

**AN EXAMINATION OF THE ROLE OF CLINICAL LEGAL EDUCATION IN  
PROMOTING LEGAL PRACTICE IN NIGERIA**

**BY  
Suleiman, ABUBAKAR  
P16LAPU8039**

**A DISSERTATION SUBMITTED TO THE SCHOOL OF POSTGRADUATE  
STUDIES, AHMADU BELLO UNIVERSITY, IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE AWARD OF MASTERS IN LAW DEGREE (LL.M)**

**DEPARTMENT OF PUBLIC LAW,  
FACULTY OF LAW,  
AHMADU BELLO UNIVERSITY,  
ZARIA, NIGERIA**

**NOVEMBER, 2021**

## DECLARATION

I hereby declare that this Dissertation has been written by me and that it is a record of my own research work. It has not been presented or published anywhere. All materials quoted and referenced in the research are duly acknowledged as footnotes.

---

*Suleiman ABUBAKAR*

---

*Date*

## CERTIFICATION

This Dissertation titled: An Examination of the Role of Clinical Legal Education in Promoting Legal Practice in Nigeria *by Suleiman ABUBAKAR* meets the regulations governing the award of the degree of Master of Laws (LL.M) of Ahmadu Bello University, Zaria and is approved for its contribution to knowledge and literary presentation.

---

**Prof. A. R. AGOM**  
Chairman, Supervisory Committee

---

**Date**

---

**Dr. S.B. MAGASHI**  
Member, Supervisory Committee

---

**Date**

---

**Dr. S.B. MAGASHI**  
Head, Department of Public Law

---

**Date**

---

**Prof. S. ABDULLAHI**  
Dean, School of Postgraduate Studies

---

**Date**

## **DEDICATION**

This dissertation is dedicated to Allah (SWT), with whom all things are possible, to my parents – Abubakar S. Muhammad, Ummi Khadijat, Ummi Salamatu and Ummi Mariya-who taught me the value of knowledge and to all advocates of Clinical Legal Education in Nigeria.

## ACKNOWLEDGEMENT

All my praises and gratitude are exclusively due to Almighty Allah who has given me the opportunity to attain this status. May the blessings, benedictions and salutations of Allah be upon his beloved prophet Muhammad (SAW); whom through his indefatigable propagation of the *Deen of Allah*, bless me with Islam, his companions, members of his household and those who follow His part till the day of resurrection.

My profound gratitude goes to my parents, Abubakar Sabo Mohammad, Ummi-Khadijah (Late), Ummi-Salamatu and Ummi-Mariya for their moral, educational and financial support for my up bring to this level in life. The entire family members also deserve kudos for their immerse contribution to achieving my dream.

I remain grateful to my supervisors Prof. A. R. Agom and Dr. S. B. Magashi whose constructive criticism and painstaking review greatly influenced the quality and content of the research. My appreciation also goes to Prof. B. Babaji, Prof. Ahmad I. Aliyu, Dr. A. Is'haq, Dr. F.A. Kera, Dr. I. Abdulkarim, Prof. A. M. Madaki, Prof M. T. Ladan, Prof. J. A. M. Audi, Prof. K. M. Danladi, Dr. Dalhat Idris Prof. M.B Uthman, Prof. A.M Gurin, Prof. Yusuf Dankofa, Dr. Hassan Bala Esq, Abdul Mohammed (Rafindadi) SAN, U.S. Bebeji Esq, Dr. Aliyu Abdullahi, Dr. Ibrahim Shehu, not only for the knowledge I gained from them as teachers. Also for being worthy role models to several others and me.

I owe an unquantifiable gratitude to an Icon; Prof. K.M. Danladi, who have impact more than 50% of the knowledge I acquired in the legal profession through his teaching. Thank you Sir, may Allah increase you in wealth, health, piety, goodness and faith, and may this invocation extend to your genealogy at large.

My sincere gratitude also goes to my brother, companion, teacher, motivator and chief coordinator Dr. A. Is'haq, for the guidance and support in my education. May Allah increase

you in wealth, health, piety, goodness and faith, and may this invocation extend to your genealogy at large.

Deserving special acknowledgment are my principals; M. Baba Esq, S. M. Rilwanu Esq, Abdul Mohammed (Rafindadi) SAN and Usman Umar Fari Esq. Also deserving this acknowledgment are my friends; Muhammad Nura Aliyu Esq, A.U. Hajji Esq, Nasiru Haladu Yunusa, Tanko Yusuf Atiku Esq, Abdurrazaq M. Bello, Shehu Saddam Sulaiman Esq, Usman Idris Esq (C.H), Musa Danladi Esq, (Abba Keffi), Bashiru Ibrahim Esq, Ibrahim Idris Yunusa Esq, Sadiq Abba Usman Esq (C.J), Lukman Hussain Esq, Muhammad Awwal Mijinyawa Esq, Ahmad Mati, all members of U09(UME) / U10(DE), and all student-clinicians in A.B.U Law Clinics. I say thank you all.

My acknowledgement will be incomplete without acknowledging Prof. Ernest Ojukwu, Odi Lagi and Mahmud Yusuf (Assistant Program Officer NULAI Nigeria) for the Clinical Legal Education materials they assisted me with throughout the research. My wife, Aisha Saneeya Abdulhamid, my son, Ammar and my Brother Ohinoyi (Muhammad Salisu Mayyaki), you all deserved an unreserved appreciation. Brother Abdulrahman Abubakar and my other siblings you remain a brothers and sisters in need.

My special appreciation goes to Dr. Hussaini Bala of Department of Accounting, Kaduna State Polytechnic and Ibrahim Hayatu Hassan of Iya Abubakar ICT Centre, Ahmadu Bello University, Zaria, for teaching me the SPSS packages used in running the data collected for the research.

I remain grateful to everyone who enriches my life positively in the campus and beyond.

## TABLE OF CASES

	Pages
1. <i>Abdul Isma'il v. C.O.P. Kaduna State &amp; Ors</i> Unreported Suit No. KDH/Z/305/2014,	80
2. <i>Abubakar v. Dankwambo &amp; Ors</i> (2015) LPELR-25698(CA) pp. 25-26, paras. A-D.	38
3. <i>Adefulu v. Okulaja</i> (1998) 58 LRCN 3365 @ 3699	67
4. <i>Akilu v. Fawehinmi (No.2)</i> (1989) 2 NWLR (pt. 102) 122 @ 207	70
5. <i>Atake v. Afejuko</i> (1994) 9 NWLR (pt. 387), 379 @ pp. 403-404,	37
6. <i>Balogun v. Akanji</i> (1992) 1 NWLR (pt.225) 591 @ 606	84
7. <i>Bille v. State</i> (2016) 15 NWLR (pt. 1536) 363 @ 390	7, 58
8. <i>Camac (Nig) Ltd v. Sabaco Ltd</i> (2016) LPELR-40520(CA) pp. 7-8, paras. D-C,	38
9. C.O.P Kaduna State v. Abdul Isma'il Unreported Case No: ZAK/152 <sup>c</sup> /2013	80
10. <i>Commissioner of Police v. Ali</i> (2003) FWLR (pt. 157) 1164	69
11. <i>Fawehinmi v. N.B.A. (No.2)</i> (1989) 2 NWLR (pt. 105) p. 558 @ 618	60, 69
12. <i>Jafaru Adamu v. COP, Clinic File No; J4A/ABULC/004. Suit No: KDH/Z/95/14</i>	82
13. <i>Kwaptoe v. Victor Tsenyil</i> (1990) 4 NWLR (pt. 600) 571 @ 575	63
14. <i>Madu v. Okeke</i> (1998) 5 NWLR (pt. 548) 158 @ 164	65
15. <i>Milam v. Medical &amp; Dental Practitioners Investigation &amp; Anor</i> (2018) LPELR-45531 (CA) pp. 21-22. Paras. C-F. - - - - - - - - -	7
16. <i>Mohammed v. State</i> (1991) 5 NWLR (pt. 192) 438 @ 456 - - -	69
17. <i>N.U.C. v. Alli</i> (2014) All FWLR (pt. 715), p. 288, paras. B-D,	47
18. <i>NBA v. Aladejobi</i> (2008) 14 NWLR (PT. 1108) 611	49
19. <i>NBA v. Iteogu</i> (2006) 13 NWLR (Pt. 996) 219 at 247	55
20. <i>NBA v. Koku</i> (2006) 11 NWLR (pt. 999) 431 at 453.	60

<b>21. <i>Nigeria Custom Service Board v. Mohammed</i> (2015) LPELR-25938(CA) pp. 37-40, paras. D-B. --</b>	<b>91</b>
<b>22. <i>Ntoe Iso v. Eno</i> (1999) 2 NWLR (pt. 509) 208</b>	<b>62</b>
<b>23. <i>Odion v. Assistant Inspector General of Police</i> (2013) LPELR-20698 (CA) pp. 21-25--</b>	<b>92</b>
<b>24. <i>Okon v. State</i> (1995) 1 SCNJ, 174 at 180</b>	<b>69</b>
<b>25. <i>Okonjo v. Council of Legal Education</i> (1979) D.A.C. 28</b>	<b>45</b>
<b>26. <i>Olusemu v. COP</i> (1998) 11 NWLR (pt. 575) 547,</b>	<b>69</b>
<b>27. <i>Onigbongbo Community v. Minister of Lagos Affairs &amp; 31 Ors</i> (1972) 2 U.I.L.R, 235 .</b>	<b>60</b>
<b>28. <i>Onile-Ere v. Onile-Ere</i> (2016) LPELR-40354 (CA) pp. 7-8, para C,</b>	<b>38</b>
<b>29. <i>Osahon v. FRN</i> (2005) 16 NWLR (pt. 845) p. 89</b>	<b>69</b>
<b>30. <i>Plateau State University v. Joseph &amp; Ors</i> (2018) LPELR-46049 (CA) pp. 14-29, paras. C-E.</b>	<b>38</b>
<b>31. <i>Rondel v. Worsely</i> (1967) 3 ALL ER 567 @ 993</b>	<b>7</b>
<b>32. <i>Secretary Iwo Central Local Govt. v. Adio</i> (2000) FWLR (pt.7) p. 1142 @ 1169</b>	<b>69</b>

## TABLE OF STATUTES

<b>1.</b> <i>Education (National Minimum Standards and Establishment of Institutions) Act 2004-</i>	-	-	-	-	-	-	-	-	-	-	<b>40, 41, 43, 44</b>
<b>2.</b> <i>Legal Aid Act, 2011</i>	-	-	-	-	-	-	-	-	-	-	<b>8, 9, 52, 53</b>
<b>3.</b> <i>Legal Education (Consolidation, etc) Act, 2010</i>	-	-	-	-	-	-	-	-	-	-	<b>45</b>
<b>4.</b> <i>Legal Practitioners Act Cap L11, Laws of the Federation of Nigeria 2004</i>	-	-	-	-	-	-	-	-	-	-	<b>38, 47, 48</b>
<b>5.</b> <i>National Universities Commission Act ,Cap N81 Laws of the Federation of Nigeria,</i>	-	-	-	-	-	-	-	-	-	-	<b>40</b>
<b>6.</b> <i>Rules of Professional Conduct for Legal Practitioners (2007)</i>	-	-	-	-	-	-	-	-	-	-	<b>7, 45</b>

## ABSTRACT

*Clinical Legal Education (CLE) is an experiential learning process of teaching law that was introduced with the major aim of producing lawyers with community consciousness, ethical skills and competence to handle legal issues in accordance with the global best practice. This research examined the role of CLE in promoting legal practice in Nigeria by analysing the activities of Law Clinics and the Clinicians to see how they are helpful to the society and the law students aspiring to becoming lawyers in line with global best practice. The research relates experiences of law students in projects such as social justice and public interest lawyering which cover Prison/pre-trial detainees project, Community outreach/street law, the Stop Torture Project, Freedom of Information Act Projects and client interview and counselling among other activities of Law Clinics. The choice of this research is burnout of the recent constant attacks on the legal profession from the Bar and/or Bench that many attributed to the nature of half-baked and unethical lawyers produced yearly from the University because of the strict nature of teaching law in theories devoid of practice/practical application of the theories to real life issues. The problem of the research borders on the non-inclusion of practical skills and legal ethics in the legal education curriculum and the problem of the failure of lawyers to embrace the professional values of providing free legal service to the indigent members of the society. The first objective of the research is to look at the extent at which law students through constant application of CLE Methodologies can effectively integrate legal ethics. Secondly, to examine how the Nigerian Universities can adequately educate law students through the content and methodologies of CLE curriculum to perform effectively after graduation. Finally, to examine how CLE can inculcate the habit of rendering free legal service by students to indigent members of the society. The research used doctrinal, empirical and teleological methods of research. The findings of the research includes insufficient ethical curriculum for teaching law courses in the universities, resistance from law students due to over-population in the classroom and resistance from some legal practitioners, judges and law lecturers. The research finally recommended the incorporation of CLE ethical curriculum in law courses taught in the university, mandatory use of formative assessment methodologies in teaching law courses and CLE advocates need to partner with NBA and the judiciary for effective implementation of CLE.*

## TABLE OF CONTENTS

Title Page	...	i
Declaration	...	ii
Certification	...	iii
Dedication	...	iv
Acknowledgement	...	v
List of Cases	...	vi
List of Statutes	...	vii
Abstract	...	viii
Table of Contents	...	ix
List of Tables	...	xv
List of Abbreviations	...	xvii
List of Appendices	...	xviii

### CHAPTER ONE GENERAL INTRODUCTION

1.1	Background of the Study - - - - -	1 - 3
1.2	Statement of Research Problem- - - - -	3 - 10
1.3	Aims and Objectives of the Research- - - - -	10 - 11
1.4	Justification- - - - -	11
1.5	Scope of the Research- - - - -	11 - 12
1.6	Research Methodology - - - - -	12 - 15
1.7	Literature Review- - - - -	15 - 19
1.8	Organizational Layout - - - - -	19 - 20

### CHAPTER TWO CONCEPTUAL CLARIFICATION

2.1	Introduction- - - - -	21
2.2	Legal Education- - - - -	21 - 24
2.3	Clinical Legal Education in Nigeria- - - - -	24 - 37

2.4	Legal Practice in Nigeria - - - - -	37 - 39
-----	-------------------------------------	---------

**CHAPTER THREE  
THE LEGAL FRAMEWORK FOR LEGAL EDUCATION AND ETHICS  
NIGERIA**

3.1	Introduction - - - - -	40
3.2	National University Commission Act - - - - -	40 - 43
3.3	Education (National Minimum Standards and Establishment of Institutions) Act - - - - -	43 - 45
3.4	Legal Education (Consolidation) Act - - - - -	45 - 47
3.5	Legal Practitioners Act- - - - -	47 - 52
3.6	Legal Aid Act 2011- - - - -	52 - 54
3.7	Ethics as a Nucleus for Achieving the Goals of Clinical Legal Education in Nigeria - - - - -	54
3.7.1	Rules of Professional Conduct for Legal Practitioners 2007- - - - -	54- 56
3.7.2	Duty of Court to Counsel- - - - -	56 - 61
3.7.3	Duty of Counsel to Client- - - - -	61 - 65
3.7.4	The Role and Duties of Counsel to Court - - - - -	65 - 70

3.7.5	Discipline of Legal Practitioners	-	-	-	-	-	-	-	70	-
									72	

3.7.6	Codes of Conduct for Judicial Officers	-	-	-	-	-	-	-	72	-
									73	

**CHAPTER FOUR  
THE ROLE OF CLINICAL LEGAL EDUCATION IN PROMOTING LEGAL  
PRACTICE IN NIGERIA**

4.1	Introduction	-	-	-	-	-	-	-	74	-
									75	

4.2	Social Justice and Public Interest Lawyering Projects	-	-	-	-	-	-	-	75	-
									76	

4.2.1	Prison/Pre-Trial Detainee Projects	-	-	-	-	-	-	-	76	-
									79	

4.2.2	Professional Responsibility and Ethics in Prison Pre-Trial Detainees' Project-								79	-
									91	

4.2.3	The Stop Torture Project	-	-	-	-	-	-	-	91	-
									93	

4.2.4	Providing Access to Justice and Support Services for Victims of Police Brutality (ENDSARS) Project-								93	- 96
-------	---	--	--	--	--	--	--	--	----	------

4.2.5	Community Outreach/Street Law Projects-								96	- 98
-------	---	--	--	--	--	--	--	--	----	------

4.2.6	Freedom of Information Act Projects-								99	-
									102	

4.3	The National Client Interviewing and Counselling Skills Projects	-	-						102-	
									105	

4.4	The Ahmadu Bello University Law Clinic Committees	-	-	-	-				105-	
									108	

4.5 A.B.U Law Clinic Internship Programme-	-	-	-	-	-	-	-	-	108-
110									

**CHAPTER FIVE  
DATA PRESENTATION AND ANALYSIS**

5.1 Introduction-	-	-	-	-	-	-	-	-	-
111									
5.2 Socio-Demographic Characteristics of the Respondents -	-	-	-	-	-	-	-	-	111-
113									
5.3 General Knowledge of the Respondents about Clinical Legal Education (CLE) Methodology and Importance of Legal Ethics in Teaching Law -	-	-	-	-	-	-	-	-	113-
119									
5.4 Respondents' Perception on the Importance Clinical Legal Education and Law Clinic in the Education of Law Students in Nigeria -	-	-	-	-	-	-	-	-	119-122

**CHAPTER SIX  
SUMMARY AND CONCLUSION**

6.1 Summary -	-	-	-	-	-	-	-	-	-	123-
124										
6.2 Findings -	-	-	-	-	-	-	-	-	-	124-
126										
6.3 Recommendations-	-	-	-	-	-	-	-	-	-	126-
128										
6.4 Conclusion-	-	-	-	-	-	-	-	-	-	128-
129										
Bibliography-	-	-	-	-	--	---	-	-	-	130-140
Appendices -	-	-	-	-	-	-	-	-	-	141-164



## LIST OF ABBREVIATIONS

A.B.U:	Ahmadu Bello University
All FWLR:	All Federation Weekly Law Report
BMAS:	Benchmark Minimum Academic Standards
CLE:	Clinical Legal Education
D.P.O:	Divisional Police Officer
EBSU:	Ebonyi State University
FOI:	Freedom of Information
FOIA:	Freedom of Information Act
ICCC:	International Client Consultation Competition
INEC:	Independent National Electoral Commission
J4A:	Justice for All
LAC:	Legal Aid Council
LL.B:	<i>Legum Baccalarius</i>
LPA:	Legal Practitioners Act
LPDC:	Legal Practitioners Disciplinary Committee
LPELR	LawPavilion Electronic Law Report
LPPC:	Legal Practitioners Privileges Committee
LPRRC:	Legal Profession Regulatory Review Committee
MAS:	Minimum Academic Standards
NBA:	Nigerian Bar Association
NCCC:	National Client Interviewing and Counselling Skills Competition
NGOs:	Non-Governmental Organizations
NLS:	Nigerian Law School

NSUK:	Nasarawa State University, Keffi
NUC:	National Universities Commission
NULAI:	Network of University Legal Aid Institutions
NWLR:	Nigerian Weekly Law Report
OSIWA:	Open Society Initiative for West Africa
OSJI:	Open Society Justice Initiative
R2K:	Right to Know
RPC:	Rules of Professional Conduct
SAN:	Senior Advocate of Nigeria
SPSS	Statistical Package for Social Sciences
UME:	University Matriculation Examination
USA:	United States of America
Vol.:	Volume

## LIST OF APPENDICES

Appendix A	-	-	-	-	-	-	-	-	-	-	141-145
Appendix B	-	-	-	-	-	-	-	-	-	-	146
Appendix C	-	-	-	-	-	-	-	-	-	-	146
Appendix D	-	-	-	-	-	-	-	-	-	-	147
Appendix E	-	-	-	-	-	-	-	-	-	-	147
Appendix F	-	-	-	-	-	-	-	-	-	-	148
Appendix G	-	-	-	-	-	-	-	-	-	-	149
Appendix H	-	-	-	-	-	-	-	-	-	-	150-164

# AN EXAMINATION OF THE ROLE OF CLINICAL LEGAL EDUCATION IN PROMOTING LEGAL PRACTICE IN NIGERIA

## CHAPTER ONE GENERAL INTRODUCTION

### 1.1 Background to the Study

Clinical Legal Education (CLE) is an emerging field of legal education in our country (Nigeria), though an aged methodology in other developed and developing jurisdictions in the world. Clinical legal education is a complementary system of legal education, which presents an opportunity to support and strengthen the traditional system and link the academic goals of legal education to the social justice needs of the society to better prepare students for practice.<sup>1</sup> In a broad sense, the term clinical legal education refers to any education that uses interactive methods to teach practical skills to law students.<sup>2</sup> These skills include legal analysis and reasoning, legal research and factual investigation, communication, counselling, negotiation, litigation and alternative dispute resolution procedures, the organization and management of legal work, and the recognition of and solving ethical dilemmas.<sup>3</sup> The Law Clinics are the avenue students used to learn hands on and develop the competencies and skills relevant for professional practice.<sup>4</sup> The methods of teaching in clinical legal education is based on actual experiences of the legal process where students are confronted with legal problems in the nature that lawyers face in practice, they deal with it in role as if they are qualified lawyers and assuming the role of an attorney. They are required to interact with others in an attempt to solve the legal problems; and their lecturers assess their performance.<sup>5</sup>

---

<sup>1</sup> Hovhannisian, L. (2006) 'Clinical Legal Education and the Bologna Process.' Public Interest Law Initiative (PILI) Papers; No. 2, p.10.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Omoragbon, K. M. (2014). Theorizing Clinical Legal Education: An Evaluation of the Pedagogy versus Andragogy Debate in the Constructivist Paradigm. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 3, p. 3.

<sup>5</sup> Boniface, B. *et al* (2004): Clinical Law in South Africa, p. 2

The goal of CLE is to train law students to become competent, to imbibe the habit of community service and become ethical lawyers<sup>6</sup>, which are now lacking in the noble profession. The legal profession is facing series of attack from the public which borders on producing lawyers that are half-baked, unethical in their conducts and lacking in the spirit of rendering free legal service to the society. These attacks demean the status of the profession and affect its promotion in various ways.

The workforce as a new lawyer can be a daunting prospect for any law graduate in any country. From society's perspective, it can be risky for society to place responsibility for protecting the rule of law in the hands of untrained lawyers. Although the University education immerses students in legal principles, laws, codes, and regulations, applying this knowledge correctly and confidently requires an entirely different set of skills from those required to excel in classes and examinations.<sup>7</sup> The CLE methodology assists in tapping the potentials of an aspirant to the legal profession as seen in this research that every human is born with intellect, which can compete in diverse things in life if the student is expose to the proper training required. Strict adherence to theoretical methodology in teaching law only adds little knowledge to that intellect without more while praxis through CLE assists the student to expose many potentials he has in legal practice. Vawda<sup>8</sup>, opined thus:

Traditional law school education, as indeed with most types of education, is highly formalistic, classroom lectures in which the teacher delivers the content of the course with usually little or no participation from the students. Such a methodology has serious limitations in that it does not fully utilise the learning potential of students, as they are required to play a largely passive role, being confined to reading, listening and observing the instructor. Under these circumstances, students' thought processes are not optimally stimulated. Clinical

---

<sup>6</sup> Ojukwu, E, et al (2012). *Manual on Prison Pre-Trial Detainee Law Clinic*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p. 2.

<sup>7</sup> Rekosh, E., et al (Eds.). (2001). *Pursuing the Public Interest: A Handbook for Legal Professionals and Activists*, PILI/Columbia Law School, New York, p. 257.

<sup>8</sup> One of the CLE advocates in South Africa.

teaching, on the other hand, is an active pedagogy in which students are required to perform certain tasks and draw lessons from those experiences. This approach seeks to enhance the learning process through action, verbalisation of thoughts, and an active engagement with ideas through consultation, discussion and feedback involving peers and supervisors. It is arguably a superior pedagogy as it attempts to integrate all the processes of learning in a holistic approach.<sup>9</sup>

From the above scholastic view, it is glaring that the act of feeding law students with the theories of law only in the various courses taught at the university without engaging the student in any practical application of those principles is capable of producing the generation of under-trained lawyers Sydney frowns at. He opined thus:

An under-educated lawyer is a menace to his clients, and a danger to himself in a country where an action for negligence can have serious consequences, of little use to his society and a disgrace to his profession; so it is a mistake to let a lawyer qualify too easily.<sup>10</sup>

The foregoing statement of Sydney is in the considered view of the researcher that the current system of theorizing legal principles to law students in Nigeria is fast and less stressful, however students are not assisted at the long run. They may get the LL.B degree at the end of five or four years (depending on the entrance) but are they equipped to get into the profession?

This research will examine the role of Clinical Legal Education in promoting legal practice by examining the extent to which CLE methodologies of teaching law students produce lawyers that are professionally competent, community conscious and ethical in their conducts.

## **1.2 Statement of Research Problem**

---

<sup>9</sup> Vawda, Y. (June, 2003), *Clinical Law: Educating/Training Law Students*, First All-Africa Clinical Legal Education Colloquium, Durban, South Africa. p. 1

<sup>10</sup> Littlewood, S., (1963). *The Legal Profession in African Territories*. In: Anderson, J.N.D. (ed.). *Changing Law in Developing Countries*. George Allen and Unwin Ltd, London, p. 160.

The traditional way of teaching law is devoid of several techniques that will produce lawyers that are skilled in legal practice, ethically inclined and community service conscious. The traditional methodology in the Law faculties are designed to develop knowledge and building students capacity to memorize, recall and produce legal materials in their original forms as they are delivered to students<sup>11</sup> without creating an environment for the students that encourages intellectual rigour, analytical and critical engagement as well as profound ethical standards.<sup>12</sup> The practical skills and ethical issues of legal practice in most cases are not included in the legal education curriculum thereby providing a system in which lawyers' legal practice is usually not defined by the social needs of the society but rather on legal formalism, hence the need to adopt a skills-based and experiential teaching method to teach law.<sup>13</sup>

In recent time, the legal profession has faced a lot of criticism from the society because of the fall of ethical standard. The fall in ethical values in legal profession is what prompt the Mahmoud led administration of the NBA to include the review of ethical requirements for admission into the legal profession. The determination of the adequacy of such requirements and how best to maintain high ethical and professional standards in the legal profession as a term of reference of the NBA Legal Profession Regulation and Review Committee.<sup>14</sup>

The ethics taught to lawyers at the foundation of their legal studies in the Universities and Nigerian Law School is not something worthy of celebrating, as many lawyers do not

---

<sup>11</sup> Ebobrah, S.T., (2013). Releasing the Academic Spirit in the Legal System: Law Faculties and Legal Education in Nigeria. *Nigerian Law and Practice Journal*, Vol. 12, p. 17.

<sup>12</sup> National Universities Commission (November, 2014). *Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities, Law*, National University Commission, Abuja. p. 2.

<sup>13</sup> Yusuf, M. D, (2019). *An Examination of the Role of Clinical Legal Education and University-Based Law Clinics in Promoting Access to Justice in Nigeria*, Dissertation (Unpublished), Faculty of Law, Ahmadu Bello University, Zaria, p.3.

