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Legal education reform in Africa: time to revisit the two-tier legal education system

Okechukwu Oko
Southern University Law Center

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LEGAL EDUCATION REFORM IN AFRICA: TIME TO REVISIT THE TWO-TIER LEGAL EDUCATION SYSTEM

*Okechukwu Oko**

ABSTRACT

The two-tier legal education system has become increasingly ineffective by virtue of the evolution of changes in legal practice and Africa's unique conditions and circumstances. The problem is rooted in the fact that some African countries adopted the two-tier legal education system on the assumption that what worked in Britain offered a prescription for success in Africa. However, the two-tier legal education system has been ineffective in Africa because the infrastructure – pupillage, apprenticeship, continuing legal education – that complements and anneals it is not widely available in Africa. Where these elements exist, they tend to be frail and unreliable. Africa's urgent challenge is to design an appropriate legal education structure that helps lawyers develop the highest possible degree of capability to respond effectively and resourcefully to Africa's problems. It is time for Africa to address a fundamental question well phrased by Samuel Manteaw, a Ghanaian scholar: "What type of lawyer does Africa need? And do these [educational] institutions produce the type of lawyer Africa needs?"¹

Using Nigeria as a case study, this paper examines the two-tier system of legal education in Africa. It examines the implications and assumptions of the two-tier system and its negative effects on legal education. It proposes a constructive alternative that abolishes the two-tier system and vests the teaching of doctrinal and skill courses in

* Dodson-Hooks Professor of Law, Southern University Law Center, Baton Rouge, Louisiana; LL.B (hons), LL. M., University of Nigeria; LL.M., J.S.D. Yale law school. An abridged version of this paper was presented at the Harvard Law School Center for the Legal Profession Seminar on December 7, 2020. Dodson-Hooks Professor of Law, Southern University Law Center, Baton Rouge, Louisiana; LL.B (hons), LL. M., University of Nigeria; LL.M., J.S.D. Yale law school. An abridged version of this paper was presented at the Harvard Law School Center for the Legal Profession Seminar on December 7, 2020.

¹ Samuel O. Manteau, *Legal Education in Africa: What Type of Lawyer Does Africa Need*, 39 MCGEORGE L. REV. 903, 909 (2008).

the law faculties of universities. This paper argues that the two-tier legal education system imperils legal training by the arbitrary division between doctrinal and skills courses and teaching them separately at different institutions. As it presently exists in Nigeria, the two-tier system requires fundamental structural and institutional reform to create a better pathway to producing competent lawyers who can respond responsibly and effectively to society's needs and challenges. A comprehensive legal education offered through law faculties will powerfully enrich legal education and improve the caliber of training received by lawyers in Nigeria.

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1. INTRODUCTION

Before achieving independence, virtually all African countries colonized by Britain possessed no local facilities for training lawyers.² Individuals acquired entitlement to practice as lawyers by qualifying

² T.O. Elias, *Legal Education in Nigeria*, J. AFR. L. 117 (1962).

as a barrister or solicitor in the United Kingdom.³ The colonial administration was understandably uninterested in establishing local facilities for the training of lawyers; it feared that an influential legal profession would act as an effective bulwark against repression and encourage the restive society to further challenge its authority. The British colonial authorities had a deep-seated fear of lawyers because of their experience with the lawyers who had championed the Indian nationalist movement.⁴ Anxious to forestall a similar challenge in Africa, the British colonial administration felt disinclined to provide Africans with legal education.⁵ Scholar Yash Ghai notes, "When institutions of higher education came to be established in Africa after the second world war, law was conspicuously absent from the subjects offered."⁶

The attainment of independence gave African countries the power to decide the kind of legal education they wanted for lawyers' training. Several emerging independent African countries chose, or were prodded by the British, to adopt the English two-tier legal education system. The impetus for this choice was the Lord Denning Committee's recommendation, which had been established by the British government in October of 1960 to examine legal education in Africa.⁷ The Committee recommended, "In the future[,] the normal pattern of higher legal education in the African territories will be a degree in law at a university in Africa followed by one year's practical training at a school of law in Africa."⁸ Nigeria, Ghana, Zambia, Uganda, South Africa, Tanzania, and Kenya adopted the

³ *Id.* at 125.

⁴ Yashi Ghai, *Law, Development and African Scholarship*, 50 MODERN L. REV. 750, 751 (1987) ("The British colonial authorities had a deep-seated fear for lawyers. The Indian nationalist movement had been led by lawyers and the British, anxious to forestall a similar challenge in Africa, discouraged the training of African lawyers.").

⁵ L.C.B GOWER, *INDEPENDENT AFRICA: THE CHALLENGE TO THE LEGAL PROFESSION*, 111 (Harvard Univ. Press., 1967) (noting that colonial administrators viewed the prospect of legally trained Africans with misgivings, regarding them, with some justification perhaps, as particularly likely to form an effective spearhead of the nationalist movements).

⁶ *Id.*

⁷ A.N. Allot, *Legal Education in East Africa*, 4 J. AFR. L. 130, 130 (1960).

⁸ Comm. on Legal Educ. for Students from Afr., Gr. Brit., CMND Ser. No. 1255, Report of the Committee on Legal Education for Students from Africa 23 (1961).

recommendation and established a two-tier legal education system for the training of lawyers.⁹ The two-tier system bifurcates legal education into two rigidly exclusive blocs: academic training, typically an undergraduate degree program offered at the universities, and professional training provided by a vocational training institution set up exclusively for that purpose.¹⁰ Students had to pass a qualifying examination at the end of their vocational training to be admitted to practice law.

Differences and precise boundaries exist between law faculties and vocational institutions, and each tier has clearly defined responsibilities. The different powers and functions of each tier are statutorily established and bolstered by tradition.¹¹ The cornerstone of the two-tier legal education system is the idea that law faculties are not designed to be the venue for training lawyers for legal practice.¹² Law faculties are regarded as the “ivory tower” of the academy, focused predominantly, perhaps exclusively, on “the exposition and analysis of legal doctrine as it was to be found in cases, statutes, and textbooks.”¹³ On the other hand, the vocational institution is the appropriate forum for imparting skills and other preparation for legal practice. It reflects and replicates “the real world” of legal practice, teaching students the skills and habits of mind necessary for success in legal practice. The two-tier system creates different institutions for different purposes but expects them to work together to create a coherent training program for lawyers. Therefore, the efficacy of the

⁹ Samuel O. Manteaw, *Legal Education in Africa: What Type of Lawyer Does Africa Need*, 39 MCGEORGE L. REV. 903, 924 (2007).

¹⁰ GOWER, *supra* note 6, at 118 (noting that prospective lawyers typically “obtained a law degree at a university followed by one-year training in professional skills at a separate law school”).

¹¹ *See, e.g.*, Legal Education (Consolidation, etc.) Act (1976) ch. 206 (Nigeria) (consolidating the recommendations of a federal government committee, which recommended a two-tier legal education system, legal education provided by law faculties and a Law School, which would provide practical training for law graduates).

¹² The two-tier legal education scheme conforms to the notion that “[u]niversities are generally regarded as the traditional citadel of knowledge and theory, rather than training grounds for the development of career-oriented skills.” William T. Vukowich, *Comment: The Lack of Practical Training in Law Schools: Criticisms, Causes and Programs for Change*, 23 CASE W. RES. L. REV. 140, 142 (1971).

¹³ William Twining, *Development in Legal Education: Beyond the Primary School Model*, 2 LEGAL EDUC. REV. 35, 38 (1990).

two-tier legal education system rests tenuously on each tier's ability to collaborate fruitfully to produce lawyers who can engage in competent and ethical legal practice.

The two-tier legal education system performed relatively well in the early 60s and 70s and produced reasonably competent and generally well-trained lawyers. Africans, excited about the availability of local facilities for legal education, worried little about the system's defects. With time, the two-tier system's success proved to be somewhat illusory—temporary achievements on a continent with a rudimentary legal system and relatively unsophisticated demands for legal services.¹⁴ The extent and effectiveness of Africa's two-tier system progressively waned between 1990 and 2000s and was eclipsed and overwhelmed by Africa's changed and changing circumstances.¹⁵ In the late 90s, the legal profession's functions grew tremendously, requiring new ideas, higher levels of skills, and an understanding of the nuances of legal practice—requirements that assume urgency and magnitude as society evolves and becomes more sophisticated.¹⁶ Today, changes in legal practice and Africa's unique and ever-changing conditions and circumstances have created a new context for legal education, one in which the two-tier legal education system risks obsolescence.¹⁷

¹⁴ Beatrice Shuwa, *The Evolution of Academic and Clinical Legal Education in Nigeria and Selected Common Law Countries*, 17 NIGERIA L. J. 102, 111 (2014) (noting that legal education in Nigeria derived inspiration from England but the legal terrain in Nigeria is very different from that of England.).

¹⁵ R. Aduche Wokocha, *The Challenges of Legal Education in Nigeria: The Way Forward*, 3 WEB J. OF CURRENT LEGAL ISSUES (2008), <http://webjcli.ncl.ac.uk/2008/issue3/wokocha3.html> (“Over the years, legal education in Nigeria has grown from a competent process that successfully replaced training of entrants in foreign university, to a near sorry state. It can be said that the process has become a shadow of its former self, to the point where its products are increasingly becoming doubtful both in character and learning.”).

¹⁶ Bagoni A, Bukar, *Legal Education and Challenges of Contemporary Developments in Nigeria*, 20 INT'L J. CLINICAL LEGAL EDUC. 593, 600 (2014) (“In order to overcome the challenges of legal education, the academic and vocational curriculum has to be redesigned to make it more relevant to the contemporary needs of the students and the society.”).

¹⁷ Grady Jessup, *Symbiotic Relations: Clinical Methodology—Fostering New Paradigms in African Legal Education*, 8 CLINICAL L. REV. 377, 387 (2002) (arguing that “[p]ost-colonial African nations have not consciously and systematically

As Africa progressively evolves into modern society, the demands for legal services have increased vastly in size, scope, and complexity, confirming scholar Herb Vest's observation: "Like today's dynamic economy, the modern practice of law is evolving at breakneck speed. Lawyers are being called on to practice in more diverse subject areas Clients also are seeking a range of services beyond traditional legal services."¹⁸ These changes have transformed the two-tier legal education system into an archaic, deficient format that limits rather than enriches students' capacity to respond to the necessities and challenges of practicing law in an increasingly complex society. Moreover, unlike in the past, legal practice is no longer limited to litigation; lawyers' functions have substantially increased in scope and complexity, tasking the two-tier system's capacity to prepare lawyers for legal practice adequately.¹⁹ Though historically understandable, the two-tier system does not work for modern times and does not suit Africa's needs and goals. The center of gravity of legal practice has moved away from litigation.²⁰ Yet practice skills like mediation, negotiation, and interviewing are seldom examined and never taught in any systematic fashion at law faculties and vocational institutions.²¹

A further reason for the two-tier legal education system's inadequacy is that some African countries that adopted it assumed that what worked in Britain offered a prescription for success in Africa.²² The two-tier legal education system's problems in Africa have grown significantly because the infrastructures—pupilage, apprenticeship, continuing legal education—that complement and anneal legal training are not widely available in Africa.²³ Where they

undertaken a redesign of their legal education systems to more appropriately meet the needs of their societies. The current systems, as left by the colonial rulers, or as they have evolved over the years, have outlived their utility, whatever marginal utility they had.”).

¹⁸ Herb D. Vest, *Felling the Giant: Breaking the ABA's Stranglehold on Legal Education*, 50 J. LEGAL EDUC. 494 (2000).

¹⁹ *Id.*

²⁰ S. K. Mokidi & C. A. Agbebaku, *Legal Clinics and Professional Skills Development in Nigeria*, 17 INT'L J. CLINICAL LEGAL EDUC. 38, 39 (2012).

²¹ *Id.* at 47.

²² *Id.* at 39.

²³ For a discussion on the values of pupilage and its impact on young lawyers, see Ambrose Ekpu et al., *Revisiting Pupilage in the 21st Century*, LEGAL EDUCATION

exist, they tend to be frail and ineffective.²⁴ The absence of pupillage and a dynamic continuing legal education scheme compounds the two-tier system's deficiencies, making it difficult for young lawyers to navigate their way out of the morass of inadequacy into which an unsatisfactory legal education system has placed them.²⁵ Many lawyers' deficiencies, like the insufficient grasp of practice skills, lack of exposure to mediating, interviewing, and counseling skills – which could have been lessened or eliminated altogether – fester due to the absence of post-qualification mechanisms, like pupillage and continuing legal education, that enable lawyers to hone skills and remain up to date in their knowledge of the law.²⁶ Therefore, after nearly six decades of such a dynamic, it is not surprising that Africa's legal education has devolved into an impoverished equivalent of the English system.

The perennial criticisms and concerns about the inefficiencies of legal education in Africa imply a recognition that the two-tier legal education system may not be the best format for training lawyers on a continent with dramatically different social assumptions and institutions.²⁷ Lawyers' incompetence and ineffectiveness continue to

IN THE 21ST CENTURY: PROCEEDINGS OF THE 43RD ANNUAL CONFERENCE OF THE NIGERIAN ASSOCIATION OF LAW TEACHERS (Allswell O. Muzan ed. 2010) 529.

²⁴ For a discussion of the need for a compulsory continuing legal education scheme in Nigeria, see Yinka Aletor, *Compulsory Legal Education in Nigeria*, IN LEGAL EDUCATION FOR THE TWENTY-FIRST CENTURY NIGERIA, 1 (I.A. Ayua & D.A. Guobadia eds., 2000).

²⁵ S.K. Mokidi & C.A. Agbebaku, *Legal Clinics and Professional Skills Development in Nigeria*, 17 INT'L J. CLINICAL LEGAL EDUC. 38, 42 (2012) (noting that the patent deficiencies in some of our young lawyers are directly related to their training both at the academic stage and the law school).

²⁶ For a discussion on the values of pupillage and its impact on young lawyers, see Ekpu, *supra* note 24. For a discussion of the need for a compulsory continuing legal education scheme in Nigeria, see Aletor, *supra* note 25.

²⁷ I.A. Ayua, *Nigerian Legal Profession: Problems and Prospects*, JUSTICE AND THE NIGERIAN SOCIETY: ESSAYS IN HONOR OF JUSTICE MOHAMMED BELLO, 18 (Ayua ed., 1995) (noting that many employers, clients and senior practitioners have expressed great alarm over the deteriorating standard of lawyers that are being churned out of the law faculties); Joe-Kyari Gadzama, *Modernizing Legal Practice in Nigeria: Challenges and Prospects*, lecture delivered at the 2013 state of the legal profession, NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

testify to the legal education's inability to respond creatively and effectively to the challenges of legal practice. An effective legal education calls for qualities and kinds of training palpably lacking in the two-tier legal education system. The only way to evaluate a legal education system's adequacy is to ask whether it adequately prepares lawyers for their crucial roles in society.²⁸ The two-tier legal education system fails to prepare lawyers adequately for legal practice and has failed to help the legal profession to attain its ideals of professional excellence.²⁹ The two-tier system did not evolve in the context of African circumstances, and as a result, it never provided conditions necessary to adequately train lawyers for legal practice. As modernity further altered the original circumstances, the relatively rigid two-tier system failed to tailor its training to meet evolving challenges.

