedures of courts, and the ethics guiding the profession.²⁶

For this, supposedly practice courses were introduced when the school started off in 1963 with 8 students, with lecturers who during the time had excellent practice backgrounds.

However, progressively, the expansion of universities and corresponding leap in intake of students into the Nigerian Law School together with a lecture type teaching method by staff with low or nonexistent practice experience contributed to erode the gains made at the early stages of the school up to early eighties, and renewed the anxiety of the profession and society about the outcome of training in the school.

In the light of this anxiety, the Council of Legal Education set up a Review Committee in 2006 under the chairmanship of Funke Adekoya, SAN with membership from senior members of the Bar.²⁷ The Committee had a robust terms of reference as follows:

²⁶ Council of Legal Education Act (as amended)

²⁷ Report of the Legal Education Review Committee ó 26th July, 2007.

Professor Yemi Osipitan, SAN (former AG, Lagos State), Mr. Olisa Agbakoba, SAN (former NBA President) Professor Fidelis Oditah, QC, SAN, Mr. A.B Mahmud, Mr.O.A. Onadeko, Mr E. Ojukwu, Dr. N. Usman ó Deputy Directors

1. Review the current courses offered in the Nigerian Law School and the Curriculum of each course.
2. Review the mode and period allotted to teaching.
3. Consider the manner and sufficiency of the extant practical components of the programmes of the school that is:
 - The attachments to law firms and courts,
 - Moot and mock trials; and whether and how best to introduce clinical legal education.
4. Work out how best legal practitioners in diverse areas of Law can be formally integrated in the programme of the Nigerian Law School.
5. Propose a practical means of adequately funding the programmes of the School.
6. Propose minimum criteria of academic standards for accreditation of Law programmes in the universities.
7. Any other appropriate scheme that will enrich, modernize and practically capture the needs of all the shades of Legal Services in Nigeria in a globalised world through competent legal practitioners.

The Committee turned in a critical report with sweeping recommendations for the adoption of a knowledge and skills based curricula and teaching process that will enhance the competence of lawyers in practice irrespective of area or place of practice. The skills courses as recommended are to focus on the following: Interviewing and Counseling Skills, Negotiation Skills, Analytical Skills, Communication Skills, Time Management Skills, Research Skills, Professional Skills, Techniques of Legal Writing, Trial Advocacy, Case Management, File Management.

There were recommendations on the teaching method advising the adoption of active, students centered techniques as against the traditional lecture type which is most inappropriate for a vocational school.

Following the approval by the Council of Legal Education of the entire recommendations on the curriculum and teaching techniques component, the Nigerian Law School in consultation and partnership with a wide

General ó Lagos, Enugu & Kano Campuses respectively. Prof. I. O. Smith (Dean of Law, UNILAG) Dr. I. H. Chiroma (Dean of Law, UNIMAID), Mrs. Roli Harriman ó Secretary (now Judge, Delta State).

spectrum of persons from the Bench and the Bar, and from abroad, developed a new curriculum and teaching method for implementation in the Nigerian Law School. It came into effect in 2008/2009 session.

The courses offered in the Nigerian Law School are as follows:

Civil Litigation/ Criminal Litigation - Expected competence outcome - advocacy skills with knowledge and application of evidence, ethics, etc

Corporate Law Practice/ Property Law Practice -Expected competence outcome ó skill in

Drafting, Communication, ADR, Ethics, etc.

Law in Practice- Expected outcome ó familiarization with and capacity to understand ethical

issues in practice, solicitorø accounts, legal skills and evidence.

The skills components are nurtured through problem solving exercises in class and small groups. Advocacy in particular runs through civil and criminal litigation while much of drafting including communication skills takes place in corporate and property law, and evidence and ethics are pervasive all through but more pronounced in the litigation courses as well as in law in practice around which clusters office management, solicitors accounts, legal skills such as ADR and others.

There are expressly stated outcomes for each of the courses and activities in terms of competences in integrated knowledge of the law, skills acquired and ethical and policy considerations.

Placements/Portfolio Assessment

Hands on experiences are major routes for education and training in legal education. This has been part of the framework for training in the Law School. But a criticism of it has always been the absence of guidelines and mechanism for feedback, paucity of suitable firms, lack of opportunity for participation in moot/mock activities by all students.

Under the new curriculum, specific guidelines were developed and put in place with a portfolio designed to detail the daily activities of students in chambers and the courts. Each student is required to maintain a journal where the facts of activities will be narrated and accompanied by his or her own reflections on those facts.

On return, each student is required to make an oral presentation to a panel which comprises a Law School lecturer and an adjunct staff who is a legal practitioner. A student who does not score a minimum of 70% assessment in the portfolio will not be called to the Bar despite his passing the Bar examinations. Overall, the experiment in the first year shows an overwhelming buy-in by the students and the impact on their final examination was near dramatic. From a usual range of 55-65% pass in Bar Examinations, those sets of students had a pass mark of 82% with the quality grades of upper second (2.1) and lower second (2.2) much more predominant than before.

However, about 30 students who passed their examinations but failed to make the minimum 70% in Portfolio Assessment were not called to the Bar with their colleagues. They will have to repeat the attachments and be assessed again further. There are still some lingering challenges. However, full implementation requires more syndicate rooms for small group activities to enable each student to participate fully, more adjunct staff from the Bench and the Bar are needed but budgetary constraints will for now minimize the number that may be engaged. In the last session 67 Judges and legal practitioners participated as adjuncts across all the campuses.

This anecdotal evidence so far from the Nigerian Law School indicates that with an appropriate philosophy, suitable framework, and focused outcomes, the standards of successive generation of lawyers can be uplifted.

The challenges would be far greater in relation to the universities in respect of the how, the mechanics, where a lot of institutions are affected, and whose staff come with a variety of backgrounds and commitments.

**Preparing Students for Challenges from Global Legal Practice:
What May Be Done**

A whole range of activities are occurring daily with pervasive effects such as impact on environment of manufacturing and trading activities in terms of air and sea pollution, politics (genocide), international human rights, activities of world and regional organizations, which require lawyers with the requisite intellectual capacity, and skills and ethics. GATT and WTO agreements and other bilateral and multilateral

arrangements indeed create tremendous employment opportunities for lawyers who are prepared for this market.

To effectively participate in, the legal education has to train lawyers with a level of competence in international law, both private and public. The inevitable effect is that there is a clear need to train lawyers who can respond to the needs of globalization and perform at international level.