<sup>14</sup> Nigerian Bar Association's Legal Profession Regulatory Review Committee (LPRRC) on the 28<sup>th</sup> day of December, 2016 which members include personalities from the academia and the practicing lawyers that have distinguished themselves in the profession.

even know what is expected of them in the profession, in relation to their roles and duties to the courts, the State, their clients and their colleagues at the bar. Lack of ethics is a problem and there is few or no ethical curriculum taught in Nigerian Universities. How do you expect a lawyer taught ethics in few months in the Law School vocational training to apply such ethics being a lawyer for life? Under the Nigerian Law School Curriculum, an aspirant to the Bar is taught professional ethics and skills only for 21 days (3 weeks) in the 21 weeks he spent in the vocational studies. Other courses just give a highlight of the ethical dilemma that may arise while applying a particular skill learnt in that course.

The above inadequacies of acquaintance with the rules of professional conduct by aspirant to the bar also prone those who are also saddled with the responsibilities of enforcing the rules to be guilty of its breach, which causes instability in the discipline of erring members. Organized society needs stable, predictable rules so that people may act in reliance on these set of rules. Law consists of society game rules. The rules must have a degree of stability so that a person may confidently predict the social consequences of his action.<sup>15</sup> Onnoghen<sup>16</sup> gave some breakdown on the high level of unprofessional conduct among lawyers thus:

The Body of Benchers on Thursday in Abuja admitted 1,468 candidates to the Nigeria Bar as barristers and solicitors, with a charge to exhibit the highest level of professional ethics...Onnoghen noted that between January 2013 and July 2017, 140 petitions were filed at the registry of the Legal Practitioners Disciplinary Committee of the Body of Benchers...out of this number, 26 lawyers were disbarred, 10 suspended, 40 were discharged, while 64 petitions are currently pending before the committee.<sup>17</sup>

---

<sup>15</sup> Aboki, Y. (2013), *An Introduction to Legal Research Methodology*, Ajiba Printing Production, Kaduna, 3rd Edition, p. 9. Culled from: Meheren, A.V. (1986) *Introduction to American Legal Research*, Unpublished Lecture Materials, Harvard Law School, Cambridge, p. 13

<sup>16</sup> The Chief Justice of Nigeria, per Walter Samuel Onnoghen, on 13<sup>th</sup> July, 2016 at the call to bar ceremony as reported by an online media The Nigeria Lawyer.

<sup>17</sup> *Body of Benchers Admits 1,468 Lawyers to Nigeria Bar*. thenigerialawyers.com/ body-of-benchers-admits-1468-lawyers-to-nigeria-bar/. Accessed on 13/07/2017.

The executive summary<sup>18</sup> of the 2017 Bar Final's examination result on subject performance shows that a total number of 88.1% and average of 55.93 students pass professional ethics and skills, which is a commendable outcome. However, the attitudes of the new wigs in the society hardly reflect this result. What is the problem? The problem might be from the effect of cramming without internalizing the ethical considerations taught in three weeks due to the short period students had encounter with it.

Mahmoud while speaking at the formal inauguration of nine (9) NBA technical committees, among which are disciplinary committees in all the geo-political zones, has this to say about the serious challenges of indiscipline in recent times thus:

The association has found it expedient to reconstitute its disciplinary committee and would not fold its arms and watch helplessly as waves of indiscipline erode the culture of decorum, discipline and decency which distinguished the legal practice as a noble profession. I like to say that we have had serious challenges of indiscipline and like our members to reflect on this...these challenges bother on unruly behaviours which are contrary to the entrenched traditions of the profession.<sup>19</sup>

The question that begged for a pragmatic answer here is can the reconstitution or creation of more disciplinary panels solve the unruly behaviours when the guilty members are many, including some seniors, and more unethical members are breed? Mohammed<sup>20</sup> in his article stressed the above point as follows:

Let the membership of the noble profession consist of the finest of men and not men who act as tradesmen in the market place, rather we should be men who will pursue the law in a high spirit of public service, living by a high code of ethics and moral standards. Interestingly, but however sad, is the fact that among the major beneficiaries of the ill-gotten wealth of corrupt practices

---

<sup>18</sup> [www.nigerianlawschool.edu.ng](http://www.nigerianlawschool.edu.ng) Accessed on 30/10/2017.

<sup>19</sup> <http://mail.google.com/mail/u/0/x/rj83yapil701-/?th=15d5fab1a9151fdf&v=c>. sent by NBA on 20/7/2017.

<sup>20</sup> A distinguished professor of law M. M. Akanbi; a son to the former President of the Court of Appeal and the pioneer Chairman of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Honourable Justice M. M. A. Akanbi (PCA), (as he then was).

are some Nigerian lawyers. It seems that rather than join the vanguard against corruption, these lawyers, more particularly the elders of the Nigerian Bar at the various level merely play lip service to the fight against corruption. Instead they are continually and continuously smiling away to the banks with their share of the loot albeit in the name of legal fee.<sup>21</sup>

The most unfortunate things you hear from those “learned minds” smiling away to the banks with their share of the loot in the name of professional fees is the invocation of the Cab-Rank Rules<sup>22</sup> without remembering their higher duty as enshrined in Rule 15 (3) of the RPC<sup>23</sup> which intents and purpose is doing justice. In *Bille v. State*<sup>24</sup> the Supreme Court per Ngwuta JSC held thus:

Lawyers all over the world take sides for money. Though a lawyer owes a duty to the client who hires him, he must always bear in mind that he owes higher duty to a cause higher than that of his client, the cause of justice. A lawyer who distorts or massages the facts in the record may win his client’s case but such apparent victory would amount to betrayal of justice.

The judiciary as an arm of the legal profession is not also free from this unethical conduct as many of its members were found guilty and in breached of their oath of allegiance, which preaches adherence to justice without fear or favour. Numerous cases abound<sup>25</sup> and have caused disrepute to the legal profession as the society now point accusing fingers on the members of this noble profession in its entirety. The Court of Appeal, Per Tijjani JCA rightly alluded to this unhealthy consequences of unethical behaviours to the

---

<sup>21</sup> Akanbi, M. M., (2005), “Nigerian Legal System: The Moral Burden of the Nigerian Lawyers in the War Against Corruption”, in Egbewole, O. E., (ed.) *The Jurist*, vol. 10, p. 228

<sup>22</sup> *Rondel v. Worsely* (1967) 3 ALL ER 567 @ 993. The Cab-rank rule is the rule that mandate lawyers to accept briefs no matter the lawyer’s ill perception on the client’s case, even when the cause is underserving or unpopular, provided the lawyer’s proper fee is paid.

<sup>23</sup> Rules of Professional Conduct for Legal Practitioners, 2007

<sup>24</sup> (2016) 15 NWLR (pt. 1536) 363 @ 390

<sup>25</sup> The NJC recommended compulsory retirement for some judges, including Justice Charles Archibong and Justice Thomas of the Federal High Court and the Plateau State High Court respectively as published in “A Case for Corrupt Free Nigerian Judiciary: The Tide News”. <http://thetidenewsonline.com/2013/12/11/a-case-for-corruption>. Accessed on 3/05/2015. The NJC recently recommend the dismissal and trial of Hon. Justice Kabiru Auta of the Kano State High Court who was petitioned for defrauding a business tycoon in Kano Alhaji Sani Kwangila Yakasai, popularly known as SKY.

profession in *Milam v. Medical & Dental Practitioners Investigation & Anor*<sup>26</sup> held thus: “it is well understood that unethical behaviour and/or misconduct by members of the profession can have symbolic effect on public confidence in the profession.”

The legal profession also faced the challenges of producing half-baked members of the bench and the bar who lack the capability of carrying out some mundane activities as it relate to legal practice and the technical knowhow to pragmatically manifest the theoretical knowledge inculcated in them in the four-walls of the classroom.

In 2018, in the formal handing over of Director General of the Nigerian Law School, Prof Isa Hayatu Chiroma, the then acting chairman of the Council of Legal Education and the NBA President, A.B. Mahmoud insisted that various law faculties in the country were to be blame for the poor standard of Nigeria’s legal education. This is because they constantly churn-out half-baked law school applicants and therefore recommends minimum qualification of Second Class Upper (2.1) for all intending lawyers in the country.<sup>27</sup> It is the researcher’s view that this recommendation of the then NBA President is debatable as class of degree do not determine the success or otherwise of a legal practitioner. Onadeko<sup>28</sup> had also once lamented on this problem when postulate thus:

The fact remains that upon call to the Bar, a new wig is legally presumed to be competent to appear in any court in Nigeria, including the Supreme Court. However, senior members of the Bar and the Bench now increasingly come into contact with some new wigs who are unable to draft even an application letter for employment, announce appearances, move motions, or undertake mundane aspects of legal practice. In short, some new wigs have been found to lack the basic skills and attributes of a good lawyer.<sup>29</sup>

---

<sup>26</sup> (2018) LPELR-45531 (CA) pp. 21-22. Paras. C-F.

<sup>27</sup> <https://barristerng.com/panic-nba-president-advocates-2-1-criteria-admitted-law-school>. Accessed on 15/2/2018.

<sup>28</sup> Onadeko, O., (2014). The Nigerian Law School and Improvement of the Quality of New Wigs. *Nigerian Law and Practice Journal*, Vol. 23, p. 1.

<sup>29</sup> *Ibid.*

The presumption of these competencies have been rebutted in the different fora, in court, law offices and/or in the Law School. The University is also producing graduates that are not employable. The researcher had the privilege of supervising externs sent to their law office by the Nigerian Law School and being a CLE student we asked them to draft common motion which majority could not draft. We wonder how they can be employable if a simple motion is a problem for them.

The legal profession in Nigeria has fall short of embracing the professional values of providing free legal service to the indigent members of the society and the method of inculcating the spirit of law in students is virtually theoretical. This is despite the provisions of the Legal Aid Act<sup>30</sup> and the Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria<sup>31</sup> that promote *pro bono*<sup>32</sup> services. Section 16<sup>33</sup> that seems to compel the allocation of cases to National Youth Service Corps members to handle on *pro bono* basis is not duly implemented. This is because the Legal Aid Council can hardly provide the stipends and travelling allowances to the youth corps member as envisage by the Act due to underfunding. On the hand, the provision of Section 19 (7) (c)<sup>34</sup> that mandate an applicant who is applying for the prestigious rank of SAN to provide three cases handled on *pro bono* basis is not sufficient.

The above provisions seems to water down this problem of rendering *pro bono* service by lawyers. However, in the researcher's view, the provisions are specifically designed to work in a particular situation i.e. during NYSC or during application for the rank of SAN. The provisions do not bind a lawyer who is not in these categories. This had largely affected the impact of *pro bono* service on the members of the society. It is the firm view of the researcher that if *pro bono* culture is inculcated from the University, the legal profession

---

<sup>30</sup> Section 16 of the Legal Aid Act, 2011

<sup>31</sup> 2013

<sup>32</sup> It means handling cases for client(s) free of charge.

<sup>33</sup> Legal Aid Act, 2011.

<sup>34</sup> Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria, 2013.

will produce more lawyers with the habit of providing *pro bono* services. Hence, is high time our universities deem it necessary to provide effective service to the indigents on pro bono (free of charge) and to inculcate ethics and practical skills to students through CLE.

The argument canvased here is to the effect that the most important goal of Clinical Legal Education is teaching students to learn from experience. While enrolled in Clinic,<sup>35</sup> students first engage in reflection with the guidance of a supervisor, but a key aspect of reflective practice is the development of the habit of self-reflection without external prompting. The hope is that students not only appreciate the value of reflective learning, but also develop the habit of engaging in the reflective process on their own, such that by the time they leave clinic, students are ready and willing to incorporate reflective practice in their work without direction from a supervisor.<sup>36</sup> The further hope is that students will carry the reflective practice with them throughout their legal careers, using it as a tool to drive their own continued learning and growth as professionals. This is often called “learning to learn,” and is a goal of many clinical programs.<sup>37</sup> It was and still our assumption that if the ideas taught in law schools (Universities inclusive) in developing countries could be changed, the attitude of lawyers would change also, and if the right laws were created, they would be enforced.<sup>38</sup>

The above problems bordering on ethics, professional competence and free legal service have caused a terrific set back on the legal profession. Therefore, the problems or research questions are as follows:

---

<sup>35</sup> The word Clinic means a meeting/place for the diagnosis of problems or training on a particular subject. The word is not exclusively meant for medical profession but they used it most.

<sup>36</sup> Kenneth, R. K., (1989), *Clinical Education and Lawyer Competency: The Process of Learning to Learn from Experience through Properly Structured Clinical Supervision*, Maryland Law Review. Vol. 40. p. 284. Available at <http://digitalcommons.law.umaryland.edu/mirvol40/iss2/5> accessed on 20/10/2017.

<sup>37</sup> *Ibid.*

<sup>38</sup> Ayibakuro, M. (2011), *Law as Accelerator with no Brakes: The Approach to Corruption in the First and Second Moments of Law and Development Discourse*, Nigerian Law and Practice Journal, Vol. 10, p. 47

1. To what extent can law students through constant application of CLE Methodologies can effectively integrate legal ethics?
2. How can Nigerian Universities adequately educate law students through the content and methodologies of CLE curriculum to perform effectively after graduation?
3. To what extent can CLE inculcate the habit of rendering free legal service by students to indigent members of the society?

### **1.3 Aim and Objectives of the Research**

In Nigeria, clinical legal education is a new concept in legal education, complying with professional competence; legal ethics and rendering free legal services are becoming issues of the bygone days in the legal profession. It is in this light, this research ultimate aim is to examine the role of Clinical Legal Education in promoting legal practice in Nigeria. The dissertation focused on achieving the following objectives namely:

- i. To look at the extent at which law students through constant application of CLE Methodologies can effectively integrate legal ethics.
- ii. To examine how the Nigerian Universities can adequately educate law students through the content and methodologies of CLE curriculum to perform effectively after graduation?
- iii. To examine how CLE can inculcate the habit of rendering free legal service by students to indigent members of the society?

### **1.4 Justification**

The realisation of the need for the members of the legal profession to be well acquainted with the experiential teaching methodologies that will breed lawyers that are professional competent, community service conscious and acquainted with the ethical values of the profession in legal practice makes this work indispensable. Those who will benefit from this research include but not limited to law students, academics, legal practitioners,

judges, legislators and other members of the society, who bear the brunt of half-baked practitioners and their unethical practices in Nigeria. The benefits include reforming the traditional trend of teaching law and growing practitioners with ethical conscience and community service conscious as part of the researcher's contribution to the legal profession.

### **1.5 Scope of the Research**

This research is limited to examining the role of clinical legal education in promoting legal practice in Nigeria, recourse is made to CLE in America and South Africa while special attention is given to CLE teaching methodologies and issue of ethics and its effects on legal practice in Nigeria. The research covered the Faculty of Law, Ahmadu Bello University, Zaria and the Law Clinic (A.B.U Law Clinic) in order to achieve the aforementioned aim of the research.

### **1.6 Research Methodology**

This research used the doctrinal, empirical and teleological method of research. On doctrinal reference is made to statutes, case laws, books, journals/periodicals, workshop papers, magazines, reports, articles from internets on clinical legal education and legal ethics. On empirical, questionnaires and interviews with some stakeholders are used to accomplish this research. While on teleological some personal experiences gained in CLE activities in University and Law School are relates.

#### **1.6.1 Research Design**

This research employed the use of survey research method in the collection of data. The survey research strategy involved asking question of a sample population, in a short period testing hypotheses or describing a situation based on the answers. One of the major strength of survey is its potential for generalizability.<sup>39</sup> This research titled "An Examination

---

<sup>39</sup> Usman, Y. (2017) *Social Media as Tool for Effective Learning: A Case Study of Undergraduate of Political Science Students*, Project (Unpublished), Department of Mass Communication, Faculty of Social Science, Ahmadu Bello University, Zaria, p. 66.

of the Role of Clinical Legal Education in Promoting Legal Practice in Nigeria” is purely a survey-based research as the sample population opinion was sought through the use of questionnaires and interviews for examining the issues at stake (i.e. the relationship between CLE and professional competence, ethics and free legal services).

### **1.6.2 Sample and Sampling Procedure of the Research**

Surveying the entire population under consideration, being the prestigious Faculty of Law, Ahmadu Bello University, Zaria and the Law Clinic (A.B.U Law Clinic) is nearly impossible. This is because, in order to answer the research questions, it is not possible for the researcher to collect data from the entire stakeholders.<sup>40</sup> Thus, there is a need to select a sample. The entire set of cases from which researcher sample is drawn in called the population. Since, researchers have neither time nor the resources to analyse the entire population so they apply sampling technique to reduce the number of the population.<sup>41</sup>

At the time of this research, the total population of the Faculty consists of 1755 respondents comprising of academic staff and students, a multi stage sampling techniques has been utilized to select the 10% of 1755 respondents that stands at 176 respondents. Multi-stage sampling is a process of moving from a broad to a narrow sample, using a step by step process to determine the sample size.<sup>42</sup> The acceptable sample size is 10% of the entire population.<sup>43</sup> The research population size is therefore 176.

### **1.6.3 Instrument of Data Collection**

Once target population, sampling frame, sampling technique and sample size have been established, the next step is to collect data.<sup>44</sup> In this research both the primary and

---

<sup>40</sup> Taherdoost, H. (2016) Sampling Methods in Research Methodology; How to Choose a Sampling Technique for Research, *International Journal of Academic Research in Management (IJARM)*, Vol. 5, No. 2, p. 19.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid p. 21*

<sup>43</sup> Olawepo R. A. *et al* (2014) Data Collection Strategies in social sciences. In Jimoh, A. (ed), *Research Method in Social Sciences*, College Press, Ibadan, p. 81

<sup>44</sup> Taherdoost, H. (2016) *op. cit.* p. 26

secondary methods of data collection is utilized. The primary data were collected using questionnaire and interviews as the instrument of data collection.

The questionnaire used consists of three main segments. The first segment captured the socio-demographic data of respondents. The second segment captured the respondents' general knowledge about Clinical Legal Education (CLE) and Law Clinic, while the third segment, in which *Likert scale*<sup>45</sup> is used, it contains the respondents' perception on the importance of clinical legal education and law clinic in the education of law students in Nigeria. On the other hand, the secondary data were sought from textbooks, journals, reports, internet materials, workshop papers, magazines, reports, periodicals among others.

#### **1.6.4 Validity and Reliability of the Research Instrument**

Questionnaire is one of the most widely used tools to collect data in especially social science research. The main objective of questionnaire in research is to obtain relevant information in most reliable and valid manner. Thus, the accuracy and consistency of survey/questionnaire forms a significant aspect of research methodology, which are known as validity and reliability.<sup>46</sup> Validity means the accuracy of the measure of what is intended to be measured.<sup>47</sup> While reliability is, concerns with the extent to which a measurement of a phenomenon provides stable and consistent result.<sup>48</sup> In this research, in testing the validity and reliability, the data collected were severally run using Statistical Package for Social Sciences (SPSS) and the same result is achieved.

#### **1.6.5 Method of Data Presentation and Analysis**

---

<sup>45</sup> *Linkert scale* is a scale used to represent people's opinions and attitudes to a topic or subject matter. The scale ranges from one extreme to another.

<sup>46</sup> Taherdoost, H. (2016) Validity and Reliability of the Research Instrument; How to Test the Validation of a Questionnaire/Survey in a Research, *International Journal of Academic Research in Management (IJARM)*, Vol. 5, No. 3, p. 28.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

Data presentation and analysis forms part of all academic studies, commercial, industrial and marketing activities as well as professional practices. Data analysis helps in the interpretation of data and take a decision or answer the research question.<sup>49</sup> For the purpose of this research, descriptive (using simple percentage and frequencies) method was adopted. The data collected were presented in tables using frequency distributions and analysed with simple percentage.

The tables were also explained for more clarification. The choice of this method was informed by the fact that the research was based on quantitative analysis. In these methods, the questioning is static or standardized all respondents are asked the same questions and there is no opportunity for follow-up questions.<sup>50</sup>

## **1.7 Literature Review**

To achieve the objective of this research, several literatures written on the topic were reviewed and thoroughly assessed. The concept of Clinical Legal Education, being a new one in Nigeria, there are few local printed literatures on the subject matter. Therefore, recourse is made to Books, workshop papers, journals, magazines, reports, periodicals, and internet materials.

A scholar on Clinical Legal Education in Nigeria, Ojukwu<sup>51</sup> has co-authored two books, where they provide guides to law teachers and law students working in Law Clinics' academic and service programmes in Nigeria. As guide, the books only served as a modus operandi of achieving Law Clinics goal in the administration of justice. However, no practical application of the guides are provided. It is the researcher's firm view that providing practical application of the guides will make law students see the guides as something

---

<sup>49</sup> Planning Techniques, *Data Presentation and Analysis*. Retrieved from <https://planningtank.com/planning-techniques/data-presentation-and-analysis>. Accessed on 7/1/2020 at 11:55am.

<sup>50</sup> Wimmer, R.D. and Dominick, J.R. (2011) *Mass Media Research: An Introduction*, Wadsworth, Boston, USA, p. 48.

<sup>51</sup> Ernest, O. and Lagi, O., (2012), *Manual on Prison Pre-trial Detainee Law Clinic*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja and Ernest, O. et al, (2013), *Clinical Legal Education Curriculum Lessons and Materials*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja.

feasible rather than seeing it in abstract. This work provide practical application of the guide by law students.

Hovhannisian<sup>52</sup> examined the concept of clinical legal education, describing its goals and benefits for the legal profession. She opined that the measure of success of any system of legal education is how effectively it imparts on students the knowledge, skills and values necessary to become competent in their jobs and capable of upholding the ideals of the legal profession. This paper only focused on the benefit but there is no pragmatic revelation from current or past clinical law students that shows these benefits. This research covers the gap by conducting interviews with current and past Clinicians,<sup>53</sup> highlights their written reports and pictorial activities in the society, which shows how beneficial the CLE activities are to legal practice.

Gibson,<sup>54</sup> has written on clinical engagement in the community where he discusses how clinical internship in the community exposed students to some experience in legal parlance. However, no practical illustration of the law students' engagement and the ethical considerations were exposed, whereas exposing the practical illustration of the students' engagement and the ethical considerations give the student the zeal to act also in the field or develop a better way of community engagement that will assist him in legal practice.

Giddings,<sup>55</sup> while sharing the Australian experience discussed the impacts of clinical teaching in promoting justice. He argues that while clinical legal education focuses on supervised students working to address legal issues on behalf of real clients, it can also involve students developing their understanding of the justice process with simulated scenarios. He further contends that clinical methods are important in moving legal education

---

<sup>52</sup> Hovhannisian, L. (2006) '*Clinical Legal Education and the Bologna Process.*' Public Interest Law Initiative (PILI) Papers; No. 2.

<sup>53</sup> Clinician(s) in this research means any student(s) interning in Law Clinic.

<sup>54</sup> Gibson, F. (2012), *Community Engagement in Action: Creating Successful University Clinical Legal Internship. African Journal of Clinical Legal Education and Access to Justice*, Vol. 1.

<sup>55</sup> Giddings, J. (2013) '*Promoting Justice through Clinical Legal Education*' Justice Press, U.S.A.

beyond the understanding of legal principles and rules towards a focus on issues of justice. He stressed that law students need opportunities to learn how to act as ethical professionals which involves taking responsibility for their work, working constructively with clients and colleagues. This he concludes enables students to appreciate the limitations of the law and legal processes and the importance of access to justice. Gidding's work focused on the Australian experience, this research essentially delve on the Nigerian experience on clinical legal education and its role on promoting legal practice.

Omalade, et al,<sup>56</sup> wrote on students' engagement in community lawyering where they advocated that community lawyering in modern day legal practice would really provide access to justice to indigent members of the society. It is apparent that dealing with courts, prisons and security agencies in Nigeria can hardly be successful without any form of corrupt practices, which are not expose in the article, and this work will cover the field.

Golinski,<sup>57</sup> has written on clinical assistance offered to students in disciplinary proceedings by Law Clinics, where he explains how law students are allowed to represent students in disciplinary proceedings at the Jagie Ilonian university but no single case handled by the students was reported to display how effective the power given to the students is utilised. This dissertation will report numerous cases handled by A.B.U Law Clinic<sup>58</sup> and other clinics in Nigeria to show how our Law Clinics in Nigeria could have utilised such opportunity if given to them to represent students in disciplinary proceedings.

---

<sup>56</sup> Olamade, O. et al, (2012), Community Lawyering: An Intervention of University of Ibadan Women's Law Clinic in the Case of Stray Bullet Killings at Arulogunidi-omo Community: A Case Study. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 1.

<sup>57</sup> Golinski, S. (2013), Legal Assistance Offered to Students in Disciplinary Proceedings by Law Clinics: the Example of the Student Legal Clinic at the Jagie Ilonian University. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 2.

<sup>58</sup> Ahmadu Bello University Law Clinic, Zaria-Nigeria.

Duhaime and Zarifis<sup>59</sup> wrote to explain some cases handled by NGOs in Africa and America clinical experiences, but no cases of Universities or Law Schools Clinics reported in African countries and America. Some of the Universities and Law School Clinics cases through their supervisors in Nigeria have been provided herein to cover this gap.

Du Plessis (Riette),<sup>60</sup> wrote on student assessment in clinical legal education, where he interviewed some stakeholders on some challenges the clinical students experienced in interviewing clients but no interview on ethical standard required in interviewing clients in clinical practice is exposed. The researcher will cover the field by exposing skills required by clinicians for an effective interview of clients.

Adekoya<sup>61</sup> examined the required reform brought by CLE in the education of law students in Nigeria for the period of ten years (2004-2014). He highlighted the benefits the CLE activities brought to the students, law lecturers, law faculties and the community. Despite analysing these benefits, Adekoya did not expose any beneficiary of these benefits that is verifiable in his article. This research exposed law students and legal practitioners that are beneficiaries of this CLE reform.

Carpenter<sup>62</sup> discussed extensively the eight principles<sup>63</sup> that will maximize student learning and the impact of social justice on the students through Clinics projects. The principles are gorgeous but ethics is largely neglected as something worthy of increasing learning and social justice impact on students.

---

<sup>59</sup> Duhaime, B. and Zarifis I.N. (2012), Using Public Interest Litigation and Advocacy as a Tool for Social Change: Clinical Experiences in the Americas and Africa. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 2.

<sup>60</sup> Du Plessis, M.A (Riette) (2014), Student Assessment in Clinical Legal Education: the Challenge of Variances in Education and Experience. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 3.

<sup>61</sup> Adekoya, C.O., (2014). Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education -Ten Years After. *International Journal of Clinical Legal Education*. Vol. 20, No.2.

<sup>62</sup> Carpenter, A. E., (2013), *The Project Model of Clinical Education: Eight Principles to Maximize Student Learning and Social Justice Impact*, Clinical Law Review, Vol. 20-39.

<sup>63</sup> The eight principles the Clinic can use to achieve these ends when projects: (1) are intentionally planned to meet learning goals; (2) are time-limited; (3) serve a client; (4) make students the primary lawyers; (5) require more than traditional re- search and writing; (6) explicitly develop collaboration skills; (7) practice and de-brief lawyering performances; and (8) include a seminar component.

Yusuf,<sup>64</sup> in his recent edited book discussed the need for lawyers to uphold the rules of professional ethics in their dealings. However, the members of the profession are not well equipped with the rules they are encouraged to uphold as their school of experience only begins in law school instead of university(s), which the researcher did not avert his mind to in his write-up. This research discusses how law students can effectively integrate ethics in their studies.

Adegoke, et al,<sup>65</sup> wrote on Professional Responsibilities and Lawyering Skills in Nigeria but no breach of these professional responsibilities was pragmatically exposed. This has create some lacunae, which will make the student feel that the professional responsibility is only required in passing bar finals not in legal practice. This research constantly discussed ethics to show how it is important to the education of law students and its relevance in legal practice.