The two-tier legal education system operates on two basic assumptions: first, knowledge and skills training should be separated, and second, skills training should be limited to one year. Both assumptions are fallacious and undermine the quality and level of preparation for legal practice.³⁰ The separation of doctrinal and skill courses mandated by the two-tier system, though theoretically possible, occurred at the expense of comprehensive legal education. Law faculties' exclusive focus on theory led to a profound chasm in legal education that existing vocational training programs could not address. In addition, the curious and unrealistic notion that one year of vocational training would be enough to prepare lawyers for legal practice adequately requires an extraordinary leap of faith bordering on the chimera. Africa's urgent and important challenge is to design an appropriate legal education structure that helps lawyers develop the highest possible degree of capability to respond effectively and resourcefully to Africa's problems. It is thus time for Africa to address

(Aug. 6, 2013) (noting that majority of today's lawyers lack adequate preparation for legal practice).

²⁸ For the role of lawyers in a developing society, see OKECHUKWU OKO, PROBLEMS AND CHALLENGES FOR LAWYERS IN AFRICA: LESSONS FROM NIGERIA (2007).

²⁹ Richard Grimes, *All Change Please: Lessons to learn from Legal Education Reforms in Nigeria*, 43 *The Law Teacher*, no. 1, 82–83 (2009), (noting that there was growing dissatisfaction among the judiciary, the legal profession, law teachers and the wider public with the outcomes of the current legal education system).

³⁰ See *infra* pp. 15–18.

fundamental questions. This was well phrased by Samuel Manteaw, a Ghanaian scholar: “What type of lawyer does Africa need? And do these [educational] institutions produce the type of lawyer Africa needs?”³¹

With Nigeria as a case study, this paper reveals the challenges of the two-tier legal education system in Africa, a system that encourages a grandiose and unattainable vision of the preparation of lawyers for legal practice in the twenty-first century. The two-tier system does not reflect reality. Instead of adjusting to emerging challenges, it clings obdurately to a system that is outmoded in several ways, thus leaving its graduates with too little preparation to function as lawyers in modern Nigeria. The scope of contemporary legal practice is in flux, marked by constant changes and demands from an ever-broadening array of practice areas and practice skills.³² Practicing law in a changing legal world requires different qualities and skills from those the current legal education system encourages lawyers to cultivate. Reality requires corresponding changes in the way lawyers are trained. The inefficiencies and inadequacies of the two-tier system—the separation of doctrinal and skill courses and the teaching of them consecutively at different institutions, the exclusion of skill training from the university curriculum, the limiting of skill training to one year—erode the quality of legal education, leaving students deficiently trained and ill-prepared to practice law.³³ It is increasingly

³¹ Manteaw, *supra* note 10, at 909.

³² Konyin Ajayi, Opeoluwa Osinubi & Zione Adeoye, *Tempting Waterloo: Legal Education and Policy Yesterday, Today and Perhaps Tomorrow*, IN COUNCIL OF LEGAL EDUCATION, FIFTY YEARS OF LEGAL EDUCATION IN NIGERIA: CHALLENGES AND NEXT STEPS 189, 195 (“whilst this current system of legal education may have been adequate, if not ideal in 1963, the circumstances have changed. undeniably, every crag, rock, valley, and hill which characterized the landscape at the time the law school opened its doors to its first set of students, is markedly different from what obtains today”).

³³ I.A. Ayua, *Nigerian Legal Profession: Problems and Prospects*, JUST. AND THE NIGERIAN SOC’Y: ESSAYS IN HONOR OF JUSTICE MOHAMMED BELLO, 18 (Ayua ed., 1995) (noting that many employers, clients and senior practitioners have expressed great alarm over the deteriorating standard of lawyers that are being churned out of the law faculties); Joe-Kyari Gadzama, *Modernizing Legal Practice in Nigeria: Challenges and Prospects*, lecture delivered at the 2013 state of the legal profession, NIGERIAN INST. OF ADVANCED LEGAL STUD. (Aug. 6, 2013) (noting that majority of today’s lawyers lack adequate preparation for legal practice).

implausible to think that students can learn the staggering array of skills they need to practice law in the Nigerian Law School's one-year training.

As it presently exists in Nigeria, legal education requires fundamental structural and institutional reform to disentangle it from the archaic restraints and lobotomizing effects of the two-tier legal education system, the most potent of which are separating doctrinal and skills courses and teaching them consecutively at different institutions. The separation of doctrinal and skills training undermines the quality of legal education, and the practical consequences of this separation include preventing law faculties from teaching skills courses, denying students the opportunity to appreciate the context in which the law operates, and limiting skill training to one year at the Nigerian Law School.³⁴ The notion that knowledge and skills training can be meaningfully separated is as wrong as the idea that one year is enough to prepare lawyers adequately for legal practice. Both positions are fallacious because they limit the premise of effective legal education and undermine the benefits of teaching them together. More debilitating, skills training remains precariously spotty, superficial, and lacking vigor and resourcefulness because of the two-tier legal education system's constraints.

Nigeria will realize the vision of a well-trained and effective legal profession only if it restructures legal education to pay more attention to skills training. As a primary solution, this paper proposes and argues for the vesting of universities with powers to assume the functions currently performed under the two-tier system by the Nigerian Law School. Rigorous, sustained, and pervasive skills training offered by law faculties will serve as a desperately needed antidote to decades of neglect of skills training inspired by the two-tier legal education system. A turn to comprehensive, fully integrated legal education offered through law faculties will enrich and strengthen legal education and provide the more potent legal preparation demanded of twenty-first-century lawyers.

³⁴ Noel Jackling, *Academic and Practical Legal Education: What Next?*, 4 J. PROF. LEGAL EDUC. 1, 4-5 (1986) (arguing that integrating academic training and practical training enables students to make connections between the academic and the practical and that skills are generally best learned across time, rather than deferred in the belief that they can be learned in six months in a practical training course.).

After more than fifty years of experience with the two-tier system, Nigeria's tolerance is more the product of an obsession with history and tradition than empirically substantiated justification. It survives because Nigeria treats it as an heirloom, immune to review or reappraisal. Such a mindset breeds lethargy and a failure to recognize that the two-tier system's imperatives "continue to function as they ought while failing to deliver what they should."³⁵ Residual enthusiasm for the British legal education model causes inertia and precludes Nigeria from thinking about the seemingly sacrosanct two-tier legal education system's problems. However, tradition should not be allowed to impede efforts to reform an archaic legal education system whose manifest flaws weaken a social fabric that depends upon modern legal insight and skill. Legal education reform should be guided by pragmatic considerations, not reverence for history and tradition. Without a recurrent concern for reform and change, legal education will be crippled by archaic structure, traditions, and practices. David Runciman, a Cambridge University professor, raises a question that deserves serious consideration by all those who feel no need to re-examine the two-tier system's effectiveness. He wonders, "How long can we persist with institutional arrangements we have grown so used to trusting that we no longer notice when they cease to work?"³⁶

As Runciman explains, one observes that the current approach has seriously undermined the prospects of young students who wish to receive adequate training as a lawyer. The two-tier system's effort to separate theory and practice has diminished both. Law faculties push the two-tier system's imperatives to the point of disconnection with the realities of legal practice. Law faculties, liberated from the curricular imperative to develop skills, focus on legal principles and doctrines and are intentionally unconcerned about a practicing lawyer's ethics and skills.³⁷ The failure of a legal education program to cover ethics and skills training is disturbing. The character and qualities of mind of lawyers are as important as their knowledge of the law. If law faculties do not impart practice skills or teach ethics, what is the value of their teaching? How can law faculties educate young

³⁵ DAVID RUNCIMAN, HOW DEMOCRACY ENDS 4 (2018).

³⁶ *Id.* at 3–4.

³⁷ *See infra* pp. 15–18.

lawyers without preparing them for their future professional performance? The narrow focus on legal principles not only leaves graduates with a lawyering skills deficit but with a lost opportunity to gain information that will help them build character and understand the culture of legal practice.

As the modern world increasingly demands the application and breadth of the contemporary lawyer's complete skill set, the incapacities of the Nigerian Law School are increasingly visible. For example, one of the oddities of the two-tier legal education system is that it limits skill training and other preparation for legal practice to one year. This is hardly the basis for effective and enduring preparation for legal practice in a complex and rapidly modernizing society. The Nigerian Law School compounds the problems of inadequate training by assuming tasks it could not discharge and exciting hopes it could not fulfill. The prerequisite for lawyers' competence is a rigorous and sustained commitment to skill training. Experiential education programs like simulated exercises and mock trials, generally regarded as connective sinews of skill cultivation, are in various stages of dysfunction and ineptitude at the Nigerian Law School.³⁸ The times are dramatically different, however, accelerated and complexified by technological advancements and a broad array of practice areas requiring sophisticated legal skills far beyond the contemplation and the capacity of the Nigerian Law School curriculum. The Nigerian Law School devotes little attention, let alone structured efforts, to help students cultivate and develop practice skills. The complex and diverse array of legal skills inject new and different perspectives and make exacting demands on legal education for which the notion of preparing students for legal practice in one year is unrealistic and beyond the capability of the Nigerian Law School. An inadequate legal training provided by both law faculties and the Nigerian law school affects lawyers' skills as well as their conduct. Lawyers leave the law school without a clear mental picture of what a lawyer should be and how he or she should behave.

The Nigerian legal profession's future is inextricably bound up with the quality of Nigerian legal education, and the dangers of

³⁸ See *infra* pp. 28–33.

maintaining the status quo are profound.³⁹ Legal education in Nigeria has remained unchanged in the face of modern legal evolution. Many of the legal profession's problems are the bad byproduct of inadequate legal training. Legal education's failure to respond to changes has inspired profound disenchantment from a public increasingly dissatisfied with the performance of the legal profession. It is time to listen to Bacon, who usefully cautioned, "He that will not adopt new remedies must expect new evils; for time is the greatest innovator."⁴⁰ The best guarantee against incompetence would be to abolish the two-tier legal education system. Abolishing the Nigerian Law School would ameliorate the two-tier system's paralytic effects and facilitate paradigm-shifting innovation to legal education. Abolishing the Nigerian Law School will transfer the task of skills training currently based on the precarious dichotomy of a two-tier system that limits it to one year to a more nuanced, comprehensive, and effective training program coherently and rigorously administered by law faculties.⁴¹ A comprehensive legal education offered through law faculties would powerfully enrich legal education and improve the caliber of training received by lawyers in Nigeria. More importantly, it would equip lawyers with the knowledge and skills to deal with the full spectrum of challenges they will encounter in legal practice.

This paper is divided into four parts. Part I examines the fallacies of the two-tier system of legal education. By legitimating and encouraging the separation of theory and practice, regardless of such a separation's historical merits, the two-tier system is a fallacious educational construct for training lawyers in the modern era in Nigeria. Part II examines the inadequacies of vocational training under the two-tier system of legal education. Of all the damages done to legal education by the two-tier system, skill training's marginalization may be the worst. The Nigerian Law School's inadequacies continue to stir doubts about the efficacy of the two-tier system on a continent lacking

³⁹ Ayua, *supra* note 34 ("the concern with the state of legal education is indeed a matter of great importance to the country, for the quality of law schools will indeed affect the quality of the Bar, of the Bench and indeed of the administration of law and justice in all ramifications and at all levels.").

⁴⁰ ARTHUR SCHLESINGER JR., THE POL. OF HOPE AND THE BETTER HERITAGE 7 (1962) (quoting Bacon).

⁴¹ See *infra* pp. 47-50.

the processes and programs to address the predictable consequences of limiting vocational training to one year. Part III makes a case for a new paradigm that abolishes the two-tier system. Part IV presents concluding remarks. African legal education will be utterly different if Africa can tame its obsession with British traditions and focus on the essential and challenging task of restructuring legal education to meet its current needs and challenges.

I. THE FALLACIES OF THE TWO-TIER SYSTEM OF LEGAL EDUCATION

The two-tier legal education system is predicated upon the two fallacies of arbitrarily separating and teaching consecutively a doctrinal syllabus followed by a skills syllabus and attempting to provide adequate preparation for legal practice in one year at the Nigerian Law School. This section's threshold question is whether the two-tier system improves or degrades the quality of legal education, and it has two interconnected objectives: to demonstrate how the fallacy of separating skill and knowledge acquisition undermine lawyers' training and to debunk the expectation that the Nigerian Law School can prepare lawyers adequately for legal practice in one year. The vision of vocational training at the Nigerian Law School has been pursued with indifference to the benefits of experiential education, thus making it difficult to prepare lawyers for legal practice adequately.

A. Separating Theory and Practice

One of the debilitating imperatives of the two-tier legal education system has been the artificial separation of doctrinal and skills training. Law faculties teach knowledge and legal principles as isolated issues and rarely connect them in any systematic or organic way with skill development. An excellent legal education encourages students to embrace and internalize the legal profession's ethos and knowledge and familiarize themselves with the skills necessary to engage in competent and ethical legal practice. Lines between doctrinal and skills training are increasingly blurred as functional overlap and collaboration are necessary to provide context and

balanced education for lawyers. The misguided dichotomy between doctrinal and skill courses forces law faculties to take a narrow view of their role in lawyers' training, focusing exclusively on a theoretical curriculum, thus preventing them from offering courses that help students cultivate essential practice skills. Beatrice Shuwa, a Nigerian Law School lecturer, laments, "[t]he present approach adopted whereby the law faculties are said to teach theories while the Nigerian Law School is said to teach practice described as the 'oil and water approach' is inimical to proper training."⁴² Focusing too extensively on doctrinal analysis denies students access to courses and programs that could help them develop and cultivate legal practice skills.⁴³

The distinction between doctrinal and skill courses is neither clear nor discerned as easily as the two-tier system fatuously suggests. The mix of knowledge and skills represents the lawyer's finest attribute, but the bifurcation of knowledge and skill courses mandated by the two-tier system distorts and undermines the attainment of that attribute. A statement credited to the father of Yale Law School's Professor Harold Koh captures the interconnectedness between theory and practice: "Theory without practice is as lifeless as practice without theory is thoughtless."⁴⁴ The exclusion of skills and ethics training from the university curriculum drains legal education of relevance and coherence. Lawyers are judged by both what they know as well as by their capacity to apply skills to achieve particular results. Knowledge and skill cultivation can never be meaningfully separated; they are complementary and work in tandem to sustain professional competence. Knowledge needs skills development to keep it from becoming pedantic or too abstract. Skill development needs knowledge to be grounded. It is entirely unhelpful and unwise, therefore, to bifurcate the two as mandated by the two-tier legal

⁴² Shuwa, *supra* note 15, at 117.

⁴³ Ekokoi Solomon, *Towards Effective Legal Writing in Nigeria*, 12 J. COMMON WEALTH L. AND LEGAL EDUC. 1, 1 (2017) ("In recent years, the system of legal education in Nigeria has, rightly so, come under intense and constructive criticisms. These criticisms have been particularly directed at academic legal education, which is often criticized for its inefficient pedagogy, focusing more on pure theories of 'substantive law without the [sufficient] application of skills,' as well as the deficit in teaching and research facilities in the law faculties of Nigerian universities.").