This will mean a restructuring of the University Law curricula and academics with global vision. Some of the routes to this destination may be highlighted here as examples only. Given the impact of globalization on trade, politics and governance, it is important to develop curricula which does not focus on domestic, national law alone, but also take into account international dimensions of themes such as human rights, labour law, technology, environment, intellectual property. Laws on these would focus on: International Trade Law, International Commercial Arbitration, International Transfer of Technology, International Investment, E-Commerce, WTO and Free Trade Agreements, etc, International Human Rights and Criminal Law, International Environment Law, etc.,

- a. A course on International Law and Comparative Legal Systems would introduce students to the concept that there exist different models of law with valid alternatives to what they are all familiar with and open up students to the complexity of post modern legal systems where layers of private, national and international law co-exist and interact.²⁸ It should introduce students to basic requirements and skills in drafting international commercial agreements, arbitral proceedings, etc.
- b. With the development of e-commerce and cross border trade and investment, lawyers who will operate on the global stage must be able to conduct negotiation, mediation and arbitration within the environment of different legal cultures, with possible familiarization with rudimentary concepts in both common law (pure and mixed) civil law which between the two of them command almost 99% world GDP (61% for civil law and 39% for Common Law)
Designed to provide legal framework and minimize conflicts in international commercial trade, certain instruments were devised

²⁸ Boon, Flood, et al op.cit. p.2

ó The 1980 United Nations Convention on contracts for the International Sale of Goods; The UNIDROIT principles of International Commercial Contracts; the principles of European Contracts Law, etc. Students need to at least know the existence of these and such other key legal regimes which govern trade and investment at international level.

- c. With external externship, students and faculty exchanges have become widespread among USA, European and Asian Countries.

²⁹ This practice fosters understanding of foreign legal systems, as well as acceptance of the products of such systems and confidence in benchmarked standards. Usually such exchanges take place after some form of assessment of the legal education standards in the country receiving students. That is, exchanges take place on the understanding of shared common denominators in standards.

This shared reciprocity in quality and values in education and training clears the way for collaborations and partnerships across geographical boundaries in legal practice.

Part of the reasons why the earlier faculties of law ó University of Nigeria, University of Lagos and Ahmadu Bello University and Obafemi Awolowo University, Ife, gained significant international respect and recognition was the presence at that time of foreign nationals, and even students in their faculty. The same cannot be said of present day faculties of Law in Nigeria which are extremely localized. This is indeed a critical aspect for the provision and maintenance of best practices in legal education through which confidence of foreign practitioners and business may be secured.

There are serious obstacles to Nigeria's staff and students' participation in these global schemes on account of too frequent calendar disruptions due to strikes, over-population of students in classes, questionable commitment to teaching and research by academic staff³⁰.

²⁹ Vikrant S. Negi óCultural Challenges in Cross-Border Mediation:

<http://www.llre.com/textures/crossbordermediation.htm>; 3/2/2008,

Gert Steenhoff óTeaching Comparative Law, Comparative Law Teachingö

EJCL. <http://www.ejcl.org/be/art64-4.htm>;, 2/29/2008

³⁰ A.O. Chukwurah óA critique of the content and scope of undergraduate legal education: The need for curriculum Reformö in Ayua and Guodbadia, op.cit 52-

Formerly, foreign faculties were sponsored especially under Fullbright Scholarship, and other foreign fellowship schemes to participate in research and teaching in Nigeria. It would appear now that such fellowships are far and between and tenable essentially for outbound Nigerian scholars, while students exchanges are at zero level.

d. Information Technology in Legal Education

Developments and advances in Information and Communication Technology (ICT) raise important questions on its impact on education and teaching and how it may be harnessed by law teachers. Elsewhere, the development and deployment of advanced computer assisted learning systems such as Law Courseware and IOLIS, has changed dramatically the way students learn, created vast opportunities and ease for information storage, retrieval and dissemination and collaborative activities.³¹ Briefly, some of the ICT platforms and possible uses are:

- E-mail communication - Through it, resources and questions may be posted to students and obviate the necessity for them to physically go for such resources and their responses returned in like manner. The criticism is however made that, it removes the values derived from social contact among students and staff, as well as absence of face-to-face discussions, etc.
- Electronic Discussion Forums ó The forum enables participants pose questions and articulate views and as such are

62; M. Olu Adediran óAn Agenda for Excellence: Faculty Recruitment, Training, Promotion and conditions of service of Law Academicsó ibid, 186-203

³¹ JILT 1999 (3) ó Abdul P., Learning in Cyberspace ó

http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/1999_3/paliwala

Richard J and John S: Effective Teaching and Learning of Law on the Web ó

(1998)2 Web journal of Current Legal Issues ó

<http://webjeli.net.ac.uk/1998/issue2/jones2.html>

David Grantham ó IOLISplus ó Extending the Electronic Learning

Environment. 1999(1) JILT

<http://www.law.warwick.ac.uk/jilt.99.1.grantham.html>>

JILT 1983 (3) Abdul P ó Cooperative Development of CAL Materials: A case

study of !OLIS . http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/1998_3/paliwala

JILT 1997(1) Peter Moodie: Law Courseware and Iolis: Assessing the Present

and Constructing the future ó

http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/1997_1/moodie/

very much suitable for large class academic activity and even beyond the teachers and students.

- Legal Data Bases - This is in use in many Law Schools across the world to access legal resources, most common of which are LEXIS and WESTLAW. Data bases house a huge amount of data and knowledge which are available for research for teaching and practice upon qualification as a lawyer. Since in large measure, legal research will be conducted by lawyers in practice, it is only appropriate that students gain the requisite experience and skills in doing their education and training in the university and vocational Law School. Moreover, cybercrimes can only be understood and learnt through the IT, being the mechanism through which it is committed, as well as electronically generated evidence.

- Video Conferencing ó Holds a lot of promise in teaching and research, especially for the injection of international and comparative flavour in the curricula as it will enable guest speakers from long distances share resources. It could as it were create a global classroom for students from several institutions to participate in the same course, through bilateral and multilateral arrangements.

Perhaps this facility holds even more promise for students and faculty members in developing countries to share resources with their colleagues in better endowed regions without having to travel and facilitate better understanding of the various legal models and standards which exist elsewhere.

Of course, the big if in the deployment of ICT for learning and teaching is the financial and technical resources needed to deploy and maintain them. Apart from the issues of commitment, financial handicaps may be the reason why only a few university law faculties and the Nigerian Law School at the moment have limited IT infrastructure, while usage is still at the level of only provision of one or two data bases typically, Lexis or Westlaw or Hine on-Line.

But as focus is made on acquisition of IT, it is important that it is not used unthinkingly so that the facilities do not detract from students and learning. Technology is infact an aid to the learning process. A significant impact of the development of IT for learning is its facilitation of active, students centered learning and easy nurturing of research and analytical capability.