Akinola,<sup>66</sup> wrote on Professional Ethics and Skill. In chapter seven of the book titled “The Lawyer and Corruption Issues,” some cases of judges involved in corrupt practices were reported but no single case of a lawyer involved in the ungodly practice that is unethical/unprofessional reported. This dissertation shall provide cases involving lawyers and judges to expose the students to the repercussion of the unethical practices.

This research will fully occupy the lapses and lacuna left by the aforementioned writers as a contribution of the researcher to the development of clinical legal education and its role in promoting legal practice in Nigeria. This research conducts interviews with law students, law teachers, judges, legal practitioners and other stakeholders, wherein they were

---

<sup>64</sup> Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

<sup>65</sup> Adegoke, O.A. et al, (2014), *Law in Practice: Professional Responsibilities and Lawyering Skills in Nigeria*. Jos University Press Limited, Jos Plateau State.

<sup>66</sup> Akinola, O.B., (2016), *Principle of Law in Practice: Professional Ethics and Skills*), St. Paul Publishing House, Ibadan, Oyo State, 2<sup>nd</sup> Edition.

ask about the challenges of legal education on legal practice and how an enhanced praxis through CLE can promote legal practice in Nigeria.

## **1.8 Organizational Layout**

This research is segmented into six (6) major chapters with sub-chapters and sub-headings for proper understanding of the dissertation.

Chapter One is general introduction which comprises of the background to the study, statement of the research problem, aim and objectives of the research, justification of the research, scope of the research, methodology of the research, literature review and organizational layout.

Chapter Two deals with conceptual clarification of relevant terms, which contains the concept legal education, clinical legal education in Nigeria and legal practice in Nigeria.

Chapter Three appraise the legal frameworks for legal education and ethics and in Nigeria by exposing the relevant provisions of the legal instruments. These include, the National University Commission Act, Legal Education (Consolidation) Act, Legal Practitioners Act and Rules of Professional Conduct for Legal Practitioners by addressing dressing and comportment, court-room decorum and etiquette, the role and duties of counsel to court, duty of counsel to client, duty of court to counsel and the duty of counsel to the state. The codes of conduct for judicial officers and disciplinary bodies in the legal profession is considered.

Chapter Four examines the role of clinical legal education in promoting legal practice in Nigeria through social justice and public interest lawyering projects like prison/pre-trial detainee projects, community outreach/street law projects, stop torture project, ENDSARS project, client direct interview and counselling projects, freedom of information act projects among other Law Clinics activities.

Chapter Five contains data presentation and analysis. Finally, Chapter Six, highlights the summary, findings, and recommendations of the research.

## **CHAPTER TWO CONCEPTUAL CLARIFICATION**

### **2.5 Introduction**

Education is the backbone of development in every society. It opens the doors of self-emancipation, self-fulfilment and a sense of human worth. It develops and makes the leaders of tomorrow (the youths) who can compete everywhere in the world. Education is directly responsible for developing a strong character. Universities are set up to push forward the frontiers of knowledge, transform people's lives and contribute to the health and wealth of our nation through their deep involvement in wider society and the economy.<sup>67</sup> Legal education which is a special form of education is central in this developmental goal and growth of every nation as it members occupied a single arm of the government (i.e. judiciary) and instrumental in the functioning of the other two arms of government the executives and legislatures. Considering the topic of this dissertation, this chapter considers the conceptual

---

<sup>67</sup> Yusuf, A.O. and Kunuji, A.O. (2013). *Combating Corruption in Nigeria: Role of the Law Teachers*. In: Abdulqadir, I.A. et al (eds). *Corruption and National Development*. Proceedings of the 46<sup>th</sup> Annual Conference of the Nigerian Association of Law Teachers, Unilorin Press, Ilorin-Nigeria, P. 406.

clarifications of legal education, clinical legal education (CLE) in Nigeria, legal practice in Nigeria. The work as well examines the objectives of the terms.

## 2.6 Legal Education

The term 'legal education' refers to experiences and training which help people to understand and use law in society. Legal education may be 'formal', that is organised educational experiences through the classroom or 'non-formal' that is, informal experiences acquired in society, e.g. through the mass media.<sup>68</sup>

According to Emelie legal education which is a particular type of education is the education of individuals who intend to become legal professionals or those who simply intend to use their law degree, training or knowledge to some end, and in relation to politics, academic or business. Legal education includes diploma in law, first degree in law, which may be studied at either undergraduate (as is the case in Nigeria) or at graduate level depending on the Country.<sup>69</sup> Concisely, legal education is the formal or informal mode of inculcating legal principles, skills and values into individuals<sup>70</sup> with the aim of breeding professionals in law. It start from the university and end at the law school<sup>71</sup> except for those who further for advanced education in Law with Master's degree and doctoral degrees (PhD) in Laws up to the professorial cadre in the University.

### 2.6.1 Objectives of Legal Education in Nigeria

The development of a nation's system of education requires educational planning geared towards the realisation of the set standards and objectives.<sup>72</sup> In Nigeria, legal

---

<sup>68</sup> Samba, J.N. (1995). Scope of Legal Education and the Contributions of Lawyers to the Development of Law in Nigeria. In: Ayua, I.A (ed.), *Law, Justice and the Nigerian Society; Essay in Honour of Hon. Justice Mohammed Bello, CON., GCON.* Nigerian Institute of Advanced Legal Studies, Lagos, p. 21.

<sup>69</sup> Emelie, C.I.N. (2017). Legal Education and Access to Justice in Nigeria. *Research Journal of Humanities, Legal Studies & International Development.* Vol. 2. No. 1, p. 133

<sup>70</sup> Individuals here includes law students in Nigerian Universities and Law graduates in Nigerian Law Schools

<sup>71</sup> See Aloma, M.M., (2013). 2013 Call to Bar Speech. *Law and Practice Journal*, Vol. 12, p. 256.

<sup>72</sup> Samba, J.N. (1995). Scope of Legal Education and the Contributions of Lawyers to the Development of Law in Nigeria. In: Ayua, I.A (ed.), *Law, Justice and the Nigerian Society; Essay in Honour of Hon. Justice Mohammed Bello, CON., GCON.* Nigerian Institute of Advanced Legal Studies, Lagos, p. 22

education is introduced with certain objectives, which every person that passes through the system is expected to come out with at the end of his/her studies. Ebobrah while analysing LeDain's thought on the objectives of legal education, said:

“...LeDain captures fundamentals that all law graduates would find useful. For him, the ultimate aim of legal education is to build what he calls ‘the legal mind’ which comprises of such qualities as ‘thoroughness, intellectual self-reliance and the critical faculty, imagination, foresight, resourcefulness, reasoning ability, judgment, sense of relevance, the ability to perceive similarities, distinctions and relationships, the ability to do effective research and skill in the use of words’”.<sup>73</sup>

The ultimate objective of legal education therefore is to produce competent lawyers whose aims in any given society include the defence of the fundamental rights of individuals as well as their welfare. It is also of importance to state the fact that a true mastery and understanding of law must address the question of its origin, development and function in any society. This can best be achieved through legal education. It has been pointed out and rightly in this dissertation that a good legal education among other things, should aim at providing:

- (a) A good understanding of the structure and goals of the society.
- (b) A good understanding of the nature of the Lawyer's specialty of the tasks he will be called upon to perform as a specialist, and the nature of skills he will be called upon to apply in performing them.
- (c) A good understanding of some of the general rules and principles of laws relating to important and frequently recurring transactions or activities in the society.
- (d) A good understanding of some rules relating to special transactions or activities in the society.

---

<sup>73</sup> Ebobrah, S.T., (2013). Releasing the Academic Spirit in the Legal System: Law Faculties and Legal Education in Nigeria. *Nigerian Law and Practice Journal*, Vol. 12, p. 16

(e) A good understanding of methods and techniques he will be call upon to apply in performing them.<sup>74</sup>

The above objectives are virtually the aims of every legal education but they are read on papers only in Nigeria. Ebobrah<sup>75</sup> opined thus:

Although, LeDain's list enumerates qualities that every self-respecting lawyer needs, arguably, legal education in Nigeria currently does not consciously aim at equipping graduates with these qualities at the upper level. With semester or year-end examinations in mind and restricted by the substandard nature of facilities especially the law library, most law faculties rather aim at developing knowledge and building capacity to memorize, recall and reproduce legal materials in the original form in which those materials were delivered to students... At a general level, the objective is usually to produce 'excellent' but mechanical rote-learning that arguably de-emphasises intellectual self-reliance, the critical faculty and imagination to the extent that memorisation of rules and case law is prioritized while critical analysis that challenges established knowledge is discouraged.<sup>76</sup>

Ojukwu also shared the same view with Ebobrah, he posit thus: "These objectives are laudable but in reality those objectives have not been met because of the actual content and teaching methods adopted in legal education in our faculties."<sup>77</sup> A careful perusal of these objectives will reveal that they can only be realize through pragmatic approach as promulgated by the CLE methodologies. This is because the CLE methodologies are socially conscious and pragmatic wherein the students relate what they learnt in the classroom to the happenings in the society.

## 2.7 Clinical Legal Education in Nigeria

---

<sup>74</sup> Ilumoka, A.O. (April, 1986). *Beyond the Law School attaining fully the Objectives of Legal Education in Nigeria*. Proceedings of the 24th Annual Conference of the Nigerian of Association of Law Teacher; University of Benin, Edo State. p. 115.

<sup>75</sup> Ebobrah, S.T., (2013). Releasing the Academic Spirit in the Legal System: Law Faculties and Legal Education in Nigeria. *Nigerian Law and Practice Journal*, Vol. 12, p. 17.

<sup>76</sup> *Ibid.*

<sup>77</sup> Ernest, O. (2006). *Clinical Legal Education Curriculum for Nigerian Universities' Law Faculties/Clinics*, NULAI Nigeria, p. 2-3.

Before dwelling into the concept of clinical legal education in Nigeria, an attempt is made to define clinical legal education, its evolution and development in Nigeria.

### 2.7.1 What is Clinical Legal Education?

Clinical (Legal) education is primarily a method of teaching. Among the principal aspects of that method are these features: students are confronted with problem situations of the sort that lawyers confront in practice. The students deal with the problems in role; the students are required to interact with others in attempts to identify and solve the problems; and, perhaps most critically, the student performance is subjected to intensive critical review.<sup>78</sup> According to Rekosh,<sup>79</sup> “Clinical Legal Education is a dynamic and interactive way of teaching law students the methodology for good practice, the critical thinking required to analyze all legal matters, the ethical issues essential to act professionally, and the spirit of public service needed to represent the underrepresented”.<sup>80</sup>

The researcher made an attempt on the definition of the term CLE, to wit, clinical legal education is the form of informative and experiential education aimed at reforming the theoretical system of legal education by developing a realistic and pragmatic system that is capable of breeding professionally competent, socially conscious and ethical lawyers that will work for the society. The realistic and pragmatic method includes presentations by students, simulation (role play or drama), live client interview, video and film clips, debate, group discussion, reflective reports, brainstorming, mock trial, use of hand-outs or manual, lecture etc. which are being carried out in the classroom or law clinic/legal clinic which might be either the university-based, law school-based or community-based clinic.

---

<sup>78</sup> New York State Judicial Institute. (2005). *Introduction to Clinical Legal Education*. Partners in Justice: A Colloquium on Developing Collaborations Among Courts, Law School Clinical Programs and the Practicing Bar. USA. p. 14.

<sup>79</sup> Rekosh, E., et al (Eds.). (2001). *Pursuing the Public Interest: A Handbook for Legal Professionals and Activists*, PILI/Columbia Law School, New York, p. 290.

<sup>80</sup> *Ibid.*

Onolaja<sup>81</sup> further explain the focus pragmatic methodology, which this research is in agreement with that: “what is crucial and to which special attention must be directed is that legal education should be student-centred and not lecturer-dominated”.<sup>82</sup>

### 2.7.2 Evolution of the Concept of Clinical Legal Education (CLE)

The concept of CLE started in America in the twentieth century by the foremost American Clinical jurist, Rowe. The type of clinical legal education that Rowe promoted most closely resembles a modern externship or perhaps hybrid clinic, in which students are placed with an off-site legal aid office, prosecutor, or public defender, combined with "general classroom work, with 'demonstrations' of current clinical problems, as well as individual instruction and guidance in each case in hand.<sup>83</sup> Gubbins,<sup>84</sup> when commenting on the evolution of CLE has this to say;

In the early years, American legal education was believed by some to be a craft handed down from master to apprentice. Others saw legal education as learned profession to be taught at Universities. Both theories had avid supporters and existed in uneasy compromise, which still exist today in the debate over the role of clinical education<sup>85</sup>

The learned writer was exposing the ache graduate of law faced attaching themselves to ready-made lawyers/attorneys for several years in apprenticeship due to the obsolete theoretical method of teaching giving to law students at the university. In 1921, the Carnegie Foundation for the Advancement of Teaching funded a study on legal education, commonly called the "Reed Report" after its non-lawyer author, Alfred Z. Reed. The Reed Report

---

<sup>81</sup> Onolaja, M.O., (2008). *Problem of Legal Education in Nigeria*. Retrieved from <http://www.alimiandco.com/publications/accreditation-legal-education-nigeria.pdf&sa> Accessed on 22/2/2017.

<sup>82</sup> *Ibid.*

<sup>83</sup> New York State Judicial Institute *op. cit.* p. 3.

<sup>84</sup> Gubbins, R. M. *A Bit of History on Law Clinics and Law School*. Retrieved from [www.legalnews.com/ingham/1001290](http://www.legalnews.com/ingham/1001290). Accessed on 28/6/2017.

<sup>85</sup> *Ibid.*

identified three components necessary to prepare students for the practice of law general education, theoretical knowledge of the law, and practical skills training. The emphasis on legal analysis in the casebook method fulfilled only one of these three objectives by providing students with a theoretical knowledge of the law.<sup>86</sup> This casebook method adopted by most of the law schools training aspirants to the legal profession is actually fatal which makes Amsterdam to opined, thus:

As the legal academy sought to establish its academic credentials through the casebook method, it turned a cold shoulder on the profession it exists to perpetuate. The analysis of legal doctrine as presented in appellate decisions digested in casebooks, which continues to frame most classroom discourse, limits the type of intelligence prospective lawyers develop. Much of the doctrine so laboriously dissected will change before the student passes the bar or will be of marginal consequence in practice.<sup>87</sup>

As the CLE movement continue to developed its proponents on the go embraced two major goals, practical legal training and providing access to justice for the less privileged.<sup>88</sup> This spurred law students to accept the ideas of CLE more as they experienced how law works in reality and its impact on the society as presented by the New York State Judicial Institute thus:

In building upon the earlier clinical programs, clinical faculty during the second wave expanded clinics to demystify law for students and to represent client communities with claims that thrust clinical programs into the civil rights, consumer rights, environmental rights, and poverty rights movements. During this same period, the Critical Legal Studies (CLS) movement grew out of the earlier legal realism movement in legal education. While clinical teachers were working with law students to use the law as an instrument for social justice and change, proponents of CLS were using the classroom to demystify the law and to teach students that "political conviction

---

<sup>86</sup> *Ibid.*

<sup>87</sup> Amsterdam, A.G. (1984), Clinical Legal Education - A 21st Century Experience, *Journal of Legal Education*, 34, p. 612 @ 618

<sup>88</sup> *Ibid* at p.9

plays an important role in adjudication and that the shape of the law at any time reflects ideology and power as well as what is wrongly called 'logic'.<sup>89</sup>

In this way, clinical programs blend legal theory with lawyering skills, and students learn lawyering values by providing legal assistance to clients who would otherwise lack access to justice. As Schrag and Meltsner observed:

[H]undreds of thousands of low-income clients have been well served by clinic students. Although this magnitude of assistance is very low compared to the need of indigent people for legal services, in most cases the value of the service to clients has been incomparable: avoiding homelessness, avoiding or reducing time in prison, obtaining disability benefits, securing the right to remain in the United States, obtaining safety from a threatening spouse.<sup>90</sup>

The above methodologies of combining theory and practice are the best to be administered to law students which profession is virtually practical as those of the medical and sciences education as rightly observed by Sheppard<sup>91</sup> when commenting on the benefit of clinical activities opined thus;

Why should (a student) be forced to learn the law exclusively in the laborious and difficult manner? Must he be denied the privilege, which the students of medicine, chemistry and the other sciences enjoy, of learning at the outset of his study from treatises what other original investigators have discovered? Like the student of the different sciences, the law student must learn how to make original investigations for himself, and diagnose, so to speak, the principles of law from the cases in actual litigation. But no reason can be given why he must learn the whole science of the law by his own investigations in the undigested mass of raw material in the shape of adjudicated cases. No medical school can pretend to give a complete course of instruction at the present day,

---

<sup>89</sup> New York State Judicial Institute. (2005). *Introduction to Clinical Legal Education*. Partners in Justice: A Colloquium on Developing Collaborations Among Courts, Law School Clinical Programs and the Practicing Bar. USA. p. 9.

<sup>90</sup> *Ibid.*

<sup>91</sup> Sheppard, S. (2007). *The History of Legal Education in the United States: commentaries and Primary Sources*, Lawbook Exchange Ltd, pp. 538-539. Retrieved from [en.m.wikipedia.org/wiki/Legal\\_Clinic](http://en.m.wikipedia.org/wiki/Legal_Clinic). Accessed on 30/03/2014.

without introducing into its curriculum a comprehensive course of clinics. Nor does the professor of physics or chemistry teach these sciences exclusively by the use of the text-books and pictorial representations of the various experiments as was once the practice. But the instructors of these sciences have not discarded the treatise; they have only supplemented the use of the treatise with the resort to the laboratory and operating room.

The CLE programmes continued to expand its frontiers by exposing students to real legal problems and gives the students tangible solutions to those problems in the course of their training. It is observed thus:

As we enter the third wave of clinical legal education, law school clinics continue to play an important role in making access to justice a reality for many low-income people. They do so not only by exposing law students to the legal problems that the poor face but also by allowing students to experience what amounts to a "tactile" connection with the obligation to find substantive and creative ways to respond to unmet legal needs. The result should, at a minimum, lead to greater commitment by clinic graduates to work toward a resolution of the legal services problem. The goal of educating students to this responsibility for assuring access to justice is best met if such education permeates the curriculum.<sup>92</sup>

### **2.7.3 Development of Clinical Legal Education in Nigeria**

The CLE movement began in Nigeria in 2003 with the assistance of the legal profession cum education reformation jurist, Ojukwu, who established a non-governmental, non-profit and non-political organisation, the Network of University Legal Aid Institutions (NULAI-Nigeria). It is committed to promoting clinical legal education, legal education reform, legal aid and access to justice in Nigeria and the development of future public interest lawyers.<sup>93</sup> The CLE programme was conceived due to the insufficient teaching methodology that was adopted by the Faculties of Law in the University and Law School, in training

---

<sup>92</sup> *Ibid at p. 12.*

<sup>93</sup> Ernest, O. et al, (2013), *Clinical Legal Education Curriculum Lessons and Materials*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p. 4.

aspirants to legal profession which was and still basically theoretical and lack societal problems considerations.

Most law faculties in Nigeria today do not have a curriculum for teaching, instead law is taught using course content.<sup>94</sup> The CLE programme compliment the theoretical methods with a more robust and practical curriculum. A curriculum has been defined as ‘a planned and guided learning experience based on a body of theory about teaching and learning targeted to the needs of a particular group of learners which outlines approaches, methods and procedure(s) for implementation.’<sup>95</sup> Therefore, it can be seen that a sound legal education curriculum must adopt a clinical and practical approach to teaching which incorporates knowledge, skills and values (including ethics) and possess the following characteristics:

- i. It should have objectives and outcomes.
- ii. It should have content.
- iii. It should have a schedule.
- iv. It should state methodologies for delivery.
- v. It must contain an assessment/evaluation component<sup>96</sup>

However, this can only be effective where the programme is integrated into the faculty curriculum at a formal or informal level. It is said to be integrated at a formal level where it is adopted as a credit earning course while it is said to be informal when it is voluntary with no academic credit assigned to it. The ideal situation is for the clinical curriculum to be fully integrated into the academic programme.<sup>97</sup>

---

<sup>94</sup> Yusuf, M.D. (2018). *An Examination of Clinical Legal Education and the Roles of University Based Legal Clinics in Promoting Access to Justice: A Case Study of Ahmadu Bello University Law Clinic*, (Unpublished LLM Dissertation). Ahmadu Bello University, Zaria, p. 42.

<sup>95</sup> Madeus, G. F. and Stufflebeam, D.L., (1989) *Educational Evaluation: The Works of Ralph Tyler* Kluwer Academic Press, p. 123.

<sup>96</sup> Yusuf, M.D. (2018). *Op. cit.*

<sup>97</sup> Mcquoid-Mason, D. and Palmer, R. (2013). *African Law Clinicians' Manual*, Institute for Professional Legal Training, Durban, South Africa, p. 86

Clinical law programme was launched in Nigeria in 2004 under NULAI Nigeria platform (with the financial support of Open Society Justice Initiative (OSJI)) with the establishment of four pilot Law Clinics, which were later, increased to six in 2007.<sup>98</sup> The development of University Law Clinics in Nigeria has now become a milestone. NULAI Nigeria has this to say on its web page, thus:

Since 2004, 16 university-based law clinics have opened in Nigeria, creating new avenues for free legal services and a new generation of law students providing free access to justice in the country with support from Open Society Foundations, MacArthur Foundation and European Union, an average of 2,000 law students provide free legal services and human rights education for local communities in different geographical regions.<sup>99</sup>

Clinical education exposes students to law practice during legal training, unlike the traditional method, and does not teach theory alone in the belief that students will learn everything else in practice.<sup>100</sup> Functioning as lawyers in the clinics gives students a sense of responsibility in ensuring that they render services in the best interest of clients; thereby instilling in them the spirit of professional responsibility.<sup>101</sup> Clinical pedagogy emphasizes the use of carefully designed curriculum which is outcome-based, states the expected outcomes (i.e. what learners would be able to know or do at the end of the lesson) and content (i.e. the areas that will be covered with the purpose of teaching knowledge, skills and values) for the course, and methodology to be used. Teaching delivery is by the use of lesson plans, which set out the topic, outcomes, content, activities (this set out the interactive teaching

---

<sup>98</sup> Ernest, O. et al, (2013), *Clinical Legal Education Curriculum Lessons and Materials*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p.5.

<sup>99</sup> [www.nulai.org](http://www.nulai.org). Accessed on 28/11/2017

<sup>100</sup> Adekoya, C.O., (2014). Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education -Ten Years After. *International Journal of Clinical Legal Education*. Vol. 20, No.2. pp. 603-614.

<sup>101</sup> *Ibid.* p. 608

methods that will be used to deliver the lesson) and the resources required for executing the lesson plan. These are new and unique features of CLE in legal education in Nigeria.<sup>102</sup>

For the effective transfer of knowledge to students, law teachers are enjoined to develop lesson plans with defined schedules, clear learning objectives with outcomes and activities.<sup>103</sup> In preparing a lesson plan, the teacher must identify clear outcomes and set out the scope of what is to be taught, consider the teaching methods, format and activities to be used for teaching, feedback and evaluation. The outcomes of lessons are what the students should know at the end of each lesson therefore it should integrate knowledge, skills and values to match the objectives of the lesson. The inclusion of outcomes in the lesson plans ensures that both teachers and students have the necessary guidelines as to what the lesson seeks to achieve.<sup>104</sup> A good lesson plan must possess the following elements:

- i. Topic
- ii. Outcomes
- iii. Content
- iv. Methodology/activities
- v. Resources
- vi. Evaluation/assessment

In view of the radical nature in the development of CLE, there is virtually a University Law Clinic in all the geo-political zones in Nigeria.<sup>105</sup> In addition, there are other

---

<sup>102</sup> *Ibid.* p. 607

<sup>103</sup> Yusuf, M.D. *Op. cit.* p. 43.

<sup>104</sup> *Ibid.* pp. 94-95

<sup>105</sup> In the South-East: ABSU Law Clinic, Faculty of Law, Abia State University, Abia State, EBSU Law Clinic, Faculty of Law, Ebonyi State University, Ebonyi State and UNEC Law Clinic, Faculty of Law, University of Nigeria, Enugu Campus, Enugu State. South-South: AAU Law Clinic, Faculty of Law, Ambrose Alli University, Ekpoma, Edo State and UNIUYO Law Clinic, Faculty of Law, University of Uyo, Akwa-Ibom. South-West: AKUNGBA Law Clinic, Faculty of Law, Adekunle Ajasin University, Akoko, Ondo State. OOU Law Clinic, Faculty of Law, Olabisi Onabanjo University, Ogun State and Women's Law Clinic, Faculty of Law, University of Ibadan, Oyo State. North-Central: UNIABUJA Law Clinic, Faculty of Law, University of Abuja, Gwagwalada, Abuja. NSUK Law Clinic, Faculty of Law, Nasarawa State University, Keffi, Nasarawa State and Community Law Clinic, Faculty of Law, University of Ilorin, Kwara State. North-West: A.B.U Law Clinic, Faculty of Law, Ahmadu Bello University, Zaria, Kaduna State and in North Eastern region we have Maiduguri Law Clinic, Faculty of Law, University of Maiduguri, Borno State.

Law Clinics in Nigerian Law School's campuses.<sup>106</sup> Many university-based law clinics have adopted the clinical legal education curriculum for Nigerian universities and Law Clinics.<sup>107</sup>

#### **2.7.4 Objectives of Clinical Legal Education in Nigeria**

The basis of the advocacy for reform of legal education in Nigeria is that NULAI Nigeria believes legal education should be taught both as a liberal art subject and as a vocation. The general goal therefore will be to present legal education at all levels in a way that will achieve the development of professionally competent, socially conscious and ethical lawyers that will serve the society.<sup>108</sup> These developments of professionally competent, socially conscious and ethical lawyers that will serve the society will be realised through the inculcation of practical skills through interactive sessions and representing the indigents through the Law Clinics as rightly observed by Rekosh and his colleagues, thus:

Clinical legal education is an interactive method of teaching law students the legal skills they will need in order to become competent, conscientious, and ethical lawyers. Most consider clinical legal education to have two main purposes. One primary goal is to teach practice skills and professional responsibility to law students by having them generally represent real clients under the watchful eye of professors who supervise the students' work. The other main goal is to provide legal services to meet the needs of the poor and underrepresented. In the process of addressing those needs, students must consider the practical, ethical, social, and moral considerations concerning law and the legal process. The relative significance of these objectives will depend on the country and the environment in which the clinical legal education program operates.<sup>109</sup>

---

<sup>106</sup> The Nigerian Law School campuses Law Clinics are; Legal Advice Center, Nigerian Law School, Augustine Nnamani Campus, Agbani, Enugu State, Bagauda Law Clinic, Nigerian Law School, Bagauda Campus, Kano State, Yola Campus Law Clinic, Nigerian Law School Yola Campus and Nigerian Law School Abuja Campus Law Clinic.

<sup>107</sup> Ernest, O. et al, (2013), *Clinical Legal Education Curriculum Lessons and Materials*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p. 6

<sup>108</sup> *Ibid.* p.7.

<sup>109</sup> Rekosh, E., et al (Eds.). (2001). *Pursuing the Public Interest: A Handbook for Legal Professionals and Activists*, PILI/Columbia Law School, New York, p. 258.