⁴⁴ Heather K. Gerken, *Resisting the Theory/Practice Divide: Why the "Theory School" is Ambitious About Practice*, 132 HARV. L. REV. 134, 145 n.47 (2019).

education system. Professor Hiller, a knowledgeable scholar on African law, recognized the importance of teaching skills in the law faculties, arguing, "There is nothing wrong, and quite a lot right, in starting out with theory and testing it with practice."⁴⁵ Concluding, he noted:

Many of these skills are taught in post-LL. B schooling, pupillage or clerkships in Africa as elsewhere. This is too late in the educational process to introduce them. The teaching of skills shows the relevance of theory and keeps it in bounds. Legal education must be both practical and theoretical; one feeds the other, therefore such training should be part of the LL.B. curriculum.⁴⁶

The separation of doctrinal and skill courses occasions other impediments to the legal community's response to the evolution of contemporary legal practice. The first problem is that the separation traps universities within the confines of a narrow role in legal education and discourages universities from integrating skill training into the curriculum. Such de facto suppression steadily weakens the overall level of legal competence in society and decreases the value of legal training. It disturbs the beneficial and symbiotic relationship between knowledge and skills that ultimately enrich and deepen the quality of legal education. The assumption that theory can be meaningfully separated from practice is as dangerous as it is untenable. It prevents

universities from playing an expanded role in offering a balanced education. Joni Larson poignantly captures this point:

Skills are often viewed as separate from content learning, and course offerings are divided between doctrinal and skills courses. This dichotomy makes no sense in the light of the connection between active learning, knowledge and skills . . . Skill acquisition is a by-

⁴⁵ Jack A. Hiller, *Reconstructing Law Teaching Programmes in Developing African Countries*, 11 E. Afr. L.J. 69, 75 (1975).

⁴⁶ *Id.*

product of active learning and knowledge. It is part of the process of content, instruction and learning and is not a separate activity.⁴⁷

A second limiting feature of the two-tier system is that universities do not teach ethics.⁴⁸ Ethics training is an important but notably absent part of the training at universities because such institutions assume that ethics is part of the preparation for legal practice and thus reserved for the Nigerian Law School. Universities operate as if they have no role in shaping the moral values or ethics of students. However, the discipline, restraint, and ethical behavior that ought to make the legal profession an honorable profession do not come naturally and can only result as a by-product of training and education. Allowing students to graduate from university without learning the principles and practices of ethical professional behavior establishes a professional condition that is hard, if even possible, to undo. Law faculties' failure to teach ethics is an abdication of a major responsibility entrusted to legal educators. Robert Hutchins notes, "A system of education that produced graduates with intellects splendidly trained and no character would not be merely undeserving of public support: it would be a menace to society."⁴⁹

B. The Marginalization of Skill Training

The second fallacy of the two-tier legal education system is that it entrusts vocational training institutions the imperious and unachievable task of preparing prospective lawyers for legal practice in nine months. Limiting skills training to one year is a deeply flawed and potentially debilitating approach to legal education. Legal education is effective when it provides students with the right balance

⁴⁷ Joni Larson, *To Develop Critical Thinking Skills and Allow Students to be Practice-Ready, We Must Move Well Beyond the Lecture Format*, 8 ELON L. REV. 443, 451 (2016).

⁴⁸ C.A. Agbebaku & Osahon Omoregie, *Teaching Ethics and Values in the Legal Profession: The Nigerian Perspective*, (Apr. 2011) (noting, "In Nigeria, the universities offering the bachelor of Law Degree programme do not include professional ethics as a procedural law subject in their curriculum.").

⁴⁹ Robert Hutchins, *A Spirit of Inquiry in Education*, THE IDEA OF THE UNI. OF CHI. (1930).

of knowledge and skills training to practice law competently.⁵⁰ But the two-tier system disrupts that balance, tilting legal education disproportionately and disturbingly in favor of knowledge acquisition. Law faculties pay scant attention to skills training due to the dichotomous legal education system that reserves skills training for the Nigerian Law School. The mentality which presumes that skills training is not part of law faculty's task has inspired law teachers to distance themselves from skills training programs. Conveying knowledge and the skills to achieve desired results is an essential attribute of an excellent legal education. If they are separated and taught separately, then legal education loses its effectiveness. It is detrimental to force students to wait three or four years to learn how to apply the knowledge they acquired while at university.

Skill proficiency is central to the legal profession's effectiveness and hence sustained, and rigorous exposure to practice skills should be the centerpiece of any strategy to improve legal education. The two-tier legal education system limits skills training to one year while allocating four to five years to knowledge acquisition at university level. The two-tier system encourages the disturbing illusion that four to five years of institutional indifference to skills and ethics training at the universities can be remedied by one-year training at the Nigerian Law School. Unlike vocational training programs in other jurisdictions that deepen and strengthen what already exists, the Nigerian Law School seeks to create new skills, new ethics – all in nine months. While law schools worldwide are making concerted efforts to integrate skill training into their curriculum, law faculties in Nigeria remain unyielding in their obsessive and exclusive focus on doctrinal analysis. The exclusion of skill training from the law faculties' curriculum opens a profound chasm in the lawyers' training process that the Nigerian Law School's one-year program cannot close.⁵¹ Law

⁵⁰ Vicki Lawal, *Reflective Practice and Vocational Training at the Nigerian Law School: An Analysis of the Placement Exercise*, 41 INT'L J. LEGAL INFO 283, 290 (2013) ("Theoretical and practical knowledge are complementary in legal education, the integration of these two methods is vital to the professional identity of students learning.").

⁵¹ See S.K. Mokidi & C.A. Agbebaku, *supra* note 21, at 45 ("Lawyer's skills are acquired through practical experience and that experience can as well start at the universities rather than wait for the one-year vocational training at the Nigerian Law School.").

faculties' exclusion of skills training has inspired deficits that prove challenging to address.⁵² One year is too short for skills training, and the Nigerian Law School inevitably leaves out essential and useful skills training in the vain attempt to condense skill training to one year.⁵³ Prospects of improving the competence of the legal profession remain dim unless an appropriate balance can be restored or created between knowledge and skill training.

Many of the legal profession's problems are in the areas of skills and ethics, where deficiencies are more pronounced and more dangerous. Students insufficiently exposed to skill training are limited not only in their education but in their subsequent professional careers. Several lawyers lack practice skills because law faculties do not teach them, and the Nigerian Law School does not teach them as rigorously as vocational training institutions in the United Kingdom.⁵⁴ The discipline, skills, and attitudes that make lawyers effective do not come naturally but instead are the product of training and education. Skill cultivation requires a long training and acculturation period, yet the system disproportionately confines it to one year while allocating five years to knowledge acquisition. Skill deficiencies threatening to engulf the legal profession continue to mount because the two-tier system misconceives and grotesquely overrates the Nigerian law School's efficacy. It arrogates to it the status of a redeemer expected to address all the failings of legal education at the university in one year.

The two-tier system freights the Nigerian Law School with the enormous and nearly unachievable goal of teaching practice skills in one year. Practice skills are vast and staggeringly complex, so students

⁵² See Okechukwu Oko, *Legal Education and Training in Nigeria*, AFRICAN J. OF INT'L & COMP. LAW, 271, 290 (1994) ("The two-tier system compels the universities to focus on acquisition of knowledge in designated fields in the curriculum; courses which impart skills such as counselling, drafting, negotiation are excluded because the two-tier system does not encourage such effort.").

⁵³ See N.J. Madubuike-Ekwe, *Challenges and Prospects of Legal Education in Nigeria: An Overview*, 8 NNAMDI AZIKIWE U. J. INT'L L. JURIS. 128, 135 (2017) ("Even at the Law school, the problem is heightened by the brevity of the Law school programme. By the time the Law graduates begin to settle down at the Law school, they are sent off for Court attachment, Office attachment etc. [sic] and when they come back, it is time for bar final examination.").

⁵⁴ See Andrew Boon & Julian Webb, *Legal Education and Training in England and Wales: Back to the Future?*, 79 J. LEGAL EDUC. 93 (2008).

need rigorous and sustained training over a long time to learn practice skills and acculturate to current legal practice norms. The effect of skills marginalization could be long-term, especially for students who lack the resources to improve their skills after graduation. The debilitating consequences of a casual, lackluster, and sometimes complete disregard for skills training by law faculties cannot be remedied by one-year training at the Nigerian Law School. Roland Uzoечи, a Nigerian scholar, wonders how lawyers can attain proficiency while legal education limits preparation for legal practice to one year at the Nigerian Law School:

“[I]t will be sheer escapism to say that a student should go through five agonizing years learning little or nothing in real terms at the faculty, only to accomplish a whole world of learning and discipline in one year. Believing that the law school alone and its one-year stint would cure the moral and intellectual anemia in the profession is the exact equivalent of believing that the sun revolves around the earth: intuitively compelling but clearly wrong. Mental, ethical and psychological hemorrhage caused by solid five years of abuse and disregard can hardly be cured in one year.”⁵⁵

II. THE INADEQUACIES OF THE NIGERIAN LAW SCHOOL

Initially located in Lagos, the Nigerian Law School is now a multi-campus enterprise with campuses in the country’s six geographical zones—Abuja, Lagos, Enugu, Kano, Yola, and Yenegoa.⁵⁶ The Nigerian Law School’s mission is “to educate and train graduates in vocational skills that would enable them to function optimally as barristers and solicitors.”⁵⁷ Preparing prospective lawyers for legal practice is not just an aspiration; it is central to the Nigerian Law School’s status and identity as a vocational training institution.

⁵⁵ Chukwuma A.J. Chinwo, *STUDYING LAW IN NIGERIA* 212-13 (2006).

⁵⁶ Nigerian Law School, <https://www.nigerianlawschool.edu.ng/index.html> (last visited Sept. 19, 2021).

⁵⁷ *Id.*

The Nigerian Law School's greatest challenge is demonstrating its capacity to prepare prospective lawyers for legal practice within one year. The Nigerian Law School has demonstrably failed that challenge in part because of a disconnect between its mission and its methods of instruction. The Nigerian Law School's training program can hardly be called professional training, as it is dominated and deformed by academic education analogous to legal education at the universities.⁵⁸ Its training programs are insufficiently oriented toward skill cultivation and fall short of acceptable professional training standards. The quintessential simulation exercises, mock trials, and clinics that characterize vocational training are poorly organized and ineffectively administered at the Nigerian Law School. Bagoni Bukar notes, "The Nigerian Law School as a vocational and skill acquisition center has sadly abdicated its responsibilities of giving a practical approach to legal training in favor of three months of court and law office attachment."⁵⁹

By excluding universities from providing skill training to students, the two-tier system lures the Nigerian Law School beyond its capabilities to become overstretched, ineffective, and ultimately damaging to its graduates and society. The Nigerian Law School's goal of preparing prospective lawyers for legal practice would be a more manageable aspiration if circumstances in Nigeria were different in two critical areas: curricular limitations and lack of adequate and effective post-graduation facilities such as pupillage, continuing legal education, and on-the-job training.⁶⁰ The absence of these virtues leaves the Nigerian Law School with a hefty burden. Shoehorning lawyering skills into a nine-month course delivered mainly through the lecture format by lecturers, hired for their academic credentials rather than for their experience in legal practice, leaves students

⁵⁸ Ernest Ojukwu, *Crisis in Legal Education in Nigeria: Need for Reform or Attitudinal Change*, in *A LIVING LEGEND: ESSAYS IN HONOUR OF HONOURABLE JUSTICE A.G. KARIBI-WHYTE* 249, 254 (Niki Tobi ed., 2006) ("Yet at the Law School where some of these practical subjects are taught, they are taught like any other theoretical subject even though some Law School administrators publicly insist that the Law School programme is not run theoretically. . . . [I]n reality the students are not exposed to any practical training. Though the subjects taught are actually practical, the way they are taught is in theory only.").

⁵⁹ Bukar, *supra* note 17, at 600.

⁶⁰ See Bukar, *supra* note 17.

without the activity-oriented setting that could nurture the cultivation of legal skills.⁶¹

The Nigerian Law School's mission to prepare students for legal practice remains unmatched by the capacity to properly discharge the function assigned to it. The Nigerian Law School is fast degenerating into something it was not meant to be and should not be—another academic institution focused predominantly on rote learning.⁶² The Nigerian Law School's attenuated training programs undermine its capacity to teach the broad array of practice areas and legal skills essential to contemporary law practice. Saturating students with information on legal practice without systematic and sustained experiential education, like mock trials and simulated exercises, has ultimately proven to be debilitating. The Legal Education Review Committee established by the Council of Legal Education in 2007 bluntly summed up the Nigerian Law School's inadequacies:

We are of the view that the present curriculum is inadequate in preparing students to meet the demands of 21st-century practice. Even when 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.⁶³

The committee's concerns are genuine, accurately reflecting crucial problems that undermine the Nigerian Law School's training program as it battles the unrealistic mandate of preparing lawyers for legal practice in one year.⁶⁴ The ultimate consequences of the Nigerian Law School's deficiencies are visible in the incompetence and ineffectiveness of its graduates. Vocational training that should be

⁶¹ See discussion *infra* pp. 35-36.

⁶² Ernest Ojukwu, LEGAL EDUC. IN NIGERIA: A CHRONICLE OF REFORMS AND TRANSFORMATION UNDER TAHIR MAMMAN, 10 (2013) (noting "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 subjects such as interviewing and counselling. Passing the Bar examination is determined by the ability of the student to memorize the voluminous notes and reproduce them.").

⁶³ See *id.* at 11.

⁶⁴ FIFTY YEARS OF LEGAL EDUC. IN NIGERIA, *supra* note 33, at 45.

preparing lawyers for legal practice has become an inadequate training program conducted primarily to enable university law graduates to meet the requirements for obtaining a license to practice law. Augustine Alegeh, a Senior Advocate of Nigeria, and former president of the Nigerian Bar Association, stated:

The Nigerian Law School training appears to be more academic and less vocational in many respects. The situation we often find is that the brilliant products of the Nigerian Law School who are awarded either a first class or second-class upper division still know little or nothing about the practice of law whether in the realms of advocacy or commercial law practice.⁶⁵

Overall, the Nigerian Law School's power and magnitude have diminished considerably as the result of (a) ineffective pedagogy, (b) a lack of adequate experiential learning programs, (c) weak institutional support for students, and (d) the caliber of teachers recruited to teach at the school.

A. Ineffective Pedagogy

The Nigerian Law School declares in its mission statement that it intends to "adopt skill- 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."⁶⁶ Skills cultivation and other preparation for legal practice have largely been subordinated to or replaced by doctrinal exegesis at the Nigerian Law School. Much of the Nigerian Law School training today consists of lectures dictated to students in the classic mode, that is, listening and asking questions.⁶⁷ Instead of honing skills relevant to the rigors and dynamics of legal practice, the Nigerian Law School's training remains

⁶⁵ *Id.*

⁶⁶ FIFTY YEARS OF LEGAL EDUC. IN NIGERIA, *supra* note 33, at 45.