Legal Education and Ethics

One of the pillars on which law and the legal profession historically rested is ethics and morality especially the common law having been receptive to ecclesiastical law and some influences of Islamic law practices.³² With the development of professionalism, and law and lawyers as accoutrements of access to justice, the public implicitly came to depend on lawyers as a social institution to ensure the integrity of rule of law and access to justice. Upholding of this public trust is through ethics and integrity, partly encapsulated in codes to regulate the profession. The codes represent a statement of the professions' expectations of and commitment to good conduct, and lofty aspirations, allows for ease of administration or amenable to periodic modifications as the need arises.³³ As currently taught in the universities and before the new curriculum in the Nigerian Law School, ethics and professional responsibility was conceived of and taught in terms of duties to the Court and clients as they exist in regulatory codes, statutes and case law.

Despite these codes and exhortations, there is clear wane and drop in the public perception of a lawyer. These days, lawyers have the negative image of being seen as cheats, liars (some use lawyers as liars interchangeably) manipulators (turning black to white or white to black, etc); excessive legal jargon and give high priority to fiscal reward. This is further complicated at the university level by unwholesome practices by academics perceived lack of commitment to teaching, and assessment, and compromising relationships with students.

It is clear that the traditional conception of ethics have failed to deliver a satisfactory result or outcome to the individual practitioner, the profession and the general public. The legal education system in Nigeria needs to re-shift focus from teaching of external codes only to one that focuses on 'internal education of lawyers' professional conduct.'³⁴

There is a strong trend towards the introduction or strengthening of the role of ethics in modern law curriculum so as to promote 'good

³² Roger Burridge 'The Three Most Important Characteristics of the English Legal System: Accidents of Geography as much as History' (Citation). H. Patrick Glenn, *Legal Traditions of the World* (2nd Edition) 2004 OUP Oxford, Chap.7

³³ Glenn Op.Cit P.266

³⁴ N. Preston, *Understanding Ethics* (Federation Press, 1st Edition, 1996) 198 & 199.

lawyering. This desire to promote ethics in legal education should be in tandem with government's concern for good image for the country captured in the most recent official slogan in Nigeria: **“good people, great nation”**. The major challenge to legal academics would be the pedagogical difficulties of how it should be taught. While not dwelling on this, it may be mentioned that suggestions have been made on the role of law clinics, literature and storytelling in sensitizing lawyers to their responsibilities which are far beyond the prescriptions in the professional code of conduct.³⁵

Examinations/Assessment

The reason and purpose of examining students is dependent on the philosophy and aims for the study of law, and the way the programme is structured and organized. If the object is to teach students to know the rules and learn their cases, then, the ends of examination will be essentially on testing students' memory, which is quite different from the requirements needed in everyday practice of law.

Under this process students get away with the impression that the aim of academic teaching is to prepare them for a test rather than the tests being indicia for ascertaining whether the educational process has achieved its aims.

This aim of legal education as noted earlier may be a process of transmitting knowledge and inculcating a method of thinking by which each student should in the course of his studies obtain two things: a general survey of his field, and a detailed map of a few selected areas, selected by him or for him³⁶

An appropriate examination and assessment regime would involve continuous tests that would require and expose students to a good level of research, analysis and written presentation³⁷, something that engages

³⁵ Kim Economides "The Road to Justice Revisited: Current Trends in Professional Legal Ethics" <http://www.ru.nl/vsr>, 8/12/2005 p.3

³⁶ O. Kahn, Freund of Cit p. 129

³⁷ Carl. I. M. Parker: "A Liberal Education in Law, Engaging the Legal Imagination through Research and writing Beyond the Curriculum" <http://ssrn.com/abstract=095529>

them in ò democratic imagination³⁸ö. At some point, in addition to participating in moot/mock activities and clinical programmes a voice or oral presentation could, apart from other uses sharpen the students advocacy skills in a broad way. It would foster a students centered learning and assessment regimes that allows for feedback to students on their progress through a combination of the regimes of formative and summative assessments,.

Collaboration of All Stakeholders

Through the provisions of the Law, sufficient platforms have been created for oversight and collaboration in legal education in Nigeria, particularly at the vocational stage. The Council of Legal Education comprises Attorneys-General of all states, Deans of all accredited Law faculties, 15 members of the Nigerian Bar Association led by the President of the Bar and two learned authors. The Body of Benchers on the other hand comprises the Chief Justice of Nigeria and all Justices of the Supreme Court, Presiding Justices of the Appeal Court, Chief Judges of all the states, 40 members of the Nigerian Bar Association, Chairman, Council of Legal Education and other life members ó some of whom are drawn from this category but mostly have retired or in inactive legal practice³⁹. The Body of Benchers calls to the Bar students who had successfully been trained by the Nigerian Law School.

These two bodies can complement the role of the National Universities Commission to prescribe a sense of direction for legal education at the degree LL.B and vocation stages. In practical terms, other members of the Bar and the Bench may be engaged to participate in various ways in the programmes of the universities and the Nigerian Law School. Already, the Nigerian Law School has charted this direction to the credit of the system and do generate excitement and interests of the students.

Legal education as a process for regenerating successive lawyers is too important to be left to the academics alone.

Recognition of Foreign Qualifications

³⁸E. Lan Ward, òLegal Education and the Democratic Imaginationö Keynote Address, Learning in Law Conference (LILAC) January 23 ó 24, 2009. United Kingdom.

³⁹ Council of Legal Education Act & LPA Act, as amended.

The law prescribes the requirements for admission to the Bar and legal practice in Nigeria in a narrow sense. It limits eligibility to holders of qualifications from Common Law backgrounds who must at the same time attend the Nigerian Law School. In relation to the attendance of the Nigerian Law School, the Council of Legal Education is empowered to grant some dispensations, which it did to only two applicants in the 46 years old history of its existence.

This would appear to have the effect of reducing the inflow of Nigerians who studied abroad in view of the sacrifices in time and other respects that will have to be made when returning to Nigeria to do a further study that usually lasts 15 months.

Following a memorandum by the British-Nigerian Law Forum for a waiver either in full or in part from the attendance of the School by Nigerians who have acquired and practiced law for certain period in the United Kingdom, the Council of Legal Education acceded in good part to the request.

In consequence, Nigerians who have qualified and are engaged in legal practice in a Common Law Jurisdiction will only need to meet the following requirements to be recommended for Call-to-the-Bar.

1. Obtained qualification and in practice of Law in the United Kingdom or Common Law jurisdiction for 5 years.
2. Enroll and pay full fees in the Nigerian Law School.
3. Do attachment to chambers and Courts in Nigeria covering the same period with Bar II students.
4. Attendance at three dinners.

