

# Role of Clinical Legal Education in Social Justice in Nigeria

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## Abstract

Very few faculties of law in Nigerian universities that offer law programme have established law clinics that offer live-client services to the public as part of their legal education training. Across the border, clinical legal education is gaining more popularity by the day as a tool to imbibe the necessary skills in students to become sound legal practitioners. This article assesses the impact of law clinics on the skills of law students to enable them handle effectively the demands of the legal profession. The article analyses the correlation between law clinics that provide services to live clients and the skills acquired vis-à-vis the performance of student clinicians. The article recommends the need to integrate live-client law clinics into the mainstream legal education system in Nigeria.

## Introduction

Legal education in the Global South is characterized by innovation, resistance and conformity in that legal education reflects the demands of democracy, cultural and social identity as well as globalization effects.<sup>2</sup> The trend across the globe has shifted from traditional legal education to legal education for justice education which is inspired by justice education campaigns.<sup>3</sup> The International Association of Law Schools has emphasized the need to produce lawyers who will be advocates of justice as well as law experts who will be advocates of public good.<sup>4</sup> In this light, the need to solve social problems has led to the adoption of ‘on-the-field’ training by many law schools across the world, and Africa is not left out in this trend. Nigerian law faculties have taken up the challenge of training law students to be advocates for social justice, hence campaign for inclusion of clinical legal education in the curriculum in Nigeria.

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<sup>2</sup> Shashikal Gurpur & Rupal Rautdesai, *Revisiting Legal Education for Human Development: Best Practices in South Asia*, 157 *PROCEDIA SOC. BEHAV. SCI.* 254, 255 (2014).

<sup>3</sup> Deborah L. Rhode, *Access to Justice: An Agenda for Legal Education and Research*, CONSORTIUM ON ACCESS TO JUSTICE (2013), at [http://www.law.harvard.edu/programs/plp/pdf/Access\\_to\\_Justice.pdf](http://www.law.harvard.edu/programs/plp/pdf/Access_to_Justice.pdf) (last visited Jan. 15, 2017).

<sup>4</sup> IALS, *The Role of Law Schools and Law School Leadership in a Changing World* (2009), at <http://www.ialsnet.org/the-role-of-law-schools-and-law-school-leadership-in-a-changing-world/> (last visited Mar. 16, 2017).

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Clinical legal education has been argued as necessary to prepare law students for the legal environment that awaits them after graduation.<sup>5</sup> However, with the popular advocacy for clinical legal education, some have questioned if the skills acquired in the students in this process actually transfer to the professional world effectively.<sup>6</sup> One cannot but wonder if clinical legal education is actually capable of distracting students from the substantive goal of legal training or could be viewed as an added advantage in terms of skills acquisition and development. The focus of this article is to examine the necessity or otherwise of clinical legal education in Nigeria.

## Clinical Legal Education

Law clinic has been described as a teaching law office within a law school where students engage in supervised law practice to reflect law as taught in the classroom.<sup>7</sup> The conceptualization of clinical legal education depends on the perception of the person seeking to define it. Richard Grimes is of the opinion that

[Clinical legal education is] a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced.... It almost inevitably means that the student takes on some aspect of a case and conducts this as it would ... be conducted in the real world.<sup>8</sup>

Grimes' definition had been criticized as lacking the essence of legal aid and social responsibility.<sup>9</sup> Emil Winkler thus posited that a law clinic is a '... combination of practical legal education and legal aid'.<sup>10</sup> As such, while we can argue that there is no set principle as to arriving at a definition of clinical legal education, any standard definition must, as of necessity, capture the activities, goals and objectives of its establishment.

Meghdadi and Nasab posited that clinical legal education as a course combines classroom experience with live-clients' representation under the supervision of a faculty with extensive law practice background and with a social justice dimension.<sup>11</sup>

Network of University Legal Aid Institutions (NULAI) is of the view that clinical legal education is a 'multidisciplinary and multipurpose type of education which seeks to develop the skills and competencies needed to strengthen the legal system, providing opportunities for learning social justice concepts'.<sup>12</sup>

<sup>5</sup> Robert MacCrate, *Yesterday, Today and Tomorrow: Building the Continuum of Legal Education and Professional Development*, 10 CLIN. LAW REV. 805, 824 (2003–04).

<sup>6</sup> David A. Binder & Paul Bergman, *Taking Lawyering Skills Training Seriously*, 10 CLIN. LAW REV. 191, 194 (2003).