⁶⁷ P.C. Anaekwe, *Vocational Aspects of Legal Training: A Critique of the Content and Scope of the Law School Curriculum*, in LEGAL EDUCATION FOR TWENTY-FIRST CENTURY NIGERIA 91, 99 (I.A. Ayua & D.A. Guobadia, eds., 2000).

fervidly academic, emphasizing and rewarding rote learning.⁶⁸ The Nigerian Law School, overwhelmed by large class sizes, falls back on lectures as its primary pedagogic form, a form notoriously incompatible with skills training, especially complex legal practice skills.⁶⁹ The Nigerian Law School expects students to cultivate and perform practice skills through what they glean from books and memories of teachers' lectures. Ernest Ojukwu, former Deputy Director-General of the Nigerian Law School, offers a disturbing account of teaching at the school:

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 counseling, 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.⁷⁰

Nothing demonstrates the Nigerian Law School's inadequacy so starkly as the use of the lecture method to teach practice skills. The Nigerian Law School training consists of exhortations and lectures on how to practice law with little meaningful exercises and practical training that allow students to acquire practice skills. The lecture

⁶⁸ Mokidi & Agbebaku, *supra* note 21, at 42 (noting "What has emerged over the years is that the teaching method is not remarkably different from what is obtainable at the universities. There are hardly moot/mock trials, and only a few students participate if they are held at all.").

⁶⁹ Grimes, *supra* note 30, at 83 ("Prior to 2008 the syllabus at the Nigerian Law School was highly content driven. Skills were peripheral and professional responsibility taught from a narrow perspective of compliance and possible disciplinary action. The teaching mode was almost exclusively through very large group lectures (with students numbering 1500 in one of the campuses and over 750 at the others.").

⁷⁰ Ojukwu, *supra* note 59, at 55.

method, in combination with other pedagogical formats, can be useful in accomplishing a transfer of information, but it cannot replace experiential learning as the format for skill impartation.⁷¹ The Nigerian Law School's problem is that lectures designed to complement other skill impartation techniques have replaced them. The Nigerian Law School has replicated the university academic model by emphasizing lectures, note dictation, and rote learning to the detriment of students hoping to be supplied with the performance skills that legal practice requires.⁷²

Lectures could help convey legal principles and concepts but do not impart or provide practice in legal practice skills.⁷³ The lecture method risks reducing vocational training into a typical academic enterprise. The lecture method as the prime pedagogical medium is antithetical to the Nigerian Law School's skills impartation ambitions. It is a lusterless, dispiriting, and ineffective mechanism for skills training. A smattering of skills training delivered essentially through the lecture method confuses and confounds rather than enriches students' minds. The lecture method rarely contributes to vocational training to an extent proportionate to the amount of learning time devoted to such activity. What matters most is what students learn through guided experience, not what they hear.⁷⁴

Vocational institutions are not chartered to lecture students on the niceties and pieties of legal practice; they are intended instead to

⁷¹ Sally Kift, *Lawyers Skills: Finding their Place in Legal Education*, 8 LEGAL EDUC. REV. 43, 60 (1997) ("In a skills context it is clear that students will not learn a skill by being told about it, nor even by discussing it and thinking about it: students must be provided with opportunities to practice the skill.").

⁷² Ekwe, *supra* note 54, at 134 (noting, "Teaching at the law faculties to a great extent and at the law school to an overwhelming extent is a note-taking exercise and passing examination is determined by the ability to memorize these voluminous notes and reproduce them.").

⁷³ Nigel Duncan, *Why Legal Skills – Whither Legal Education*, 25 LAW TCHR, 142, 143 (1991) ("Being told or reading about something does not bring an issue home as effectively as experiencing it.").

⁷⁴ Abdulsalam Ajetunmobi, *Legal Education in Nigeria: An Evaluation of the Recruitment Practice for the Teaching of Law as a Career*, COMMONWEALTH LAW BULLETIN, No. 2, 283, 288 (2013) (noting, "[i]t might be argued that just as it is impossible to teach say swimming, by verbal sense alone, we cannot expect to teach practical aspects of law by theoretical methods without some technique of participation.").

teach practice skills by providing opportunities for students to learn practice skills through practice, by doing, by simulation, by learning from their mistakes, and by observing others, accepting guidance and mentoring from them, and trying to emulate them.⁷⁵ Successful vocational training is a practice-centered enterprise that teaches by example and practice but is rendered ineffective when lectures supplant experiential education as the dominant pedagogy. Students left to construct practice skills through lectures often come away confused and frustrated. It is more effective to teach skills through the medium of specific examples that allow students to practice what they have learned. Continued use of the lecture method is the most severe cause of the decline in the quality of training provided by the Nigerian Law School. Nigeria will struggle, unavailingly, to answer the question framed by Jerome Frank in his 1933 address to the New York Bar:

No one, if he could do otherwise, would teach the art of playing golf by having the teacher talk about golf to the prospective player and having the latter read a book relating to the subject. The same holds for toe-dancing, swimming, automobile driving, haircutting, or cooking Welsh rarebit. Is legal practice more simple? Why should law teachers and their students be more hampered than golf teachers and their students.⁷⁶

B. Lack of Enough Experiential Programs

Professional training has some distinctive features; the foremost of which is experiential education, generally considered an

⁷⁵ Robert Park, *Appropriate Methods for the Teaching of Legal Skills in Practical Training Courses*, 8 J. PROF. LEGAL EDUC. 161, 175 (1990) (“Certain kinds of information may be transmitted more effectively in a simulated setting than by other means. Because a simulation typically requires students to do something with information they acquire, it is said they will more likely remember it. To carry out functions takes skills; logic suggests that the skill can only develop with practice. Simulation provides opportunities for such practices.”).

⁷⁶ Jerome Frank, *What Constitutes a Good Legal Education*, 19 A.B.A.J. 723, 725 (1933).

indispensable component of a skills-training enterprise.⁷⁷ Skills cannot be imparted effectively if not within the pedagogical context of experiential learning. Vocational training accomplishes little without experiential learning components because participation in experiential activities is the most practical means of preparing students to perform the behaviors of legal practice “for real.”⁷⁸ Experiential learning is a profound, vivid, and useful mechanism for teaching practice skills.⁷⁹ Unlike the lecture method, experiential learning gives context and meaning to skills training.⁸⁰ It vividly and graphically conveys practice skills and nuances of legal practice in ways that make a more significant impression on students than anything they hear in the classroom.⁸¹ Repeated engagements in a particular activity under the supervision of skilled teachers significantly enhance the prospects of skills cultivation and development. Experiential learning changes the

⁷⁷ I adopt the ABA standard which advises that to qualify as experiential, a course must be primarily experiential in nature and (a) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more professional skills; (b) develop the concepts underlying the professional skills being taught; (c) provide multiple opportunities for performance; and (d) provide opportunities for self-evaluation. Draft for November Meeting, Am. Bar Ass’n, Section of Legal Educ. & Admission to the Bar, Standards Review Comm. (Nov. 16-17, 2012), http://www.americanbar.org/content/dam/aba/migrated/2011_build/legal_education/committees/standards_review_documents/July2012/2012_nov_src_meeting_materials.authcheckdam.pdf.

⁷⁸ CHUKWUMA CHINWO, *STUDYING LAW IN NIGERIA*, 41 (2006) (arguing that “ability in the legal profession like other professions is not imparted in the classroom no matter how long the aspirant stays there. Professional skills and practices are acquired like an apprentice, by observation and practice.”).

⁷⁹ Roy Stuckey et al., *Best Practices for Legal Education*, 125 (2007) (noting that, “[a]ll forms of experiential education involve problem-based learning, so one of the strengths of experiential education is that it gives students opportunities to practice solving problems and to receive feedback on the quality of their efforts.”).

⁸⁰ Deborah Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 J. LEGAL EDUC., 51, 57 (2001) (arguing that context provides a critical role both in determining how our students will organize the information they study and in determining whether they will be able to retrieve it later).

⁸¹ Timothy W. Floyd, *Legal Educ. and the Vision Thing*, 31 GA. L. REV. 853, 861 (1997) (noting, “To master any skill (including the prototypical skill called ‘thinking like a lawyer’) students need to plan for the skill, perform the skill, receive critique on their performance, and then reflect on the experience.”).

learning dynamics: a student “no longer merely watches, listens, memorizes; he does.”⁸² Through practical exercises, students experience and acquire a functional understanding of the subtleties and nuances of legal practice. They come to appreciate with greater clarity the habits of mind and the attitudes that increase the chances of success in law practice.⁸³ More importantly, a skill that students may once have considered difficult tends to become viewed as routine by virtue of practice.

The necessity and importance of experiential learning in vocational training remain paramount. Experiential education is the fountainhead of skills training and remains “the best, and possibly the only effective, way to prepare students for the tasks and skills of practice.”⁸⁴ Unlike the lecture method that encourages passivity, experiential learning invigorates skill training and induces students to participate actively in the learning process.⁸⁵ Urging a different approach to teaching skills, Gold observes:

Teaching skills is not the same as teaching law . . . teaching about skills requires an approach to the learning-teaching process which recognizes the multi-disciplinary nature of skills study and practice . . . In teaching people to perform skills one is forced beyond didactic modes of instruction. Experiential forms of learning are necessary if new abilities to perform are to be acquired. to begin with, to talk about skills will

⁸² ABRAHAM FLEXNER, *MEDICAL EDUCATION IN THE UNITED STATE AND CANADA: A REPORT OF THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING* 53 (1910).

⁸³ See Lawal, *supra* note 51, at 291 (“Professional legal education is necessarily about practice; the ability to learn from experience is one of the most useful cognitive skills for a lawyer and it is within this framework of learning that the idea of vocational legal education emerged.”).

⁸⁴ Kift, *supra* note 72, at 61 (quoting R. Downs, *Experiential Learning in a Practical Legal Training Course*, (1989) *J. PROF. LEGAL EDUC.* 141 at 145).

⁸⁵ Roy Stuckey et. Al., *BEST PRACTICES FOR LEGAL EDUC.: A VISION AND A ROAD MAP* 167 (2007) (extolling the values of experiential education, Roy Stuckey noted: “[e]xperiential education gives students opportunities to be actively involved in their own education, and it has positive effects on their motivations, attitudes toward the course, willingness to participate in class, ability to ask insightful questions and acquisition of knowledge and skill.”).

rarely help someone to perform them. The center of attention in skills teaching shifts from teacher to learner. It is the latter's experiences and abilities which ultimately must be tested.⁸⁶

Vigorous, vital, and practical experiential learning programs – simulated exercises, mock trials – illuminate and invigorate skill training and prime students for the mores of legal practice.⁸⁷ Experiential education exposes students to practice skills far more thoroughly and comprehensively than lectures do.⁸⁸ Without this hands-on illumination, skill training tends to become pedestrian, focusing on generalities and superficialities.

Despite its mission statement of preparing students for legal practice, the Nigerian Law School offers few programs for achieving that objective. Even though experiential education is the most potent vehicle for skill impartation, the Nigerian Law School minimizes it, preferring the lecture method instead. Experiential programs occupy a tiny portion of its training program and seldom attract sustained student attention. Contrary to vocational institutions' standard habits, practices, and culture, the Nigerian Law School rarely deals with skill impartation with any degree of thoroughness or detail. Its training program transports students back to the university atmosphere: they sit passively and listen to teachers explaining how to practice law.⁸⁹ Experiential programs and activities that help students develop professional proficiencies and an intimate acquaintance with the subtleties of legal practice are either inadequate or non-existent. A vast majority of students do not participate in any experiential program as

⁸⁶ N. Gold, *Are Skills Really Frills*, 11 J. PROF LEGAL EDUC. 1, 9-10 (1993).

⁸⁷ GIBBS ET AL., DEVELOPING STUDENTS TRANSFERABLE SKILLS 4 (1994) ("It is necessary to bring elements of the world of work into the classroom, to confront students with situations and problems which resemble those they will eventually have to tackle, and to allow them to learn the necessary skills in work-like contexts, tackling the problems in the way they will eventually have to tackle them outside academia.").

⁸⁸ FESTUS OGHENEMARO EMIRI, A HANDBOOK OF LEGAL EDUC. IN NIGERIA 94 (2018) (noting that "simulation is an important tool for addressing the shortcoming identified by the profession in failing to train students that are client-ready. . . . [Simulation] is a vehicle that illuminates and synthesizes abstract legal doctrines to better understanding.").

⁸⁹ See Ojukwu, *supra* note 63.

part of their educational experience at the Nigerian Law School. Only a small percentage of students participate in mock court trials touted by the Nigerian Law School as an important teaching tool. According to Ernest Ojukwu, “[m]ock trials are conducted once in a session, and only less than .08% of the students take part in the trials. Others are spectators.”⁹⁰

Legal education in Nigeria will be second-rate as long as it fails to value programs that help students acquire and develop legal skills. Learning how to practice law without opportunities for students to engage in practicing it rings hollow and accounts for the troubling “skills gap” between traditional doctrinal education and practical skills.⁹¹ Properly preparing students for legal practice demands a more profound and more significant commitment to skills training than the Nigerian Law School currently displays or can ever display, given its pedagogical limitations.⁹² Skills impartation requires two things: examples and practice. Students learn by mimicking and copying examples set by teachers and by guided practice of what they have been taught. Through practice and concrete examples, vocational institutions teach students to appreciate the nuances and dynamics of legal practice as they cultivate practice skills.

Experiential education will “add value to the entire education process by supplying a bridge between theoretical concepts acquired in traditional classes and the application of such knowledge in practice settings.”⁹³ Nothing is more enervating or debilitating than learning

⁹⁰ Ojukwu, *supra* note 63, at 11.

⁹¹ Jay Gary Finkelstein, *Practice in the Academy: Creating “Practice Aware” Law Graduates*, 64 J. LEGAL EDUC. 622, 628 (2015) (footnote omitted).

⁹² Ernest Ojukwu, former deputy director of the Nigerian Law School offers a disconcerting assessment of the Nigerian Law School training: “The students are not adequately exposed to advocacy, courtroom processes, research and writing skills, negotiation skills, office management, client interviewing and counselling. even though we have court and law office attachments, the time spent in these programs are wasted since the students do not get to ‘do it’ themselves and are not under any serious supervision by most of the law officers and officers of court.” Ernest Ojukwu, *Proposal for the Reform of Legal Educ. and Arrest of Declining Standards in Legal Practice*, Paper presented at the special seminar organized for the Nat’l Executive Committee Nigerian Bar Ass’n (Oct. 31, 2002).