The value of the waiver is that it could enrich the quality of practice in Nigeria by facilitating the return home of Nigerian Lawyers trained and are practicing abroad, or make them engage in legal practice in Nigeria while based abroad.

Continuing Professional Development

Post qualification continuing professional development is critical to providing and enhancing the standards of legal practice in Nigeria. It is notable that the Nigerian Bar Association has introduced a mandatory continuing professional development.

The Council of Legal Education has a mandate under the Council of Legal Education Act to provide continuing professional development. Steps are already being taken to put in place facility for its commencement to complement the NBA's efforts.

Foreign Practitioners in Nigeria and Possible Responses

How should Nigerian Legal Practitioners respond to the threat or intrusion of foreign Lawyers in the Nigerian Legal Market? As noted at the beginning, there is some element of inevitability in it given the progression of legal practice as a profession to a largely business activity. When it thus becomes business, is it then desirable or even possible to shut others out? The answer would appear to be self evident. This was what happened to developing countries in the wake of independence. Countries had to jerk between nationalization to protectionism and now embrace or in fact scramble for investment by foreign firms.

One can already see good indications of Nigeria's legal practice in embrace of internationalized legal culture through the super active participation of its members in International Bar Association activities and CPD programmes across the world. Partnerships need to be developed with other firms with global reach as South-African Law firms are currently doing. There is much outsourcing of legal services from USA and Europe to law firms in Asia in particular.

The tricky area seems to be the type of practice that may be opened up to the foreign law firms. That is, whether it will be all embracing that admits of advocacy and right of audience before the courts or limited to corporate matters only. The latter seems to be taking place already especially in the area of commercial agreements and arbitration and it may be counterproductive, if at all possible to stop it. Resistance to such a scheme could, drive away business from Nigeria, will continue to reinforce inequality and where agreement documents must be prepared, it will continue to be done in London or New York than to govern contracts that will be carried out in Nigerian.

Ultimately, the proper approach will have to be the strengthening of legal education and training in Nigeria so that future Lawyers can have a good grasp of the knowledge, skills and ethics underpinning the system and practice of laws which involve the rich and complex interplay of private Law international law and domestic laws.

THE STRATEGIC ROLE OF THE NIGERIAN LAW SCHOOL IN THE PROMOTION OF SOCIAL JUSTICE AND HUMAN RIGHTS IN 21ST CENTURY NIGERIA

Being a Presentation at the International Conference on “Women as Instruments of Change for the Bridging of gaps in Security, Peace and Developments Strategy in Africa”

at Golden Gate University School of Law, San Francisco, California

By: Tahir Mamman (PH.D Warwick, U.K)
The Director General
Nigerian Law School

The Mandate of the Nigerian Law School Spans as follows:

The Nigerian Law School Was set up along with the Council of Legal Education in 1962 through the Legal Education Act of 1962. Its role can be divided into ones that are direct and primary against those that are indirect and implied.

Direct Responsibility:

1. Retrain Nigerians who studied Law abroad and wish to become members of the legal profession in Nigeria in basic principles of Nigerian Legal System and Customary Law which would not have been taught to them in their institutions abroad.
2. Provide practical training in practice and procedure to Nigerian graduates of Law, whether abroad or at home and who wish to join the legal profession as Barristers and Solicitors of the Supreme Court of Nigeria.

Indirect Responsibility:

3. Co-ordinate and manage the activities of the Council of Legal Education and oversight functions over the running of the Law degrees by the Universities.
4. Co-ordinate and manage the responsibilities of the Council of

Legal Education in discharge of its responsibilities in the provision of continuing professional development for lawyers in Nigeria.

The School is therefore a primary provider and at the last lap of legal education, while at same time serving as a quality assurance bulwark in the training of lawyers in the university and post professional qualification of lawyers.

Before 1962, and the set up of the School, the training of members of the legal profession in Nigeria was mainly in the United Kingdom, and consequently, to become a legal practitioner in Nigeria, one must have been called to the English or Scottish or the Irish Bar or enrolled as Solicitor in any of those countries.

This mode of training obviously didn't allow Nigerian Legal professionals to know Nigerian Statutory and customary Laws, as well as the Practice and Procedure of Nigerian Courts. Furthermore, it wouldn't enable the lawyers to appreciate the social context within which Law was practiced and wouldn't therefore equip them with the relevant skills needed to meet the specific social justice needs of their society.

It was within this context and to address these needs that the Nigerian Law School and the Council of Legal Education was established.

In terms of numbers, as at 2008, the Nigerian Law School trained close to 90,000 Lawyers.

The Setting for Training of Lawyers:

Due to its historical past as a former colony of the United Kingdom, the Legal System is based on the common Law with a mix of Customary Law and Sharia. Instructions in Law faculties is essentially the traditional critical lecture type, the typical Common Law subjects of contract, constitutional, torts, criminal law, administrative law, jurisprudence, etc.

Until 2008, Law graduates who are in the Nigerian Law School for the finishing training received instruction through lectures in courses that are procedural in nature such as evidence, criminal procedure, civil

procedure, professional ethics and responsibilities, company law and procedure.

These two uncritical approach have serious limitations in preparing lawyers as judges, advocates, advisers, agents and generally appreciate social justice needs of the society.

Until of recent, except for a few lawyers who did further self development and became well known as human rights crusaders such as Chief Gani Fawehinmi, Olisa Agbakoba, SAN, Clement Nwankwo, Kanmi Ishola Osobu, Ayo Obe, Femi Falana, Festus Keyamo etc, most Nigerian Lawyers don't see and practice Law as a tool for social change nor in law interpreted within the context of the needs of clients for especially the poor and the dis-advantaged.

This is despite the establishment by government of a number agencies aimed at addressing injustices and mal-administration in the system such as the Human Rights Commission, Code of Conduct, the twin anti-Corruption agencies - the ICPC and EFCC, Public Complaints Commission. In fact of recent, the new EFCC Chairman fingered Lawyers as the main obstacle to the success of the War Against Corruption in Nigeria because of the way lawyers stall or slow down court processes in anti-corruption trials.

Apart from the other environmental factors, the reason for this as I see it has to do with the uncritical training received by Lawyers in training.

To be sure, there are many growth challenges facing the country which should feed into the nature of legal education. Some of these are:

1. Contemptuous disregard for constitutional provisions by operators.
2. Abuse of basic rights by officials in public and private sectors.
3. Poverty and absence of official social security.
4. High crime rate.
5. Low literacy rate in the population including security operatives.
6. Inability to appreciate and in many cases unwillingness by officials to respect and apply democratic principles.
7. A market economy that is vibrant, largely informal with consumers unprotected.
8. Issues on global warning, peace making and conflict resolution

covering domestic and international spectrum.

