



ALLEN & MARYLEBONE LAW FIRM

REPOSITIONING NIGERIAN LEGAL EDUCATION FOR A GLOBALLY COMPETITIVE LEGAL MARKET IN THE 21ST CENTURY



There is nowhere in the 318 sections of the Constitution of the Federal Republic of Nigeria 1999 (as amended) (subsequently CFRN 1999), or any of its chapters, where any other profession is mentioned or professional recommended as a right of an individual, except the legal practitioner invariably the legal profession.¹This does not only underscore the importance of the legal profession but speaks prophetically into the future as to the continued relevance of the legal profession. However even this constitutional prophecy may be thwarted if legal education is not repositioned to fare well in a globally competitive legal market. The dynamics of globalization and expansion in commercial transactions constantly demand that law intervenes in political, economic and social interactions.²Law ideally ought to grow with the growth of the society and as new milestones are achieved by a nation so also must the law metamorphose to cater for the challenges posed by every new milestone. As technology replace mechanics and Artificial Intelligence (AI) becomes the norm, the law must take off its traditional regalia and evolve rapidly in order to accommodate many freakish looking changes regardless of how sophisticated such changes may seem. Law must be dynamic and its dynamism must be reflected in its ability not just to adapt to changes in the society but have a forward looking functionality that makes it easily amenable without too much bottlenecks.

The inability of a legal system to be dynamic enough to meet new trends and development leads to what I would call *Lego-static paralysis*, a condition in which the legal system of a nation has become so steeped in traditions/conservatism that it becomes static and ultimately paralyzed, averse to sudden change. There are two solutions to cure Lego-static paralysis, and they are; legislative activism/foresight and repositioning of the legal education. While legislative activism ensures constant review of subsisting laws to meet new challenges and trends, repositioning of the legal education entails the constant re-jigging of the academic framework that produces legal minds in the nation. The focus of this piece is how we can reposition Nigerian legal education for a globally competitive market.

¹ Section 36(6) (c) and (d) CFRN 1999 (as amended) makes it a right for an individual to enlist the services of a legal practitioner of his choice in a criminal trial. A doctor, engineer, physicist, chemist, sailor, nurse, pharmacist etc is not recommended anywhere in the CFRN as a right, but a legal practitioner is.

² Ogugua V.C Ikpeze, 'Legal Education in the 21st Century Nigeria; Need for Diversity in content paradigm' *Journal of Law, Policy and Globalization* (2015) (39) 63 also available at <https://www.researchgate.net/publication/282816925> > accessed 10 September 2020.

The Legal Education (Consolidation) Act³ has not been benevolent enough to give us a definition of the phrase “legal education”. However, what legal education means has been inferred from the definition of the two words separately rendered by the Black’s law Dictionary and the BBC English Dictionary. According to the Black’s Law Dictionary⁴ the word “legal” means ‘of or relating to law; in the province of law’. Education as per the BBC English Dictionary⁵ means, ‘teaching people various subjects at a school or college’. Consequently, for the purpose of this piece legal education means the process of teaching people various subjects of law or all teachings that fall within the province of law whether in universities, colleges or elsewhere thereafter. Thus, Continuing Legal Education (CLE) system falls under our purview. The entire gamut for the cross pollination of ideas geared towards the shaping of the minds and character of potential legal practitioners and those already called to the Nigerian Bar by the Body of Benchers is what we capture here as legal education.

Presently, the structure of legal education consists of education at the academic level (University), professional level (Nigerian Law School) and Continuing Legal Education (CLE). The Nigerian Universities Commission (NUC), Council of Legal Education, Nigerian Bar Association (NBA), National Association of Law Teachers (NALTS) etc are all involved in moderating what curriculum is operated in these different levels of legal education. At the University level some core law courses taught include; law of contract, legal method, law of torts, criminal law, constitutional law etc while elective law courses include courses like international humanitarian law, environmental law, intellectual property law etc. At the Nigerian Law School level the system is geared towards practicing all the theories that have been learnt at the University level, whether the curriculum of the NLS actually achieves that objective seems a far cry. The key question then becomes whether the entire curriculum from university level to law school and even continuing legal education adequately prepares the law student and the legal practitioner to conveniently lock horns with lawyers from more developed countries. Is the

³ Cap L.10 LFN 2004. The Legal Education (Consolidation) Act 2004 re-enacts the Legal Education Act 1962 making many amendments introducing provisions relative to the composition of Council of Legal Education and appointment of Director General Nigerian Law School.