⁹³ Gary A. Munneke, *Legal Skills for a Transforming Profession*, 22 PACE L. REV. 105, 125 (2001).

practice skills without being able to practice them.⁹⁴ Absent such opportunities for students, the teaching of practice skills risks being inchoate, distorted, off-target, and ultimately ineffective. Deficiencies in the law school, especially the insufficient attention to skill development programs, led Joseph Daudu, a Senior Advocate of Nigeria, to lament, "These things have resulted in the gradual, but hurtful transmutation of the law school into a purely academic environment, instead of a vocational practical professional training environment that it used to be."⁹⁵

Practice skills cannot be cultivated by lectures alone; they must be learned and leavened by practice. Prospective lawyers benefit immensely from a training program that explains what they can and should do and how they should do it. A training scheme that incorporates experiential learning programs would reinvigorate the Nigerian Law School's program that currently is fraught with anxiety and confusion resulting from the use of the lecture method as the primary pedagogical means for imparting practice skills. The consequences of the Nigerian Law School's failure in this area result in many lawyers embarking on legal practice with a frail grasp of its intricacies and minds clouded by an array of uncertainties regarding legal practice dynamics. These deficiencies in graduates mean that they remain vulnerable and are often prone to errors and mistakes that could have been prevented in an experience-based curriculum. The incompetence and unsatisfactory performances that result from the Nigerian Law School's insufficient efforts to impart practice skills through the lecture method haunt the legal profession.⁹⁶

Reconceiving the school's curriculum to offer programs that help students sharpen their skills will be especially helpful. This is important because some of the skills the Nigerian Law School tries to

⁹⁴ See Stefano Moscato, *Teaching Foundational Clinical Lawyering Skills to First-Year Students*, 13 J. LEGAL WRITING INST. 207, 211 (2007) ("Skills transfer is best achieved through practice in different and increasingly more complex settings, beginning with repetitive exposure in different contexts to any particular technique[.]").

⁹⁵ Joseph B. Daudu, *Thought in Nigeria Legal Education and the Standard of Legal Services: Overcoming the Challenges*, in COUNCIL OF LEGAL EDUCATION, FIFTY YEARS OF LEGAL EDUCATION IN NIGERIA: CHALLENGES AND NEXT STEPS, 227, 287-88.

⁹⁶ See Ayua, *supra* note 25 (discussing the poor standard of legal practice in Nigeria).

develop in students – interviewing, counseling, negotiating, drafting, trial advocacy, and cross examination – cannot be developed effectively through lectures about them.⁹⁷ As has been rightly pointed out, “Lawyering skills are best learned if the students have several repeated opportunities to practice those skills over time.”⁹⁸ Interviewing skills, notes Alan Stone, “[are] not easily taught in the classroom The goal must be for each student to have the opportunity to interview, to examine, to use his performance as a baseline for further development of his skills.”⁹⁹ The Nigerian Law School’s curriculum is heavily skewed toward litigation. Moot court trials and civil and criminal litigation courses reinforce this paradigm. Students have little exposure to transactional practice like drafting documents, negotiating, counseling, and structuring deals.¹⁰⁰ Failure to teach transactional practice skills diminishes lawyers’ capacity to effectively protect the business interests of clients, sometimes causing them to “fumble around and effectively muddle through the problems without adding value.”¹⁰¹

C. Court and Chambers Attachment

Court and chambers attachments remain the Nigerian Law School’s most extensive skill training program, and every student must participate.¹⁰² Court attachment lasts six weeks while attachment to law firms lasts eight weeks in a firm approved by the Council of

⁹⁷ J. Harvie Wilkinson II., *Legal Education and the Ideal of Analytic Excellence*, 45 STAN. L. REV. 1659, 1668 (1993); Kristin Booth Glen, *When and Where we Enter: Rethinking Admission to the Legal Profession*, 102 COLUM. L. REV. 1696, 1710 (2002).

⁹⁸ David A. Binder & Paul Bergman, *Taking Lawyering Skills Seriously*, 10 CLINICAL L. REV. 191, 201 (2003).

⁹⁹ Alan Stone, *Legal Education on the Couch*, 85 HARV. L. REV. 392, 439 (1971).

¹⁰⁰ Ojukwu, *supra* note 59, at 188, 201.

¹⁰¹ Eric J. Gouvin, *Teaching Business Lawyering in Law Schools: A Candid Assessment of the Challenges and Some Suggestions for Moving Ahead*, 78 UMKC L. REV. 429, 452 (2009).

¹⁰² See Ada Okoye Ordor, *Constructing a Clinical Legal Education Approach for Large Multicultural Classes: Insights from the Nigerian Law School*, 11 INT’L J. CLINICAL LEGAL EDUC. 65 (2007).

Legal Education.¹⁰³ Students are attached to law offices for about eight weeks, during which law firms ensure that “the aspirant barristers are exposed to the context of legal practice and other clinical training.”¹⁰⁴ Court and chambers attachments designed to expose students to court processes and law office management have been lackluster. What can students learn from six weeks of court visits? They often do not watch full-blown trials, are not privy to the facts in dispute, and, therefore, cannot follow the cases or understand the trials’ dynamics properly. Watching cases called up and adjourned, listening to cases, most of which are at various stages of adjudication, and suffering through the loungers of trials add little, if anything, to students’ legal skill set. Rotating in and out of courtrooms without information about the proceeding they are about to observe is a mere invitation to students to do nothing, and most students do just that, skipping court attachments when they can or paying attention to other matters while in court. Ernest Ojukwu notes, “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 or form impressions in appraising salient points in advocacy.”¹⁰⁵

Court and chambers attachments lend a veneer of importance to the Nigerian Law School’s impoverished and otherwise meaningless skills training scheme. Ernest Ojukwu, former Deputy Director-General of the Nigerian Law School, bluntly sums up the inadequacy of court and chamber’s attachments: “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 training.”¹⁰⁶ At present, attachments that purportedly enable students to appreciate the dynamics and logistics of managing

¹⁰³ Omoniyi Bukola Akinola, *Sustaining Sustainable Reforms for Vocational Legal Education in Nigeria: The Way Forward*, 92 J.L. POL’Y & GLOBALIZATION 196, 203 (2019).

¹⁰⁴ Vicki Lawal, *Reflective Practice and Vocational Training at the Nigerian Law School: An Analysis of the Placement Exercise*, 41 INT’L J. LEGAL INFO. 283, 292 (2013).

¹⁰⁵ Ojukwu, *supra* note 59, at 58.

¹⁰⁶ *Id.* at 11.

a law office constitute a program of questionable relevance to skills training. Court and chambers attachments have turned out to be unhelpful activities that create the illusion that the Nigerian Law School exposes students to useful practice environments that, in reality, waste students' time and provide avenues for them to pursue outside interests. Court and chambers attachments require levels of commitment and dedication that ineffectively supervised students can scarcely afford and often cannot display. Felicia Eimunjeze, Deputy Director at the Nigerian Law School, describes the effectiveness of the attachment program and the vacuity to which it leads:

The efforts do not go far enough because the contact periods are short, and the supervision is left to the idiosyncrasies of the principals or other lawyers in chambers. Many principals unwittingly frustrate the purpose of externship programs by encouraging the law students put under their mentoring care to find a corner in the firm to read their lecture notes.¹⁰⁷

The few chambers that teach students do so lackadaisically, rarely with the vigor and intensity necessary to provide students with useful insights into law office management.¹⁰⁸ The insouciance of law offices encourages students to do whatever they want to do, further exposing chambers' attachment vacuity as a poor pedagogical tool. Some use this component process to catch up on schoolwork; for others, it is a time to attend to social matters. Ernest Ojukwu, former Deputy Director-General of the Nigerian Law School with firsthand knowledge of court and chambers' attachments reports, stated that "[t]he 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. [In fact] many students treat this period of attachment as

¹⁰⁷ Felicia Eimunjeze, *Achieving Excellence in the Legal Profession in a Globalized World: Imperatives for Developing Economies*, 5 J. SUSTAINABLE DEV. L. & POL'Y 198, 214 (2015).

¹⁰⁸ FIFTY YEARS OF LEGAL EDUC. IN NIGERIA, *supra* note 33, at 163 (noting "the Court and Chambers attachment have also not been properly monitored by the Nigerian Law School. there are yet several cases where law school students are sent on Chambers' attachment to the law office of a sole practitioner who is hardly doing any meaningful law practice.").

a holiday or an opportunity to update and/or read their lecture notes.”¹⁰⁹ Muna Ndulo provides a damning assessment of chamber attachment as a pedagogical tool:

The trouble with such arrangements is that practical skills which a student acquires depends on the enthusiasm and commitment of his or her supervisor within his or her assigned firm or government department. The average African law firm is small and often poorly organized. Generally, the experienced lawyers are too busy to assist in the development and training of the young lawyers. Moreover, in some cases, apprenticeship to members of the existing bar may merely perpetuate the relatively low standards of old.¹¹⁰

D. Lack of Institutional Support for Students

The Nigerian Law School’s mission of preparing students for legal practice requires significant faculty supervision and engagement. Few responsibilities demand teachers’ involvement as much as the task of imparting skills. Vocational training is effective not merely because the faculty has experience and expertise but also because they devote time to teach, evaluate students, and give them feedback over time. The classroom is not necessarily where skill training occurs; what happens outside the classroom – private meetings between faculty and students – is equally important to the quality of skills training. During private sessions with students, lecturers can detect and correct errors before they become intractable. Close contacts with lecturers enable students to appreciate the depth of the teachers’ grasp and mastery of the issues under review. More importantly, it would stimulate greater student participation in skill training exercises, revitalize skill training, and enhance the quality of training students receive.

Supervision is an essential asset for vocational training but the Nigerian Law School’s logistical problems – large class sizes and high

¹⁰⁹ Ojukwu, *supra* note 63, at 58.

¹¹⁰ Muna Ndulo, *Legal Education in Africa in the Era of Globalization and Structural Adjustment*, 20 PENN ST. INT’L L. REV. 487, 494 (2002).

lecturer-student ratio—degrade this invaluable asset. A vocational training program must create a nurturing and supportive environment for students to learn practice skills. That environment cannot be built unless teachers make concerted efforts to interact frequently with students. Frequent lecturer-student interactions typically can enhance this outstanding virtue.¹¹¹ The proper forum for vocational training would be customized through personal dealings with students. Ample opportunities exist at that level to shape and influence skill cultivation and to avoid the horrors of a one-size-fits-all format of lecture-based training. Close contact and interaction between students and lecturers enable lecturers to review and evaluate students' performances and provide feedback.¹¹² In this context, lecturers not only provide information to students, but they serve as exemplars of professionalism and sources of inspiration.¹¹³ Interactions between students and lecturers in which the latter supervise and respond to students' performances with criticism and feedback significantly enrich skills training.¹¹⁴ The bottom line is that law students require extensive feedback on their performance practice at levels that are logistically impossible for the Nigerian Law School to realize. Without adequate supervision, students may not have access to information that will enable them to address their deficiencies. Worse, some of them "may become 'trapped' in their own constructions, without having access to alternative ways of viewing events and ideas."¹¹⁵

¹¹¹ See Vukowich, *supra* note 13, at 143 ("Development of skills and exposure to practical matters would require a great deal of individualized treatment.").

¹¹² Steven Friedland, *Reframing American Legal Education in the 21st Century: Modernizing the Legacy of Langdell* (Apr. 20, 2010) ("The approach to learning new and broader legal skills will require intentionality in incorporating different educational methodologies in a sustained fashion, such as using feedback on a regular basis to promote improvement.").

¹¹³ Wokocha, *supra* note 16 ("Lecturers are mentors in their own right, and the responsibility of mentoring is one which every lecturer must take seriously. A law student's first regular contact with a lawyer in professional capacity is usually with his lecturer and that lecturer is always in position to affect and or infect such students according to their character.").

¹¹⁴ Harriet N. Katz, *Evaluating the Skill Curriculum: Challenges and Opportunities for Law Schools*, 59 MERCER L. REV. 909, 930 (2008) ("Without individual feedback . . . significant individual skill enhancement is not a realistic goal.").

¹¹⁵ P. CANDY, *SELF-DIRECTIONS FOR LIFELONG LEARNING: A COMPREHENSIVE GUIDE TO THEORY AND PRACTICE*, 274 (1991).

Instructional inefficiencies are rife at the Nigerian Law School but nowhere more so than in lecturer-student interactions. The Nigerian Law School provides few incentives and little opportunity to sustain faculty commitment to interaction with students. Supervision, evaluation, and feedback constitute the pedagogical bedrock of an excellent vocational training program. However, the Nigerian Law School does not commit to or adequately exercise this notion of instructional mediation through the virtues of supervision, evaluation, and feedback, thus limiting the likelihood that its students will learn practice skills at the necessary level of professional excellence. The Law School seems increasingly unable to supervise students. Few students are supervised, and many students receive minimal, if any, feedback from teachers. Teachers have no enthusiasm or even the desire to interact with students, nor are they incented to do so. Lecturers give the impression that they only want to teach; most lecture from the podium and deliver no other instructional services. Students striving to cultivate practice skills get little or no help from the school beyond the basic lecture regimen. The net result is that the Nigerian Law School prepares students for legal practice without the enriching benefits of close supervision. Stating the importance of close supervision in skill training programs, some authors noted:

Students will not be able to learn so readily as they would from the example of an effective supervisor and may adopt poor practices without recognizing the need to change their approach. without clear and supportive supervision, students may not benefit from receiving feedback and are unlikely to develop reflective practices. The confidence that builds from being effectively supported and appropriately challenged is critical to clinical students.¹¹⁶

Significant interactions with and feedback from teachers are typically available in small classes. The high ratio of students to lecturers makes it difficult to establish and sustain practice- based

¹¹⁶ ADRIAN EVANS ET AL., AUSTRALIAN CLINICAL EDUCATION: DESIGNING AND OPERATING A BEST PRACTICE CLINICAL PROGRAM IN AN AUSTRALIAN LAW SCHOOL 123-24 (2017).

learning because “skills and clinical courses are much more labor-intensive and require much smaller student-faculty ratios to provide closer interaction and observation.”¹¹⁷ Personal connections with teachers—essential elements in the learning process—are simply unavailable to students in a lecture-based setting. As presently constituted, the law school lacks the resources to offer those facilities to students. Large and nearly unmanageable class sizes, high lecturer-student ratios, and short study periods limit students’ meaningful contact with lecturers. The student population, according to one scholar, “oscillates between 500 in the small campuses and approximately 1500 in the larger campuses[.] The large class size presents a significant challenge for optimal student participation.”¹¹⁸

The lecturer-student ratio at the Nigerian Law School is too high to permit individual attention in any significant or practical way. Constraints of time, large class sizes, and high student/lecturer ratios negate opportunities for feedback. Lecturers teach students en masse and rarely have the time or the inclination for a one-on-one session with students. Profoundly enriching and beneficial interactions between students and lecturers thus hardly occur because of large class sizes. Dealing with students at close quarters enables lecturers to understand better their students’ concerns and apprehensions and design individualized remedies to address peculiar challenges. It must be galling for students who enrolled at the Nigerian Law School to go through the program without meaningful contact and supervision from lecturers. Lack of contact or inability to meet with teachers induces and aggravates students’ sense of abandonment.

The lack of interaction between lecturers and students, although understandable, is significantly damaging to the Nigerian Law School’s mission. Without such interaction with students, some teachers approach their duty with an unhealthy sense of detachment. Lecturers confuse conveying information with preparing students for their future role as lawyers. They deal with students in an impersonal

¹¹⁷ John Lande & Jean R. Sternlight, *The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering*, 25 OHIO ST. J. ON DISPUTE RESOL. 247, 274 (2010).