All the above are profound domestic and to a large extent global social justice and human rights elements which are challenges to today's legal education providers.

Universal Challenges Facing Legal Education:

At a general and universal level, because of the critical roles lawyers are expected to play in the advancement of social justice and protection of human rights, legal education is seen as the laboratory for the preparation of these foot soldiers of Law, legality and social justice.

In this regard, Roger Burridge, Dean of Law, University of Warwick identified a number of specific and broad agenda facing legal education.

General Challenges facing Legal Education:

- i. "It is a discipline that is gaining international recognition as a focus for reflection, critique, and comparative evaluation."
- ii. As each culture strives for its definitions of justice and fairness a wider understanding and articulation of principles is emerging. Legal education is one of the most influential sites of that development.
- iii. The core capability defining a lawyer is an understanding of foundational principles and familiarity with key concepts and norms that are observed in the courts where the lawyer is licensed.
- iv. The research and scholarship necessary to guide development, enlighten policy, and improve practice relies on an environment with an inquisitive and wide pendent ethos.
- v. Blue prints for law schools becoming bastions of civic justice and breeding grounds for the champions of democracy are reflected in clinics, projects, and community actions worldwide.
- vi. For legal education and training to be effective it is important that roles are identified and practitioners equipped with the

appropriate knowledge, skills, and understanding. A curriculum or training program should address specific roles so that they can be taught and evaluated.

- vii. Institutions such as universities that provide legal education need to ensure programs that are relevant to the varied social, economic and constitutional needs of their society. This is commonly a product of negotiation or accommodation between the universities, the state, the professions, and employers.
- viii. Lawyers' role as advocate, consultant, counselor, adjudicator have their own profile of skills, knowledge, know-how and social responsibilities. Those who work with the law should be able to define these abilities and their services and reassure others that they have the appropriate aptitude for the role.
- ix. Legal professionals are creatures of their culture as well the product of market forces.
- x. The activities of legal practice-counseling, drafting, advocacy, adjudication, transacting-demand more than purely cognitive ability. Legal education accordingly requires appropriate methods for understanding practical expertise.
- xi. Effective learning includes experiential methods. A practical emphasis upon legal understanding will therefore only be served by including experiential opportunities, such as simulations, role plays, or clinics.
- xii. The law teacher additionally may be expected to act fairly, be professionally responsible for student learning, adopt the most effective methods for learning and maintain a sense of democratic and open engagement with the student body.
- xiii. The International Legal Centre Report emphasizes the wider significance for societies than accrediting lawyers for practice that legal education holds, recommending that the law degree should be capable of equipping students for a wide variety of law jobs.

- xiv. A developmental agenda emerges which expands significantly the part that legal education can play. In doing so it transcends the established view of legal education as a system exclusively designed for generating private practitioners.
- xv. The wider functions of legal education require a strategic approach that pursues theoretical and empirical scholarship with the promotion of practical expertise for a wider constituency than the legal profession. It extends legal knowledge beyond professional study, or even as a subject for higher education scholarship, to an appreciation of law's facilitative role in the development of civil society.

“An effective legal education strategy has the potential to maintain the production of legal expertise to service economic growth. A strategy that fails to address human rights, the broader aspirations of social justice, and the promotion of participatory democracy will impede economic development. Experience has shown that these concerns need addressing substantively in the curriculum and pervasively in methods by which students learn the central significance to the administration of justice.”

In acute appreciation of the huge and changing roles of lawyers and legal education, the Nigerian Law School embarked on a major reform of its curricula and teaching methods in 2006.

This involved all stakeholders in the profession such as judges, senior legal practitioners in Nigeria and international legal and ICT consultants so as to benchmark the result against international best practices.

The result is a totally new curriculum that has the following features:

- a. It is outcome based and learner centered.
- b. It is practice/clinic oriented designed to equip students with both traditional lawyering skills and appreciation of the individual circumstances of especially, socially and economically disadvantaged clients.

- c. Knowledge of the Law is integrated with skills and ethics and values in each module such that the student takes each course in context and holistically.

It is laden with a huge dose of ethics, both of the profession and consideration of the contextual role of law and lawyers with students' role playing in practical sessions.

Facilities are currently being prepared to enable students undertake in pro bono community engagement activities from 2009/2010 session as part of their educational objectives while hoping to provide some level of legal advice to under-privileged of the society.

The overall thrust is to secure a training process that unite knowledge, skills and values to ensure students competence and exposure to vital areas of social justice and human rights such as good governance, democratic principles, conflict resolution, responsible and responsive citizenship.

In conclusion, the overall expected outcome of the new curriculum and teaching method are lawyers who have the basic competence to provide society with voice, discipline and order, and justice in addition to the traditional legal functions and services.

**A REVIEW OF THE FRAMEWORK OF LEGAL
EDUCATION IN NIGERIAN UNIVERSITIES
BEING A PAPER DELIVERED BY
DR. TAHIR MAMMAN
THE DIRECTOR GENERAL,
NIGERIAN LAW SCHOOL**

**AT THE JUSTICE M.M AKANBI ANNUAL LECTURE @
THE UNIVERSITY OF ILORIN ON MONDAY 8TH
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History, Philosophy and Structure of Current Legal Education

Recently, Nigeria rolled out the drums albeit without much confidence and cheers regarding its achievements, to celebrate its 50 years of independence.

Before independence, it had a legal infrastructure crafted to provide appropriate legal framework for the needs of colonial administration, local administration and a system of commerce that was a mixture of British mercantilism and diverse customs of Nigerians. Before then, Lawyers were trained abroad.

However, shortly before independence, a need had already been recognized in United Kingdom for a system of legal education of Africans within Africa to provide manpower for its system of administration of justice, and also as administrators and legislators.⁴⁰

As a follow-up to independence, the Unsworth Committee was established to consider and make recommendations on the future of legal education in Nigeria with specific concern for legal education, admission to practice, right of audience before the courts, reciprocal arrangements with other countries, conduct, control and discipline of members of the Bar. The Committee's report (**the Unsworth Report**) recommended inter alia that:

- a. Legal education should be provided locally and adapted to the needs of Nigeria.
- b. Law faculties should be established at University of Ibadan and any other subsequent universities to offer degrees in Law.
- c. A Law School should be established in Lagos to provide practical training for Law graduates.
- d. A Law degree should be a requirement for practice of Law in Nigeria.

The federal government accepted the recommendations and provided for them through two Acts, - the Legal Education Act 1962 and the Legal Practitioners Act 1962, subsequently replaced and consolidated in the Legal Education (Consolidation, etc) Act (Cap 206) Laws of Federation of Nigeria 1990 and the Legal Practitioners Act (Cap 207) LFN 1990. While the former regulates legal education, the latter regulated the practice of Law in Nigeria.