<sup>7</sup> Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 70 FORDHAM L. REV. 1929 (2002), at <http://ir.lawnet.fordham.edu/flr/vol70/iss5/29> (last visited Jan. 31, 2017).

<sup>8</sup> R. Grimes, *The Theory and Practice of Clinical Legal Education*, IN TEACHING LAWYERS' SKILLS 138 (J. Webb & C. Maugham eds., 1996).

<sup>9</sup> Emil Winkler, *Clinical Legal Education: A Report on the Concept of Law Clinics*, 2013, at [http://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](http://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf) (last visited Jan. 31, 2017).

<sup>10</sup> *Id.*

<sup>11</sup> Mohammed M. Meghdadi & Ahmad E. Nasab, *The Role of Legal Clinics in Human Rights Education: Mofid University Legal Clinic Experience*, 15 PROCEDIA SOC. BEHAV. SCI. 3014, 3015 (2011).

<sup>12</sup> NULAI Nigeria, *The Development of Clinical Legal Education*, NULAI Nigeria, 2015, at <http://www.nulai.org/index.php/blog/83-cle> (last visited Feb. 1, 2017).

From the Nigerian perspective, clinical legal education has been defined to mean

[T]he introductive of a new interactive method of teaching which focuses on immediate use and develops lawyering skills through group discussions, brainstorming exercise, debates, case studies, role plays, mock trials, simulation, use of ICT and multimedia's in training and considers ethical issues and also combines real life services....<sup>13</sup>

The teaching system in Nigeria is structured after the English system due to colonization with the teacher-centred approach to teaching on rote learning without emphasis on lawyering skills.<sup>14</sup> During the colonial era in Nigeria, there was no formal training of legal practitioners; rather, persons with basic education and knowledge of the English law were appointed to practise law after being certified as fit and proper to fit in the role as practitioners in Nigeria.<sup>15</sup> These categories of legal practitioners, known as local attorneys, were later joined by practitioners who were trained in Britain as either barristers or solicitors and by 1913, there were about 25 qualified practitioners which led to the end of granting access to unqualified persons to practise law in Nigeria.<sup>16</sup> A great anomaly in the system was that British-trained lawyers were trained either as a barrister or as a solicitor, but upon their return to Nigeria, they were practising in both capacities.<sup>17</sup>

To correct the anomalies, the Unsworth Committee was set up in 1959 to make recommendation on how to improve legal education in Nigeria.<sup>18</sup> The committee, in its report<sup>19</sup> made recommendations that Nigeria should have its own system of legal education, with a faculty of law and the Nigerian Law School to be established, a Council of Legal Education should be established and the qualification to practise law in Nigeria should be a law degree.<sup>20</sup> Based on these recommendations, the system of legal education in Nigeria became two-tiered, with the university degree and vocational training at the Nigerian Law School.<sup>21</sup>

During this era of legal education in Nigeria, the method was lecturer-dominated learning where the lecturer was seen as the fountain of knowledge and the lecturer's position was always final; then, the lecturer's notes and handouts are ultimate.<sup>22</sup>

The inception of clinical training into the Nigerian legal education system dates back to the participation of some scholars at the first All-Africa Clinical Legal Education Colloquium in Durban in June 2003. By October of the same year, the NULAI was established and four pilot law clinics were subsequently established in the four campuses of the Nigerian Law School.

Before this period, the pedagogy of legal education in Nigeria was rigid and confined students to theoretical perspectives without any form of exposure to develop their skills such as research skills,

<sup>13</sup> Omoyemen L. Odigie-Emmanuel, *The Impact of Clinical Legal Education Curriculum and Delivery on Students Performance: A Case Study of the Nigerian Law School*. Paper presented at 6th GAJE Worldwide Conference (Valencia, Spain, July 11–15, 2011), at <https://www.gaje.org/wp-content/uploads/2011/06/RESEARCH-FINDINGS.pdf> (last visited Jan. 31, 2017).

<sup>14</sup> Afolasade A. Adewumi & Oluyemisi A. Bamgbose, *Attitude of Students to Clinical Legal Education: A Case Study of Faculty of Law, University of Ibadan*, 3(1) ASIAN J. LEGAL EDUC. 106, 109 (2016). DOI: 10.1177/2322005815607142

<sup>15</sup> O. DOHERTY, LEGAL PRACTICE AND MANAGEMENT IN NIGERIA 8 (1998).