¹¹⁸ Ada Okoye Ordor, *Constructing a Clinical Legal Education Approach for Large Multicultural Classes: Insights from the Nigerian Law School*, 11 INT’L J. CLINICAL LEGAL EDUC. 65, 66 (2007).

way by not providing personalized reviews, feedback, or evaluations. Moreover, instead of challenging students to do better, lecturers simply grade student papers and exams. Students, however, do better when they have close relationships with their teachers.¹¹⁹ The absence of meaningful lecturer-student interactions lowers the threshold for hard work, as students bereft of supervision generally put in effort just at the level required to get by. Olakunle Orojo, a former Director-General of the Nigerian Law School, acknowledged, with painful clarity, the law school's failure to provide adequate practical training:

The founding fathers of the Nigerian Law School envisaged an institution devoted to providing practical legal education for persons desiring or seeking to be admitted as legal practitioners, unfortunately, for reasons of basic inadequacies, much of the time is still spent on matters other than practical . . . because of the need to fill in the gaps, much more time than is desirable is still being spent on formal academic lectures instead of practical exercises and experience.¹²⁰

E. Lack of Experienced Lecturers

The quality and efficacy of vocational training depend on the caliber of teachers. The influence of experienced teachers is considerable and crucial in guiding students through the rigors of learning practice skills. Teachers who have practiced law and understand its dynamics and nuances drive vocational training programs and are invaluable sources of energy and resourcefulness that create the right atmosphere for skill impartation. There is no substitute for such experience. Vocational training is much better under the guidance of vastly experienced skills supervisors than under

¹¹⁹ See Robert Post, *Leadership in Educational Institutions: Reflections of a Law School Dean*, 69 STAN. L. REV. 1817, 1823 (2017) (“Students both learn how to think and acquire professional training by forging personal psychological connections with individual faculty.”).

¹²⁰ Olugbenga Oke-Samuel, *Clinical Legal Education in Nigeria: Developments and Challenges*, 17 GRIFFITH L. REV. 139, 141 (2008).

teachers with graduate law degrees and perhaps records of scholarly publications without vocational training experience. Experienced teachers have the standing and the status to speak with authority and credibility on the details of practicing law.

The caliber of teachers recruited by the Nigerian Law School to prepare students for legal practice is disturbingly low. Experienced lawyers rarely accept employment in higher education, and if they do, they hardly stay long enough to impact the school's educational program.¹²¹ Most of Nigeria's finest lawyers do not seek employment at the Nigerian Law School. Several of them are put off by the deplorable conditions of service. Higher education is notoriously unattractive to good lawyers who can easily make much more money in private practice than as an instructor. An institution that pays less than 1% of what fine lawyers make in private practice is severely disadvantaged in the struggle to recruit fine lawyers.¹²² Teaching at the Nigerian Law School remains unattractive to first-rate lawyers, and the school has been unable to recruit major figures in the legal profession. The number of teachers in the employ of the Nigerian Law School cautions against generalizations; however, an important generalization seems to apply. The Nigerian Law School bases the appointment of teachers on academic credentials—postgraduate training—rather than on the serious and important requirement of experience in legal practice.¹²³ Most of the lecturers did not have significant practice experience before they were hired and have not engaged in such practices since their employment at the school.

¹²¹ See J.O. Fabunmi & Ademola O. Popoola, *Legal Education in Nigeria: Problems and Prospects*, 23 L. AND POL. IN AFR., ASIA, AND LAT. AM. 34, 50 (1990).

¹²² C.O. Okonkwo, *A Historical Overview of Legal Education in Nigeria*, in LEGAL EDUC. FOR TWENTY-FIRST CENTURY NIGERIA 1, 31 (IA, Ayua & D.A. Guobadia eds., 2000) ("It is a matter of common knowledge that the conditions of service for academics are quite poor. It is more agonizing for law teachers because they could opt out of the system and earn in commerce, industry or practice much more than they get in the university. In fact, many of the good quality academic staff who have opted out have done so well that looking back they regret having wasted their time in the university system. If a man cannot make ends meet, feed his family, enjoy the basic amenities of life and yet works in very poor physical conditions with no amenities when he can easily liberate himself from the ordeal, the natural instinct of self-preservation will dictate the latter option.").

¹²³ See Fabunmi & Popoola, *supra* note 122, at 50.

Skills training, always a challenging task, has been rendered even more precarious by the background of Nigerian Law School teachers. The recruitment of relatively inexperienced teachers compounds the Nigerian Law School's problems and contributes immensely to its declining effectiveness as a vocational institution. The Nigerian Law School is not an academic institution engaged in doctrinal exegesis and explication of legal rules and concepts. Recruiting teachers without significant practice experience increases the tendency for the school to ignore its most essential and important tasks of skills impartation and preparing lawyers for legal practice. Inexperienced teachers compromise the Nigerian Law School's ability to fulfill its mission, and vocational training remains an empty vision without the right caliber of teachers to guide prospective lawyers in the search for skills and habits of mind necessary for legal practice. Nigerian Law School lecturers are increasingly like university lecturers—high on academic credentials but generally lacking the expertise and the skill set to teach students how to practice law. Teachers who have not engaged in the successful practice of law are demonstrably unsuited to the teaching of the skills required of a successful practicing lawyer, and their instruction tends to relapse into the familiar and comfortable pedagogy of dictating notes to students.¹²⁴ The maxim that a man does not give what he does not have is true in the case of inexperienced lawyers teaching students how to practice law.¹²⁵

The experience and wisdom of those who have practiced law are invaluable to skill impartation. It would be disingenuous to suggest otherwise.¹²⁶ Professional schoolteachers' effectiveness depends more on their experience and expertise than on the ability to lecture on issues they have not mastered. Those who have not practiced law for a long time often lack the instincts, habits, and

¹²⁴ Ojukwu, *supra* note 63, at 55–56.

¹²⁵ Jennifer S. Bard, *What We in Law Can Learn from our Colleagues in Medicine About Teaching Students How to Practice Their Chosen Profession*, 36 J. MED. & ETHICS 841, 844 (2008) (“it is difficult to teach someone how to do something that you yourself do not know.”).

¹²⁶ GOWER, *supra* note 6, at 120 (arguing that those who teach professional skills “must themselves have had recent practical experience and they must teach by supervising the students while they do the sort of tasks which lawyers have to undertake – interviewing clients, drafting legal documents, arguing cases, etc.”).

expertise baked in the kiln of legal practice and will suffer significant disadvantages as vocational skills teachers, no matter how brilliant they may be or have been. This is the most fundamental problem facing the Nigerian Law School, and it is far more substantial than other issues. It has the potential to significantly impair the Nigerian Law School's capacity to expose students to a full range of programs and activities that impart practice skills. The idea that lawyers who lack practice experience can teach students how to practice is one of the invidious and counterproductive notions that diminish the Nigerian Law School's credibility and vocational aspirations.¹²⁷ Students seeking to cultivate and develop their skills look to dilettantes and inexperienced teachers as their sources of wisdom and guidance. Some of the lecturers, in a phrase made popular by James Freedman, have "no more than a dilettante's exposure" to legal practice before accepting teaching positions at the Nigerian Law School.¹²⁸ This recognition probably informed Joseph Daudu's sobering assessment of Nigerian Law School lecturers: "Those employed are almost always inexperienced in the practical application of the law [a]nd are hardly fit to teach in practice-oriented vocational training or professional institution like the law school. Since nobody can give what he does not have, such persons cannot competently teach law students."¹²⁹ The notion that the Nigerian Law School constituted as such can turn prospective lawyers into competent and practice-ready lawyers within nine months is a harmful delusion.

The two-tier legal education system rests on two propositions: that law faculties of universities will provide academic training and that the Nigerian Law School will prepare students for legal practice. After more than fifty years, it is becoming increasingly evident that the Nigerian Law School lacks the capacity to adequately prepare lawyers for legal practice. Logistical constraints have transformed the Nigerian

¹²⁷ Peter Toll Hoffman, *Teaching Theory Versus Practice: Are We Training Lawyers or Plumbers?*, 2012 MICH. ST. L. REV. 625, 639 ("It is difficult to imagine a law school training students for the practice of law unless the faculty members providing that training had significant experience practicing law.").

¹²⁸ JAMES O. FREEDMAN, IDEALISM AND LIBERAL EDUCATION 86 (2001).

¹²⁹ Joseph Daudu, *Thoughts on Nigerian Legal Educ.*, *Globalization and the Standard of Legal Services: Overcoming the Challenge*, in COUNCIL OF LEGAL EDUC: FIFTY YEARS OF LEGAL EDUC. IN NIGERIA: CHALLENGES AND NEXT STEPS, at 287.

Law School into a harried, less vital, and ineffective vocational institution when lawyers need to master a vast array of skills to practice law. The architects of the two-tier system neither anticipated nor desired that Nigerian Law School students would be taught by inexperienced lawyers or that the lecture method would be its dominant pedagogy. Effective skills training often take time and the benefits of skills training over an extended period wholly disappear when it is condensed to one-year training. The Nigerian Law School's difficulties in preparing lawyers for legal practice have been compounded by the short period of study, by the anomalous use of the lecture method as its dominant pedagogy, the failure to institutionalize experiential education, and by the low caliber of teachers recruited to guide students in the difficult task of skill cultivation.

A more problematic deficiency is that the Nigerian Law School, just like law faculties, merely manages its programs, attending to immediate tasks and resolving issues as they arise. Legal training institutions do not excel merely by managing legal education; they thrive by being more adaptable, responding to changes and challenges in society and legal practice. The Nigerian Law School devotes little or no time to reflect on the school's future, designing schemes to improve its effectiveness and magnitude of its training, and solidifying its status as the nation's only vocational training institution for lawyers. The Nigerian Law School has been unable to devise effective means of preparing students for legal practice. The increasing dependence on the Nigerian Law School to prepare students for legal practice constitutes a severe impediment to lawyers' effective training. The Nigerian Law School's inefficiencies are damaging and disturbing "not because you cannot get a good training, but because you can graduate from [the Nigerian Law School] without getting a good training," to balkanize William Buckley's assessment of similar programs in the United States.¹³⁰

The Nigerian Law School's inability to respond to the challenges of preparing lawyers for legal practice subverts its pivotal role as the nation's vocational institution for lawyers. The Nigerian

¹³⁰ William Buckley, *Introduction* to THE NATIONAL REVIEW COLLEGE GUIDE: AMERICA'S 50 TOP LIBERAL ARTS SCHOOLS vii (1991).

Law School is not only the nadir of a dysfunctional and ineffective legal education system but also of something more ominous: the signpost of an archaic system out of sync with the demands of contemporary legal practice. The Nigerian Law School's deficiencies are more a symptom than the cause of the problems of legal education. The real problem is the structural defect of the two-tier system that limits skills training to one year, and more fundamentally, the Nigerian Law School's deficiencies compel a reassessment of the propriety of a separate vocational training institution. The real question is, why there should be a separate institution for skills training? The only conceivable argument for retaining the Nigerian Law School is that it is the only educational institution designated for preparing lawyers for legal practice. No doubt it contributes to the training of lawyers, but we question whether it provides the best solution to the problem of inadequate training in the skills of the legal professional?

III. THE CASE FOR A NEW PARADIGM

Legal practice has evolved beyond the capacity of the two-tier system, as it requires skill training, pedagogical formats, and education far beyond those offered by the two-tier system. The advantage, even the necessity of having a separate institution to teach practice skills, has vanished if ever it existed. Both tiers – law faculties in the universities and the Nigerian Law School – are in various ways ineffective and dysfunctional and lack the resources, will, or know-how to resist the two-tier system's debilitating and suffocating distortions and curricular gaps. The two-tier system is outmoded because it has grown to have a faulty curricular focus, teaches irrelevant material, and fails to teach necessary content. Lokulo-Sodipe and O. Omolola, two Nigerian law lecturers, offer a clear and helpful diagnosis of the problem with the two-tier system, concluding starkly:

The faculties have continued to function with strict traditional and conservative attitudes toward training program. It is believed that the law faculties only teach purely the theories of law/substantive law without the application of skills/procedure. The law school where

it is assumed that students will learn the practical approach, only teaches what can be referred to as a “theory of practical.” This leaves the young practitioner less equipped for the work ahead. The same anomaly going on in the law faculties is thus, further perpetrated in the law school. Aspirants to the bar are loaded with lecture notes and materials which majority of them just read to pass and not to practice. The realities of these issues always come into limelight at the onset of a practicing career.¹³¹

The concerns of these two scholars accurately capture the relative ineffectiveness of both tiers in dealing with the problems of legal education. In the memorable words of George Kennan, each tier grapples ineffectively with its mandate and approaches its responsibility “like a mechanic with a badly built and decrepit car, aware that his function is not to question the design or to grumble over the decrepitude, but to keep the confounded contraption running, some way or other.”¹³² The accelerating compact of societal changes and technological advancements heightens the perplexities of legal practice and reveals the two-tier system’s inadequacies. Some lawyers feel overwhelmed by the magnitude of changes as their training has inadequately prepared them for the changed and changing environment in which they practice law. The current system leads to stasis and inefficiency. Nigeria must adapt as it navigates the line between tradition and a new structure that better aligns with the demands of the nation’s need for legal services.

A dramatically different era largely shaped current legal education ideas and structure—a period in which legal practice was relatively unsophisticated, and litigation was the dominant legal practice model. Legal practice has changed drastically, and practice skills and areas have expanded significantly. These changes demand a

¹³¹ Jadesola Lokulo-Sodipe & Omolade Omolola, *Appropriate Curriculum for Training 21st Century Lawyers*, in PROCEEDINGS OF THE 43rd CONFERENCE OF THE NIGERIAN ASSOCIATION OF LAW TEACHERS 201 (Allswell O. Muzan ed., 2010).

¹³² George Kennan, *History and Diplomacy as Viewed by a Diplomatist*, in DIPLOMACY IN A CHANGING WORLD 101, 102 (Stephen D. Kertesz & M.A Fitzsimons eds., 1959).

review of legal education's presuppositions and assumptions, especially the idea that the Nigerian Law School can serve as the only venue for preparing prospective lawyers for legal practice. Nigeria needs a new and different format for legal education and is at a point where drastic and significant changes must occur in its legal education system to avoid producing a poorly trained, ineffective, and floundering generation of lawyers. Henry Merryman's remarks, made five decades ago, reflect contemporary thinking on the need for changes in legal education:

Society, after all, changes and the legal system either changes with it or becomes increasingly archaic and irrelevant. In turn, the system of legal education either reflects the responses of the legal system to social change or degenerates into something artificial, useless, and perhaps even socially harmful. In a society undergoing substantial change, legal education should be in constant flux.¹³³

Prior reform efforts—revising the curriculum, tinkering with the length of study, and admission requirements—are merely palliatives for substance.¹³⁴ Rather, the dismantling of the two-tier system offers a pragmatic path in the form of a fundamental recasting of legal education structure. Simply stated, the Nigerian Law School is an unnecessary and wasteful institution that performs tasks that law faculties could perform just as efficiently and at least as effectively. Unless the Nigerian Law School performs necessary tasks that law faculties cannot achieve, little or no reason exists for its continued retention. If the Nigerian Law School were to shut its doors, prospective lawyers would not be deprived of a vital venue for practical training, as law faculties could more effectively assume the task of providing skills training that the practice of modern law requires.