⁴⁰ C. O. Okonkwo "A Historical Overview of Legal Education in Nigeria" to Ayuu & Guobadia, *Supra*, Report of the Committee on Legal Education for students from Africa CMND 1255 (1961).

The recommendations and follow-up legislation put in place a modified two tier system of legal education and training which like, in the United Kingdom separated the academic from the vocational stages. Unlike in the United Kingdom, however, a Law degree became the basis for qualification. This provided for a single point of entry to the profession as against the United Kingdom which has multiple entry and exit points for the legal profession. More significantly the framework provided for the possibility of a thorough and in-depth study of Law in the university through a law degree in contrast to the United Kingdom which permits other non-degree qualifications for entry to the profession.

A further important window in the Act provided for the adaptation of legal education to the needs of Nigerians. This appeared to capture the earlier reason which led to the establishment of the Denning Committee before independence to review legal education that would cater for Africans studying in the United Kingdom.⁴¹ Apart from the technical need to provide lawyers that will serve as administrators, legislators and manage the institutions of justice, Law has long been identified as a key medium for communicating and transmitting the culture and intrinsic values of a community or society.

Differences between legal systems are therefore, the expression of self identity as differences between individual people are and as such are to be respected. As further forcefully put by Zamora *Legal Systems* (and the institutions and doctrines that comprise them) are deeply imbedded in national and local cultures that vary greatly according to history and geography.

At this early stage, the universities were at liberty in the development of the curricula and teaching method.

In practice however, the curricula menu and method of teaching did not deviate significantly from the curriculum structure in the United Kingdom.

While the names and contents of the courses were localized such as Nigerian Constitutional Law, Nigerian Criminal Law, etc, along with enactment of local legislations, their philosophical undertones and case

⁴¹ Okonkwo, *Supra* P.2: Report of the Committee 1959 (Federal Government Printer, Lagos) C. O. Okonkwo for more detailed discussions.

law were heavily English Common Law, and there was prescription to apply certain statutes of general application and principles of equity.⁴² These were reinforced by the rules which prescribed a requirement of proof and compatibility as pre-condition for the enforcement of customary and domestic laws.

It needs to be stated that this interpretation does not discount the immense scholarly work of the pioneers of legal education in Nigeria, who apart from offering the best in the tradition of the common law legal education, also produced excellent scholarly materials. The aim of the interpretation therefore is to refocus attention on the philosophy and structure of legal education in Nigeria to assess whether it could have been different given the general legal framework provided with the possibility of producing Nigerian Lawyers who have the skill and mental preparation to solve problems that are uniquely domestic and Nigerian and capacity to be effective at the global stage.

The inevitable conclusion is that the educational system both at the university degree level focused on disconnected individual subjects and their contents with little attention to concepts, issues, philosophy and policy considerations underlying that area of Law, with students unable to see the big picture by themselves.⁴³ With progressive massification of university education,⁴⁴ decline in number and seemingly quality of lecturers in faculties, the technically qualitative legal education fostered by the early generation of law teachers took a nose dive.

In the final analysis, it became self evident that in practice, and in significant ways, there is a consensus on the misdirection or decay regarding the aims and purposes of legal education. With this framework, students in large measure seem to acquire a 'trade school mentality (with) endless attention to trees at the expense of the forest' which is reinforced by institutional practices in post qualification attitude of lawyers to each other to be an exercise largely in the reproduction of hierarchy. This institutional practices of lawyers orient students while in

⁴² Obilade: *The Nigerian Legal System*, 1979 Publisher: Sweet & Maxwell (London)

⁴³ TAN CHENG HAN *Challenges to Legal Education in a Changing Landscape* Singapore

⁴⁴ There are now 40 universities with accredited faculties of law and about 4 more in the pipeline.

School and out of School as well to accept willingly and often times unquestioning participation in the hierarchical roles of lawyers. In effect, an uncritical curriculum structure and delivery method, the classroom experience and post qualification institutional practices have the real capacity to undermine the production of lawyers who can develop a theoretically critical attitude and reflection towards the system, the problems of his society and beyond.

Against this background regarding the aim or probably aimlessness of our system of legal education and the general complain with regards to the technical competence of Lawyers, the question becomes, what do we need to do or can do to ensure that the legal education system provides for the type of Lawyers the country needs.

Challenges of Skills and Number

As at 2009, about 40 of the 95 universities in Nigeria offer Law as part of their menu of academic programmes. In the broad discipline of Arts and Humanities, Law is rated as one of the programmes in very high demand and the profession's association is arguably considered to be the leading professional body in the country. Added to these are its unique responsibilities in providing judges and personnel for the Justice Sector at the domestic and international arena. These are services and responsibilities that are pervasive and cross-cutting unlike other professions which generally provide one line service structure to the society albeit, an important one.

The combination of this popularity and unique position of the legal profession place enormous burden on the providers of legal education, that is the teaching staff, the Dean and the university in general to produce not just the number required, but more importantly skillful and ethically oriented lawyers.

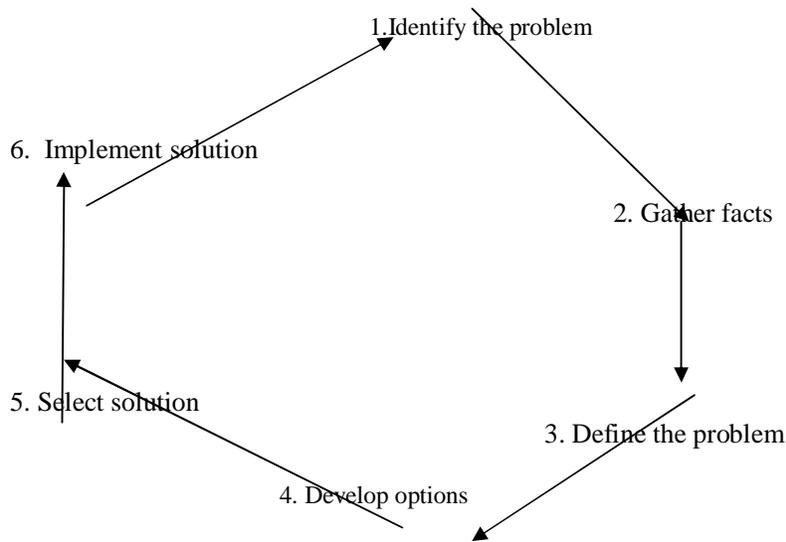
Lawyering Attributes:

What then are the attributes and skills expected of a typical lawyer which an education provider should pay attention to? While conceding that it is difficult to rationalize with specificity the attributes required of a lawyer due to diversity of legal practice, needs and circumstances of individuals

and society, the following have been identified to be some basic rudimentary competences required of a typical lawyer⁴⁵

Technical Competence

- Ability to analyse legal issues against the background of existing law, the direction the law is or should be developing and key policy considerations.
- Synthesize facts and situations given that most problems involve multi-dimensional facts and can weave those facts into a coherent narration.