<sup>16</sup> M.O. Onalaja, Problem of Legal Education in Nigeria 4 (2010) (unpublished manuscript), at <http://www.alimiandco.com/publications/ACCREDITATION%20AND%20LEGAL%20EDUCATION%20IN%20NIGERIA.pdf> (last visited June 23, 2017).

<sup>17</sup> L.C.B. GOWER, INDEPENDENT AFRICA: THE CHALLENGE OF THE LEGAL PROFESSION 108 (1967).

<sup>18</sup> Onalaja, *supra* note 16, at 5.

<sup>19</sup> EIG UNSWORTH, REPORT OF THE COMMITTEE ON THE FUTURE OF NIGERIAN LEGAL PROFESSION (1959).

<sup>20</sup> *Id.*

<sup>21</sup> Onalaja, *supra* note 16, at 6.

<sup>22</sup> *Id.*

communication skills, advocacy skills, writing skills and several other skills that could prepare the students for actual legal practice.<sup>23</sup>

## Pedagogy of Clinical Legal Education in Nigeria

While the conventional method of teaching in Nigerian universities reflects the lecturer as the umpire, the approach in clinical legal education is a complete departure from this approach. Methods of instruction and guidance to students in clinics differ across the world, but there is a common approach which is the collaboration between the staff clinician (lecturer) and the students. Whichever method is adopted, the stages of learning from experience must be followed: experience, reflection, theory and application.<sup>24</sup>

An approach is to have structured modules to provide lectures on points of law supplemented by seminars<sup>25</sup> to train and instruct students on procedure. Some clinics are established as specialized mini law offices with all the attributes of a law office and specific areas of expertise such that there is a clear indication on the area of law that such clinics will provide services on. Specialized law clinics usually have professionally qualified clinicians<sup>26</sup> who oversee the services provided by students and ensure adherence to ethical standards.

Women's Law Clinic of the University of Ibadan provides services to live clients on women-related legal issues.<sup>27</sup> The clinic provides counselling services, education on women and girls' rights, alternative dispute resolution, outreach and field programmes. Law clinic students of Adekunle Ajasin University, Akungba, engage in public education and religious gatherings, schools and village gatherings to educate members of the public on their rights.<sup>28</sup> Lead City University law clinic engages in a weekly radio programme to educate members of the public on their rights and provides legal solution via a call in the segment of the radio programme.<sup>29</sup>

In order to not defeat its purpose, students should be given the responsibility to evaluate cases on their merits and choose the ones they want to accept. There will be the need to consult with their clinician on the appropriateness of the case. After this decision is made, the students take up the file and assume full responsibility of advising the client. Normally, the syllabus is drafted in a way that requires students to meet regularly to review their cases and seek further advice, if required.

Another approach to clinical legal education is by having guest lecturers who are drawn from practitioners of diverse backgrounds.<sup>30</sup> The guest lecturers have particular periods that they visit the clinic. The students are given the opportunity to interact with the guest lecturers and gain experience on law practice, with supervision carried out by a lecturer in the faculty.<sup>31</sup>

<sup>23</sup> NULAI Nigeria, *supra* note 12.

<sup>24</sup> Roy Stuckey, *Can We Assess What We Purport to Teach in Clinical Law Courses?* 9 INT. J. CLIN. LEGAL EDUC. 14, (2006).

<sup>25</sup> James Marson et al., *The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective*, 7 INT. J. CLIN. LEGAL EDUC. 29, 35 (2005).

<sup>26</sup> *Id.* at 35.

<sup>27</sup> University of Ibadan, *History of the Women's Law Clinic*, at <http://law.ui.edu.ng/women-law-history> (last visited July 7, 2017).

<sup>28</sup> OPEN SOCIETY JUSTICE INITIATIVE, *Legal Clinics: Serving People, Improving Justice*, at [https://www.opensocietyfoundations.org/sites/default/files/legalclinics\\_20090101.pdf](https://www.opensocietyfoundations.org/sites/default/files/legalclinics_20090101.pdf) (last visited July 7, 2017).

<sup>29</sup> A phone interview with Dapo Durosaye, anchor, Lead City University Clinic Radio Program (June 10, 2017).

<sup>30</sup> Marson et al., *supra* note 25, at 36.

<sup>31</sup> This approach is adopted by almost all law faculties in Nigeria during the occasion of law week programme which normally takes place during 2nd semester of every session.