Rekosh and his colleagues further summarized the goals of clinical legal education with reference to the MacCrate Report of American Bar Association ideas about the future lawyers in the following words, thus:

The highly respected and often-cited MacCrate Report of the American Bar Association, published in 1992, describes the skills and values of a competent and responsible lawyer as developing along a continuum. This continuum begins prior to law school, reaches its most formative and intensive stage during the legal education experience, and continues throughout a lawyer's professional career. Clinical legal education can make a significant contribution during this continuum, as it provides law students with the necessary practical skills to become competent and conscientious lawyers. From a societal perspective, legal clinics serve a second purpose by meeting the legal needs of the poor and underrepresented. These two main functions are often intertwined, mostly complementary, but sometimes competing. Both purposes, however, fall under a broader set of goals: reforming the legal system, enforcing the rule of law, and shaping the attitudes of future generations of legal professionals.<sup>110</sup>

From the above quotations, it shows that learning the skills and value of the legal trade is a process. Such process begins from University, continues through the vocational training in law school and lawyer's professional career. CLE can make important impacts through these processes as it gives law students the required skills to act in a manner that is professionally competent, ethically conscience and imbibe the spirit of rendering free legal service in the students.

The Faculty of Law, Ahmadu Bello University, Zaria curriculum proposal to the Senate of the University on Clinical Legal Education (CLE) reveals the following objectives for CLE as a course, thus:

---

<sup>110</sup> *Ibid* @ pp. 264-265.

1. To provide a solid foundation and a variety of opportunities, which will qualify law students for a wide range of careers in complex public and private legal practices.
2. To prepare law students for careers as teachers of clinical legal education with focus on skills such as interviewing, counselling, negotiating and oral advocacy.
3. To introduce law students to the disciplines of creating and participating in a responsible and effective professional community service.
4. To teach law students how to learn from experience and make judgments under conditions of uncertainty.
5. To develop in law students, fundamental knowledge, skills and ethics especially an academic knowledge base and research.
6. To expose law teachers to wider experience in lawyering skills, interactive teaching methodology and legal practice, which is fundamental to their development.<sup>111</sup>

The Law Clinics that served as a laboratory through which CLE curriculum are mostly implemented equally has its mission that are in tandem with the objectives of CLE, thus:

- i. To provide legal aid for indigent members of the community.
- ii. To advocate for access to justice and Human Right.
- iii. To serve as a laboratory where students learn through real legal practice.
- iv. To expose students to some new areas of law and vital professional skills.
- v. To serve as an avenue for capacity building for both staff and students of law.
- vi. To provide an opportunity for law students to appreciate the social perspective of legal practice.<sup>112</sup>

---

<sup>111</sup> Madaki, M.A., (2016). *Faculty of Law, Ahmadu Bello University, Zaria Clinical Legal Education Curriculum Proposal to the Senate*, Faculty of Law, Ahmadu Bello University, Zaria. p.1

The above listed missions are summarized by Ebonyi State University (EBSU) Law Clinic as its mission as thus; “to develop skills in our law students through interactive teaching methodology that will equip them to grapple with modern day law practice in all jurisdictions, and develop *pro bono* culture in them before graduation.”<sup>113</sup> The goals are achieved through some clearly defined characteristics of clinical legal education as identified by NULAI Nigeria, thus:

1. There is an Institutional goal for legal education;
2. There is a fully fledged curriculum with clear objectives for each module;
3. Curriculum is design based on an integrative approach that deals with legal education as both a liberal art and as a vocation presenting knowledge skills and values.
4. Teaching/learning is learner-centred as opposed to teacher centred education;
5. Teaching/learning is very active and interactive;
6. Lessons are planned with clear lesson outcomes known by everybody including the learner;
7. Learner is exposed to simulated and real life experience of the professional;
8. There is a clear assessment plan with a heavy dose of formative assessment, and a continuous evaluation of Institutional goals, curriculum, lessons and activities.<sup>114</sup>

Clinical teaching of law, the aim of which is the effective acquisition of practical foundations of the legal trade, is required not only to educate and prepare students psychologically for their profession, but also to function in an appropriate organizational and

---

<sup>112</sup> Abugu, C. U. and Mukhtar, N, University of Abuja Law Clinic Manual. Retrieved from [www.unibujalawclinic.com.ng](http://www.unibujalawclinic.com.ng). Accessed on 10/01/2018

<sup>113</sup> amariomaka.blogspot.nl./2011/04/ebonyi-state-university-law-clinic-in.html?m=. Accessed on 16/05/2014.

<sup>114</sup> Ernest, O. et al, (2013), *Clinical Legal Education Curriculum Lessons and Materials*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p. 8.

legal form.<sup>115</sup> Therefore, the main reason for introducing clinical legal education is to train law students to become competent, community service conscious and ethical lawyers.

In a law clinic, a law student is expected to demonstrate the ability to function like a lawyer after going through the academic component of the programme and incrementally learning from experience, while carrying out simulated and real life lawyering activities and services under the supervision of qualified lawyers.<sup>116</sup> Even with the invention of the CLE curriculum, the improvement in legal education might seem not to be wholly successful but the few students that pass through the Law clinics experimental teachings has possessed some skills necessary in serving the society upon their admission to the Bar. A renowned author on legal education<sup>117</sup> once observed the importance of experimentation in teaching law students in the following words:

...legal education has been the result of experimentation in teaching techniques. Not all such experiments have proved successful. Public authority should not dictate teaching techniques but it should make sure that all applicants have the training necessary to adequately serve the public upon their admission.<sup>118</sup>

It is the researcher's firm view that clinical legal education has improved the standard of legal education and promoted legal practice in Nigeria. Numerous examples of clinical impacts are cited to justify this assertion in chapter four of the research.

## **2.8 Legal Practice in Nigeria**

To understand the concept of legal practice in Nigeria, there is need for the reader to know the meaning of legal practice, who is qualified to practice law in Nigeria and some areas of legal practice in Nigeria. Legal practice in a simple and direct term is defined by the

---

<sup>115</sup> Sakowicz, A., (2005). The Organizational and Legal Form of Legal Clinics. In: Lomowski, D. (ed.), *The Legal Clinic: the Idea, Organization, Methodology*. Wydawnictwo C.H. Beck, Warsaw, Poland, p. 52.

<sup>116</sup> *Ibid.* p. 10.

<sup>117</sup> James P. White, a Professor of Law in the Indiana University, Indianapolis consultant on legal education to the American Bar Association

<sup>118</sup> White, J. P., (1987). Legal Education in the Era of Change: Law School Autonomy. *Duke Law Journal*, Vol. 292. P. 297.

Oxford Dictionary as “the carrying out of the profession of being a lawyer”.<sup>119</sup> While the Black’s Law Dictionary<sup>120</sup> gives a wide definition of the term legal practice, also termed as practice of law in the following terms, thus:

The professional work of a duly licensed lawyer, encompassing a broad range of services such as conducting cases in court, preparing papers necessary to bring about various transactions from conveying land to effecting corporate mergers, preparing legal opinions on various points of law, drafting wills and other estates-planning documents, advising clients on legal questions. The term also includes activities that comparatively few lawyers engage in but that require legal expertise, such as drafting legislation and court rules.

The Supreme Court gave similar definition of what legal practice is in the celebrated case of *Atake v. Afejuko*<sup>121</sup> where the court described the term, “practice of law” to mean, thus;

Retention of services requiring the knowledge and the application of legal principles and techniques to serve the interest of another with his consent. It is not limited to appearing in court or advising and assisting in the conduct of litigation, but embraces the preparation of pleadings and other papers incident to action and special proceedings, conveyance, the preparation of legal instruments of all kinds and the giving of all legal advice to clients and all actions taken for them in matters connected with law.

From the above definitions of the term legal practice, it will be right to postulate that a law student who is train to practice law has a herculean task in the processes of acquiring the knowledge. In Nigeria, the process of acquiring the status of a lawyer runs through academic stages after the secondary education. Legal education in Nigeria is divide between a Bachelor

---

<sup>119</sup> [https://en.oxforddictionaries.com/definition/legal\\_practice](https://en.oxforddictionaries.com/definition/legal_practice). Accessed on 21/01/2018

<sup>120</sup> Garner, B.A., (2009), *Black’s Law Dictionary*, West Publishing Co. U.S.A, 8<sup>th</sup> Edition, pp. 1210-1211.

<sup>121</sup> (1994) 9 NWLR (pt. 387), 379 @ pp. 403-404,

of Laws degree awarded at the University and one-year vocational programme at the Nigeria Law School for call to the Nigerian Bar.<sup>122</sup>

The law (LL.B) degree syllabus is a five-year programme for the University Matriculation Examination (UME) candidates and four years for the direct entry candidates. The direct candidates are mainly candidates who hold minimum of first degree or its equivalent. Each year is divided into two semesters of about fourteen weeks of lectures in each semester. On completion of the LL.B degree programme candidates who wish to enrol at the Bar must undertake a one year training programme at the Nigerian Law School and pass the bar examination.<sup>123</sup> While those who study abroad had to compulsorily, undertake the Bar Part I examination to be acquainted with Nigerian laws, before joining the Nigerian Universities students at the Bar Part II examination. The Council of Legal Education then issues the candidate a qualifying certificate and a call to the Bar certificate by the Body of Benchers at a formal ceremony. The candidate name is later register in the Supreme Court in the roll of legal practitioner kept with the Registrar of the Court.<sup>124</sup>

In conclusion, this chapter discussed the concept of legal education, its objectives in Nigeria, the concept of clinical legal education, its evolution, development and objectives in Nigeria and legal practice in Nigeria were extensively consider for the readers' comprehension. A careful perusal of the explanation rendered above will give the reader a clear understanding of the concept of legal education, its challenges and the rationale behind the introduction of CLE. This will now lead us to the legal framework for clinical legal education and ethics in Nigeria.

---

<sup>122</sup> Ernest, O. et al, (2013), *Clinical Legal Education Curriculum Lessons and Materials*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p. 1.

<sup>123</sup> *Ibid.* p. 2.

<sup>124</sup> See Sections 2 and 24 of the Legal Practitioners Act, Cap. L11, Laws of Federation of Nigeria, 2010. Also see *Abubakar v. Dankwambo & Ors* (2015) LPELR-25698(CA) pp. 25-26, paras. A-D, *CAMAC (NIG) LTD v. SABACO LTD* (2016) LPELR-40520(CA) pp. 7-8, paras. D-C, *Onile-Ere v. Onile-Ere* (2016) LPELR-40354 (CA) pp. 7-8, para C, *Plateau State University v. Joseph & Ors* (2018) LPELR-46049 (CA) pp. 14-29, paras. C-E.

## **CHAPTER THREE**

### **THE LEGAL FRAMEWORK FOR CLINICAL LEGAL EDUCATION AND ETHICS IN NIGERIA**

#### **3.8 Introduction**

Law is an instrument of social engineering. Indeed, the legal profession plays a dominant role in any society because all human activities revolve around a legal framework.<sup>125</sup> In Nigeria, the laws governing the entire legal system are virtually written in

---

<sup>125</sup> Mokidi, S.K., and Agbebaku, C.A., (2010). Legal Clinics and Professional Skills Development in Nigeria. *International Journal of Clinical Legal Education*. Issue 17. p. 43.

legal instruments in the form of Acts, Laws, Codes of Conducts, Rules, Practice Directions and other forms of subsidiary legislations. These legal instruments creates institutions, states their functions and appoint persons to carry out such functions of the institutions. The core issues in this chapter is to examine the laws that govern clinical legal education in Nigeria and their relationship to the knowledge acquired by the aspirant to the Nigerian Bar (law students). In the end, the practical approach of teaching, its application or otherwise is considered.

### 3.9 National University Commission Act, 2004

The National Universities Commission Act<sup>126</sup> established the National Universities Commission with the mandate among others to ‘inquire into and advise the Federal Government on the financial needs, both recurrent and capital of the University education in Nigeria, and in particular, to investigate and study the financial needs of University research and ensure that adequate provision is made for this in the Universities.’<sup>127</sup> The adequate provisions here most conform to the purpose for higher education in Nigeria.<sup>128</sup> The curriculum in law faculties has remained largely uniform and unchanged. On average, the number of course offerings in the entire faculty of law is 40. This sharply contrasts to the U.S.A. whereas at 2002, the average number of course offerings in senior classes only of law is 84.<sup>129</sup>

This uniformity and limited number of offerings in part emanate from the intervention of the National Universities Commission (NUC) initially providing Minimum Academic Standards now upgraded to Benchmark Minimum Academic Standards.<sup>130</sup> This involves

---

<sup>126</sup> Cap N81, LFN, 2004.

<sup>127</sup> *Ibid.* Section 4(1) (e)

<sup>128</sup> Section 11, of the Education (National Minimum Standards and Establishment of Institutions) Act, Cap E3, Laws of the Federation of Nigeria, 2010.

<sup>129</sup> Mamman, T., (November, 2010.). *A Review of the Legal Framework of Legal Education in Nigerian Universities*. A paper delivered at the Justice M.M. Akanbi Annual Lecture, at the University of Ilorin, Kwara State, Nigeria. p.10.

<sup>130</sup> National Universities Commission (November, 2014). *Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities, Law*, National University Commission, Abuja. pp. 1-51.

prescribing both law and non-law courses, which faculties of Law in the country are, required to offer. The Council of Legal Education also has its own group of core courses prescribed for law faculties.<sup>131</sup>

However, the curriculum is inadequate given the reason for the introduction of the NUC Benchmark Minimum Academic Standards for curriculum development for Law programs (BMAS Law). Section 10 (1)<sup>132</sup> empowers the National Universities Commission (NUC) to lay down minimum standards for all programmes taught in Nigerian universities. In 1989, the Commission, in collaboration with the universities and their staff, developed minimum academic standards for all the programmes taught in Nigerian universities and the Federal Government subsequently approved the documents.<sup>133</sup> NUC set the main aims and objectives of the degree programme in Law as follows:

- i. To ensure that Law is taught as it exists at any given time, and that every Law student adopts a comparative approach to legal studies bearing in mind that there are many systems of Law (Common Law, Statutory Law, Customary Law and Islamic Law) currently in operation.
- ii. To ensure that students are imbued with a general knowledge and understanding of Law.
- iii. To develop in students the intellectual ability to apply research, knowledge and analytical skills to solving theoretical and practical legal problems.
- iv. To acquaint students with principles of the judicial process and legal systems, as well as their interaction with socio-economic frameworks.

---

<sup>131</sup> *Ibid.* See Ernest, O. et al, (2013), *Clinical Legal Education Curriculum Lessons and Materials*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p. 2.

<sup>132</sup> Education (National Minimum Standards and Establishment of Institutions) Act, Cap E3, Laws of the Federation of Nigeria, 2004.

<sup>133</sup> National Universities Commission (November, 2014). *Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities, Law*, National University Commission, Abuja. p. ii.

- v. To provide, through training and orientation, an appreciation of the growing relevance of inter and multi-disciplinary approach to the solution of complex life problems and the role of law therein.<sup>134</sup>

In order to regulate the standard of legal education in Nigeria, the NUC adopted a Benchmark Minimum Academic Standards (BMAS) for undergraduate programmes in Law in Nigerian Universities. The revised Minimum Academic Standards (MAS), which was subsequently merged, with the Benchmark Style Statements into one new document known as BMAS, in providing minimum academic standards for Nigerian Universities stipulated thus:

Academic legal education should therefore act, first, as a stimulus to stir the student into the critical analysis and examination of the prevailing social, economic and political systems of his community and, secondly, as an intellectual exercise aimed at studying and assessing the operation, efficacy and relevance of various rules of law in society.<sup>135</sup>

In the exercise of its mandate, and to ensure the attainment of the minimum standard, the NUC approved and set out in the BMAS a curriculum for teaching and research, leading to the award of a Degree in Law (LL. B). In view of the above aims, the NUC philosophy for degree programme in Law is well entrenched in the BMAS Law as follows, thus:

The Law programme is established to contribute significantly to the enrichment and enhancement of legal study and practice. It is designed to provide legal education within the realm of a dynamic socio – political environment that encompasses the national and global trends and challenges. The main focus of the Law programme is to create an environment that encourages intellectual rigour, analytical and critical engagement as well as profound ethical standards. The programme will produce law graduates who can compete actively in legal,

---

<sup>134</sup> *Ibid.* p. 2.

<sup>135</sup> *Ibid.*

social, economic and political developments on a global scale.<sup>136</sup>

From the above objectives for studying law in the University. It is the researcher's view that the process of training law students ought to be designed in a way that students will be actively engage in critical analysis of legal problems in line with the highest ethics of the profession. So that the student can perform and compete effectively with other law graduates across the globe after graduation. Doing this will enhance and enriched legal study and practice. The BMAS Law has also stipulate some learning outcome for the graduates of law. Law graduates are expected to develop a wide range of skills and abilities.

The BMAS Law prescribes as mandatory the introduction in LL.B programme a Course titled "Clinical Legal Education (CLE)" in Nigerian Universities, which is a community based course that includes moot court, prison services, community legal assistance to the poor, minority and the under privileged. Under the benchmarks, the Universities are expected to produce the curricular that would determine the context of the community service course/programme.<sup>137</sup>

### **3.10 Education (National Minimum Standards and Establishment of Institutions) Act 2004**

The Education (National Minimum Standards and Establishment of Institutions) Act<sup>138</sup> is an Act that deals amongst other things with the specification of various authorities empowered to prescribe minimum standards of education in Nigeria and to impose penalties for any contravention of its provisions. The Act vest the power for determining the minimum standards for all universities and other institutions of higher learning in the Federation and the accreditation of their degrees and other academic awards in the National Universities

---

<sup>136</sup> National Universities Commission (November, 2014). *Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities, Law*, National University Commission, Abuja. p. 2.

<sup>137</sup> National Universities Commission (November, 2014). *Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities, Law*, National University Commission, Abuja. p. 45.

<sup>138</sup> Cap E3, Laws of the Federation of Nigeria, 2004.

Commission in formal consultation with the universities for that purpose, after obtaining prior approval therefore through the Minister, from the President.<sup>139</sup> The Act makes the purpose of higher education in section 11<sup>140</sup> to include:

- a. the acquisition, development and inculcation of the proper value-orientation for the survival of individuals and society;
- b. the development of the intellectual capacities of individuals to understand and appreciate their environment;
- c. the acquisition of both physical and intellectual skills to enable individuals to develop into useful members of the community;
- d. the acquisition of an objective view of local and external environment;
- e. the making of optimum contributions to national development through the training of higher level manpower;
- f. the promotion of national unity by ensuring that admission of students and recruitment of staff into universities and other institutions of higher learning shall, as far as possible, be on a broad national basis;
- g. the promotion and encouragement of scholarship and research.

The purpose of this Act is clearly in tandem with the objectives of clinical legal education in Nigeria as it captures the issue of value orientation, community development skills and the encouragement and promotion of research through higher institutions in Nigeria. A critical perusal of the two Acts<sup>141</sup> will reveal some important skills required by law students and law graduates that the Nigerian Universities have neglected. Law as a course needs praxis as opposed to the theoretical approach used in Nigerian Universities, but unfortunately, Nigeria universities teach law in theories.

### **3.11 Legal Education (Consolidation, etc.) Act, 2010**

---

<sup>139</sup> *Ibid.* Section 10

<sup>140</sup> *Ibid.*

<sup>141</sup> NUC Act and Education (National Minimum Standards and Establishment of Institutions) Act

The Legal Education (Consolidation, etc.) Act<sup>142</sup> established the Council of Legal Education<sup>143</sup>, which is responsible for the legal education of persons seeking to become members of the legal profession.<sup>144</sup> The Nigerian Law School (NLS) instils the legal education recognized by the Act.<sup>145</sup> NLS is a professional institution that offers vocational training for aspirant to the Bar. In recent years, due to the review of the curriculum for the training of aspirants to the Nigerian Bar, the mandatory vocational training of aspirants to the Nigerian Bar has become more skills based and has been focused on the importance of acquiring basic skills preparatory to call to the Bar.<sup>146</sup> To qualify as a legal practitioner in Nigeria, a person must have a qualifying certificate issued to him by the Council of Legal Education as having fulfilled all requirements at the Nigerian Law School. The Council is also empowered to otherwise issue such certificates to Bar aspirants without going through the course of study at the Law School.<sup>147</sup>

This Act comprises ten (10) sections with subsections but a clear perusal of the Act will clearly reveal that there is no requirement for admission or the level of good conduct required from an aspirants into the Bar. But the court has held in some judicial decisions<sup>148</sup> that the provisions of section 1 (2) and (5) of the Legal Education (Consolidation) Act, which is on the Council of Legal Education responsibility for legal education of aspirants to the Bar and responsibility to do such things as it considers expedient for the purpose of performing its function. The section is all encompassing to enable the Council to carry out its functions of

---

<sup>142</sup> *Cap. L10. Laws of Federation of Nigeria, 2004.*

<sup>143</sup> *Ibid.*

<sup>144</sup> *Ibid.* Section 1 (1)

<sup>145</sup> There are six campuses of the Nigerian Law School in the entire geopolitical zone, i.e. Lagos, Kano, Bayelsa, Yola and Enugu campus with their headquarters in Abuja.

<sup>146</sup> Adegoke, O.A. et al, (2014), *Law in Practice: Professional Responsibilities and Lawyering Skills in Nigeria*. Jos University Press Limited, Jos Plateau State, p. xxiv. This explains the practical styled of case studies found in virtually all the textbooks recommended for the five courses taught at the Nigerian Law School campuses.

<sup>147</sup> Adegoke, O.A. et al, (2014), *Law in Practice: Professional Responsibilities and Lawyering Skills in Nigeria*. Jos University Press Limited, Jos Plateau State, pp. 114-115.

<sup>148</sup> See *Okonjo v. Council of Legal Education* (1979) D.A.C. 28 and Orojo, A., (1985). *Digest of Appeal Cases 1979*. Olba Publishers Limited, Lagos, p. 67.

legal education for aspirants to the Bar.<sup>149</sup> The Council of Legal Education introduced a curriculum, lesson plan and case studies with qualitative vision and mission for legal education in Nigeria. The NLS vision statement is captured, thus:

1. To be a model Institution that aims to attain the highest standards of legal education and vocational training in the world;
2. Train lawyers grounded in the ethics of the legal profession, who can respond to current national and international legal challenges in a diverse society, providing leadership in many different walks of life; and
3. To maintain vocational training and capacity building for lawyers to be intellectually and professionally effective for meeting global challenges and ethical values.<sup>150</sup>

The Mission statement on the curriculum, lesson plan and case studies read, thus:

1. To educate and train law graduates in vocational skills that would enable them function optimally as barristers and solicitors;
2. To adopt skills-based, interactive and clinical methods of learning that would adequately prepare the graduates for their roles as lawyers to function as teachers, advocates, and solicitors, advisers, leaders in private enterprise and public service;
3. To train students to conform to the ethics and traditions of the legal profession and exhibit the highest sense of integrity and candour in the discharge of their professional calling; and
4. To inculcate in its graduates the ideals of rule of law, social justice and community service such as providing free legal services to the indigent and encouraging the development of opportunities for access to justice.

---

<sup>149</sup> This issue of unwritten regulations has recently create an uproar on the 13<sup>th</sup> day of December, 2017 where the issue of dress code for aspirant to the Bar was an issue involving one Amasa Firdausa, graduate of University of Ilorin.

<sup>150</sup> Council of Legal Education, (2014). *2014/2015 Curriculum, Lesson Plans and Case Studies*, Nigerian Law School, Abuja, p. 2

The NUC and Council of Legal Education are the body responsible for accreditation of Law faculties in Nigeria.<sup>151</sup> The Acts<sup>152</sup> requires law teachers to offer law students contemporary interpretation of issues and presentation of subject in a manner that enhances and build the capacity of the student, not only to understand the issues but also to be able to make meaningful contributions to discussion about them and apply the principles learnt to life issues placed before them. The Acts also expect law teachers to use their classroom as a theatre for instilling the values of honesty and probity in the students they teach because the classroom is the public stage of the law teacher; the teacher can turn this stage into a potter's shop where the characters of men are moulded.<sup>153</sup>

### **3.12 Legal Practitioners Act, 2004.**

Adegoke and her colleagues said: “like in any established profession around the world, there are certain bodies that regulate and determine the internal running (sic) and management of the profession and its members to establish and maintain standards, regulate relations within and outside the profession and create an atmosphere of integrity and coordination.”<sup>154</sup> The Legal Practitioners Act<sup>155</sup> is the major enactment that regulates the educational qualification of what an aspirant to the Bar needs to satisfy before he is admitted to the Bar. It also created institutions that regulates the conduct of persons who already enrolled into the Bar and other ancillary matters that affect members of the Bar. We shall only consider the laws of some institutions that directly regulate the education and conducts of legal practitioners in Nigeria like the Body of Benchers and the Nigerian Bar Association (NBA).

#### **a. Body of Benchers**

---

<sup>151</sup> *N.U.C. v. Alli* (2014) All FWLR (pt. 715), p. 288, paras. B-D, p. 296. Paras. E-F.

<sup>152</sup> NUC and Legal Education Act.

<sup>153</sup> Yusuf, A. O. and Kunuji. A. O. (2013, April). *Combating Corruption in Nigeria: Role of the Law Teachers*, Proceedings of the 46<sup>th</sup> Annual Conference of the Nigerian Association of Law Teachers, Ilorin, Nigeria, p. 410.

<sup>154</sup> Adegoke, O.A. et al. op. cit. p. 87.

<sup>155</sup> Cap. L11, Laws of Federation of Nigeria, 2010. Herein referred to as LPA.

There shall be a body of legal practitioners of the highest distinction in the legal profession in Nigeria to be known as "the Body of Benchers" which shall be responsible for the formal call to the Bar of persons seeking to become legal practitioners.<sup>156</sup> According to Orojo,<sup>157</sup> the reason for establishing Body of Benchers was not farfetched from the benefit accrued to the aspirant of the English Bar that is not available to the first set of Nigerian universities graduates. He opined thus:

The first idea of having a Body of Benchers in Nigeria came about in 1966 when the first set of students who graduated from Nigerian Universities were admitted into the Law School in 1965 and were observed to be unlike their counterparts who had studied in and had enjoyed the fellowship of the English Inns of Court.<sup>158</sup>

Law, being a profession that esteems good conduct while not compromising intellectual excellence, it is imperative that persons put forward as lawyers must possess the moral character as well as academic merit to appropriately discharge their professional responsibilities.<sup>159</sup> According to Orojo, these graduates from Nigerian universities despite their academic achievements did not exude from their comportment, any knowledge of the etiquette of the profession except for what they observed, during their few visits to the courts. It became apparent that this variance must be corrected. To achieve the inculcation of the requisite etiquettes of the profession in these grandaunts, something had to be done.<sup>160</sup> The plan was that 'the Bar aspirants would in interacting with these persons' under informal settings, (as was the practice in England) have the occasion to learn 'those intangible attributes or etiquette of the profession, which are the basis of its honour and fellowship.'<sup>161</sup> Thus, the necessity for the Body of Benchers empowered with the duty to uphold and

---

<sup>156</sup> Section 3 (1) of the Legal Practitioners Act, Cap. L11. Laws of Federation of Nigeria, 2010.

<sup>157</sup> Orojo, O., (2003). *Forty Years of Service to the Nation*. In: Council of Legal Education (ed.) Nigerian Law School Four Decades of Service to the Legal Profession, Council of Legal Education, Abuja. pp. 26-27.

<sup>158</sup> *Ibid.*

<sup>159</sup> Adegoke, O.A. et al. op. cit. p. 96.

<sup>160</sup> *Ibid.* p. 93.