Analysis involves a lot of imagination and thoughtfulness and interpretation of facts and situations. This is aptly captured by the popular Problem Solving Cycle.⁴⁶

⁴⁵ ABA-LSAC Official Guide to ABA 6 Approved Law Schools. Produced by the Law School Admission Council and American Bar Association, 2008 Edition.

⁴⁶ Wikipedia Encyclopaedia

- Advocate orally or in writing the views of individuals and groups within the context of the Law (Communication Skills).
- Can effectively negotiate.

In addition to producing technically competent Lawyers, a legal education system is also expected to generate or at least embrace developmental agenda.⁴⁷ It is common worldwide for Law Schools to serve as blueprints for becoming bastions of civil justice and breeding grounds for champions of democracy and rule of law practically fostered in training through clinics, projects and community actions. It follows in this context therefore that legal education should fashion programmes that are relevant to the varied social, economic and constitutional needs of its society. This may be accomplished through negotiation, or accommodation between the universities, the state, the profession and the employers or simply imposed by the State as is done through the imposition of BMAS by NUC in Nigeria.

The production of lawyers with the above attributes and social needs require specific and general enabling environment in the Law faculty and of the university, in terms of quality teachers in sufficient number and are aware their professional responsibilities, appropriate curricula, students who are imbued with suitable academic background and character and adequate infrastructures, etc.

Character and Integrity

The character and integrity of a Lawyer is central to the legal profession. In the Nigerian Law School, it is of greater importance as a requirement than the examinations. This should be the case in the universities where the foundation is generally laid. It is an important element of excellence in legal education. It is critical that a Lawyer must have the level of honesty, integrity and professionalism expected by the public and other members of the profession and does not pose a risk to the public or the profession.⁴⁸

⁴⁷ Burrige R. (2005) Six Propositions for Legal Education in Local and Global Development Journal of Legal Education 55(4), 488-494(0022-2208)

⁴⁸ Conditions on the Assessment of Character and suitability approved by A. Solicitors Regulation Board, UK-25/5/2006.

Character concerns could arise if the following circumstances amongst others, subsist in relation to a person seeking to join the legal profession.

- Conviction for an offence, other than a traffic offence, which involve dishonesty.
- Plagiarism or cheat in assessments of any type.
- Bankruptcy, other circumstances or some form of court judgments which impinge on character.
- Investigation of the individual by a professional or regulatory body which suggest he may not willingly comply with legal and regulatory requirements, for instance, inter alia, non-disclosure of information, or breach of requirements or refuses to comply with reasonable requests of the regulatory body, etc.
- Investigation in respect of an alleged misconduct or malpractice with regards to a business activity.

The rationale for the importance of the above indicia of character is that from the individual's past or current behaviour, the individual is:

- Honest or trustworthy.
- Well disposed to compliance with regulations
- Can creditably manage financial affairs of him and clients.
- His admission to the profession will not undermine the legal profession, for instance admission of ex-convict, or one who abused his position to obtain proprietary advantage or who obstructed the course of justice, etc would undermine the profession.
- Will not cause harm to clients, the profession and the society at large, e.g. drug addict, or a person with mental problem and therefore may have impaired judgment or may be violent with colleagues or clients, etc.

Of course, the existence of the circumstance which may point to bad character are *prima facie* which may be rebutted either by evidence of established, genuine rehabilitation (such as renunciation of cultism) or

incidence not of a serious nature or occurred a long time ago or a result of genuine mistake or oversight, etc.⁴⁹

Nothing underscores excellence in legal education than working towards having a crop of Lawyers and a legal profession that have the respect and confidence of the clients, and the public in attending to their needs and ends of justice either as an individual or the community.

The main challenge and issues before legal education providers for the attainment of the aims of legal education as discussed rest in part on the modality of achieving these objectives. How will it be achieved in terms of programs and teaching resources?

Programmes and Academic Standards

Until of recent, the National Universities Commission (NUC) accredited only the programmes of universities whereas the Council of Legal Education (CLE) assesses both the programme and facilities.

The competence level attainable by students is a factor of many variables, critical among which is the scope and diversity of the curriculum menu on offering in the Law faculty. Similarly, career choices by students are profoundly affected by the diversity and richness of the programme menu of the Law faculty, counselling received in School, and nature of the market where students will be employed.

In Nigeria, the available course offerings in Law faculties and their number are largely uniform with only minor variations across universities. On average, the number of course offerings in the entire faculty of Law are **40**. This sharply contrasts to the USA where as at 2002, the average number of course offerings in senior classes only of Law School is **84**.⁵⁰

This uniformity and limited number in part emanate from the intervention of the National Universities Commission (NUC) initially providing Minimum Academic Standards (1989), now upgraded to Benchmark Minimum Academic Standards (2004). This involved

⁴⁹ Ibid

⁵⁰ A survey of Law School Curricula Section of Legal Education and Admissions to the Bar 1992-2002. P.3136

prescribing courses, both law and non-law courses which faculties of Law in the country are required to offer. The Council of Legal Education (CLE) also has its own group of core courses prescribed for Law faculties.

This external intervention came about when it appeared that universities were not developing and improving on academic programmes on offer to students, especially the newly established universities.

The approach in virtually all the universities so far is to adopt the externally pre-determined courses as their ceiling with a few additions. Nigeria is one of the very few countries that have an externally prescribed curricula structure.

Given the reason for the introduction of the Minimum Approved Standards (MAS) itself, it would appear to be incongruous to adopt a pure outcome structured curriculum, despite its advantages as being flexible, less totalitarian in terms of safeguarding academic autonomy, thus providing some harmony between the interests of educators on one hand and policy makers and regulators on the other.⁵¹ Some additional reasons against adoption of outcome based policy would be the usual factors associated with inefficient bureaucracies in the country such that implementation of a complex system of regulation and audit of education providers, more extensive role for supervisors, what type of evidence will be enough or sufficient to conclude that outcome is met, what criteria will be appropriate, may prove daunting. These are critical questions especially in a society where benchmarks are hardly respected, and if at all with difficulty and at minimalist level.

But noteworthy is the absence of a criteria or process put in place to assure that the required outcomes as a result of the prescribed subjects are being achieved at any point in time.