Some law clinics such as the Women's Law Clinic of the University of Ibadan combine street law with their services. Street law is a kind of programme of clinical legal education that focuses primarily on creating awareness of legal rights and responsibilities through a community-based action.<sup>32</sup> Street law programmes focus on the specific needs of the marginalized groups in a society and address social inclusion.<sup>33</sup> To be effective, however, clinical legal education by the way of street lawyering must have clear goals and strategies to achieve the goals.<sup>34</sup> Assessment of the quality of students' work and impact made is usually done by community feedback.

A popular approach to clinical education in Nigeria<sup>35</sup> is by externship programmes as part of the curriculum. The externship could have credits attached to it or be zero credit; this is determined by the dictates of each law faculty. The externship programme takes the form of attaching students to courts and law offices for a specified duration with a view of learning about procedural aspects of law. In some universities in Nigeria, clinical education is championed by law students' societies by the way of outreach programmes to members of the community.

It is also common in Nigeria to have clinical education that does not involve live clients such as what obtains in the Nigerian Law School where students are placed on externship programmes. This is usually done by the way of creating clinical environments through simulations, whereby students form opposing groups and act out a scenario.<sup>36</sup> This could be by the way of moot court or any aspect of legal practice such as negotiation, mediation and legal research.

There is no hard and fast rule as to the method of clinical legal education. The important factor is to meet the set objective of the clinic. It may benefit clinics to combine more than one approach to have a more effective result. However, exposure to live clients at a point<sup>37</sup> will be highly beneficial to students.

## Why Clinical Legal Education?

Education goes beyond what is taught and learnt within the four walls of a classroom; rather, education encompasses the process of seeing, hearing, saying and doing whether consciously or unconsciously by our actions.<sup>38</sup> Thus, any form of education should reawaken the moral order inherent in humans and mould humans to be good members of the society.<sup>39</sup>

The essence of legal education is to develop law students to have the abilities to

[C]ombine different types of knowledge, assess alternatives, develop innovative strategies, debate and persuade, enhance research and writing skills, build listening and argumentative skills, discern underlying ideological assumptions, suggest reforms in keeping with an affective value system, respect diversity, use ICT to improve professional capabilities; and above all, prepare them for the world that confronts them.<sup>40</sup>

<sup>32</sup> Winkler, *supra* note 9, at 21.

<sup>33</sup> Bamgbose Oluyemisi, *Access to Justice through Clinical Legal Education: A Way Forward for Good Governance and Development*, 15 AFR. HUM. RIGHTS J. 378, 387–88 (2015).

<sup>34</sup> Richard H. Grimes et al., *Street Law and Social Justice Education*, IN THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (F.S. Bloch ed., 2011).

<sup>35</sup> Nigerian Law School and most private universities in Nigeria.

<sup>36</sup> This is usually organized by students' law associations and students' chambers in form of competitions. A usual practice is to invite law faculties of other universities as opponents in the competition.

<sup>37</sup> Preferably during the penultimate year.

<sup>38</sup> YOUTH AND EDUCATION: AFRICA'S 21ST CENTURY YOUTH; EVERYONE A FISHERMAN 52–53 (Emmanuel O. Anyiam-Osigwe et al. eds., 2002).

<sup>39</sup> YOUTH AND EDUCATION IN A CHANGING WORLD 18 (Emmanuel O. Anyiam-Osigwe eds., 2002).

<sup>40</sup> Gurpur & Rautdesai, *supra* note 2, at 256.

With information and communications technology (ICT) advancement and evolvement of the world into a global village, there is a need to produce the twenty-first-century lawyers in Nigeria who could solve societal problems and face the global challenge. The clamour for a change in the legal education system in Nigeria was witnessed in the early 2000s which led to the establishment of law clinics across the Nigerian Law Schools in 2004.<sup>41</sup> The curriculum of the clinical legal education in Nigeria was compiled by a renowned professor of law, Ernest Ojukwu,<sup>42</sup> who championed the cause for the establishment of law clinics in Nigeria. According to Ojukwu, a law clinic provides an avenue to address what is taught at law schools and how to achieve the teaching and learning goals as necessary in educating lawyers.<sup>43</sup>

Several arguments have been put forward on the need to adopt the clinical method of teaching law as opposed to the conventional classroom method. Law clinics that serve the citizens who otherwise would have been deprived of legal services have been said to be valuable to students by providing them with the opportunities to learn how the law functions or otherwise how the law fails to function.<sup>44</sup> The idea behind clinical legal education is to get students to practise law in a real-life scenario with the belief that they will have a better understanding of what they are learning when they get back to the classroom without being confined to classrooms or casebooks.<sup>45</sup> Thus, skills' training through representation of live clients is the methodology of clinical legal education.<sup>46</sup>