⁴ Bryan A Garner (ed), *BLACKS LAW DICTIONARY* (9th edn, WEST Publishing 2009) 974

⁵ John Sinclair (ed), *BBC ENGLISH DICTIONARY* (HarperCollins Publishers Ltd, 1992) 359

Nigerian legal education as it stands capable of equipping the legal practitioner to thrive on a global competitive legal market?

A cursory look at the teaching curriculum reveals an over insistence on theoretical knowledge, while little practical knowledge that ought to be gained at the law school is dwarfed by limited time, crude means of knowledge transfer, and limited exposure. A further look at the teaching methodology both at the faculties of law in Nigerian Universities and Nigerian law school reveals a lack of emphasis on the use of ICT, internet maximization and innovative comparative research. This paucity is not unconnected with the crude outdated Library facilities and absence of real 21st century technologies that still function properly. The faculties that make efforts to acquire internet facilities go on to have serious electricity challenges that turn most of the facilities into furniture decorated with dust and rust. The capacity of the lecturers to dish out sound knowledge must also be called into question; after all, it is an impossibility to give what you don't have. The course content currently available at Nigerian universities and even at the law school would have been adequate if the students were being made ready for an analog age. The traditional course content taught at this level can significantly be labeled an antidote for continued mediocrity.⁶ Another major challenge which has distorted the growth of the legal education system remains the legal pedagogy – Methodology of knowledge transfer and content transfer.⁷ It is also too crude to produce globally competitive legal practitioners; in fact the absence of adequate utilization of internet tools in knowledge transfer speaks to the ill preparedness of the Nigerian legal practitioner or law student for an Artificial Intelligence (AI) saturated world. The absence of adequate exposure leaves us localized now more than ever seeing that prominent knowledge of the workings of the legal system of other climes is crucial to properly preparing us for a globally competitive legal market. The reality that law students and legal practitioners with the use of technology in other climes are advancing paces ahead of us

⁶ Fabian Ajogwu, 'Rethinking Legal Education in Nigeria to meet the needs of the 21st Century' (Kenna Partners 2019) A paper prepared by Professor Fabian Ajogwu, SAN, FCIArb and presented at the Dinner held in favour of Chief Emeka Ngige SAN on his appointment as the Chairman Council of Legal Education on Thursday August 29, 2019 at Metropolitan club, kofo Abayomi Street Victoria Island Lagos.

⁷ Ibid at 5

leaves a bitter taste in the mouth. What then can be done to turn the tide and better position the legal education in Nigeria for a globally competitive legal market?

The first recommendation is that a deliberate revision of the NLS curriculum and faculties of law curriculum not just to be more practical but to be more IT and AI focused. A technology focused curriculum is the way out. How can this be done? We need to look beyond the statutory bodies such as the NUC and Council of Legal Education. All stakeholders in legal education must of necessity be involved in reshaping the academic curriculum from faculties of law up to NLS even in the Continuing Legal Education. The National Association of Law Teachers, Council of Legal Education, National Universities Commission, Nigerian Bar Association etc must have a consensus and must look beyond our borders to partner with institutions from developed climes to make this possible. To produce a globally competitive legal practitioner there must be cross pollination of ideas with students from other climes. These different bodies can schedule conferences, then committees or sub committees to draw up a curriculum that is in tandem with current legal market. This should then be subject to input by other stakeholders and individuals in the legal profession.

Secondly, it is recommended that a minimum requirement for Lecturers be set such that these lecturers must have at least five (5) years post call experience in active practice before they can fill the position. This will prevent green horns from going in with little or no experience since; you truly cannot give what you don't have. Exposure is critical in repositioning the legal education to be globally competitive. Nothing stops faculties from entering students exchange arrangements or lecturers visits to law colleges or schools in developed climes.

Thirdly, there must be a deliberate harping on specialization early enough. The days of producing general practitioners who are jack of all trade and master of none must be done away with. The curriculum that will be drawn up in the first recommendation must be structured in such a way to motivate law students to specialize early enough as it is a fact that specialization breeds sublime expertise.

Finally, there should be amendment of enabling and subsisting laws immediately. The Legal Education (Consolidation) Act is too scanty for such an important piece of legislation. This is where legislative activism would be called for, a good number of Nigerian Senators are lawyers

by training, and it beats my imagination why this reality has not been leveraged upon to better position legal education in Nigeria.

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