<sup>161</sup> Orojo, O., (2003). *Op.cit.* p. 27.

maintain the high traditions and ethics; manage, protect, enhance and promote the image and welfare of its members, and, to guard against the admission of unfit persons into the legal profession.<sup>162</sup> However, to the researcher's dismay, the aspirants to the Bar hardly interact with these body of persons worthy of emulation except in three circumstances; signing of benchers' form, Law School dinners and call to the Bar ceremony. We then wonder what an aspirant will emulate in the few interactions that are neither academic nor in the course of legal practice.

The Body of Benchers is bestowed with several powers by the LPA, which include, formal Call to the Bar of aspirants,<sup>163</sup> prescribing call to the Bar fee,<sup>164</sup> issuance of Certificate of Call to Bar,<sup>165</sup> prescribing required dinners for aspirants to the Bar,<sup>166</sup> responsible for discipline of Bar aspirants,<sup>167</sup> in consultation with Nigerian Law School. The Benchers are responsible for prescribing the standard and type of education necessary for persons seeking admission into the Nigerian Law School,<sup>168</sup> sponsoring aspirants to the Bar<sup>169</sup> and taking all measures, whether by way of regulations or otherwise, which appear to the Body, necessary or expedient for maintaining at all times the traditional values of the profession.<sup>170</sup> It is apparent and transparent herein that the Body of Benchers has some major roles to play in the education and character of Bar aspirants, and such translates to the shaping of the aspirants' conduct when they are finally admitted to the Bar as legal practitioners. The CLE curriculum

---

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.* Section 3 (1) LPA. By the provisions of section 10, 12 of the LPA and the case of *NBA v. Aladejobi (2008) 14 NWLR (PT. 1108) 611*, the Body is also responsible for discipline of legal practitioners and hearing appeal from the decision of the Legal Practitioners Disciplinary Committee (LPDC).

<sup>164</sup> *Ibid.* Section 4 (1)

<sup>165</sup> *Ibid.* Section 4 (3)

<sup>166</sup> *Ibid.* section 18 (1)

<sup>167</sup> *Ibid.* section 10

<sup>168</sup> Duru, O., *The Legal Framework, Function, Powers, Functions and Composition of Regulatory & Controlling Bodies & Organs of the Legal Profession*. [www.legalemperors.com](http://www.legalemperors.com) Accessed on 16/02/2018.

<sup>169</sup> *Ibid.*

<sup>170</sup> *Ibid.*

that deals with the inculcation of value need the value of the profession that is maintained by the Body of Benchers.

**b. The Nigerian Bar Association (NBA) Constitution**

The NBA has been saddled with several responsibilities under the LPA. The LPA has mentioned 72 members of the NBA and the President of the Association being a member in two committees and bodies. In the LPA, section 1 (2) (c) make provision for twenty (20) members of the NBA in the Bar Council, section 3 (1) (j) and (k) make provision for the president and thirty (30) members of the NBA in the Body of Benchers, section 5 (3) make provision for five (5) members of the NBA who are Senior Advocate of Nigeria in the Legal Practitioners Privileges Committee (LPPC), section 10 (2) (c) make provision for twelve (12) members of the NBA to be appointed by the Body of Benchers in the LPDC, section 12 (2) (d) make provision for two (2) members of the NBA in the Appeal Committee of Body of Benchers and section 15 (1) (c) makes provision for the president and three (3) other members of the NBA as members of the Legal Practitioners Remuneration Committee.

The LPA has even subjected the power of the General Council of the Bar to the powers of the NBA as contained in the NBA Constitution<sup>171</sup> and other responsibilities in the LPA. The aims and objectives of the NBA shall be the maintenance and defence of the integrity and independence of the Bar and the Judiciary in Nigeria. The promotion and advancement of Legal Education, Continuing Legal Education, Advocacy and Jurisprudence. The establishment, maintenance and operation of a system of prompt and efficient legal aid and assistance for those in need but who are unable to pay for same, promotion and support

---

<sup>171</sup> See Section 6 of the Nigerian Bar Association Constitution, 2015

of law reform and maintenance of the highest standard of professional conduct, etiquette and discipline among others.<sup>172</sup>

A careful perusal of the aims and objectives of the NBA, particularly section 3 (1), a, b and f, will reveal that the NBA has the role of advancing and promoting legal education, providing legal aid to indigents and maintenance of the highest standard of professional conduct, etiquette and discipline. However, to the researcher's dismay, the NBA from its creation to date has not done anything in relation to the education of aspirants to the Bar (law students), we then wonder what legal education the NBA is advancing or promoting. Though after the inauguration of 2015 leadership of the NBA led by Mahmoud, the administration in a bid to cover the field, inaugurated the Nigerian Bar Association's Legal Profession Regulatory Review Committee (LPRRC) on the 28<sup>th</sup> day of December, 2016 which members include personalities from the academia and the practicing lawyers that have distinguished themselves in the legal profession. Terms of Reference (TOR) of the Committee among which there are two terms (6 and 9) relevant to this research are as follows:

- i. To review the current standards for admission into the Nigerian Bar and recommend changes. In particular determine whether the current threshold of 40% as pass mark for bar examinations at the Nigerian Law School is realistic and determine how such thresholds compare with entry requirements into the legal professions across Africa and the rest of the world and make appropriate recommendations
- ii. To review the ethical requirements for admission into the legal profession and determine the adequacy of such requirements and how best to maintain high ethical and professional standards in the legal profession.

---

<sup>172</sup> *Ibid.* Section 3 (1) a-n

The committee had submitted its report to the NBA and the committee recommendations on the above terms of reference is made public which address certain issues of concern to the profession. Some of the stakeholders' recommendations from the memoranda submitted and the town hall meetings held across the country considered.

### **3.13 Legal Aid Act 2011**

One of the fundamental obligation of government as contained in Chapter Two of the Constitution is social objectives. S.17 (2) (a) provides that every citizens shall have equality of rights, obligations and opportunities before the Law.<sup>173</sup> Rule of law and fair hearing cannot be achieved where small percentage of citizens have full access to justice and legal representation by counsel of their own choice while a significant percentage does not have this opportunity because of financial inability (sic) economic challenges.<sup>174</sup> It is in this vein that the Nigerian government in order to facilitate access to justice for the poor as equilibrium with that of the rich established the Legal Aid Council with the sole aim of rendering legal services and advice to poor citizen free of charge.”<sup>175</sup> The Legal Aid Council (LAC) is regulated by the Legal Aid Act<sup>176</sup> which purpose and utility is contained in its explanatory memorandum. The memorandum provides thus:

This Act to repeal the Legal aid Act Cap. L9 Laws of the Federation of Nigeria, 2004 in line with interpretational standards and to provide for the establishment of legal aid and access to justice fund into which financial assistance would be made available to the Council on behalf of the indigent citizens to prosecute their claims in accordance with the Constitution and further to empower the existing Legal Aid council to be responsible for the operation of a scheme for the grant of legal aid and access to justice in certain matters or proceedings to persons with inadequate

---

<sup>173</sup> 1999 Constitution of Federal Republic of Nigeria as amended in 2011

<sup>174</sup> Danladi, K.M, *Fundamentals of Legal Research and Some General Principles of Law*, Ahmadu Bello University Press Ltd, Zaria, (2012),p.103

<sup>175</sup> *Ibid.*

<sup>176</sup> 2011. For more information about the council and its activities. See Legal Aid Act 2011; Ojukwu, E. et al, *Handbook on Prison Pre-trial Detainee Law Clinic*, Network of University Legal and Institutions (NULAI Nigeria), Abuja , (2012), pp.139-147 and Danladi, K.M, *Fundamental of Legal Research and Some General Principle of Law*, Ahmadu Bello University Press Ltd, Zaria,(2012),pp.103-132

resources in accordance with the provision of this act; and for related matters.<sup>177</sup>

The United Nations Principles and Guidelines defined legal aid as “legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require. Furthermore, legal aid includes concepts of “legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes.<sup>178</sup> The grant of legal aid, advice and access to justice shall be provided by the Council in 3 broad areas, namely, Criminal Defence Service, Advice and Assistance in Civil matters including legal representation in court and Community Legal Services subject to merits and indigence tests for the parties.<sup>179</sup> These three (3) broad areas of interest to LAC are also covered by the Law Clinics across the country. The Law Clinics being organization with mandates similar to that of the LAC are identify by the Act. Section 17<sup>180</sup> provides thus:

- (1) The Council shall maintain a register of non-governmental organizations and law clinics that are engaged in the provision of legal aid or assistance to persons who are entitled to legal aid under this Act.
- (2) The Council may partner with or otherwise engage the services of such organizations in a manner consistent with the mandate of the Council.
- (3) The Council may grant licenses to persons who have undergone a prescribed course in paralegal services to render such services in appropriate situations.

---

<sup>177</sup> Memorandum to the Legal Aid Act, 2011.

<sup>178</sup> United Nations (2014), *Early Access to Legal Aid in Criminal Justice Processes: A Handbook for Policymakers and Practitioners*, New York, at p. 9. Cited in Anyanru, A. (2018). *A Review of Salient Issues in the Interplay Between Legal Aid and Pro Bono Legal Services in Nigeria*, <http://www.spajibade.com/resources/wp-content/uploads/2018/03/A-REVIEW-OF-SALIENT-ISSUES-IN-THE-INTERPLAY-BETWEEN-LEGAL-AID-AND-PRO-BONO-LEGAL-SERVICES-IN-NIGERIA.pdf>, p. 1. Accessed on 21/04/2019.

<sup>179</sup> Section 8 (1) of the Legal Aid Act, 2011.

<sup>180</sup> Ibid.

In view of the above provisions, LAC partners with Law Clinics, who assist in augmenting their pro bono activities as provided in the Law. In 2013, A.B.U Law Clinic was the only Clinic in Nigeria that participated in Japanese Social Development Fund Grant facilitated by World Bank for access to justice for the poor project in Kaduna State. The project was implemented under youth leadership of Legal Aid Council of Nigeria.<sup>181</sup>

### **3.14 Ethics as a Nucleus for Achieving the Goals of Clinical Legal Education in Nigeria**

One of the main objectives of CLE is to produce ethical lawyers. Lawyers who are conversant with what constitutes professional ethics for lawyers and at the long run will be required to conduct themselves and carry out their practice within the precinct of these ethical standards. These ethical rules like the ones found in the RPC, Code of Conduct for Judicial Officers and other unwritten codes, which are termed as “the tradition of the profession” are only applicable to lawyers and binding on them. These codes of ethics despite not being applicable to law students, they form the nucleus for the inculcation of CLE in Nigeria. Acquainting law students with these rules will grow the ethical lawyers the CLE is designed to achieve. This research shall consider some of the ethical rules below.

#### **3.14.1 Rules of Professional Conduct for Legal Practitioners**

Interestingly, the Rules of Professional Conduct for Legal Practitioners (RPC) is one of the main legislation regulating the conducts of lawyers in Nigeria. The Bar Council came up with the Rules of Professional Conduct for Legal Practitioners, 2007<sup>182</sup> thereby revising the 1975 Rules.<sup>183</sup> These rules mirror the conduct of legal practitioners in accordance with the dedication and commitment required by the ancient and noble profession. It follows therefore

---

<sup>181</sup> NULAI Nigeria, (2013). *2008-2012 Activities Report*, Network of University Legal Aid Institutions (NULAI Nigeria ), p.6

<sup>182</sup> It came into force on the 2<sup>nd</sup> day of January, 2007 signed by Bayo Ojo, the then Attorney General of the Federation and Minister of Justice/Chairman, General Council of the Bar.

<sup>183</sup> Adegoke, O.A. et al, (2014), *Law in Practice: Professional Responsibilities and Lawyering Skills in Nigeria*. Jos University Press Limited, Jos Plateau State, p. 150.

that these obligations carry with them the highest responsibility for effective legal practice.<sup>184</sup> Law students are to adhere to these rules because professional responsibility indicates the conditions and standards of the calling or service and should apply; to the extent that it is relevant to non-lawyers engaged in the services that lawyers are engage to perform.<sup>185</sup> The rules applies by virtue of the roles the Clinics play.<sup>186</sup> Ekanem stressed the need for ethics in lawyers and law students where he observed thus:

Every Legal Practitioner is expected to not only be conversant with what constitutes professional ethics for lawyers, he is required to conduct himself and carry out his practice within the precinct of these ethical standards. This is also very important for would-be lawyers, as their understanding of what constitutes...ethics for Legal Practitioners is...essential...for the sustenance of integrity and sanctity of the legal profession.<sup>187</sup>

In *NBA v. Iteogu*<sup>188</sup> the Chairman, LPDC Abdullahi Ibrahim SAN, (as he then was) explained the reason why the RPC is made where he held thus: “the rules of professional conduct is made for the maintenance of the highest standard of professional conduct, etiquette and discipline in terms of the Nigerian Bar Association”. Okpopo<sup>189</sup> also stressed the need for adherence to rules where he stated thus:

As members of the only noble profession, there are ground rules to be observed by members of the profession- These are the rules of professional ethics, which regulate the conduct of lawyers and the conduct of law business by members of the profession. These rules have emerged over the years from the collective experience of members of the profession from all the civilised world where law and the rule of law is recognised prevails. These rules are not optional. They are not static... every one practising Lawyer must be abreast

---

<sup>184</sup> *Ibid.*

<sup>185</sup> Ojukwu, E. et al (2012). *Handbook on Prison Pre-Trial Detainee Law Clinic*, NULAI Nigeria, Garki II, Abuja, p. 193.

<sup>186</sup> *Ibid.* p. 194.

<sup>187</sup> Ekanem, E.E., (2014). *Ethics in the Legal Profession*. In: Esikot, I. F. (ed.), *Ethics: Some Critical Essays*, vol. 1 Excel Publishers, Uyo, 250-251.

<sup>188</sup> (2006) 13 NWLR (Pt. 996) 219 at 247

<sup>189</sup> Okpopo, T.J.O. (2014). 2014 Call to Bar Speech. *Law and Practice Journal*, Vol. 13, pp. 215-216.

with the Rules of Professional ethics. New wigs must make it their working companion. The collective experience of law practitioners through all the generation in all civilised societies attest firmly that strict adherence to the rules of the profession is the most important foundation for societal acceptance of law as a noble profession and its practitioners as men of honour. It is obligatory that new wigs and members of the law profession by their action or inaction enhance the honour of the law profession and the dignity of its members by their words and action whether in public or private life.

The RPC comprises 57 rules captured under major headings such as practice as a legal practitioners, relation with clients, relation with other lawyers, relation with the court, improper attraction of business, remunerations fees and miscellaneous. This research adopted the phraseology of Aloma, in her 2013 call to Bar speech where she said “...allow me to point out a few rules and principles that you must constantly hold as your watchword in the cause of your voyage as a Legal Practitioners in Nigeria”.<sup>190</sup>

### **3.14.2 Duty of Counsel to Client.**

#### **i. Dedication and Devotion to the Cause of the Client**

It is the duty of a lawyer to devote his attention, energy and expertise to the service of his client and, subject to any rule of law, to act in a manner consistent with the best interest of the client.<sup>191</sup> Oputa rightly explained the duty a lawyer owed to his client where he opined thus:

To the client who retains and pays him, the advocate owes the noble duty to render efficient, honest and conscientious service... A litigant is like a sick man. He needs all the care, all the sympathy and above all, the professional skill of his advocate. An advocate defending a prisoner on a murder charge - the gravest of all charges – need not be reminded that the very life of his client may well depend on his performance. He should therefore devote himself completely to his task and lay aside every other duty so that he may watch constantly and vigilantly in the interest of his client. And as it is in criminal cases

---

<sup>190</sup> Aloma, M.M., (2013). 2013 Call to Bar Speech. *Law and Practice Journal*, Vol. 12, p. 256.

<sup>191</sup> Rule 14 (1) of the RPC

so it is or ought to be in other case. The duty to his client demands of the advocate complete attention; it demands from him the best in time and effort; it demands a continuous and unrelenting hard work.<sup>192</sup>

It is part of this duty of dedication to the cause of the client for a lawyer to consult his client before exercising discretion on doubtful questions, keep the client informed of the progress of the case. Warn his client in case he foresees any risk in the client cause, respond to the client request for information and inform the client where his cause is not reasonable or hopeless.<sup>193</sup> It is the duty of a lawyer employed in respect of court case to be personally present or be properly represented throughout the proceedings.<sup>194</sup> One may be tempted to raise a poser that what is the relationship between this duty of lawyer dedication and devotion to the cause of his client to law students. It is our firm view that law students need the invocation of this rule because it is observed that many students find it difficult to dedicate time to read their books due to lack of task in the current curriculum. Imbibing reading culture to know the unknown is akin to dedication to the cause of the client. Introducing a task like pre-class activities in many subjects will serve as a stimulus to law students to dedicate and devote time to read, develop skills and professional diligence of what they might face in legal practice. The students dedicate time to learn and understand the application of legal principles to real issues that can dedicate his time to the cause of the client. Adegoke, et al aptly put this thought thus:

Professional diligence and skill develop from hard work and carefulness. Through hard work, the lawyer gets familiar with detailed facts relating to client's case and where necessary, the lawyer carries out independent investigation and research in ensuring that his client succeeds. Hard work and laziness are contrary to one another. A lazy lawyer will often fail the Bar, leaving his client to face the consequence of his ineptitude, which

---

<sup>192</sup> Oputa, O. A., (1987), *Modern Bar Advocacy*, Committee for Law Reporting East Central State and Printed by the Government Printer, Enugu, p. 211.

<sup>193</sup> Rule 14 (2) of the RPC

<sup>194</sup> *Ibid.* Rule 14 (4)

may either come in form of underserved penalties or costs.<sup>195</sup>

The above postulation by Adegoke and her colleagues clearly covers the provision of Rule 16 of the RPC which enjoins lawyers to represent client competently. Association with other colleagues is necessary where the matter a lawyer is confronted with seems to be above his professional capacity.<sup>196</sup> The CLE methodologies believes in teamwork, that is why students in client interviewing skills competition are team in peers. Teamwork is a criterion, the disposition of which is required from every participants in the competition,

## **ii. Representing the Client within the Bounds of the Law**

On representing the client within the bounds of the law, in *Bille v. State*<sup>197</sup> the Supreme Court per Ngwuta JSC made some heavy weather on the need for lawyers to fight the cause of justice which representing client within the bounds of law seeks to achieve, where he held thus:

Lawyers all over the world take sides for money. Though a lawyer owes a duty to the client who hires him, he must always bear in mind that he owes higher duty to a cause higher than that of his client, the cause of justice. A lawyer who distorts or massages the facts in the record may win his client's case but such apparent victory would amount to betrayal of justice.

His Lordship postulation above preaches against taking sides for money at the expense of justice, which is a cause higher than that of the client who pays the lawyer to represent him. Any lawyer who does anything illegal to win a case has betrayed justice, the cause he swore to uphold during his call to the Bar.

The RPC couched the responsibility of lawyers under this heading, representing client within the bounds of law, in two fold; actions and omissions. The actions of lawyers include

---

<sup>195</sup> Adegoke, O.A. et al. op. cit. p. 211.

<sup>196</sup> Rule 16 (a) of the RPC

<sup>197</sup> (2016) 15 NWLR (pt. 1536) 363 @ 390.

keeping strictly to the law without compromise and preventing his client from committing misconduct or breach of the law.<sup>198</sup> While the omissions includes; a lawyer shall not do anything that will cause disrespect to a holder of judicial office, file action merely to maliciously injure or harass another, advance a claim or defence that is unwarranted, fail to inform his client about alternative dispute resolution, knowingly fail to disclose or use false evidence and aid his client to commit fraudulent or illegal act.<sup>199</sup> Unless it is a privileged information a lawyer shall disclose any fraud perpetrated by his client to any person or tribunal where the client refuse to rectify the fraud.<sup>200</sup> A lawyer shall not assert in argument his personal belief in the integrity of his client or of his witnesses or in the justice of his cause, but he may make a fair analysis of the evidence touching on those matters.<sup>201</sup> Oputa cited Lord Campbell where he strongly recommends pressing arguments and frowns at private opinions of counsel. Lord Campbell said;

It is my duty to tell you that opinion ought not to be any ingredient in your Verdict. It would be disastrous if a jury was led to believe that a prisoner is not guilty because his advocate expresses his perfect conviction of his innocence. And on the other hand, if an advocate withholds his opinion the jury may suppose that he is conscious of his client's guilt, whereas it is the duty of advocate to press his argument upon the jury but not his opinion.<sup>202</sup>

The researcher had observed lawyers in real courts and students in moot courts session asserting their opinions in defence of their client's claims or defence, which is in apparent violation of the above-cited rule.

**a. Conflict of Interest, Privilege and Confidence of Client, Lawyer as Witness for Client and Withdrawal from Client's case**

**i. Conflict of Interest**

---

<sup>198</sup> Rule 15 (2) (a) and (b) of the RPC.

<sup>199</sup> *Ibid* Rule 15 (3) (a) and (j).

<sup>200</sup> *Ibid* Rule 15 (4)

<sup>201</sup> *Ibid* Rule 15 (5)

<sup>202</sup> Oputa, O. A., (1987), *Modern Bar Advocacy*, Government Printer, Enugu, pp. 5-6.

A lawyer being a professional is competent to handle various cases, contentious and non-contentious for different clients. While carrying out such matters conflict of interest are bounds to arise. In view of this conflict, the RPC has enumerated some duties expected of the lawyer, which if adhered to the conflict can be avoided. These includes, disclosing all circumstances of relations with parties at the time of retainer, non-acquiring of proprietary interest in the cause of action or subject matter of litigation except as permitted by law. The duty not to appear for a client as a counsel in a matter he is party or that which the lawyer is requested to withdraw. The issue of appearance affects the lawyer's partners and associate.<sup>203</sup> However, it should be noted that not all conduct of counsel to his clients would amount to conflict of interest. In the case of *Fawehinmi v. N.B.A. (No.2)*<sup>204</sup> the Supreme Court held thus:

Before the conduct of a legal practitioner can be said to amount to conflict of interests, in breach of Rule 10 (now 17) of the R.P.C, which is capable of debarring him from appearing for the defendant, the legal practitioner must be shown to owe a duty of service to the plaintiff, or share or enjoy the confidences of the plaintiff on any of the points in issue in the particular case in hand, as a lawyer is a duty bound to preserve his clients confidence.<sup>205</sup>

From the Supreme Court verdict above, it is only when a lawyer owes a duty of confidentiality to a client that he can be guilty of breaching any rule as it relates to conflict of interest. Where there is no issue of confidentiality between the lawyer and the client, he cannot be barred from appearing for the defendant.

## ii. **Privilege and Confidence of Client**

The relationship between a legal practitioner and the client is fiduciary in nature. The client who finds himself in a volatile situation comes to the lawyer with his problems to seek solace, retribution and redress. Expectedly, the client by virtue of his situation is inclined to withhold no relevant fact from the legal practitioner which he may not naturally do but may

---

<sup>203</sup> See generally Rule 17 of the RPC and *Balogun v. Akanji (1992) 1 NWLR (pt.225) 591 @ 606*

<sup>204</sup> *(1989) 2 NWLR (pt. 105) p. 558 @ 618.*

<sup>205</sup> See also *Onigbongbo Community v. Minister of Lagos Affairs & 31 Ors (1972) 2 U.I.L.R, 235 and NBA v. Koku (2006) 11 NWLR (pt. 999) 431 at 453.*

be compelled to in the circumstance.<sup>206</sup> This fact makes the lawyer a custodian of his client's information, which he is required to keep as secret<sup>207</sup> unless where it is required by law to be disclosed.<sup>208</sup>

### iii. **Lawyer as Witness for Client and Withdrawal from Client's case**

In order to avoid a situation where a lawyer will be embarrassed as a witness in court the RPC bar a lawyer from appearing as a counsel in a matter where he will apparently be the witness to the merit of the case. However, the lawyer may be a witness in a matter that are merely technical not affecting the substance of the case.<sup>209</sup> This restriction affects the particular lawyer, his associates and his firm. On withdrawal from client's case, the legal profession is a profession that requires its practitioners to act fearlessly while handling their client's case and bar the lawyer from withdrawing from his client case except for good cause. As an undergraduate student then in the Faculty, the researcher participated in many mock trials involving students' unionism cases. The way some of the so-called Senior Advocates of A.B.U. (SAABU) who happened to come from 500 Level and the same chambers share cases among themselves to fool their clients and play to the gallery in court is appalling. Then, the researcher does not know about the RPC but detest the act because the interest of the client is not protected rather the ego of the counsel are more portrayed.

The provisions of the RPC above alluded to some obligations and made it binding on the legal practitioner to observe. However, to the researcher's dismay all the above provisions of the RPC are being violated on daily basis by lawyers in practice, this is an offshoot of the unruly behaviours law students engage in University politics.

### **3.14.3 Duty of Counsel to other Counsel**

---

<sup>206</sup> Adegoke, O.A. et al. op. cit. p. 225.

<sup>207</sup> Rule 19 (1) of the RPC and Section 192 of the Evidence Act, 2011.

<sup>208</sup> Rule 19 (3) (4), (5), (6), 15 (4), of the RPC.

<sup>209</sup> Rule 20 of the RPC

There are four (4) rules contained in the RPC that generally captured the professional responsibilities lawyers owed to their colleagues. These includes fellowship and precedence in the Bar, dealing fairly and in good faith, associating with colleagues in single matter, and the rules guiding change or debriefing counsel. A discussion on the importance and applicability of these rules in legal practice will be made hereunder.

**i. Fellowship and Precedence, Good Faith and Fairness in the Bar**

The common adage that “clients come and go but the Bar still remains” portrays the legal profession as a cordially united family free from any external interferences from those who engaged the services of its members, the client(s).<sup>210</sup> Rule 26 (1) of the RPC strengthened this duties of a lawyer to his colleagues. It provides thus: “Lawyers shall treat one another with respect, fairness, consideration and dignity, and shall not allow any ill-feeling between opposing clients to influence their conduct and demeanour towards one another or towards the opposing clients”. It will be wise for members of the Bar to avoid hostility while handling cases for their clients. Adegoke et al brilliantly posited, thus:

It is difficult to achieve much in an atmosphere of hostility and acrimony. The age long tradition of legal practitioners referring to each other as ‘learned friends’ portends friendliness, collaboration and camaraderie. An essential cornerstone of the camaraderie is for legal practitioners to mirror the conduct of their clients’ cases in the light of the achievement of a common goal. Lawyers are urged not to get personally involved in clients’ cases. There ought to exist personal detachment from the case while maintaining commitment to the case.<sup>211</sup>

It is appalling nowadays litigants and other persons in the gallery observe that lawyers’ fight over clients’ cases in open court, displaying their apparent hostilities. In 2017, in Kano where the researcher practice law, some lawyers engaged in fist battle before a

---

<sup>210</sup> See the dictum of Niki Tobi JCA (as he then was) in case of *Ntoe Iso v. Eno* (1999) 2 NWLR (pt. 509) 208

<sup>211</sup> Adegoke, O.A. et al. op. cit. p. 253 and Oputa, O. A., (1987), *Modern Bar Advocacy*, Committee for Law Reporting East Central State and Printed by the Government Printer, Enugu, pp. 11-12.

magistrate in open court, injured themselves and they were cited for contempt, though later discharged by the court for purging themselves. The duo were among the 10 lawyers suspended from practicing as lawyers for 12 months for acts unbecoming of a Legal Practitioner.<sup>212</sup> Rule 26 (2) of the RPC re-echoed but did not undermine sub (1) where it held thus: “Lawyers shall observe among one another the rules of precedence as laid down by the law, and subject to this, all lawyers are to be treated on the basis of equality of status.” The precedence<sup>213</sup> connotes respect and equality of status connotes right of audience, courtesy and dignity to any person called to the Bar. Once a lawyer is called before another, the respect of the latter to the former is paramount. The juniors must respect members of the inner Bar and the seniors must treat the juniors with courtesy and dignity.<sup>214</sup>

Good faith and fairness to colleagues are the double-edged principles expected from any lawyer while dealing with his colleagues. This principle frowns at breaching promises or undertakings with colleagues, sharp practices, which includes but not limited to withholding service of court processes,<sup>215</sup> deliberate filing of frivolous and irregular applications e.g. filing of notice of appeal and application for stay of execution before the delivery of judgment.<sup>216</sup> It includes meeting the judge to discuss pending cases without his colleagues,<sup>217</sup> and taking up an employment when another lawyer is already briefed.<sup>218</sup> Adegoke, et al advised on the ethical procedure to be adopted when a lawyer is taking up the brief of another lawyer and tongue-lashed anyone who do the opposite. They posit, thus:

---

<sup>212</sup>Retrieved from [www.barristerng.com/lpdc/-disbars-lawyers-suspends-10-others-over-infamous-conduct](http://www.barristerng.com/lpdc/-disbars-lawyers-suspends-10-others-over-infamous-conduct). Accessed on 6/7/2018.