There is a consensus that clinical legal education builds self-confidence and improves public speaking skills as the introvert students have been recorded to become bold, assertive and confident.<sup>47</sup> The result of the questionnaire administered to students across Nigeria in the course of this study revealed that 63.5 per cent of the students who participated in this study assert that they are more confident about practising law. Interactions with students that have participated in one form of clinic activity or the other<sup>48</sup> revealed that the students are more assertive in their claims and arguments. A particular student, Matilda, shared her experience during a focus group discussion where she said,

[B]efore I got involved in clinic activities, I always believe[d] it [wa]s normal to have sympathy for people with legal problems but with the sword in my hands, I have learnt to draw the line between sympathy and empathy in order to fully represent a client to the best of my abilities.<sup>49</sup>

To train students in drawing the line between sympathy and empathy, motivation can be drawn from the responsibilities of assisting a live client with a case. At this stage, the enthusiasm level is high and the consciousness of students' responsibilities towards their live clients could develop into social responsibilities to provide legal services to the less privileged members of the society. By this activity, students will gradually become aware of the social problems in their society<sup>50</sup> and awaken them to explore several aspects of law. This awareness will get students to think on how to solve individual and social problems.

<sup>41</sup> O.V.C. Ikpeze, *Legal Education in the 21st Century Nigeria: Need for Diversity in the Content Paradigm*, 39 J. LAW, POLICY AND GLOBAL. 63, 68 (2016).

<sup>42</sup> *Id.*

<sup>43</sup> Ernest Ojukwu, *Clinical Legal Education for Nigerian Universities Law Faculties/Clinics*, NULAI Nigeria (Oct. 8–9, 2006).

<sup>44</sup> DEBORAH RHODE, *IN THE INTERESTS OF JUSTICE: REFORMING THE LEGAL PROFESSION* 199 (2000).

<sup>45</sup> WILLIAM PINCUS, *CLINICAL EDUCATION FOR LAW STUDENTS: ESSAYS* 125 (1980).

<sup>46</sup> Wizner, *supra* note 7, at 1934.

<sup>47</sup> Adewumi & Bamgbose, *supra* note 14, at 112.

<sup>48</sup> Based on interviews with students that represent their universities in various competitions such as client interview and moot competitions.

<sup>49</sup> A focus group discussion with student clinicians of Lead City University, Ibadan, during their law week programme in March 2017.

<sup>50</sup> Wizner, *supra* note, at 1935.

Law students need to learn that law is just not about justice, but it is also a political tool for the acquisition, exercise and defence of power.<sup>51</sup> Law students need to learn the political ideology behind lack of access to justice and mal-distribution of social justice. The end goal of clinical legal education should be to contribute to national development and social change.<sup>52</sup> In this sense, clinical legal education can be said to reflect the whole essence of education by combining the moral, intellectual and technical aspects of human development.<sup>53</sup> The departure from rote learning and adoption of activity-based learning forms the basis of students' educational experience with the educators serving as models to students.<sup>54</sup>

Additionally, with the inadequacies of legal aid schemes across Africa,<sup>55</sup> law clinics are the perfect *locum tenens* [to substitute for] to provide legal services to indigent members of the society. Law clinics help to promote the values needed to achieve access to justice, even to the most disadvantaged groups in the society.<sup>56</sup> Legal aid is purposely to make readily available legal services to members of any society, irrespective of their social or economic status.<sup>57</sup> Considering the criminal justice system, high level of illiteracy and poverty rate in Africa, legal aid is considered a necessity to assist the social and economic disadvantaged members of the society who would otherwise be disproportionately represented in the justice system.<sup>58</sup>

Ordinarily, the provision of legal aid is the primary responsibility of the government on the mandate of international, regional and national instruments, but non-state actors such as members of the legal profession and non-governmental organizations have been recognized to complement the efforts of the government.<sup>59</sup> In Nigeria, the Legal Aid Act, 2011 provides the scope and institutional bodies for legal aid in the country. In the Act, lawyers, fresh law graduates on national service for a year, non-governmental organizations, law clinics and paralegals are all recognized as providers of legal aid.<sup>60</sup>

It is, however, interesting to note that while Nigeria can boast of a robust legal framework for legal aid services, prison congestion is just one of many areas where legal aid is highly required. In the 2015 report of the National Human Rights Commission, there are over 56,800 inmates in Nigerian prisons with about 40,000 of the inmates awaiting trial, while the inmate capacity is estimated slightly above 28,000.<sup>61</sup> The high number on inmates awaiting trial has been attributed to the inability to afford legal services.<sup>62</sup> With the inability to meet up with legal aid services in Nigeria, there is the need to pay attention to services that law students may have to offer in contributing their quota to the justice system in the country.