¹³³ John Henry Merryman, *Legal Education There and Here: A Comparison*, 27 STAN. L. REV. 859, 865 (1975).

¹³⁴ See Ademola O. Popoola, *Restructuring Legal Education in Nigeria: Challenges and Options*, in LEGAL EDUCATION FOR THE TWENTY FIRST CENTURY NIGERIA 1, 233 (2000).

Prospects of mounting an excellent legal education involve conceptualization of a new format, one that will provide an opportunity to broaden the scope of university legal education and allow law faculties to teach courses and subjects that had previously resided in the curriculum of the Nigerian Law School. Nigeria does not need the Nigerian Law School to teach what it could teach in the university setting. Closing the Nigerian Law School would provide a strong foundation from which to restructure legal education and training, address the deficiencies in legal skills training, and improve the quality of training students receive. It will help address the subjugation of skills training to doctrinal exegeses—the two-tier system's debilitating malaise. Physical and programmatic integration of doctrinal and skill courses is an effective antidote to the problem of inadequate skill training. Law faculties need a new curriculum that focuses on, trains for, and tests achievement in legal skills. Such a curriculum will offer rigorous, comprehensive training, combining skills training and knowledge acquisition that will endow students with the capacity to engage effectively in twenty-first-century legal practice.

Not much imagination is needed to appreciate how limiting skills training to one year affects prospective lawyers' quality of training. The Nigerian Law School is perilously close to becoming an irrelevant entity, engrossing money and resources that could be deployed wisely and more productively to strengthen legal education at the universities. The Nigerian Law School does not come close to living up to its vocational pretensions. Skills necessary to engage in legal practice remain largely ignored or, at best, incompletely understood, as the Nigerian Law School rarely deals with those areas with any degree of thoroughness or detail. Attempts to give the Nigerian Law School a veneer of credibility as a vocational training institution have been ineffective because its skill training programs are shallow, lack vigor and enterprise, and are administered by teachers who lack the credentials and credibility to teach practice skills.¹³⁵ Moreover, proficiency, even understanding of practice skills, comes only gradually through years of systematic training and more advanced versions of training that take place on the job under the

¹³⁵ See *infra* pp. 22–42.

auspices of employers, not in a nine-month crash course. Trends that constrict and undermine skills training at the Nigerian Law School continue unabated and apace as the Nigerian Law School designed to prepare lawyers for legal practice has morphed into something deeply unsatisfactory, perhaps redundant, and certainly wasteful.

The Nigerian Law School is neither indispensable nor inevitable; it is one of the two-tier system's devices. It may have worked in the past chiefly because legal practice was relatively unsophisticated, requiring far fewer complex skills and practice areas to instruct a much smaller student population. Changes in society and legal practice have exposed the deep flaws in a system long taken for granted. The reality is that one year of training at the Nigerian Law School is neither necessary nor sufficient to prepare lawyers for legal practice adequately. The Nigerian Law School does not take skills training seriously. It does not do enough of it or do it effectively and sometimes does not do it at all. Failing to teach practice skills with a sufficient degree of seriousness and vigor marginalizes the importance of skill training. It sends an unsettling message to an already demoralized and bewildered student body that they are not crucial in legal practice. More disturbing, the Nigerian Law School's limited focus on litigation ignores the legal profession's escalating involvement in alternative dispute resolution mechanisms.¹³⁶

Whether or not we resolve the problem of legal education has major consequences for legal education, the legal profession, and the nation.¹³⁷ Thus, Nigeria must move deliberately to avoid such dangers. The changes in the system cannot be merely cosmetic, nor can they be slow in their development. Mere reform of the Nigerian Law School will likely prove insufficient because the fault to be addressed lies with the two-tier system itself. The two-tier legal education system

¹³⁶ Ojukwu, *supra* note 59, at 7 ("At the Law School, just as in the university, nobody ever mentioned words like client interview and counselling, negotiation, mediation, alternate dispute resolution mechanism, writing skill, advocacy skill, presentation skill, management skill, arbitration, problem solving etc.").

¹³⁷ I.A. Ayua, *Nigerian Legal Profession: Problems and Prospects*, in *LAW, JUSTICE AND THE NIGERIAN SOCIETY: ESSAYS IN HONOR OF HON. JUSTICE MOHAMMED BELLO I* (Ayua ed., 1995) ("the concern with the state of legal education is indeed a matter of great importance to the country, for the quality of law schools will indeed affect the quality of the Bar, of the Bench and indeed of the administration of law and justice in all ramifications and at all levels.").

enfeebles legal education by denying law faculties the power to teach practice skills and tasking the Nigerian Law School with more than it can handle in one year of training. These conditions cannot be addressed, therefore, without dismantling the two-tier legal education system to give law faculties an active and total responsibility for the education and training of lawyers. As Madubuike-Ekwe, a Nigerian scholar, bluntly asserted, "The best way to improve legal education in Nigeria is to abolish the Nigerian Law School because it has outlived its usefulness as a vocational institution for law graduates in Nigeria."¹³⁸

A. Making Law Faculties a one-stop shop

The gap between knowledge and skills training seems to be growing, synergized mainly by advances in information technologies, without which legal practice can no longer function. Integrating knowledge and skill training in the style of American legal education will end the two-tier legal education's tendency to marginalize skills training. The diffusion of knowledge and skills training makes the two-tier system incoherent, ineffective, and ill-suited to the training of lawyers in the twenty-first century. Dismantling the two-tier system will restore the coherence, vitality, and ambition of legal education. At the very least, vesting law faculties with the power to teach skills and knowledge will provide the perfect antidote to the marginalization of skills. Law faculties can train students for legal practice in ways that the Nigerian Law School cannot do. Law faculties where students spend five years will have the time to teach and improve students' skills incrementally instead of requiring the Nigerian Law School to aggregate and teach practice skills in one year.¹³⁹

The trend of underemphasizing skills training has persisted for several years, and there is little sign that it will halt or be reversed

¹³⁸ Madubuike-Ekwe, *supra* note 54, at 138.

¹³⁹ Bobette Wolski, *Why, How and What to Practice: Integrating Skills Teaching and Learning in the Undergraduate Law Curriculum*, 52 J. LEGAL EDUC. 287, 294 (2002) (noting that "skills are best developed incrementally . . . because they take time to develop. Students need multiple opportunities to practice skills in increasingly complex situations. and they can best develop skills when there is linked progression of tasks, skills, information and methods.") (internal quotation marks omitted).

without dismantling the two-tier legal education system. Law faculties, if they can expand their offerings to include an array of clinical courses and integrate them with the teaching of doctrine, will provide more advantageous conditions for students to cultivate and acquire the skills and knowledge they need to practice law in contemporary society. Legal education currently offered at different institutions could profitably and more effectively be delivered together at a single institution where knowledge and skill training could enrich and reinforce each other. It is time for Nigeria to heed Bernard Shaw's advice to his generation: "We must not stay as we are, doing what was done last time, or we shall stick in the mud. Yet neither must we undertake a new world as catastrophic utopians and wreck our civilization in our hurry to mend it."¹⁴⁰ The crisis of legal education results in part from the increasing disconnect between knowledge and skills training. The two-tier system's focus and methods underemphasize skill training and habituate teachers to focus more on knowledge, sometimes at the expense of skills training. Legal education needs a pragmatic balance between knowledge and skills training and closing down the Nigerian Law School will promote that balance. If law faculties can effectively implement skills training, the need for the Nigerian Law School will evaporate. The adverse effects of the Nigerian Law School's incoherent and poorly orchestrated training can be countered by granting law faculties the resources and power to provide knowledge and skill training.

The two-tier system is outmoded, inefficient, and ineffective chiefly because it separates theory and practice skills that can be effectively taught simultaneously. Separating these values mandated by the two-tier system, if left to continue, will only further degrade legal education. In the real world of the practicing lawyer, knowledge and skills are inextricably linked and meld smoothly to give lawyers their professional identity. The two domains are mutually influential and reciprocal determinants of a lawyer's competence. Skills, knowledge, and ethics learned and cultivated together enrich and reinforce one another. Knowledge and skills are interlinked and integrally connected. Deficiencies in one tend to imperil or weaken the

¹⁴⁰ J. HARVIE WILKINSON, *ALL FALLING FAITHS: REFLECTIONS ON THE PROMISE AND FAILURE OF THE 1990s*, 78 (2017).

others. Or worse, the loss of one threatens a lawyer's overall effectiveness. The organization of law faculties as one-stop shops for legal education lends itself more readily to comprehensive legal training than does its separation into two separate tiers. It will address the two-tier system's longstanding and disturbing failure to adequately prepare lawyers for legal practice in the twenty-first century.

Legal education is more robust and better when both theory and practice are taught simultaneously. Stressing abstract, intellectual theory in a vacuum without accompanying skills training is sterile, valueless, and has limited utility in lawyers' professional lives. David Oppenheimer states: "In legal education, context matters, and active learning trumps passive learning. Legal educators have been reminded and remonstrated repeatedly that by divorcing practice from theory in our teaching, we are failing to educate our students adequately."¹⁴¹ Legal education has accomplished far less than it can achieve because of law faculties' emphasis on knowledge rather than skill cultivation. The triumph of theory over—and perhaps at the expense of—skills cultivation goes against the prevailing worldwide endeavor of teaching students how to practice law.

The notion that doctrinal and skills courses should be taught separately at different institutions is no longer merely an unimaginative and archaic format for legal education; it threatens the quality of preparation for twenty-first-century lawyers. Lawyers' competencies are interrelated. Either one has both knowledge and skills, or the capacity to function is undermined, perhaps made valueless. Knowledge and skill acquisition can never be meaningfully and usefully separated. Knowledge is best complemented by the package of skills to which such knowledge applies to keep it from becoming abstract. Knowledge and skills are intricately and necessarily intertwined. Both are the binary *sine qua nons* of effective legal education; neither can flourish without the other. Law faculties should not have the Faustian choice of choosing between legal theory and practice skills. Their challenge and the more beneficial task is to teach both in more effective and resourceful ways. Advocating equal

¹⁴¹ David B. Oppenheimer, *Using a Simulated Case File to Teach Civil Procedure: The Ninety Percent Solution*, 65 J. OF LEGAL EDUC. 817, 819 (2016).

focus on both theory and skills development, David Thomson notes, “Legal practice – and thus good legal training – does not operate as a duality but rather involves a rich tapestry with layers of complexity virtually every day. And thus, the best legal education should not operate as a duality either.”¹⁴²

The melding of doctrinal and skill courses would profoundly transform the way students are trained. It would enable them to pay more attention to practice skills while acquiring knowledge and intellectual resources to make them more competent and effective legal practitioners. On the other hand, separating knowledge and skills and teaching them separately at different institutions makes it difficult to offer a balanced legal education that legal practice requires. Teaching knowledge alone puts legal education in a silo instead of into a context fully connected to society’s legal needs, thus undermining students’ capacity to appreciate the interconnectedness between knowledge and skills. Competence follows from a harmonious blend of knowledge and skills. Integrating theory and practice “helps students to more closely associate the practical value of learning theoretical concepts[.]”¹⁴³ As the American Bar Association Task Force on the future of legal education noted, “The balance between doctrinal introduction and focused preparation for the delivery of legal services needs to shift further toward developing the competencies and professionalism required of people who will deliver services to clients.”¹⁴⁴

Vesting law faculties with powers to teach knowledge and practice skills is an essential pathway to the search for comprehensive and quality legal education for Nigerian lawyers. Knowledge and skills are synergistic. As two scholars argued, “Educators in professional or service fields desire their students not only to learn theory and understand why theories are important but also to learn how to apply the theoretical frameworks in practice.”¹⁴⁵ Skills training

¹⁴² David I.C Thomson, *Defining Experiential Legal Education*, 1 J. OF EXPERIENTIAL LEARNING 1, 3 (2015).

¹⁴³ Jan Wrenn & Bruce Wrenn, *Enhancing Learning by Integrating Theory and Practice*, 21 INT’L J. OF TEACHING AND LEARNING IN HIGHER EDUC. 258, 258 (2009).

¹⁴⁴ ABA, REPORT AND RECOMMENDATION: TASK FORCE ON THE FUTURE OF LEGAL EDUCATION 3 (2014).

¹⁴⁵ Wrenn & Wrenn, *supra* note 144, at 258.

and knowledge simultaneously offered provide students with a deeper and richer understanding of legal practice dynamics. Failure as a lawyer can come from deficiencies in either of the two. Flaws in one tend to imperil or weaken the other. Or worse, the loss of one threatens a lawyer's overall effectiveness. It is wasteful and myopic for law faculties to focus on legal subjects hoping that students will pick up practice skills at the Nigerian Law School. It is more efficient and cost-effective for students to be immersed in both courses concurrently because they complement each other in mutually supporting ways. Scholar Nancy Schultz may well have been referring to Nigeria when she stated:

Once we recognize the wide variety of talents needed by competent lawyers and stop separating the learning of theory from its application, it becomes painfully obvious that "skills" training is more than just an appropriate part of a legal education - it is essential if we are to do the job we claim to be doing. Allowing students to integrate skills and doctrine while in school, with time to think about the whys and wherefores, should make them better, more responsive and responsible lawyers.¹⁴⁶

B. Lessons from Medical Education

Legal education and medical education have two primary objectives in common: conveying knowledge to students and imparting the skills through which their professions practice. Two significant contrasts exist between medical and legal education. First, medical education integrates knowledge and skill training, in effect offering them simultaneously. Medical education in Nigeria is a six-year undergraduate program.¹⁴⁷ The first three years are devoted to knowledge training. Students learn basic sciences in the first year of

¹⁴⁶ Nancy L. Schultz, *How Do Lawyers Really Think?* 42 J. LEGAL EDUC. 57, 64 (1992).