<sup>213</sup> Section 8 (4) of the LPA and First Schedule to the LPA

<sup>214</sup> The act of treating juniors as slave by paying peanuts, abusing and harassing them in some law firms by the seniors is appalling and absurd, which should be addressed if the legal profession want to restore and maintain its nobility that is gradually fading. Equally the recent exchange of banter among juniors against the seniors either in court or outside must be checked.

<sup>215</sup> *Kwaptoe v. Victor Tsenyil (1990) 4 NWLR (pt. 600) 571 @ 575*

<sup>216</sup> Okoye, A.O. (2015). *Law in Practice in Nigeria*, Snaap Press Nigeria Ltd, Enugu, 2<sup>nd</sup> edition, p. 151

<sup>217</sup> Rule 27 (2) of the RPC

<sup>218</sup> *Ibid* Rule 27 (4). Some seniors and juniors’ member of the profession engages in this unethical practice of snatching the clients of their colleagues without inquiry or doing what the profession required them to do in such circumstance.

...a proper notice should be given to the initial legal practitioner and at the same time the new legal practitioner must... ensure that all outstanding fees are paid. It is awfully shameful to act otherwise. Legal practitioners who walk away from this ethical obligation disparage the legal profession as well as lower their reputation. In this regard, the proper course of action to be taken by legal practitioners worth their salt during legal interviews is to inquire into whether any legal practitioner has been previously briefed. If the response is in the affirmative, then the incumbent legal practitioner should follow proper procedure laid down by the profession... Legal practitioners must keep in mind that the loss of a client is a more honourable than a reputation of crookedness...<sup>219</sup>

The RPC also provides that “A lawyer shall not hand over his brief to another lawyer to hold, and that other shall not accept the brief, unless the brief is handed over in reasonable time for the receiving lawyer to acquire adequate grasp of the matter”.<sup>220</sup> The RPC also frowns at lawyers discussing or advising a matter with a litigant who has a lawyer except with the express permission of the other counsel.<sup>221</sup> As minister in the temple of justice, lawyers must observe the above ethical considerations if really the profession is based on the mantra of justice and rule of law.

## ii. **Associating in Matters and Change of Lawyers**

The client who seeks the legal services of the lawyer has the discretion to hire as many lawyers he wished to handle his legal problem. Where the client had briefed a lawyer to handle his legal problem he can *suo moto* or on the advice of his lawyer seek the service of an additional lawyer in the matter.<sup>222</sup> The former lawyer has the right to object the association with the latter, and where the former is relieved from the employment, the procedure laid

---

<sup>219</sup> Adegoke, O.A. et al. op. cit. pp. 258-259.

<sup>220</sup> Rule 27 (3) of the RPC. The RPC also frowns at a despicable act of some seniors handling files to their juniors who lack the adequate grasps of the matter in the morning the case is coming up. The end up embarrassing the junior who in turn do not abide by the rules who imposed a duty upon them not to accept the brief.

<sup>221</sup> Ibid. Rule 27 (5).

<sup>222</sup> Ibid Rule 28 (1)

down by the rules of the profession must be followed.<sup>223</sup> In the event, the lawyers agreed to work together conflict of interest are bounds to occur which the client must be in full picture of such conflict so that he can make an informed decision and where a lawyer is overruled by the client and he find that difficult to cooperate, he is bound to withdraw from the employment.<sup>224</sup> The researcher has summarized the above four rules depicting lawyers' duties to their fellow colleagues for easy grasp of the readers.<sup>225</sup>

#### **3.14.4 The Role and Duties of Counsel to Court**

For a proper administration of justice, the legal profession has placed some duties on the members of the Bar, which they owed to the court. Oputa points out these duties in a scholarly way, thus:

The proper, speedy, efficient and effective administration of justice can never be fully achieved without the active co-operation of an honest, able, responsible, fearless and trustworthy Bar. The major role of the Bar is to advocate. There is however a duty in Advocacy; there is an art in Advocacy and there is a code of Advocacy. The co-operation the Bench expects from the Bar is for the Bar to discharge its various duties steadfastly and punctiliously; to discharge them with the refinedness (sic) and grace of a consummate artist and to bring to bear on every aspect of the discharge of those duties an ever present awareness of, and a voluntary obedience to, that code of behaviour and etiquette which alone will justify the Bar in proudly proclaiming itself an honourable profession, which indeed it is.<sup>226</sup>

---

<sup>223</sup> Ibid and Rule 29

<sup>224</sup> Ibid

<sup>225</sup> Abubakar, S., (2017), *The Rules of Professional Conduct for Legal Practitioners, 2007: At Your Finger Tips*. Retrieved from <http://thenigerialawyer.com/the-rules-of-professional-conduct-for-legal-practitioners-2007-at-your-finger-tips>. Accessed on 12/8/2017.

<sup>226</sup> Oputa, O. A., (1987), *Modern Bar Advocacy*, Committee for Law Reporting East Central State and Printed by the Government Printer, Enugu, p. 210.

The duty of the Bar is to contend and the duty of the Bench is to decide. Both roles are necessary for the proper administration of justice.<sup>227</sup> Now we shall consider the 9 duties of lawyers to the court as encapsulated in the RPC.

**i. Lawyer as Officer of Court, Conduct in Court, Candid and Fair Dealing**

A lawyer is an officer of the court and accordingly, he shall not do any act, conduct himself in any manner that may obstruct, delay, or adversely affect the administration of justice.<sup>228</sup> The aim of any trial is to discover where the truth lies and thus to do justice between the parties and counsel as an officer of Court has a duty to promote rather than defeat this primary aim of doing justice.<sup>229</sup> Delaying the cause of justice may include not being punctual in court, unnecessary use of juniors to ask for adjournments etc.<sup>230</sup> The duty of a lawyer is to uphold the cause of justice not to mar it; the former promote order, serenity and the rule of law while the latter create anarchy, lawlessness and commotion in the society.

A lawyer shall always treat the court with respect, dignity and honour.<sup>231</sup> He should not read newspapers during proceedings, chew gum, discuss in loud voices or sit carelessly (especially the women) in court.<sup>232</sup> It is an aberration for a lawyer to castigate<sup>233</sup> the court in open court and where he believes that the judge has derailed from his responsibility the lawyer should complain to the appropriate authority.<sup>234</sup> This respect is to the Court as an institution and not necessarily to any particular incumbent of the judicial office. This respect is the foundation of the judicial system, which can hardly function smoothly without the

---

<sup>227</sup> Ibid p. 206

<sup>228</sup> Rule 30 of the RPC

<sup>229</sup> Oputa, O. A., (1987), *Modern Bar Advocacy*, Committee for Law Reporting East Central State and Printed by the Government Printer, Enugu, p. 210.

<sup>230</sup> *Madu v. Okeke (1998) 5 NWLR (pt. 548) 158 @ 164*, per Tobi JCA (as he then was).

<sup>231</sup> Rule 31(1) of the RPC. This also applies to appearing before tribunal as envisaged by the provisions of Rule 35 of the RPC.

<sup>232</sup> Okoye, A.O. (2015). *Law in Practice in Nigeria*, Snaap Press Nigeria Ltd, Enugu, 2<sup>nd</sup> edition, p. 155.

<sup>233</sup> Either by accusing the judge of bias, corruption or any other acts contrary to his oath of office.

<sup>234</sup> Rule 31(2) of the RPC.

acknowledgment, and maintenance of the supreme importance of the Bench.<sup>235</sup> It is equally part of the good conducts of lawyers towards the court to honour any undertakings to the court, not discussing a case or sharing any correspondence with a judge without the opposing lawyer.<sup>236</sup>

As an offshoot of the above rule, candid and fair dealing with the court are other duties expected from a lawyer to the court.<sup>237</sup> In representing his client, the lawyer is honour bound never to mislead the court into giving a wrong decision. This is the reason why a lawyer should not conceal the existence of authority, which is even adverse to the point he is striving to make. The lawyer should exhibit apparent and transparent honesty to the extent that a statement from the lawyer should be as effective as a statement made under oath.<sup>238</sup>

## **ii. Trial Publicity and Relation with Judges**

Trial publicity<sup>239</sup> has become the order of the day, especially in high profile cases or election matters where lawyers make extra-judicial statement on the outcome of the proceedings before the court. These acts are clear act of indiscipline in the legal profession and ought to be condemned.<sup>240</sup> In relating with the court a lawyer shall not do anything or conduct himself in such a way as to give the impression or allow the impression to be created, that his act conduct is calculated to gain, or has the appearance of gaining, special personal consideration of favour from a judge.<sup>241</sup>

---

<sup>235</sup> Oputa, O. A., (1987), *Modern Bar Advocacy*. op. cit. p. 211

<sup>236</sup> Ibid Rule 31 (3, 4 and 5). It is now the practice of some legal practitioners who out rightly violate the provisions of this rules. A lawyer will send a letter of adjournment or forward additional authorities to the court without serving the counsel on the other side. The counsel only becomes aware of these correspondences in court when the Registrar is asked to read them. The most annoying thing is that these legal practitioners have the phone numbers of the counsel on the other side but will allow them to fly our bad roads to court only to be shown an adjournment letter.

<sup>237</sup> Rule 32 (1) of the RPC

<sup>238</sup> Oputa, O. A., (1987), *Modern Bar Advocacy*. op. cit. p. 210 and Rule 32 (2) and (3) of the RPC.

<sup>239</sup> Rule 33 of the RPC

<sup>240</sup> *Adefulu v. Okulaja (1998) 58 LRCN 3365 @ 3699.*

<sup>241</sup> Rule 34 of the RPC

**iii. Court Decorum, Employment in Criminal Cases and Lawyer for an Indigent Accused.**

Decorum is one of the precious rules expected of lawyers in the court. The RPC handled court decorum where it provides thus: “When in the court room, a lawyer shall:

- (a) be attired in a proper and dignified manner and shall not wear any apparel or ornament calculated to attract attention to himself.
- (b) conduct himself with decency and decorum, and observe the customs, conduct and code of behaviour of the Court and custom of practice at the bar with respect to appearance, dress, manners and courtesy.
- (c) rise when addressing or being addressed by the judge.
- (d) address his objections, requests, arguments, and observations to the judge and shall not engage in the exchange of banter, personality display, arguments or controversy with the opposing lawyer;
- (e) not engage in undignified or discourteous conduct which is degrading to a Court or tribunal; and
- (f) not remain within the bar or wear the lawyer’s robes when conducting a case in which he is a party or giving evidence.<sup>242</sup>

It is apparent and transparent that the above provisions of the RPC are virtually abused everyday by lawyers, seniors or juniors in the courts across Nigeria. Lawyers robed and dressed shabbily to court,<sup>243</sup> without justification, though some counsel erroneously assume torn gowns and ragged wigs are sign of distinction of their age at the Bar.<sup>244</sup> Some lawyers are usually seated when being addressed by the judge or stand akimbo when addressing the court until some members screamed or whisper to them to change the

---

<sup>242</sup> *Ibid.* Rule 36 (a) – (f)  
<sup>243</sup> Lawyers wore sleepers to court, wore rainbow attires that makes them looks like masquerades and put on brown-like bibs that portrayed them like beggars before the courts and litigants.  
<sup>244</sup> Adegoke, O.A. et al. op. cit. p. 161.

undignified posture. Some lawyers instead of addressing the court turnout to be addressing the other colleagues and sometimes engaged them in the exchange of banter.<sup>245</sup> The provisions of sub (f) above have generated some controversies, as there are authorities for or against. Some are of the opinion that the lawyer is bar from wearing the robe or remaining in the bar only in criminal cases while others apparently makes it general, either in criminal or civil.<sup>246</sup>

Criminal trials involve members from the public and private Bar, though we are not unmindful of the facts that non-lawyers like the police can prosecute offences before courts with criminal jurisdiction in Nigeria.<sup>247</sup> In view of this fact, the RPC has placed some duties upon counsel appearing for the State and the Accused/Defendant as the case may be. Firstly, the RPC started by stating the duties of the defence counsel by compelling him to exert himself by all fair and honourable means. He shall put before the court all matters that are necessary in the interest of justice, but he shall not stand or offer to stand bail for a person for whom he or a person in his law firm is appearing.<sup>248</sup> The lawyer who accepted to the defend an accused in a murder trial, shall be deemed to have given a solemn undertaking, subject to any sufficient unforeseen circumstances, that he will personally conduct the defence provided his fee is paid.<sup>249</sup> Where an accused person discloses facts that clearly and credibly show his guilt, the lawyer shall not present any evidence inconsistent with those facts and shall not offer any testimony, which he knows to be false.<sup>250</sup> The RPC further states a paramount duty

---

<sup>245</sup> The earlier incidence of lawyers who fought before a Magistrate in Kano and suspended from legal practice for 12 months for fighting in court is apt on this discourteous and undignified attitude of lawyers nowadays.

<sup>246</sup> *Fawehinmi v. N.B.A* (Supra) and Rule 36 (f) of the RPC.

<sup>247</sup> *Olusemu v. COP* (1998) 11 NWLR (pt. 575) 547, *Commissioner of Police v. Ali* (2003) FWLR (pt. 157) 1164 and *Osahon v. FRN* (2005) 16 NWLR (pt. 845) p. 89.

<sup>248</sup> Rule 37 (1) of the RPC

<sup>249</sup> *Ibid* Rule 37 (2) and *Ndu v. State* (1990) 7 NWLR (pt. 550) 574 @ 579-580

<sup>250</sup> *Ibid* 37 (3). Lawyers nowadays violate this sacred rule by citing the provision of section 36 (5) of the Constitution which did not in any way allow such practice. This unruly practice by lawyers portrayed the legal profession in bad light in the society while in real sense the ethics of legal profession urged lawyers to be honest in his dealings with the court. See *Ubani v. The State* (2001) FWLR (pt. 44) 483 at 490, *Mohammed v. State* (1991) 5 NWLR (pt. 192) 438 @ 456 and *Secretary Iwo Central Local Govt. v. Adio* (2000) FWLR (pt.7) p. 1142 @ 1169.

expected of a counsel call upon by the Court to represent an indigent accused person.<sup>251</sup> No more important professional duty is impose on a lawyer than that of representing an indigent accused person and such duty takes priority over other engagement of the lawyer, the court commended such act. In the case of *Okon v. State*<sup>252</sup> the Supreme Court held thus:

...from the proceedings it is quite clear that counsel who was assigned to defend the accused person in the trial court did his best. He cross examined all the prosecution witnesses rigorously, helped the appellant to put up a spirited defence and at the close of the trial addresses court over the evidence adduced before it. The learned counsel, from the records, performed his assignment creditably.<sup>253</sup>

Secondly, the RPC states the duties of the prosecution counsel who are strongly advised to look at themselves not as advocates only, but as ministers in the temple of justice and their task is not to secure convictions but to help in the smooth administration of justice.<sup>254</sup> Lawyers were also enjoined not to file frivolous and vexatious suit that cannot be supported by probable evidence.<sup>255</sup> This is to watch against unwarranted institution of criminal cases against alleged enemies of the government. Any facts or secrete witnesses capable of establishing the innocence of the accused persons should not be suppress by the prosecution. The prosecution should even assist the accused not represented by counsel about existence of evidence known to the prosecution or other government lawyer that tends to negate the guilt of the accused, mitigate the degree of the offence or reduce the punishment.<sup>256</sup> The researcher has summarized the above nine rules depicting lawyers' duties to the court for easy grasp of the readers.<sup>257</sup>

---

<sup>251</sup> Rule 38 of the RPC

<sup>252</sup> (1995) 1 SCNJ, 174 at 180

<sup>253</sup> Handling cases for indigent clients by lawyers portrayed the legal profession not only as a group of persons who make money out of legal problems from litigants but as a profession that is kind-hearted to share the plight of the poor and fight such cause.

<sup>254</sup> Rule 37 (4) of the RPC and *Akilu v. Fawehinmi (No.2) (1989) 2 NWLR (pt. 102) 122 @ 207.*

<sup>255</sup> Rule 37 (5) of the RPC.

<sup>256</sup> *Ibid* Rule 37 (6). However, the current set of some law officers will never conform to this provision, they will unnecessary delay cases and even instigate prosecution to do the bidding of their appointee. See Okafor, A. O., (2018). The Bar: Professional Ethics in Decline? *Law Journal of Nigeria*, p. 118 where he opined that some

### 3.15 Discipline of Legal Practitioners

#### 3.15.1 The Legal Practitioners' Disciplinary Committee (LPDC)

The LPDC is the committee that regulates the attitude of legal practitioners in Nigeria.

Sofola<sup>258</sup> noted while addressing new wig at a Call to Bar ceremony thus:

As you are aware, your call to the Nigerian Bar today is not just as a result of, excellence in your Bar exams. It is more than that! Your call today is made possible because you have been found suitable, fit and proper to be called to Nigerian Bar. I therefore hope that you will continue in this light, bearing in mind that there is a Legal Practitioners Disciplinary Committee saddled with, amongst other duties, to instil sanity in the legal profession and to sanction defaulters.<sup>259</sup>

Between September, 2016 to July, 2017 the LPDC delivered 21 verdicts on the petitions against legal practitioners before it. Eight of the petitions were dismissed for lack of merit while thirteen legal practitioners were disciplined for infamous conduct, conduct unbecoming of a legal practitioner and other dirty acts like perverting the cause of justice. As at 24<sup>th</sup> August, 2017 there are 35 petitions against legal practitioners pending before the LPDC.<sup>260</sup> The proceedings of LPDC is carried out in accordance with provision of the LPDC Rules.<sup>261</sup>

#### 3.15.2 The Legal Practitioner Privileges Committee.(LPPC)

The LPPC is a committee established by virtue of the provision of section 5 (3) of the LPA saddled with the responsibility of conferring the rank of Senior Advocate of Nigeria on

---

prosecutors still violate the provisions of section 379(1) of the ACJA on filing proof of evidence which causes unduly delay in criminal trials.

<sup>257</sup> Abubakar, S., (2017), *The Rules of Professional Conduct for Legal Practitioners, 2007: At Your Finger Tips*. Retrieved from <http://thenigerialawyer.com/the-rules-of-professional-conduct-for-legal-practitioners-2007-at-your-finger-tips>. Accessed on 12/8/2017.

<sup>258</sup> Sofala, I., (2012). Address By Chairman, Body of Benchers at the Call-to-Bar Ceremony on Tuesday, 20<sup>th</sup> November, 2012. *Law and Practice Journal*, Vol. 11, p. 195.

<sup>259</sup> Ibid and Section 10 of the LPA

<sup>260</sup> Nigerian Bar Association (2017). *Nigerian Bar Association Annual Report 2016/2017*, presented at the Annual General Meeting held at LandMark Event Centre, Victoria Island, Lagos State, pp. 185-188.

<sup>261</sup> Legal Practitioners Disciplinary Committee Rules, 2006.

legal practitioners who distinguished themselves either in legal practice or in the academia. The LPPC with the approval of Body of Benchers makes rules governing the functions and appearance of Senior Advocate of Nigeria in courts in order to ensure the dignity of the rank.<sup>262</sup> Moreover, contrary to the public perception the LPPC equally have the requisite powers to discipline members of the silks if they are found wanting on the following grounds:

- (a) adjudged to have conducted himself in a manner incompatible with the dignity and honour of the rank ; or
- (b) found guilty of professional misconduct by the Legal Practitioners' Disciplinary Committee or any other professional body from any jurisdiction in or outside Nigeria ; or
- (c) convicted by a Court of Law for any offence which in the opinion of the Legal Practitioners' Privileges Committee is incompatible with the honour and dignity of the holder of the rank such as an offence relating to breach of trust, theft or other criminal offences ; or
- (d) struck off the Roll of the Legal Practitioners in Nigeria or any other jurisdiction ; or
- (e) adjudged bankrupt ; or
- (f) certified to be insane ; or
- (g) upon the production of document of a competent Court or a report from such a Court that he has conducted himself in a manner incompatible with the dignity and honour of the rank of Senior Advocate of Nigeria ; or
- (h) found to have concealed material information in the award process for the award of the Rank of Senior Advocate of Nigeria..<sup>263</sup>

### **3.16 Codes of Conduct for Judicial Officers**

---

<sup>262</sup> Section 5 (7) of the LPA

<sup>263</sup> Section 26 of the Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria and all Matters Pertaining to the Rank, 2018. On Monday, 30<sup>th</sup> April, 2018, Justice Raliat Adebisi of the Ikeja Division of the Lagos State High Court sentenced Dr. Joseph Nwobike SAN to one month in prison for attempting to pervert the course of justice. Retrieved from [www.barrisrng.com/dr-joseph-nwobike-a-senior-advocate-road-to-prison](http://www.barrisrng.com/dr-joseph-nwobike-a-senior-advocate-road-to-prison) Accessed on 1/5/2018.

Members of the Bench belong to the same profession as the members of the Bar, but their code of ethics are not the same, while legal practitioners are governed by the RPC the members of the Bench, who are either on the higher or lower bench,<sup>264</sup> are governed by the Code of Conduct for Judicial Officers<sup>265</sup>. It contained three broad rules violation of which attract disciplinary proceedings before the National Judicial Council.<sup>266</sup>

In conclusion, the legal profession is govern by laws and some code of ethics as clearly examined in this chapter. The research have highlighted the laws governing legal education and legal ethics in Nigeria. The laws and rules are documented but their application in the education of lawyers and practice of law in Nigeria becomes the major concern. A careful perusal of the objectives of legal education as discussed above will revealed that the objectives are set to be achieve in the clinical methods (i.e. using the CLE methodologies), but hardly will one see a law lecture trending on this pedal until the initiation of clinical advocacy in Nigeria. The Students are equally allow to apply their conscience while running their curricula activities without any written rules guiding the activities. The research shall consider the role of CLE in promoting legal practice in relation to the applicability of the above laws and rules of ethics in it teaching methodologies in the next chapter.

---

<sup>264</sup> Explanatory Note to the Code of Conduct for Judicial Officers, 2004

<sup>265</sup> 2004

<sup>266</sup> *Ibid*, Explanation (iii) to the Code of Conduct for Judicial Officers, 2004

**CHAPTER FOUR**  
**AN EXAMINATION OF THE ROLE OF CLINICAL LEGAL EDUCATION IN**  
**PROMOTING LEGAL PRACTICE IN NIGERIA**

**4.1 Introduction**

The hallmark of the CLE curriculum is practical experience in the application of law to the life issues by law students. The CLE policies and practice pay greater rewards for commitment to teaching, including teaching by techniques that foster skills development. Carrying out tests with and creation of new teaching methods and materials that focus on the improvement of such fundamental lawyer skills as legal writing, oral communication, interviewing and counselling, or trial advocacy are valued no less highly than research on legal doctrine.<sup>267</sup> Clinical education exposes students to law practice during legal training, unlike the traditional method, and does not teach theory alone in the belief that students will learn everything else in practice.<sup>268</sup> Law students engaged in presentations, simulation (role-play or drama), live client interview, debate, group discussion, writing of reflective report, community outreach/street law, brainstorming, mock trials, moot trials and other forms of pragmatic methodologies. These afford the students the opportunity to learn lawyering skills and values from the university before venturing into law school or the realm of legal practice.

---

<sup>267</sup> Joy, A.P. and Kuehn, R.R. (2008). The Evolution of ABA Standards for Clinical Faculty, *Tennessee Law Review*, Vol. 75, p. 183 at 191.

<sup>268</sup> Adekoya, C.O., (2014). Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education -Ten Years After. *International Journal of Clinical Legal Education*. Vol. 20, No.2. pp. 603-614.

However, adherence to these techniques in teaching law is very difficult as the number of students in the classroom makes it impracticable, been against the NUC staff/students ratio 1:20.<sup>269</sup> This does not allow for efficient teaching, as students may be distracted with other activities besides listening in class due to the sheer number of Law students in the Lecture hall.<sup>270</sup>

The students become habitual in the culture of conformity, to learn to play by the rules, in order to become successful lawyers.<sup>271</sup> Failure to play by the rules is detrimental to the success of the lawyer and setback to the promotion of legal practice as the masses will continue to lose confidence on the lawyers, through which they seek their legal remedies. For now, the Law Clinics are theatre through which these cultures of conformity are being inculcate.

This chapter examined the activities of A.B.U Law Clinics and the role it plays in imbibing ethics, professional competence and the spirit of pro bono services to law students thereby promoting legal practice in Nigeria. We shall relate experiences of law students in projects like social justice and public interest lawyering which covers prison/pre-trial detainees project, community outreach/street law, Freedom of Information Act Projects, court monitoring and client interview and counselling and other law clinic activities.

#### **4.2 Social Justice and Public Interest Lawyering Projects.**

CLE advocates identified social justice and public interest advocacy as functions of Law Clinics. Social justice is concerned with satisfying what indigent people need rather than what they want. CLE programmes play a valuable role in this respect as it provides legal advice and remedies to those that would otherwise not be able to afford it.<sup>272</sup> Social justice by

---

<sup>269</sup> We have more than 400 students in 2013/2014 graduation class, comprising civil and the Sharia law students (both UME and direct entry students).

<sup>270</sup> Madubuike-Ekwe, N.J. *Op. cit.* p. 132.

<sup>271</sup> Vawda, Y. (June, 2003), *Clinical Law: Educating/Training Law Students*, First All-Africa Clinical Legal Education Colloquim, Durban, South Africa. p. 1.

<sup>272</sup> Mcquoid-Mason, D. and Palmer, R. *Op. Cit.* p. 13.

extension include public interest litigation for it is a means to social justice mission. The participating students attempt to pressure for policy changes by the government or suggest legislative reform by drafting a bill and advocating for its adoption, often in cooperation with local NGOs and other civil society organizations.

The clinic serves as the service and laboratory components of CLE. In the faculties/Law School clinics, students render diverse services to the poor in their host communities, free of charge. In clinics, students deal with human beings and not with cases or some abstract situations as in the traditional method; and in the process they acquire critical lawyering skills needed for practice, in addition to an appreciation of the value of professional responsibility. Nigerian law students now learn and become sensitive to the importance of poverty and access to justice, social justice, rule of law/human rights protection, and other social problems, in the lives of the people and the important role they can play in all of these. This process inculcates public interest lawyering in them and propels them to defend human rights and social justice in practice.<sup>273</sup>

Promoting social change may take the form of advocacy campaign, drafting legislation or, filing public interest litigation. Another way to influence policy decisions is to have students engaged in monitoring government or government agency's human rights obligations through fact-finding, reporting, and publication work.<sup>274</sup> A.B.U Law Clinic and other Law Clinics in Nigeria engages in social justice and public interest lawyering in the form of prison pre-trial detainee project, community outreach/street law projects, the stop torture project, the ENDSARS project and Freedom of Information Act projects which shall be discuss below.