<sup>51</sup> *Id.* at 1937.

<sup>52</sup> NULAI Nigeria, *supra* note 12.

<sup>53</sup> Adewumi & Bamgbose, *supra* note 14, at 109.

<sup>54</sup> C.D. Ciccone & M.L. Wolfner, *Clinical Affiliations and Post Graduate Job Selection: A Survey*, 8 CLIN. MANAGE. 8, 13 (1988).

<sup>55</sup> David Mcquid-Mason et al., *Clinical Legal Education in Africa: Legal Education and Community Service*, IN THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (Frank S. Bloch ed., 2011).

<sup>56</sup> Peggy Maisel, *Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa*, 20 FORDHAM INT. LAW J. 375 (2006).

<sup>57</sup> UNITED NATIONS OFFICE ON DRUGS AND CRIMES (UNODC), HANDBOOK ON IMPROVING ACCESS TO LEGAL AID IN AFRICA 7 (2011).

<sup>58</sup> *Id.* at 10.

<sup>59</sup> *Id.* at 14.

<sup>60</sup> Legal Aid Act, §§14–17 (2011).

<sup>61</sup> NATIONAL HUMAN RIGHTS COMMISSION, NHRC 2015 ANNUAL REPORT, at <http://www.nigeriarights.gov.ng/download.php> (last visited July 5, 2017).

<sup>62</sup> Aileru Olayinka, *Legal Aid Act 2011, Untapped Goldmine in Decongesting Nigerian Prisons*, THE GUARDIAN, 10 (May, 2016). <https://guardian.ng/features/law/legal-aid-act-2011-untapped-goldmine-in-decongesting-nigerian-prisons/> (last visited Sept. 16, 2017).

## Challenges for the Sustainability of Law Clinics in Nigerian Universities

### Funding

The most challenging hindrance to the development and sustainability of law clinics in Nigerian universities is a stable source of funding.<sup>63</sup> Even where there are grants, the funders set the priorities of the fund which limits and affect the types of cases that clinics can deal with at every point in time.<sup>64</sup> By setting priorities, clinics are restricted to a special aspect of law or group of people to provide legal services in compliance with the funding terms. Most Nigerian universities law clinics receive very limited funding from their institutions and in most cases, this funding is normally attached to the budget of the law faculties.<sup>65</sup> In essence, managers of the clinics have to strategize on how to constantly raise funds for the activities and smooth running of the clinics.<sup>66</sup>

Inadequate funding of faculties of law in Nigeria has extended to the inability of these faculties of law to provide up-to-date infrastructures essential for the study of law and sustenance of law clinics.<sup>67</sup> These infrastructures include up-to-date ICT equipment, up-to-date library resources, adequate accommodation and transportation problems for outreach programmes, and inadequate power supply.

### Qualified Staff Inadequacy

Managing a law clinic and supervising students' activities within the university system are rigorous activities, and it requires more labour<sup>68</sup> to effectively manage these activities. The work of the faculty clinician cannot be compared to regular traditional classroom teaching. The activity involves illustrations, demonstrations and close supervision of the activities of the students in order to ensure total compliance with ethical standards.

Being a clinician goes beyond the usual classroom teaching. As such, a qualified legal practitioner who is up to date with the rules of courts and professional conduct is most ideal for this position. Most practitioners of this calling are not easy to come by in academics. By the way of exception are the academics who also practise litigation alongside their teaching duties; in most cases, these academics are not specially trained in clinical education and oftentimes cannot afford the time to be clinicians. This kind of situation usually leaves the fate of students in the hands of a regular academic who serves as the clinician.<sup>69</sup>

Having not been trained in clinical legal education, most Nigerian lecturers lack the technical know-how of how and where to start from. It is, however, consoling that a lot of law teachers in Nigeria are gearing towards clinical legal education research and training to enhance their capacity. Global Alliance

<sup>63</sup> Adewumi & Bamgbose, *supra* note 14, at 109.

<sup>64</sup> *Id.* at 388.

<sup>65</sup> Fact derived from physical and phone interviews with many clinic administrators of university law clinics across Nigeria.

<sup>66</sup> As seen in the case of Women Law Clinic of the University of Ibadan, Nigeria.