¹⁴⁷ Udomoh Eshemokha, *How Many Years Will It Take to Study Medicine in Nigeria*, NIMED HEALTH (Jan. 23, 2021), <https://nimedhealth.com.ng/2021/01/23/how-many-years-will-it-take-to-study-medicine-in-nigeria/>.

study—physics, chemistry, biology, and general sciences. In the second and third years, students study pre-clinical subjects— anatomy, biochemistry, and physiology.¹⁴⁸ Non-physicians generally teach these courses. In the last three years, called “clinical years,” students learn how to be physicians. They are trained on how to diagnose ailments, take patient histories, conduct physical examinations, and decide appropriate tests to enable them to arrive at diagnoses and select treatments for patients. This phase is taught entirely by practicing physicians.¹⁴⁹

A substantial portion of medical education is devoted to exposing students to the skills and habits they will employ as physicians. Students learn skills at hospitals affiliated with universities, typically called teaching hospitals.¹⁵⁰ Students rotate through various branches of the medical practice delivery— surgery, obstetrics and gynecology, pediatrics, and internal medicine— under the supervision of practicing physicians who teach and guide them through the nuances of medical practice. Medical schools recognize that “medical science is best taught in the context of medical practice, with integral connections between the fundamental knowledge base and the complex skills of professional practice.”¹⁵¹ Training at hospitals is pervasively and specifically targeted to prepare students for various aspects of medical practice— bedside manners, interviewing patients, conducting physical examinations, ordering additional tests, making diagnoses, and ordering a treatment regime. Medical students learn about diseases and ailments by listening to lecturers, watching their professors diagnose illnesses, and

¹⁴⁸ See HEALTH SYSTEMS 20/20 PROJECT, NIGERIAN UNDERGRADUATE MEDICAL AND DENTAL CURRICULUM TEMPLATE, 2012, at 31 (2012), <https://www.hfgproject.org/wp-content/uploads/2015/02/Nigeria-Undergraduate-Medical-and-Dental-Curriculum-Template.pdf>.

¹⁴⁹ See *id.* at 44.

¹⁵⁰ John E. Montgomery, *Incorporating Emotional Intelligence Concepts into Legal Education: Strengthening the Professionalism of Law Students*, 39 U. TOL L REV. 323, 338 (2008) (noting that “[l]egal education has a dramatically different philosophy than medical education. By graduation, every medical student has spent considerable time in a teaching hospital acquiring professional skills and a sense of the professional identity of the medical profession.”).

¹⁵¹ WILLIAM SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 192 (2007).

participating in patients' management and care. Integrating knowledge and skill training conveys to future doctors how to behave as doctors in real and concrete ways.

In contrast, legal education in Nigeria provides training in knowledge and practice skills by placing them in sequence. Consistent with the two-tier legal education system's imperatives, students learn legal principles and concepts at the universities while skill training occurs after graduation at the Nigerian Law School. The Nigerian Law School, however, remains a lecture-based, notes-driven instructional institution. Even though the Nigerian Law School is nominally responsible for training lawyers in the modern skills of the trade, the Nigerian Law School does not make room for enough clinical skills-training experiences in its curriculum. The curriculum for legal training in Nigerian Law School has not been transformed to incorporate experientially oriented courses.¹⁵² Nigerian legal education's lack of practice-centered programs affirms the statement that "[m]edical students are taught to practice medicine while law students are taught to study law."

The second fundamental difference between medical and legal education relates to the background of teachers. All medical schoolteachers who teach the clinical phase of medical education are experienced physicians who teach and practice medicine. Law teachers merely teach and do not practice. Jennifer Bard's description of the situation in America powerfully captures the Nigerian scenario: "The most fundamental difference between the people who teach today's medical school and those who teach today's law students is that the former love to practice medicine while the latter love to study the law."¹⁵³ Several Nigerian Law School teachers had scant practice experience as attorneys before their recruitment as law schoolteachers and did not continue to practice law while in the employ of the Nigerian Law School.¹⁵⁴ The Nigerian Law School has been unable to hire teachers who are comfortable with small-group and individual skills instruction. Experienced teachers embody and exemplify the habits and attitudes that offer beacons to students seeking to cultivate practice skills. They infuse and invigorate skills training with the

¹⁵² See *infra* pp. 30–35.

¹⁵³ Bard, *supra* note 126, at 845.

¹⁵⁴ See Fabunmi & Popoola, *supra* note 122, at 50.

resources of experience, vitality, and purpose otherwise unavailable from teachers with scant practice experience.

It is difficult, and perhaps impossible, to provide practical training analogous to medical schools in either the law faculties or the Nigerian Law School. At present, law faculties have no affiliations with law firms, and students learn all they need to know about legal practice essentially during the Nigerian Law School one-year program. Although most law faculties have moot courtrooms, they serve more as lecture halls than for mock trials. A panacea would be for law faculties to devote a portion of the five-year training program to practice-based training. Intensive practice-centered training would enable students to learn the mechanics of being lawyers in an environment where they could make mistakes and learn from them without causing grave damage to clients or the legal profession. Law faculties must substantially revamp their curricula and make pedagogical changes to incorporate practice-centered programs. According to the landmark Best Practices Report, “[L]aw schools [should] follow the lead of other professional schools and transform their programs of instruction so that the entire educational experience is focused on providing opportunities to practice solving problems under supervision in an academic environment.”¹⁵⁵

Medical education is not perfect, but it has proved that skills training and knowledge can be integrated and more effectively delivered in one setting. The goal of improving legal education will be inspired or attained by mimicking the medical education system of training. Law faculties must find ways to integrate practice-centered programs into the curriculum synergistically as central components of their training programs. Law faculties could devote two to three semesters entirely to practice-centered programs – no doctrinal courses, just intensive experiential learning programs, clinical education, and externships. This is the most effective and efficient way to develop professional competence. Externships and internships in courts, law firms, and organizations would serve the purposes served by hospitals in medical education. Externships at government institutions, private organizations, and law firms would supplement and ultimately supplant lectures as the key to skills training.

¹⁵⁵ ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION 106 (2007).

Externships in established law firms and organizations would be more helpful than the current poorly organized and ineffectively supervised court and chambers' attachments under the auspices of the Nigerian Law School. Such programs can strengthen law faculties' position as "living laboratories for exposing students to situations and challenges that allow them to learn what it takes to solve a client's problems."¹⁵⁶

It would be more cost-effective and more efficient for legal education to mimic how the medical profession trains students? Former Chief Justice of the United States Supreme Court Warren Burger framed this correctly, stating, "The medical profession does not try to teach surgery simply with the books; more than 80 percent of all medical teaching is done by practicing physicians and surgeons. Similarly, trial advocacy must be learned from trial advocates."¹⁵⁷ Medical education experience and practices can provide legal education with meaningful ways of integrating knowledge and skills and providing comprehensive and balanced training for lawyers. Unlike the current system that imposes a debilitating 4 to 5 years before teaching students practice skills, legal education should achieve a new plateau when knowledge and skills training are integrated in the style of medical education. Emphasis will shift from knowledge to practice-centered training that enables students to understand what it takes – and means – to practice law. It would end the last-minute rush of imparting practice skills at the Nigerian Law School. It would also give new significance and greater magnitude to skills training in providing conductive, effective, and continuous skill training to students. It would enforce upon students early in their training the discipline and habits of mind necessary for legal practice.

IV. CONCLUSION

Disputes and forebodings over the quality and effectiveness of legal education continue to multiply, making reform necessary and

¹⁵⁶ Anna Caraveli, *Learning to Think Like Your Clients: Stanford Law School Dean Larry Kramer Discusses the Leadership behind the University's New Law Curriculum*, U. BUS. (2008).

¹⁵⁷ Warren E. Burger, *The Special Skills of Advocacy: Are Specialized Training and Certification of Advocates Essential to our System of Justice*, 42 FORDHAM L. REV. 227, 232 (1973).

inevitable.¹⁵⁸ Searching for solutions must begin with challenging questions and deep reflections that will enable Nigeria to raise pertinent issues, identify priorities, and initiate the path forward. New thinking and new approaches to legal education are necessary to ensure that it is dynamic and better adapted to prepare lawyers for changes in society.¹⁵⁹ Nigeria has valued the preservation of tradition over the search for creative methods of improvement in the legal education system—an unproductive mindset for a system that seeks to “educate lawyers for the future, not the past.”¹⁶⁰ Professor Gower, the godfather of legal education in Nigeria, eloquently framed with admirable prescience legal education’s greatest challenge:

In the production of an African legal profession with a livelier appreciation of the needs of tomorrow and of the defects of the institutions which we, the British, have bequeathed. We have stamped our mark on the law and on the lawyers of these countries. Whether we or they like it or not, the mark is probably indelible, but it can be reshaped without too drastic plastic surgery. The trouble is that most African lawyers like it as it is—that is the usual result of the didactic, uncritical, legal training that they have received in England. Yet if these countries are to respond to the challenges of the future it must be altered.¹⁶¹

The retention of the two-tier legal education system raises a crucial question: has it survived because of its demonstrable benefits

¹⁵⁸ See Madubiike-Ekwe, *supra* note 54, at 128 (“Unfortunately, Legal education in Nigeria has failed in its responsibility to produce quality and reliable lawyers for the nation.”).

¹⁵⁹ See Oke-Samuel, *supra* note 121, at 141–42, (“there is a need for reforms in Nigeria’s legal education system, in particular a need to devise a new method of training in order to produce a new generation of lawyers, with a level of practical experience that will enable them to be responsive to the needs of the people and the society.”).

¹⁶⁰ John Schwartz, *This Is Law School*, N.Y. TIMES (Aug. 1, 2014), <https://www.nytimes.com/2014/08/03/education/edlife/socrates-takes-a-back-seat-to-business-and-tech.html>.

¹⁶¹ GOWER, *supra* note 5, at 144.

and efficiency? Or is it a flawed system spared banishment by an obsessive fixation on history and tradition? It is time for Nigeria to break free from the clutches of history and tradition and creatively design and forthrightly implement a legal education system that can address its peculiar needs and challenges. A fundamental challenge is whether Nigeria will summon the will to engage in a dispassionate and thoughtful evaluation of the two-tier system without a prior commitment to tradition or history. Unless discussions about legal education's future are extricated from the crushing grips of history and tradition, pragmatic and imaginative responses to legal education's challenges will not be possible.

Legal practice and society have both changed markedly since the two-tier system was introduced in 1962. The two-tier system introduced in an atmosphere of optimism and high expectation a half-century ago has become legal education's albatross. Nigeria must rise to the challenge of building a new structure to facilitate the reform of legal education. Re-examining the two-tier system's efficacy is a daunting challenge on every level but is better confronted sooner rather than later. Nigeria must not be beguiled by tradition from the urgent challenge of legal education reform. Reverence for tradition is a low plank in which to hoist the nation's legal education system. A legal education system "must stand or fall on the merits[,] not on the sanctity of the source."¹⁶² Abolishing the two-tier system will mark the triumph of experience over wishful thinking and obstinate attachment to history and tradition. Reciprocal benefits flow from teaching knowledge and skill simultaneously in the same institution. Nigeria can effectively meld theoretical and practical legal skills training and assign their teaching to law faculties economically and advantageously.

There is some indication that the two-tier legal education system's influence is waning as law faculties increasingly indicate readiness to mount clinical education programs to teach students practice skills.¹⁶³ The introduction of clinical education, a development unanticipated by the two-tier system, severely dents the argument for

¹⁶² ARTHUR SCHLESIGNER, *THE CYCLES OF AMERICAN HISTORY* 329 (1986).

¹⁶³ See Ayinla Lukman Alabli & Ope Sanni, *Critique of an Epitome Practical Role of Law Clinic in Clinical Legal Education in Nigeria*, 2020 *AGORA INT'L J. OF JURID. SCI.* 1 (2020) (discussing the emergence of clinical education in Nigeria).

the continued retention of the two-tier system. As interest in clinical education grows, Nigeria can no longer keep questions about the Nigerian Law School's relevance from conversation and active consideration. Would not the institutionalization of clinical education at the universities render the Nigerian Law School redundant? Clinical education taking root at the law faculties represents a meaningful and robust acknowledgment that law faculties are institutionally capable of effectively combining skill training and knowledge acquisition without compromising either venture. As I have stated elsewhere:

Nothing in the university structure makes it inherently unfit to assume full responsibility for both academic and practical training. The present law school curriculum . . . can be successfully and effectively integrated into the curriculum of the law faculties. With proper planning and necessary financial support, the universities will be in a much better position than the Nigerian Law School to provide the appropriate and conducive institutional environment for imparting legal skills.¹⁶⁴

Legal education and legal practice have changed significantly and dramatically because of technological advancements and economic pressures. Change is always a factor in legal practice. Laws change, every aspect of legal practice is changing, skills and techniques change, court rules and procedures change, clients' demands for legal services change. These changes will ultimately accrete into significant differences in the way lawyers are trained and educated. Nigeria must respond aggressively and thoughtfully to the challenges of dynamism and its portents. A new approach to learning seems to be developing in at least two ways. First, modern instructional technology (aided by the effects of the pandemic) will make physical lectures (and the physical presence of lecture halls and lecturers) meaningless. Second, this same technology will vastly increase the use of simulation, thereby adding extensive interactivity to the training experience. In other

¹⁶⁴ Oko, *supra* note 53, at 290.

words, the building blocks for the replacement of the two-tier system are in place already.

Regrettably, legal education has remained unchanged, adamantly focused on implementing the two-tier system introduced in 1962. One law of education, popularly known as Plato's law, states that "the wheel of education once set in motion moves at an even faster pace."¹⁶⁵ This is sadly not the case in Nigeria. The wheel of legal education set in motion in 1962 has slowed down and lags miserably behind societal changes and development. Nigeria needs new thinking and new approaches to legal education to respond to the inexorable dynamism of change. Surveys of legal education, particularly in highly technologized countries, will abundantly show that the two-tier system is too expensive and too non-functional for any country to carry into the very competitive future. New technologies and advancements demand a new paradigm that will provide a better format for lawyers' training and education and address the spreading obsolescence of the two-tier legal education system and the widening disjuncture between legal education and legal practice. It is time for Nigeria to ponder the questions so well put by Warren H. Binford in his essay, *Envisioning a Twenty-First Century Legal Education*.¹⁶⁶

What is the ideal future for legal education? What do students need in the twenty-first century? What do communities need from them? How can we best ensure that our students will have the knowledge, skills, and values to carry our world forward in a rapidly contracting global community filled with conflict and inequity?¹⁶⁷

Reforming the legal education system is the precondition to a more effective legal profession and will have a tremendous long-term effect on the quality of legal practice and the legal system. The legal education system's current defects not only disable lawyers from

¹⁶⁵ CLARK KERR, TROUBLE TIMES FOR HIGHER EDUCATION: THE 1990S AND BEYOND 184 (1994).

¹⁶⁶ Warren H. Binford, *Envisioning a Twenty First Century Legal Education*, 43 WASH. U. J. OF L. & POL'Y 157 (2013).

¹⁶⁷ *Id.* at 180–81.

effectively responding to society's need for legal services but pose an existential threat to the legal profession. The consequences of inaction are significant because a collapsing legal education system will ultimately bring the profession and the nation's entire legal system down with it.¹⁶⁸ Nigeria must respond resourcefully and boldly to the challenges of adjusting its legal education system rendered obsolete and ineffective by time and circumstances. It is time to listen to Francis Bacon, who admonished: "He that will not apply new remedies must expect new evils, for time is the greatest innovator." The most effective remedy for legal education is to jettison last century's imperfect two-tier structure for a more effective and pragmatic option of vesting law faculties with full powers to educate and train prospective lawyers to perform the skills of the practicing lawyer at the highest level.

¹⁶⁸ See Wokocha, *supra* note 16 ("the challenges of legal education in today's Nigeria are not insurmountable. They . . . can be tackled as soon as all stakeholders and in particular the legal profession itself begins to pay closer attention and devote greater energy towards its self-preservation. The dangers of ignoring the decline are too costly.").