#### **4.2.1 Prison/Pre-Trial Detainee Projects**

---

<sup>273</sup> Adekoya, C.O., (2014). Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education -Ten Years After. *International Journal of Clinical Legal Education*. Vol. 20, No.2. pp. 607-608.

<sup>274</sup> Baze University, (2018). *Baze Law Clinic Handbook*, Faculty of Law, Baze University, Abuja, p. 8.

In 2017, the statistics released by Nigerian Bureau of Statistic revealed that there are over 72,000 inmates in Nigeria's prisons. This is quite unfortunate as the total capacity of all 240 prisons in Nigeria is just about 50,000 inmates and 67% of the prisons inmates are awaiting trials.<sup>275</sup> Also 98% of the prison inmates are men. The three top most common crimes committed by the prisoners are stealing, robbery and assault. The top five States with most inmates are Lagos, Rivers, Kano, Delta and Ogun State.<sup>276</sup>

The prison/pre-trial detainee projects are Law Clinics projects aimed at reducing the plight of Nigerian inmates in the overcrowded prisons due to the inadequacies of assistance rendered to the indigent inmates by private lawyers, the Legal Aid Council and other *pro bono* organizations. Ojukwu, et al opined thus:

The concern or problem the clinics are designed to achieve will naturally include, the observed limited and or absence of access to justice to the indigent or underrepresented and marginalized prisoners and pre-trial detainees in the Prisons. The primary purpose or objective of the Prison Pre-trial detainees' law clinics is the provision of access to justice for the unrepresented prison pre-trial detainees.<sup>277</sup>

One may be tempted to question the status of law students in their quest to provide access to justice for the unrepresented prison pre-trial detainees through Law Clinics. This is due to their limited right to practice law as they are not considered as persons qualified to practice law in Nigeria as required by the provisions of section 2 of the LPA. Ojukwu, et al said "the Clinicians can really attend to the prisoners-to ascertain their legal needs, counsel, receive information, monitor, carry on administrative processes and follow-up court cases, as well as make representation in non-court trial situations,"<sup>278</sup> thereby, promoting legal practice

---

<sup>275</sup> Retrieved from <http://databod.com/infographics/nigeria-prison-statistics-incarceration-rates-states-gender-religion-gender-others>. Accessed on 22/09/2018.

<sup>276</sup> *Ibid.*

<sup>277</sup> Ojukwu, E. et al (2012). *Handbook on Prison Pre-Trial Detainee Law Clinic*, NULAI Nigeria, Garki II, Abuja, p. 154

<sup>278</sup> *Ibid.* p. 157

in their own way depending on the available opportunities, time and finances at their disposal.

A.B.U Law Clinic and other Law Clinics through financial grant of NULAI Nigeria, the motherboard of Law Clinics in Nigeria, have carried out Prison Pre-trial detainees' project in Kaduna and other States respectively. Now, we shall consider the role played by these Law Clinics in promoting legal practice in Nigeria through the prison pre-trial detainees' projects.

In 2014, the Prison pre-trial detainee project financed by NULAI Nigeria<sup>279</sup>, 12 law clinics working as a cohesive network visited 19 prisons covering 12 States identified 6,620 (75%) detainees on pre-trial detention out of 8,803 of prison population visited,<sup>280</sup> 725 law students were trained on prison pre-trial detention. Law students interviewed counselled and educated 1043 pre-trial detainees; carried out investigations, verified 950 detainees' case files in courts and Police Stations. Reconnected 386 detainees to family members; advocated for and obtained release of 33 detainees under the Chief Justice prerogative of mercy; seek for 150 detainees advice from DPP; court appearances for 371 detainees, secured bail for 68 persons and 126 cases were disposed through acquittals, convictions and cases struck out for want of diligent prosecution.<sup>281</sup>

A.B.U Law Clinic participated in the J4A project and recorded tremendous successes. A.B.U Law Clinic started its campaign for the project on 10<sup>th</sup> February 2014 because the University was on the prolong ASUU strike and ended in September 2014. In the Clinic effort to carry out the project, the Clinicians visited Zaria Federal Prison, Kaduna Convict Prison, High Courts in Zaria and Kaduna, Magistrate Courts, Ministry of Justice, Police Area

---

<sup>279</sup> The project is supported by Justice for All-Department for International Development (J4A-DFID).

<sup>280</sup> Retrieved from [www.nulai.org](http://www.nulai.org) Accessed on 12/06/2018

<sup>281</sup> *Ibid*

Command Zaria, and other Divisional Police stations within Zaria metropolis on several occasions.<sup>282</sup> The Clinic recorded 105 cases out of the NULAI target for 120 cases from January to December 2014; some detainees were release through bail applications, contacting their families to fulfil the bail condition, Jail delivery exercise with some judges and some through the Clinic interventions at Police stations.<sup>283</sup>

The project exposed more than 80 A.B.U Law Students to various professional skills and in the same vein used the students to provide access to justice for pre-trial detainees. Some of the professional skills learnt by the students includes, interviewing and counselling skills, drafting of motions, affidavits and written addresses for bail, letter writing, drafting of internal memos, preparation of reports and equally learnt the follow-up procedures at the courts, police stations and prisons.

In 2018, NULAI-Nigeria reintroduced the Prison Pre-trial Detainee project with the aims of expanding services of improving access to justice for pre-trial detainees in Nigeria and targets 1700 detainees across 31 prisons in the country within 12 months, from January to December 2018. The project supported and improved the capacity of 14 Law Clinics to provide access to justice services to pre-trial detainees by at least 650 law students.<sup>284</sup> The project also introduced the new Administration of Criminal Justice Act at law clinic level as an advocacy tool to improve the capacity of law students in criminal administration.<sup>285</sup>

#### **4.2.2 Professional Responsibility and Ethics in Prison Pre-trial Detainees' Projects**

---

<sup>282</sup> Ahmadu Bello University Law Clinic. (2014). *Report on Activities of A.B.U Law Clinic for "Access to Justice for Pre-trial Detainees Project* (Project Report). Retrieved from A.B.U Law Clinic, Faculty of Law, A.B.U Zaria, pp. 1-119.

<sup>283</sup> Ibid. See Abubakar, S. (2014). *The Roles of University Law Clinics in the Administration of Justice in Nigeria*. (Unpublished Long Essay). Ahmadu Bello University, Zaria.

<sup>284</sup> NULAI-Nigeria, (NULAI Newsletters, August 23, 2018). Retrieved from <https://mailchi.mp/42f5828cec9b/tales-from-law-clinics-on-pre-trial-detainees-in-nigeria-1308685?e=14ccdf3e52>

<sup>285</sup> Ibid

Law students working in these projects, serving prisoners and pre-trial detainees owe responsibility of good ethical conducts to their clients (inmates), the faculty, the legal profession as well as the prison authorities. They are committed to obligations, values and ethical standards arising from their work in the Law Clinic.<sup>286</sup> These ethical rules governing law students in the project are synonymous with the ones required from lawyers to their clients, the courts and the legal profession since the activities of both are similar. This is important for the Clinicians not just for the immediate role they wish to play at the Prisons but also as students of law desiring to join a ‘profession which holds custody of societal ethics, norms and value.’<sup>287</sup> This is connected with the students influence and the role-played as paralegals in the administration of criminal justice. The ethical rules in Prison Pre-trial Detainee Project are categorised into three namely, the ethical rules in the RPC, prison rules and the Law Clinics rules.

Under the Access to Justice for the Pre-Trial Detainees Project in Nigeria, which commenced in January 2014, ABU clinicians provided services to one hundred and five (105) pre-trial detainees. Fourteen (14) pre-trial detainees were granted bail while thirteen (13) detainees were discharged through the follow up actions of the Clinic. In *Abdul Isma’il v. C.O.P. Kaduna State & Ors*,<sup>288</sup> the Applicant, a 300 level student of Faculty of Law, A.B.U. Zaria was arrested and unjustifiably framed up for the offence of armed robbery and possession of firearms by members of Magume Vigilante. He was remanded in prison custody by Chief Magistrate Court, Kings Road, Zaria.<sup>289</sup> On a clinic visit to Zaria prison, the Applicant was identified by his classmates. A Clinician, Sadiq Abba Usman (now a lawyer) drafted the Motion and Affidavit for the Applicant’s bail under the supervision of Dr. A.

---

<sup>286</sup> Ojukwu, E. et al (2012). *Handbook on Prison Pre-Trial Detainee Law Clinic*, NULAI Nigeria, Garki II, Abuja, p. 176

<sup>287</sup> Ibid p.181

<sup>288</sup> Unreported Suit No. KDH/Z/305/2014, Clinic File No: J4A/ABULC/023

<sup>289</sup> *C.O.P Kaduna State v. Abdul Isma’il* Unreported Case No: ZAK/152<sup>c</sup>/2013.

Ishaq, while one of the coordinators, Dr. Hassan Bala moved and argued the same before the High Court. The Applicant resumed his academic pursuit after the Clinic intervention through the Dean, Prof Y. Y. Bambale who wrote an appeal to the University Senate to allow the student to continue with academics despite missing two consecutive semesters.<sup>290</sup>

#### **4.2.2.1 The Ethical Rules in the Rules of Professional Conduct and the Law Clinics Rules**

The clinical activities being pictorial representation of what lawyers do in practice makes adherence to the rules of professional conduct paramount for the Clinicians. The point made here is that although the Clinicians are not lawyers, they must use the RPC as a guide because some of its provisions relating to relationship with clients are relevant in the education of law students. We shall discuss the application of some of the rules here.

##### **i. Acting with Honesty, Transparency and Diligence**

As discussed in chapter three of this work, only a legal practitioner duly admitted to the Bar is authorised to practice law and no legal practitioner is allowed to aid non-lawyer(s) to practice law. It will be honest for the Clinicians to introduce themselves, as law students, the black suit wore should not sway them into impersonating legal practitioners. This act portrays the Clinicians as persons with integrity before the detainees. A past Clinician from Ahmadu Bello University Law Clinic gives his own catchy nature of introduction in the Prison, thus:

We are law students from Ahmadu Bello University Law Clinic, a hospital that doesn't give drugs or injections as in the medical profession but rather with the assistance of our coordinators who are legal practitioners who give legal advices, link prisoners with their relatives, pay

---

<sup>290</sup> This Student became an active clinician until when he graduated from the Faculty in 2018.

meagre fines and take other legal actions when necessary.<sup>291</sup>

Another ethical variable required of Clinicians is diligence in handling prisoners' cases though the standard expected of the Clinicians cannot be equated to that of a trained lawyer; but definitely that of a reasonably knowledgeable law student in terms of knowledge, skills and values.<sup>292</sup> At the end of interview with some detainees in Prison, the prisoners sometimes will be too eager to know the actions the Clinicians will take on their problems, at times they insist on getting legal advice instantly and by so doing, the prisoners are pushing the Clinicians to impersonate the legal practitioners. If the Clinician is/are honest, they should always know that their integrity and competence are always at stake and therefore should abide by the RPC and always say as suggested by the author of the article, *Psychological Skills in Clinical Work*, thus:

We are only students, therefore we will not be able to answer your queries straight away... We are studying the law and wish to make no mistake in advising you. Therefore, before we can issue advice we need to consult our supervisors, who is a member of the faculty. Only after they have verified that the advice or pleadings we have prepared for you is correct we will give it to you.<sup>293</sup>

With the above nature of introduction and explanations, the prisoner knows the person he is meeting and will be confident enough to discuss his problem with the students, as they are honest to display their status to him. Here the Clinicians and their coordinators did not go contrary to the provisions of Rules 1 to 5, of the RPC. The professionalism exhibited and other acts of the Clinicians such as subsequent follow-ups to the prisons portrayed the Clinicians as honest. Item 4 of Ahmadu Bello University, *Zaria Code of Ethics (Staff and*

---

<sup>291</sup> Usman, I. (Personal communication, September 20, 2018).

<sup>292</sup> Ojukwu, E. et al (2012). *Handbook on Prison Pre-Trial Detainee Law Clinic*, NULAI Nigeria, Garki II, Abuja, p. 192.

<sup>293</sup> Szeroczynska, M., (2005). *Psychological Skills in Clinical Work*. In: Lomowski, D. (ed.). *The Legal Clinic: the Idea, Organization, Methodology*. Wydawnictwo C.H. Beck, Warsaw, Poland, p. 153.

*Students*)<sup>294</sup> provides that “The Student shall be honest and trustworthy in all his/her dealings with the fellow students, staff and the public”. The Record Officer of Zaria Prison while commenting on the legal representation A.B.U Law Clinic rendered which led to the bail of one *Jafaru Adamu*<sup>295</sup> said, “Kai! I have not seen a student organization that was so coordinated to perform this, other organizations come here (i.e. prison) and after interviewing the prisoners they will never come back again.”<sup>296</sup> This goes to show the extent to which A.B.U Law Clinic has been rendering humanitarian services to the society.

## ii. Keeping Prisoners Information in Confidence

The prisoner who meets the Clinicians for the first time will always be wary of divulging his problem to aliens. Sometimes, they feel the Clinicians are undercover agents trying to sway them to know some facts that will be used against them later. This and other reasons forced the Clinicians to abide by the provisions of section 19 and 23(1) of the RPC dealing with confidentiality because the Clinicians would always receive confidential information and documents from the prisoners. The Law Clinic rules is strict because “Clinicians may not under any circumstances discuss their clients’ case with any person except their supervising coordinators, a fellow clinician or legal assistant”.<sup>297</sup> A past clinician from A.B.U Law Clinic couched his prisoners’ confidential statement thus:

We are just like medical doctors who only give the requisite prescriptions after full disclosure of your ailments. Feel free to tell us the truth and nothing but the truth about your problems. We assure you that the information given will not be disclosed to anyone except,

---

<sup>294</sup> Ahmadu Bello University, Zaria, (2011). *Code of Ethics (Staff and Students)*, Ahmadu Bello University Press Ltd, p. 3.

<sup>295</sup> *Jafaru Adamu v. COP, Clinic File No; J4A/ABULC/004. Suit No: KDH/Z/95/14*

<sup>296</sup> This information was obtained on the Clinic verification of fact visit on Friday 23<sup>rd</sup> May 2014 to Zaria prison.

<sup>297</sup> University of Abuja Law Clinic, (2018). *Manual on Clinical Legal Education Program*, Faculty of Law, University of Abuja-F.C.T-Abuja, p.14.

your expressed permission is obtain or where the law permits its disclosure.<sup>298</sup>

The above confidential statement keeps the prisoner calm and confident that his information are in safe hands not with secret agents. Disclosure outside the bounds of law is unethical, and may affect the credibility of the Clinicians, their coordinators, the law faculty and the university.<sup>299</sup> The Clinicians here are always referring to the medical practitioners when making comparisons because in our view that the word ‘Clinic’ itself though not the exclusive of the medical profession but usually associated with medical profession which laymen know very well as a result of constant contact. A prescription for headache because of the client explanations while the real problem is stomach pain will not solve the headache rather may result to drug abuse.

### **iii. Conflict of Interest**

A lawyer being a professional is competent to handle various cases, contentious and non-contentious for different clients. While carrying out such matters conflict of interest are bounds to arise. In view of this conflict, the RPC has enumerated some duties expected of the lawyer, which if adhered to the conflict of interest will be avoided. This includes disclosing all circumstances of relations with parties at the time of retainer, non-acquiring of proprietary interest in the cause of action or subject matter of litigation except as permitted by law and the duty not to appear for a client as a counsel in a matter he is party or that which the lawyer is requested to withdraw. The issue of appearance affects the lawyer’s partners and associate.<sup>300</sup>

Conflict of interest is a recurrent decimal in legal practice and may occur when a lawyer acts for different clients in the same suit. Similarly, acceptance of brief by a lawyer

---

<sup>298</sup> Atiku, T.Y. (Personal Communication, August 27, 2018)

<sup>299</sup> Ojukwu, E. et al (2012). *Handbook on Prison Pre-Trial Detainee Law Clinic*, NULAI Nigeria, Garki II, Abuja, p. 183

<sup>300</sup> See generally Rule 17 of the RPC and *Balogun v. Akanji* (1992) 1 NWLR (pt.225) 591 @ 606

from the opponent of his former client in respect of the same matter he acted before. In addition, where a lawyer or his colleague in office has interest in the matter because one may be called as a witness and where a lawyer is aware that a party in the matter already engages another counsel.<sup>301</sup> The RPC and the Law Clinic rules recognise these factors as conflict of interest. The Law Clinic rules emphasises more on the situation where a client has already engaged the services of a lawyer because some prisoners will like to avoid paying their lawyers' fees and use the Law Clinic as a cover. A scholar on CLE recommended a practical way of avoiding conflict with lawyers by urging Clinicians to adopt the following statement, thus:

The Clinic rules do not allow us to advise people who are already using the services of an attorney. This results from the fact that our Clinic may not enter into conflict with attorney... We do not have the authority or competence to compete with professional lawyers, or to verify their work. Therefore, I need to ask you whether you have an attorney, for example a court-appointed attorney.<sup>302</sup>

A.B.U Law Clinic did not have the above rule written which makes it easier to be violated by Clinicians, and this may subject the Law Clinic to unnecessary fracas with legal practitioners who currently see the Clinicians as intruders to legal practice. Many legal practitioners have challenged the activities of the Law Clinic in Zaria. Their basis for such encounter are based on the wrong notion that Clinic cases being carried out on *pro bono* are denying them money, thereby affecting their incomes. Some have even alluded to the fact that A.B.U Law Clinic and the Clinicians are killing legal practice for making legal practice cheap. The researcher had on several occasion tries to enlighten these legal practitioners to see the rationale why Clinicians carried out paralegal services and CLE is introduced in the University curriculum proved abortive.

---

<sup>301</sup> *Ibid* 190

<sup>302</sup> Szeroczynska, M., (2005). Psychological Skills in Clinical Work. In: Lomowski, D. (ed.), *The Legal Clinic: the Idea, Organization, Methodology*, Wydawnictwo C.H. Beck, Warsaw, Poland, p. 153

#### **iv. Communicating with Decorum and Civility**

The ability to communicate is one of the greatest armoury of lawyer in the legal profession. It is catchier when done with civility and in a courteous manner to whomever it communicated to either in court or while addressing clients or potential clients. Communication with decorum and civility is another rule of engagement for the Clinicians. Adhering to these rules keep the students advancing in their choosing career as they acts like lawyers' in practice by respecting the ethics of the profession while representing their potential clients, interacting with prison officials, supervisor, judges, lawyers and other stakeholders in the justice sector.<sup>303</sup>

In compliance with this, the Clinicians are not permitted to be rude to any person no matter the perceived injustice against them or their client. Emotion should not drive Clinicians to communicate in an unethical and discourteous manner. Professionalism must be depicted not only while the Clinicians are role-playing (i.e. acting) but also in their general disposition in the course of all Law Clinic works. To be courteous is angelic and to be rude is satanic and unwarranted of lawyer in practice or in training.

#### **4.2.2.2 Prison Rules for Law Clinics**

The prison being a governmental establishment have rules governing the inmates and the public who visits the prison. These rules, which are substantially discussed by Ojukwu include seeking permission of prison officials, rule against trafficking/smuggling, rule against taking photographs/videos, rule against communicating with inmates and observing security

---

<sup>303</sup> Ojukwu, E. et al (2012). *Handbook on Prison Pre-Trial Detainee Law Clinic*, NULAI Nigeria, Garki II, Abuja, p. 182.

protocols.<sup>304</sup> Clinicians must comply with these laid down rules before they can effectively carry out the prison pre-trial detainee project.

#### **4.2.2.3 Application of the Rules of Professional Conduct on Law Students in Nigeria**

It is doubtful if some legal practitioners are aware of this admired tradition and culture in the legal profession going by their conducts in practice. The jurisprudential exposition of what constitutes morality has misled some legal practitioners to erode morality, claiming that the practise of law should be conceived and perceived only from legal perspective, thereby undermining morality. It is submitted that morality is integral to ethical obligation.<sup>305</sup> The question that needs urgent response is that, is this ethics of the legal profession a training given from undergraduate years where the rule of law should be taken as a module to emphasise the importance of this professional responsibility? Some of the responses are revealed herein. A former President of the NBA, Wali, while addressing Law Teachers in one of their Conference lamented on the issue of ethics, he held thus:

...We may be contending with the problem of poor funding of universities and the need to improve your curriculum, yet most of the problems lawyers have to do with professional ethics. I am not aware of any of the Nigerian universities teaching professional ethics. Lawyers merely take three to four month professional ethics class at the Nigerian Law School and that is not good enough.<sup>306</sup>

Wali also associated the above problem with the problem bedevilling the Bench. He posited thus, “the problems we have on the Bench today are also not separable from that of the quality of lawyers produced by our universities. It is from the same set of lawyers churn

---

<sup>304</sup> *Ibid* pp. 184-187.

<sup>305</sup> Adegoke, O.A. et al. op. cit. p. 279.

<sup>306</sup> Wali, O. (2013, April). *Transcript of the Address of President of the Nigerian Bar Association*. Proceedings of the 46<sup>th</sup> Annual Conference of the Nigerian Association of Law Teachers, Ilorin, Nigeria, p. vi.

out to the Bar the judges are appointed and every Bench is as good as its Bar.”<sup>307</sup> Okafor also posited as follows,

...Professional ethics albeit being taught in the law school is not given such priority to warrant being taken or viewed as extremely essential in legal practice. That is why you see law students dress properly while in the law school but upon graduation the reverse becomes the case... that professional ethics is regarded as a course studied and left behind at the law school premises unlike the study of substantive and procedural law which continues throughout the pendency of one’s legal career.<sup>308</sup>

A careful perusal of Wali and Okafor’s views above will clearly reveal that professional ethics is taught in Nigerian Law School only without giving priority to its relevance in legal practice. Between 2013 and 2017, the Legal Practitioners Disciplinary Committee (LPDC) received one hundred and forty (140) petitions against legal practitioners.<sup>309</sup> The above views are not farfetched from the truth. Because the questionnaires issued in 2019 on the challenges of legal education and profession, the 176 (10% of 1755) questionnaires issued to staff and students, which revealed more than seventy percent (73%) lack of ethical curriculum in the universities as the major reasons why lawyers and judges are accuse of unethical practices or conduct.<sup>310</sup>

#### **4.2.2.4 Benefit of Prison Pre-Trial Detainee Project**

The Prison Pre-Trial Detainee Project has some benefit to Law Clinics, students and the public at large, which are grasp from the discussion above, but we shall highlight some of the benefit here and relate some testimonies from law students. The benefit includes but not limited to the following:

---

<sup>307</sup> *Ibid*

<sup>308</sup> Okafor, A. O., (2018). The Bar: Professional Ethics in Decline? *Law Journal of Nigeria*, pp. 127-128.

<sup>309</sup> *Body of Benchers Admits 1,468 Lawyers to Nigeria Bar*. [thenigerialawyers.com/body-of-benchers-admits-1468-lawyers-to-nigeria-bar/](http://thenigerialawyers.com/body-of-benchers-admits-1468-lawyers-to-nigeria-bar/). Accessed on 13/07/2017.

<sup>310</sup> Appendix A: Questionnaire on the Examination of the Role of Clinical Legal Education in Promoting Legal Practice in Nigeria.

- a. The project exposed law students to the rules of professional conduct (RPC) and other rules governing/dealings with pre-trial detainees. The Clinicians learn to act by the rules to avoid bashing and relegation of their status as potential lawyers. Functioning as lawyers in the clinics gives students a sense of responsibility in ensuring that they render services in the best interest of clients; thereby instilling in them the spirit of professional responsibility.<sup>311</sup>
- b. The Clinicians learn how the justice system operates. The Clinicians see first-hand problems associated with the police, courts and the prison, and try to proffer solutions to persons involved via the proper channel. A 400L student of A.B.U Law Clinic gave his testimony thus:

The little experience ABU Law Clinic exposed me to, in respect of Prison Pre-trial Inmates, shows that many innocent people are suffering in prison not because they have actually committed any crime. Some end up being in prison either by reason of their failure to succumb to bribery demand by the police when the matter was reported or the malicious instigation of those who make report to police as a means of settling scores while some inmates are victims of circumstances. The last time we (ABU Law Clinic) visited the Kaduna Convicts Prison, we discovered that out of 1000+ total number of prison inmates, 800+ were awaiting trial. It goes to show that our criminal justice system is not working well. Using Zaria Prison and Kaduna Convict Prison as a case study in respect of pre-trial detainees, I think the whole blame is on the police who use prison as dumping ground. They simply draft First Information Report (FIR) and take suspects to magistrates for cognizance during which they normally obtain order of remand. What happens next after that is stories. The inmates spend years in prison without being formally charged to court... By my estimation based on the briefs we (ABU Law Clinic) have been taking in Zaria Prison, 60% (if not more) of the inmates were there on the order of a single judge. That is to say, police have the propensity for involving in "forum shopping". The judge in question tends to be ready to grant their prayers anytime they appear before him. So

---

<sup>311</sup> Adekoya, C.O., (2014). Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education -Ten Years After. *International Journal of Clinical Legal Education*. Vol. 20, No.2. p. 608

whenever the police wants to obtain order of remand, despite the number of courts close by, they rather rush to a faraway magistrate where there prayer will easily be granted irrespective of reasonable cause. So the criminal justice system, particularly the police arm, is actually not working well. After subjecting suspects to torture in diverse forms, they eventually dump them in prisons and forget about them.<sup>312</sup>

Another student from A.B.U Law Clinic lamented thus:

...Our judges are been used by some scrupulous elements in the security agencies to add to the plight of Nigerians and such has given room to those bad elements to enjoy forum shopping. In the Zaria prisons, (sic) we met a lady there and her crime was her refusal to accept a police officer who asked her out. The police officer framed illogical and baseless charge against her and took her to “his judge” that was many kilometres away from his station and the next place she found herself was prison. She was not allowed to say anything in court let alone defend herself. This is the Nigeria we are in today.

I would not (sic) have believed it if someone had told me that things like these were happening in our courts and prisons. However, because of the Pre-trial Detainees Project, I had a first-hand experience. Hoping to contribute a lot to humanity and yes, I am glad I have started by being part of this project.<sup>313</sup>

- c. The Clinicians always improve their interviewing and drafting skills by drafting letters, court processes like motions, affidavits and written addresses, and other correspondences. Chukkol further observed thus:

Thanks to our (ABU Law Clinic) indefatigable coordinators. They have been working tirelessly with us. There (sic) lives are actually exemplary. They are not only working for humanity, they guide we (sic) students on the practical aspect of the law. Example, many of us (Clinicians) can draft motion for bail, application for FIR in various courts; can interview clients not only in prison, but also in anywhere NEARLY perfectly.<sup>314</sup>

---

<sup>312</sup> Chukkol, O.G. (2018, May, 30) *Law Students Reflection and Stories*, [Web Log Comment] Retrieved from [nulaiprisonclinics.blogspot.com/2018/06/on-Thursday-at-prison-well-rested-and.html?m=1](http://nulaiprisonclinics.blogspot.com/2018/06/on-Thursday-at-prison-well-rested-and.html?m=1). Accessed on 11/06/2018.

<sup>313</sup> Naphtali, B. A. (2018, December, 05) *Law Students Reflection and Stories*, [Web Log Comment] Retrieved from [nulaiprisonclinics.blogspot.com](http://nulaiprisonclinics.blogspot.com). Accessed on 4/6/2021.