<sup>67</sup> The Nation, *Fifty Years of Legal Education in Nigeria: A Critique*, The Nation, Feb. 11, 2014, at <http://thenationonline.net/50-years-of-legal-education-in-nigeria-a-critique/> (last visited June 25, 2017).

<sup>68</sup> Leslie A. Greenbaum, *Teaching Legal Writing at South African Law Faculties: A Review of the Current Position and Suggestions for the Incorporation of a Model Based on New Theoretical Perspectives*, 15 STELLENBOSCH LAW REV. 3, 18 (2004).

<sup>69</sup> The Nation, *supra* note 67.

for Justice Education has reported an impressive number of Nigerians participating at the bi-annual conference and training session on clinical legal education.<sup>70</sup>

However, since clinical legal education is not about rote teaching but rather an interactive session, the students can also add to the knowledge of the clinician. Faculties of law across the country should have a policy, encouraging personnel who participate in any form of training to further train other personnel on clinical legal education. Additionally, students should be actively involved in training process and should be encouraged to participate in clinical trainings outside their universities.

### *Level of Acceptance of Clinical Legal Education*

High interest on the parts of students as against initial low lecturers' involvement has been reported as a challenge in starting a legal clinic.<sup>71</sup> Incorporating clinical legal education entails changing the curriculum for legal education which many were resistant to at the initial stage, hence the lukewarm reception of clinical legal education in Nigeria. The idea of involving non-professionals in acts of legal practice met a resistance from the professional legal practitioners as well.<sup>72</sup> This resistance could be due to several factors, ranging from the lack of direction as to what courses to introduce and who to employ to take the courses<sup>73</sup> to factors like availability of resources to manage the clinic.

While the advocacy for clinical legal education is ongoing in Nigeria and while Council of Legal Education<sup>74</sup> had mandated the establishment of law clinics and moot courts in all law faculties across the country, the resistance to change by some stakeholders<sup>75</sup> still affects the acceptance of clinical legal education. Consequently, the situation is such that most law faculties actually established law clinics and moot courts by way of compliance with the requirements of the regulatory body but are largely yet to fully integrate law clinics and legal skills into the legal education system.<sup>76</sup> Nigerian Association of Law Teachers (NALT) also has a role to play by ensuring that there is at least a plenary session or workshop on training law teachers during the annual NALT conference.

## **Impact of Clinical Legal Education on Academic Performance of Students**

While the main essence of clinical legal education is to learn from providing pro bono legal services to the less privileged members of a society which may not necessarily be efficient, the learning process should be capable of creating a reflective and public-minded legal profession for the future.<sup>77</sup>

<sup>70</sup> Global Alliance for Justice Education, at <https://www.gaje.org/> (last visited July 6, 2017).

<sup>71</sup> ASSOCIATION OF UNIVERSITY LEGAL AID INSTITUTIONS, OPEN SOCIETY JUSTICE INITIATIVE & UNIVERSITY OF NATAL, COMBINING LEARNING AND LEGAL AID: CLINICS IN AFRICA, REPORT ON THE FIRST ALL-AFRICA COLLOQUIUM ON CLINICAL LEGAL EDUCATION (June 23–28, 2003), at <http://www.justiceinitiative.org/> (last visited July 7, 2017).

<sup>72</sup> *Id.*

<sup>73</sup> JOSEPH D. HARBAUGH & ROBERT M. BASTRESS, INTERVIEWING, COUNSELING AND NEGOTIATION 393 (1990).

<sup>74</sup> Which is the supervisory body of legal vocational training in Nigeria law school, created by the Legal Educations Act, 1962.

<sup>75</sup> Such as management authorities saddled with the responsibilities of releasing funds.

<sup>76</sup> The Nation, *supra* note 67.

<sup>77</sup> Richard J. Wilson, *Training for Justice: The Global Reach of Clinical Legal Education*, 22 PENN. STATE INT. LAW REV. 421, 423–24 (2004).