The third observation is the absence of specific statements on teaching methods. There is a good case for encouraging, if not insisting on the use of problem based and, active learning which includes some form of

⁵¹ A Boon, F. Flood and J. Webb: Cardiff University Law School 2005, Blackwell Publishing Limited 9600 Garsington Road, Oxford OX42DQ, UK and 350 Main Street, Maiden MA, 02148, USA 6
<http://ssrn.com/abstract=873885>.

the varieties of clinical legal education, and other students focused teaching methods.

In practice, key among other elements that seemed not to have enabled the attainment of the philosophy and goals of the Minimum Academic Standards is the traditional lecture type teaching method prevalent in all universities. Even the computer courses are taught through lectures in some institutions with or without computers.

A further aspect of it is the absence of connections between the course, even among the Law courses and of course exacerbated in the case of non-law courses which most students see as a nuisance rather than a new route to learning law contextually. The teachers who handle the non-law courses are domiciled outside the law faculty and have little or no particular orientation on the reason Law students are offering those non-law courses.

A fourth noticeable defect is the insular, inward looking direction of the courses in a world that is heavily globalised in all ramifications. While it is true that most law graduates commence their professional life at the national level and deal with issues most of which may be domestic which affect matters of either private, economic, constitutional law, criminal law or administrative law in respect of the official bar, it is desirable to have robust programmes on international transactions to foster minimum competence for those with aspirations further afield or in the complex corporate world of business or practice that transcend national boundaries in their activities, part of which activities may be in the lawyer's domain.

The practice in most countries which include USA and UK since 1990s⁵² is to adopt an outcome based system with a rigorous system of accreditation and assessment to ascertain that the outcomes are being achieved.

This means, in Nigeria the Law teachers have not risen to the challenges of the needs of the market for Lawyers in developing a wide range of courses. Similarly, any form of counseling to students on career choices is limited or undermined outrightly by the absence of a rich menu of

⁵² Op.ct, fn.6

courses from which students can make choices preparatory to a career in a particular area of Law.

Students thereby qualify into the profession that is largely general in practice while a few dovetail into specialized areas after some trial and error or by chance securing a position in a firm or organization that has such expertise.

The system currently practiced in the Law faculties would appear to be a commitment to minimum stands rather than excellence in Legal education.

These limiting factors are reinforced by overcrowded classes who are taught through the traditional lecture type teaching method which prevails in all the Law faculties. In contrast, most universities in developed countries have embraced the interactive ó students centered approach to teaching which practically involve students in teaching processes, and in a lot of cases too in the design of curricula in the faculty. A practical emphasis to legal education is better served by using experiential opportunities such as simulations, role plays, clinics and various forms of externships. In such circumstances, both teachers and students have ownership of the programme and its vehicle. However, for this approach to be effective, it would necessarily require fewer students enrollment, and the use of modern teaching aids.

Information Technology in Legal Education

Developments and advances in Information and Communication Technology (ICT) have had important impact on education and teaching and how it may be harnessed by law teachers. Elsewhere, the development and deployment of advanced computer assisted learning systems such as Law Courseware and IOLIS, have changed dramatically the way students learn, created vast opportunities and ease in information, storage, retrieval and dissemination and facilitated collaborative activities.⁵³ Briefly, some of the ICT platforms and possible uses are:

E-mail communication ó Through it, resources and questions may be posted to students and obviate the necessity for them to physically go for

⁵³ JILT 1999 (3) ó Abdul P. Learning in Cyberspace ó http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/1999_3/paliwala

such resources and their responses returned in like manner. The criticism is however made that, it removes the values derived from social contact among students and staff, as well as absence of face-to-face discussions, etc.

Diverse Electronic Discussion Forums ó The forum such as Facebook enables participants pose questions and articulate view and as such are very much suitable for large class academic activity and even beyond the teachers and students.

Legal Data Bases ó This is in use in many Law Schools across the world to access legal resources, most common of which are LEXISNEXIS and WESTLAW. Data bases house a huge amount of data and knowledge which are available for research for teaching and practice upon qualification as a lawyer. Since in large measure, legal research will be conducted by lawyers in practice, it is only appropriate that students gain the requisite experience and skills in during their education and training in the university and vocational Law School. Moreover, cybercrimes can better be understood and learnt through the IT, being the mechanism through which it is committed, as well as electronically generated evidence.

Video Conferencing - Holds a lot of promise in teaching and research, especially for the injection of international and comparative flavor in the curricula as it will enable guest speakers from long distances share resources. It could as it were, create a global classroom for students from several institutions to participate in the same course, through bilateral and multilateral arrangements.

Perhaps this facility holds even more promise for students and academics in developing countries to share resources with their colleagues in better endowed regions without having to travel and facilitate better understanding of the various legal models and standards which exist elsewhere.

Of course, the big if in the deployment of ICT for learning and teaching is the financial and technical resources needed to deploy and maintain

them. Apart from the issues of commitment, financial handicaps may be the reason why only a few university law faculties and the Nigerian Law School at the moment have limited IT infrastructure, while usage is still at the level of only provision of one or two data bases typically, LEXISNESIS or Westlaw or Hine on-Line , and almost wholly for information gathering.

But as focus is made on acquisition of IT, it is important that it is not used unthinkingly so that the facilities do not detract students from learning. Technology is infact an aid to the learning process. A significant impact of the development of IT for learning is its facilitation of active, students centered learning and easy nurturing of research and analytical capability.

International Dimensions of Quality Legal Infrastructure

The legal profession is heavily involved in international business transactions and governance, to provide the necessary legal framework for contracts, agreements and protocols.

Correspondingly, it is common practice for services to be outsourced especially from the developed to some of the developing countries. Legal services have been part of such activities that have been outsourced, the main beneficiaries of which are Asian countries. A lot of collaboration is also going on among European Countries, United States of America and Asian Countries in knowledge and information sharing, staff and students exchange.

In Africa, only South Africa seems to be a beneficiary of these collaborative ventures at the international level.

The gains made in the early sixties where the quality of legal education in Nigeria was as good as that which obtains anywhere seems to have evaporated.

This position can only be remedied by having a legal education system and legal practice which the international community has confidence and assurances in its quality.

We have discussed as above some of the pathways to achieving these goals.

Others would include provision of suitable, befitting physical infrastructure and comfort, stable academic calendar devoid of incessant strikes, quality peer assessed research and publications, sufficient number of academic staff with appropriate spread across all categories, participation and attendance of international conferences.

Attention to these prerequisites would most probably create the environment for the academic staff and students from abroad, especially Europe and Asia to participate in our educational programs as equals, rather than as resource persons only, being the current practice.