A study of the faculty of law, University of Ibadan, revealed that students under the rote learning of legal education were in the habit of missing classes and not paying attention during lectures.<sup>78</sup> Long dictation of notes, non-requirement of feedback, inadequate understanding and minimal interaction with students were among the factors identified for this attitude, with the end result being high failure rate.<sup>79</sup>

On the other hand, students are proactive learners in clinical legal education since they learn based on what they do and see. The study of University of Ibadan showed that students showed positive attitude towards clinical learning since both students and lecturers were able to contribute and share knowledge with higher rate of interaction.<sup>80</sup> Clinical legal education promotes reflection because students are able to evaluate and discuss their actions.<sup>81</sup> The learning experience provided by clinical legal education cannot be replicated in any classroom setting.<sup>82</sup> Since the introduction of clinical legal education in 2007 at the University of Ibadan, higher participation and grades have been recorded with zero withdrawal rate.<sup>83</sup>

Students have the opportunity to have a sense of satisfaction on impacting someone's life. By empowering students and giving them responsibilities, they have a duty towards their clients which contributes to the growth of the confidence of students.<sup>84</sup> Experience gained from active participation in real-life scenarios had been established to motivate law students and make them eager for legal practice.<sup>85</sup>

Clinical legal education further enhances the research skills of law students.<sup>86</sup> This is evident in that while teaching of substantive law and simulation cases are usually restricted to specific subject areas of law, in real-life cases, it is practically impossible to have a client's legal problem limited to one aspect of law. When students are faced with situations like this, they will be forced to strategize on aligning the various aspects of law involved and come up with a practical solution to the client's problem.

## Conclusion

It is trite that there are enormous unmet needs of legal services in Nigeria among the poor, vulnerable people and people that cannot afford legal services. There is no gainsaying that faculties of law in Nigeria are taking the bull by the horns in supporting legal aid services across the country. The role of students in supplementing the unmet legal services needs in Nigeria has been explored.

The idea behind clinical legal education is to provide a platform for law students to practise substantial law in a real-life scenario while at the same time advancing social justice by providing pro bono legal services to members of the community who would otherwise not have the privilege of legal services due to poverty or ignorance. Law students have been established to improve their academic performance, analytical skills, research and writing skills by being involved in clinic activities.

By taking the realm of clinical legal education a step further by all Nigerian universities to include services to live clients, the university system will take a lot of burden off the legal aid council by supplementing legal aid services in Nigeria while at the same time enhancing the capacity of their students.

<sup>78</sup> Adewumi & Bamgbose, *supra* note 14, at 111.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> Winkler, *supra* note 9, at 28.

<sup>82</sup> Marson et al., *supra* note 25, at 31.

<sup>83</sup> Adewumi & Bamgbose, *supra* note 14, at 111.

<sup>84</sup> Focus group discussion with law students of Lead City University, Ibadan, Nigeria.

<sup>85</sup> Marson et al., *supra* note 25, at 31.

<sup>86</sup> Eighty-three per cent of responses from questionnaire administered favour this position.

## Recommendations

To improve the status and credibility of the legal profession in Nigeria, there is the need to adopt clinical legal education as a necessary aspect of legal education in Nigeria. Although the regulatory bodies, National Universities Commission and the Council of Legal Education, prescribe as part of the requirements to run a law programme the need for a moot court and legal clinic, there is the need to show more will power in true clinical legal education on the part of the stakeholders. Experience has shown that once approved, most law faculties in Nigeria do not make actual use of the moot court and law clinic for social justice education. The main essence of this requirement is oftentimes defeated. In this light, faculties of law across Nigeria need to recommit to pedagogy of clinical legal education. It is high time we abandoned rote learning method in legal education.

To address the issue of funding of clinics in Nigerian universities, faculties of law can make use of postgraduate students to teach basic legal skills to students at lower levels to prepare them for clinic work. Also, these postgraduate students can put in credit hours at the clinics to supervise the activities of students in the clinics as it obtains in South Africa. This will go a long way in saving cost while exposing the students to a wide variety of experience. Additionally, clinics can collaborate with the legal aid departments of their various states and have legal aid lawyers come in from time to time to evaluate the work of the students.

To strengthen clinical legal education in Nigeria, there may be a need to have a uniform student-oriented body similar to NULAI where all clinic students can gather and share experiences. By so doing, students will be further motivated and committed to their clinical activities. Furthermore, the idea of clinical legal education for every Nigerian student should be geared towards serving live clients at one point or the other during their legal training. However, this can only be achieved if the students have a sense of responsibility to their communities and are ready to make sacrifices to make such a uniform body become a reality.

Finally, there is the need to incorporate clinical teaching into the mainstream of legal education in Nigeria. Intensive trainings on the importance and benefits of clinical teaching should be organized as a compulsory session by the Council of Legal Education where each law faculty must send at least two lecturers/clinicians for attendance and active participation. The duty to ensure acceptance and incorporation of law clinics further lies in the Nigeria Association of Law Teachers by stressing the need for clinical legal education at each of its gathering.