<sup>314</sup> *Ibid*

- d. The project assist Clinicians to improve their reporting or reflective essay skills as they are usually confronted with tasks of reporting or reflecting on the issues they saw while in the prison. A Clinician from NSUK Law Clinic, Silas, report thus:

Our first client was a young man of 21, he narrated how police officers for murder arrested him and put in a van on his way to visit his friend with some other people he did not know from Adam. He said they released the other people in 2016. When they were arrested but his guardian, who lives in Kano has failed to come and he has been transferred from one prison to another, finally landing in Lafia prison with neither a legal representation nor a court arraignment since the arrest. It has been 1 year, 7 months.<sup>315</sup>

- e. The project serves as an avenue through which Clinicians monitor the bad practices in courts by judges, registrars, clerks, prosecutors etc. due to their frequent engagement with the courts. After observing these bad practices in court, the Clinicians serve as whistle-blowers by reporting the persons concern to the appropriate authority. In 2013, during the reign of Bashir Musa, Esq (Clinic Head), A.B.U Law Clinic reported a Magistrate sitting at Kings' Road, Sabon Gari, Zaria to Hon. Justice M.L. Bello (now Chief Judge, Kaduna State). The Magistrate extorts the sum of N10, 000 (Ten Thousand Naira only) from the Clinicians who contributed money to pay fines for inmates at Zaria Prison. The Magistrate was ordered to return the money forthwith. This is one out of the many terrible experiences, one will never forget as a Clinician. The Magistrate threaten to cite the Clinicians for contempt.<sup>316</sup>

A careful perusal of some of the Clinicians' reports above will reveal that the report were written in passive voice and bits of grammatical errors. With constant engagement of

---

<sup>315</sup> Silas, M. (2018, May 10). Law Students Reflection and Stories, [Web Log Comment]. Retrieved from [nulaiprisonclinics.blogspot.com/2018/06/one-Thursday-at-prison-well-rested-and.html?m=1](http://nulaiprisonclinics.blogspot.com/2018/06/one-Thursday-at-prison-well-rested-and.html?m=1). Accessed on 11/06/2018.

<sup>316</sup> The action taken by Justice M.M. Bello (now Kaduna State Chief Judge) against the corrupt Magistrate boost the confidence of the Clinicians on whistleblowing.

Clinicians by their lecturers, private legal practitioners and other Non-governmental Organizations (NGOs) who seem to be vast in drafting reports, the Clinicians can be better skilled as legal practitioners in the future as they will constantly mend their errors.

However, some legal practitioners have even challenged the status of lawyers appearing through the clinic. One of the active lawyers handling A.B.U Law Clinic cases, A.U. Hajji Esq (a past Clinician) narrates his ordeal in one of the cases he handled. He informed the researcher that a lawyer challenge his appearance that he cannot appear through the Law Clinic and that the Law Clinic is not a Law Firm. All effort to make the lawyer understand that A.B.U Law Clinic is just an address for service of court processes which does not affect his right of audience as a legal practitioner fell on deaf ears.<sup>317</sup>

#### **4.2.3 The Stop Torture Project**

The word torture is defined in the celebrated case of *Nigeria Custom Service Board v. Mohammed*<sup>318</sup> thus:

---any action which inflicts intense pain to body or mind of a person of any act of physical cruelty which endangers the life or health of a person or creates a well-founded apprehension of such danger or an act done in such manner as to bring a person to public ridicule, disgrace, dishonour or contempt..

One of the recurrent ways of abusing human rights by the Law Enforcement Agencies in Nigeria is torture. This act of torture contravene the provisions of Section 34 of the Constitution of Federal Republic of Nigeria.<sup>319</sup> In fact, a careful perusal of the *grund norm*

---

<sup>317</sup> Hajji, A. U. (Personal communication, November 15, 2019).

<sup>318</sup> (2015) LPELR-25938(CA) pp. 37-40, paras. D-B.

<sup>319</sup> 1999 (as amended). *Odion v. Assistant Inspector General of Police* (2013) LPELR-20698 (CA) pp. 21-25.

will revealed that the provisions of section 34 of the Constitution is the only fundamental right provision that is absolute as no amount of crime can justify the subjection of a human being to inhuman and degrading treatment.<sup>320</sup>

In view of the above recurrent act of torture by the Law Enforcement Agencies in Nigeria, in 2016-2017, Amnesty International, Nigeria launched the Stop Torture programme in order to curtail the act of torture and educate individuals on their rights to dignity as enshrined in the Constitution and other international instruments.<sup>321</sup> A.B.U Law Clinic is one of the Law Clinics engaged by Amnesty International to facilitate the Stop Torture Project. In 2016, Dr. Hassan Bala and the Country Director of Amnesty International, M.K Ibrahim carried out a radio programme to enlighten the public on the Stop Torture programme.<sup>322</sup> A.B.U Law Clinic conducted several successful Town Hall meetings and public lectures wherein more than 7, 000 people from within and outside the University participated.<sup>323</sup> In 2017, Mr Andre Maki came all the way from America and trained clinicians, law lecturers as well as private legal practitioners on the issue of torture. The researcher is also a participant in this training. A Clinician, Chukkol states thus:

I was among the 20 trainees for the Clinical Legal Intervention Training on Torture and CIDT that was held on Saturday 21st January, 2017 at Ahmadu Bello University Law Faculty Board Room. A white man, Mr. Andrew Maki, from USA who was the Co-Executive Director, Justice & Empowerment Initiatives (JEI), with offices in Porthacourt and Lagos addressed us on Torture. The training was highly insightful because I further exposed to some details about torture and inhuman and Degrading Treatment. For example, I learnt that public officer only commits torture. Thus, a private individual cannot commit torture. Secondly, torture is committed to

---

<sup>320</sup> *Odion v. Odion v. Assistant Inspector General of Police* (Supra).

<sup>321</sup> Bebeji, U.S. (Personal communication, June 3, 2021).

<sup>322</sup> Bala, H. (Personal communication, May 17, 2021).

<sup>323</sup> *Ibid.*

elicit information from a suspect, to inflict pain, or to punish. Lastly, no Justification for invoking torture.<sup>324</sup>

The student above was exposed to the nature of torture, the category of actors that can perpetrate torture and the reason public officers' resort to torture as a means of extorting confessional statements. The Stop Torture project exposed clinicians to advocacy skills as Amnesty International organized moot competition for law students across the country. Chukkol further narrates his advocacy experience from the project, thus:

Advocacy skills are some of the lessons I learnt from the project as I was among the counsel that represented ABU Law Clinic at the 1st Interschool Moot Court Competition which held at Baze University (between ABU and University of Lagos) organized by amnesty international on the project during which I was awarded the second best counsel. The Moot was presided over by a serving Court of Appeal Justice and two lecturers. The Advocacy skills I acquired was not just on mooting, the Stop Torture project also exposed me to practical skills because I had the opportunity to draft some court processes for Victims of torture including bail applications, originating processes for fundamental rights enforcement, public awareness campaigns etc.<sup>325</sup>

The skills learnt by Chukkol are the simple advocacy skills some lawyers in real practice are lacking nowadays, because they are not taught these skills nor attended any programme where these skills are displayed in the course of their studies. The student here feel highly motivated as posited by Adekoya, thus “Clinical experience is so unique, outstanding and incomparable, such that students feel highly motivated and inspired when they solve problems of the poor, and for this reason, the clinic stands out as the highlight in the legal training and personal lives of some students.”<sup>326</sup>

#### **4.2.4 Providing Access to Justice and Support Services for Victims of Police Brutality (ENDSARS) Project**

---

<sup>324</sup> Chukkol, O.G. (Personal Communication, June 10, 2021).

<sup>325</sup> Ibid.

<sup>326</sup> Adekoya, C.O., (2014). Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education -Ten Years After. *International Journal of Clinical Legal Education*. Vol. 20, No.2. p. 609.

The aftermath of ENDSARS<sup>327</sup> protest in Nigeria and pursuant to the directives of the Federal Government, many States across the country established state-based Judicial Panel of Inquiry. The Kaduna State inaugurated its Judicial Panel of Inquiry and saddled it with several responsibilities to wit: receive and investigate complaints of police brutality or related extrajudicial killings; evaluate evidence presented/other surrounding circumstances, and draw conclusions as for the validity of the complaints; and to recommend compensation and other remedial measures, where appropriate.<sup>328</sup>

NULAI-Nigeria with the support of Open Society Initiative for West Africa (OSIWA) engaged several Law Clinics across the country to provide access to justice and support to victims of Police brutality in Nigeria. A.B.U Law Clinic is the Law Clinic engaged to provide this support services to victims of Police brutality at the Judicial Panel of Inquiry, Holden at General Hassan Usman House (State House) Kawo Kaduna, Kaduna State. The Clinic in its bid to carry out the mandates bestowed on it by its sponsor stationed four law students<sup>329</sup> at the venue of the Judicial Panel of Inquiry, at General Hassan Usman House (State House) Kawo Kaduna, Kaduna State. These students were saddled with the responsibilities of observing the panel proceedings, preparing daily reports and directing victims that do not have legal representatives to the Clinic.<sup>330</sup>

The 1<sup>st</sup> Town Hall Meeting of ABU Law Clinic was hosted on Thursday, 8<sup>th</sup> day of April, 2021 at the Moot Court Complex, Faculty of Law, ABU Zaria with over 70 participants. Besides, some notable personalities cum stakeholders were invited as speakers

---

<sup>327</sup> It's a protest code-named to end the brutal Special Ant-Robbery Squad (SARS), a special unit for tackling robbery and other heinous crimes under the Nigeria Police Force.

<sup>328</sup> Ahmadu Bello University Law Clinic. (2021). Police Excesses in Nigeria: Charting a Way-Forward and the Role of Stakeholders (Brochure). Ahmadu Bello University, Zaria, p. 2.

<sup>329</sup> The students are Aliyu Umar, Ummu-Salma Shittu, Fauziyya Sa'idu Aliyu and Suleiman Abubakar Sadiq, all year three students (300 Level).

<sup>330</sup> Sofiyullah, B. (2021, June 7, Personal Communication).

with whom the theme was discussed on.<sup>331</sup> The aim of the meeting was to discuss and assess the effects of Police brutality on citizens in Nigeria, measures currently in place to curtail it and enlightening of police officers on the use of other techniques in handling civilians apart from the use of excessive force and other violent measures.<sup>332</sup>

The D.P.O, Tudun Wada, Zaria, S.P. Ibrahim Zubair is one of the discussant at the Town Hall meeting. He enlighten the public about the newly amended Police Act which aimed at limiting the interference of the Police on civil matters as a way of safeguarding individuals against extra-judicial activities of the police, which includes torture, unlawful detention, killings and arrest.<sup>333</sup> The representative of the Chairman NBA Zaria Branch, Halliru Salim sensitize the masses in attendance on the right of victims of police brutality. He gave an overview of the contribution of NBA Zaria Branch toward providing support services and justice for the victim of Police brutality through its Human Right Committee.<sup>334</sup> Other Legal Practitioners, students, community members and the Clinic Coordinators share their thoughts on the topic under review.

ABU Law Clinic on 15<sup>th</sup> day of April, 2021 organized it 2<sup>nd</sup> Town Hall Meeting. The meeting featured panel discussion, which focus on the way forward in curbing the menace of Police excesses in Nigeria. The panel discussion featured about 100 persons in attendance.<sup>335</sup> The major objectives of the 2<sup>nd</sup> Town Hall meeting, includes:

1. Avenue for stakeholders to converge and share thoughts on the menace of Police brutality.
2. Assess the role of stakeholders: police, community leaders, lawyers, institutions and youths in curbing Police excesses in the society.

---

<sup>331</sup> Ahmadu Bello University Law Clinic. (2021). *Town Hall Meetings Reports on Providing Access to Justice and Support Service for Victims of Police Brutality-Law Clinics Response to #ENDSAR*. Ahmadu Bello University, Zaria, p. 2

<sup>332</sup> *ibid*

<sup>333</sup> *Ibid.*

<sup>334</sup> *Ibid.* p. 4.

<sup>335</sup> *Ibid.* p. 6.

3. How stakeholders can collaborate towards a community free from Police brutality.
4. Educate the member of the community on the existence of the ABU Law Clinic, which provides access to justice and support services to the under-served.<sup>336</sup>

The above objectives were achieved via the two-panel session held. The 1<sup>st</sup> panel consists of four panellist<sup>337</sup> who discussed the role of the police, traditional rulers, lawyers and other institutions in curbing the excesses of police brutality in Nigeria.<sup>338</sup> The 2<sup>nd</sup> panel features three students,<sup>339</sup> two Legal Practitioners and a member of Sabon Gari, Zaria community as the panellist who discussed on the role of youths in curbing menace of police brutality. A student, Miss Latifat Junaidu advised, that: “students should develop and maintain the habit of sensitization of the general public on the rights” as one of the roles of youth in curbing the menace of police brutality.<sup>340</sup>

The students’ robust discussions on the panel really addressed the role of youths in curbing the menace of police brutality. Miss Oluchi Elendu, NULAI representative restate the role of Law Clinics in Nigeria in letting people know their rights, how to access justice, how to enforce those rights and the Clinic's role in speaking on behalf of the aggrieved person.<sup>341</sup>

#### **4.2.5 Community Outreach/Street Law Projects**

Community outreach/street law are legal literacy programmes employed by law students to educate people about their rights and the modus for enforcing those rights. It is

---

<sup>336</sup> *Ibid.*

<sup>337</sup> The panellist are; (1) Mal. Hassan Aminu Nasidi; Sarkin Kasuwan Danmagaji, (2). Abubakar Suleiman Esq, (3) A.Y. Mohammed Esq, and (4). S.P. Ibrahim Zubairu (representing the Area commander, Nigeria Police Force, Zaria.

<sup>338</sup> Ahmadu Bello University Law Clinic. (2021). *Town Hall Meetings Reports on Providing Access to Justice and Support Service for Victims of Police Brutality-Law Clinics Response to #ENDSAR*. Ahmadu Bello University, Zaria, pp. 7-8.

<sup>339</sup> The students in the panel are: (1). Miss Latifat Junaidu (President, Kogi State Law Students’ Association), (2). Oliver Gift Chukkol (Director of Litigation, ABU Law Clinic) and Suleiman S. Jipan (Chief Justice of the ABU SRC Court).

<sup>340</sup> Ahmadu Bello University Law Clinic. (2021). *Town Hall Meetings Reports on Providing Access to Justice and Support Service for Victims of Police Brutality-Law Clinics Response to #ENDSAR*. Ahmadu Bello University, Zaria, p. 8.

<sup>341</sup> *Ibid.* p. 9.

necessary for ordinary people to know their rights before they can enforce them. Law Clinics community outreach/street law educate people about their rights and provide practical advice as to when and how people can enforce their rights. The best time to teach citizens about these rights is while they are still at school.<sup>342</sup> Unless people are aware of their legal rights, they will not know that they have the right to apply for legal aid. Accordingly, legal literacy programmes play a very important role in complementing legal services for the poor.<sup>343</sup>

In 2013 and 2014, A.B.U Law Clinic carried out community human right campaign through community outreach/street law in Samaru community, Demonstration Secondary School, Kongo Campus and Ahmadu Bello University Zaria main Campus where students and members of the community were enlightened about their fundamental right as enshrined in the Constitution.<sup>344</sup>

#### **4.2.5.1 Benefits of Community Outreach/Street Law Project**

The community outreach/street law project has some benefit to Law Clinics, students and the public at large, which are glaring from the discussion above, but we shall highlight some of the benefit here and relate some testimonies from law students. The benefit includes the following:

- a.** Clinicians identify legal problems and try to provide solutions to the problems.

One of the reports from A.B.U Law Clinic exposed this benefit thus: “the awareness was conducted by the law clinic to enlighten students on their fundamental rights as citizens of Nigeria. It is a step to realize the aim of the ‘justice for all’ project aimed at the facilitation of access to justice by the poor and indigent Nigerians.”<sup>345</sup>

---

<sup>342</sup> Mcquoid-Mason, D. and Palmer, R. *Op. Cit.* p. 19.

<sup>343</sup> *Ibid* p. 16.

<sup>344</sup> See Appendix B, C and D.: Images of Community Outreach/Street Law Campaign Projects.

<sup>345</sup> Ahmadu Bello University Law Clinic. (2014). *Report on Campus Awareness Conducted in Samaru on 10<sup>th</sup> and 11<sup>th</sup> of October, 2014*. Retrieved from A.B.U Law Clinic, Faculty of Law, A.B.U Zaria, p. 1.

- b. Clinicians create rapport with community members and thereby clear the negative notion that the law is only for the rich. This can be gleaned from the excitement of the community members and their subsequent visit to the clinic.<sup>346</sup> The project builds trust and synergy between clinicians and the community members thereby extending such trust to the Clinicians' future status as legal practitioners. The former Area Commandant of Zaria Police Area Command commends the synergy the Clinicians created with the police in Zaria, he posits thus:

Your activities are great. If lawyers have been interacting with the police as you do, in your stage. Such interactions will breed synergy between the police and lawyers, but lawyers will not do that, you only see them here (police station) when their colleagues or clients are in trouble.<sup>347</sup>

- c. Clinicians interact with members of the community on regular basis thereby improving their advocacy skills, reduce their phobia, and improve their memory retention. Mcquoid-Mason and Palmer observed thus:

If lectures, are used students remember 5%. If students read for themselves they remember 10% and if audio-visual methods are used (e.g. an overhead projector or PowerPoint) students remember 20%. If students discuss issues in small groups, they will remember 50%. If they are shown a demonstration and then required to practice it, they will remember 75%. Where, as happens in street law programmes, law students teach other people, they will remember 90%.<sup>348</sup>

#### 4.2.6 Freedom of Information Act Project

---

<sup>346</sup> In 2014, A.B.U Law Clinic handled a pathetic case of a divorcee, which her former husband threatened to leave Zaria. The husband also bully the children of the marriage by calling the female ones whore and even reporting the male ones to police on frivolous claims because the children all leave with the mother. The Clinic awareness campaign make the divorcee to visit the Clinic. The Clinic intervened through it coordinator, Dr. Hassan Bala Esq and Abubakar Suleiman as the then Director of Litigation, which prevent the threat and the divorcee and her children are satisfied. The divorcee still call after 4years to thank the Clinic for the effort.

<sup>347</sup> Maigana, A. A. (Personal communication, May 15, 2013). Excerpt from the A.B.U Law Clinic visit to the Area Commandant (now Commissioner of Police) on the 15<sup>th</sup> day of May, 2013.

<sup>348</sup> Mcquoid-Mason, D. and Palmer, R. (2013). *African Law Clinicians' Manual*, Institute for Professional Legal Training, Durban, South Africa, p. 16.

The Constitution placed sovereignty in the hands of the citizens from which any government derives all its powers and authority.<sup>349</sup> The citizens are the dominant and supposed to dictate what should be in their government not their representatives at all level dictating based on their whims and caprices. Request for information is the primary responsibility of all, and we all have the right to know how our institutions run their activities for the benefit of all Nigerians in respective of tribe, religion and region or level of education.<sup>350</sup> The Freedom of Information Act<sup>351</sup> is “an Act to make public records and information more freely available, provide for public access to public records and information.”<sup>352</sup>

In 2015, NULAI-Nigeria engaged 13 Law Clinics across the country as implementing partners to carry out the FOI Act Project. The project aim is to build the capacity of community based groups that will effectively utilize the FOI Act in assessing public records. A.B.U Law Clinic is one of the Clinics engaged to implement the project in the Northern Region.<sup>353</sup> The project was implemented using the street law methodology. The project empower people to perform oversight functions on the activities of their government and to ensure accountability and good governance by government.<sup>354</sup>

The Right to Know (R2K) organisation whose mission are “to promote open and democratic government in Nigeria through advocacy for public access to information, participation in governance and vocal partnership with divers constituency, grassroots, civil

---

<sup>349</sup> See Section 14 (2) (a) of the 1999 Constitution of Federal Republic of Nigeria, L.F.N, 2004.

<sup>350</sup> Abubakar, I. and Abubakar, S., (2018). An Appraisal of the Freedom of Information Act as an Apparatus for the Implementation of the Provisions of Chapter II of the Nigerian Constitution 1999. *Human Rights Review: An International Human Rights Journal*, Vol. 7, pp. 104-105.

<sup>351</sup> The acronym FOI Act means Freedom of Information Act.

<sup>352</sup> Explanatory Note to the Freedom of Information Act 2011

<sup>353</sup> Odi, L., (2014). Freedom of Information Project Overview. A Paper Presented at the Freedom of Information Street Law Teacher Training for Clinical Law Teachers Organized by NULAI-Nigeria, held at Ayalla Hotels, Area 11 Garki, Abuja, pp. 2-3.

<sup>354</sup> Ojukwu, E., et al. (2016). *Street Law Freedom of Information Manual*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, p. 4.

society groups and government institutions.”<sup>355</sup> The organisation equally collaborates with the Law Clinic in the FOIA project campaign by providing T-shirts and Face-caps with the R2K inscriptions for the clinic, which the coordinators and Clinicians used.

A.B.U Law Clinic started its own campaign by training Clinicians,<sup>356</sup> flyers were printed in English and Hausa languages<sup>357</sup>, the street law programme at Muslim Refresher Course Programme, Tudun Wada, Zaria<sup>358</sup> is instructive as secondary schools students were educated on Freedom of Information Act (FOIA). Twenty eight (28) Clinicians and two (2) coordinators attended. One of the Clinic coordinators, Dr. Hassan Bala Esq explained the FOIA in English and translated it in Hausa to promote easy grasp of the FOIA by the Refresher student. After demonstrating the procedure pragmatically, some students were asked to write an application letter to any government organisation or institution, those who got it right were given prizes and those who got it wrong were corrected.<sup>359</sup>

On 2<sup>nd</sup> and 3<sup>rd</sup> February, 2015, the Clinicians, about 33 in numbers were equally grouped<sup>360</sup> to sensitize members of Tudun Wada community on the street and market places and they convey their experiences in the Clinic report as follows:

...We visited many shops such as yard shop and met about three people in the shop. The shop owner was very happy with his new knowledge of Freedom of Information Act and asked if he could actually walk into INEC office to ask for the complete data of the vote casted in the upcoming elections and was so happy to hear

---

<sup>355</sup> Right to Know (2011). *Understanding the Freedom of Information Act (FOIA), 2011*, Maitama, Abuja-Nigeria, p. 1.

<sup>356</sup> Dr. A. Is’haq who attended the trainer training was in the fore-front while teaching the clinicians the techniques to be use in actualizing the aims of the project. He shared the materials given at the trainers training organized by NULAI-Nigeria between 30<sup>th</sup> - 31<sup>st</sup> May, 2014.

<sup>357</sup> The Clinicians who understand the language and are fluent while speaking in the local tongue translate the Freedom of Information Act Campaign flyers from English language into Hausa language for the benefit of the vast majority of the populace of the University community.

<sup>358</sup> Appendix E: Image of Clinicians at the Muslim Refresher Tudun Wada, Zaria Educating the Students on the R2K Campaign on 14<sup>th</sup> day of June, 2015.

<sup>359</sup> Abdullahi, A. (2015). *Report on Street Lawyering by Law Clinic, 2015*, A.B.U Law Clinic, Faculty of Law, A.B.U Zaria, p.1. The programme took place on 27<sup>th</sup> June, 2015.

<sup>360</sup> The clinicians were groups of mostly two or three people in such a way that at least one person in the group understand and speak Hausa language to communicate with community members who mostly speak Hausa.

that he could'. Most clinicians that were present confessed that the street lawyering was really an eye opener for them as it actually boosted their confidence to stop anyone on the street and talk to them without knowing them prior to the exercise, and they were thrilled as (sic) the response they got from the people.<sup>361</sup>

In the Clinic, effort to further achieve the full objectives of the FOIA project. A.B.U Law Clinic on 16<sup>th</sup> February, 2015 visited KARAMA FM, Kaduna, where seven (7) Clinicians and two coordinators, Dr. Abubakar Is'haq Esq and Dr. Hassan Bala Esq discussed the FOIA project for 1 hour 30 minutes and 15 minutes was given to discuss the activities of the Clinic generally.<sup>362</sup> The radio programme was successful as immediately the discussion ended the clinic coordinators' phones kept buzzing with calls from prospective clients.<sup>363</sup>

A.B.U Law Clinic organised two (2) Town Hall meetings to members of Hayin Dogo, Samaru and Anguwan Magajiya Zaria City community<sup>364</sup> to sensitize them on the FOIA project. The Chiroman Zazzau,<sup>365</sup> his entourage and some Zaria Local Government officials, graced the Town Hall meeting at Zaria City.<sup>366</sup> The FOIA project was implemented with the guidance of the Clinic coordinators and the Clinicians who sacrifice their time to promote a transparent and accountable public institution in Nigeria.

#### **4.2.6.1 Benefits of the FOIA Project**

The FOIA project has some benefit to Law Clinics, students and the public at large, which can be seen in the discussion above. The project benefits are virtually the same with the community outreach/street law project benefits enumerated above being largely implemented using the street law methodology, but we shall highlight some other benefits to

---

<sup>361</sup> Maisamari, M.M. (2015). *Phase One Report of Activities of ABU Law Clinic on the "Capacity Building of Community-Based Groups on the Effective Use of the Freedom of Information (FOI) Act Project"*. A.B.U. Law Clinic, Faculty of Law, A.B.U. Zaria, p. 2.

<sup>362</sup> Ibid, p. 4.

<sup>363</sup> Ibid.

<sup>364</sup> Hayin Dogo, Samaru community Town Hall meeting was held on 6<sup>th</sup> February, 2016 and the Anguwan Magajiya Zaria City community Town Hall meeting was held on 30<sup>th</sup> July, 2016.

<sup>365</sup> Chiroman Zazzau is one of the senior members of the Emir of Zazzau cabinet.

<sup>366</sup> Majidadi, I. (2016) *Report on Freedom of Information (FOI) Act Town Hall Meeting Conducted by the A.B.U Law Clinic at Anguwan Magajiya Zaria*, A.B.U. Law Clinic, Faculty of Law, A.B.U. Zaria, p. 2.

Law Clinics, Clinicians and the public not mentioned under the community outreach/street law project here and relate some testimonies from law students. The benefits include the following:

- a. The Law Clinics and the Clinicians through the FOIA project exposed the social engineering function of law in the society by effecting changes in social institutions. The changes in social institutions affect the social system including the values, attitudes, and behaviour patterns of public officers in the society. A former Clinic Head in A.B.U Law Clinic who served for the 2017/2018 academic session opined that: “the FOIA project has aided people who have sought information mostly through A.B.U Law Clinic. Public office holders became cautious and accountable to information requests. The FOIA project has helped in combating corruption and lack of accountability in government”.<sup>367</sup>
- b. The Clinicians develop their letter and report writing skills. In each of the programmes conducted as discuss above, letters are sent to the stakeholders involve and the Clinicians are made to draft reports at the end of each programme. We refer and quote Clinicians’ statements in the reports drafted by law students to buttress how the CLE methodologies aid in promoting various skills in legal practice.

### **4.3 The National Client Interviewing and Counselling Skills Projects**

Client interviewing and taking of instructions are very important, as they are the first point of contact between lawyers and clients. Students are constantly educated on how to put clients at ease and how to build trust between themselves and their clients, so that clients feel free to tell their lawyers everything that is relevant. Client-centred interviewing techniques is used to ensure that the lawyer has a clear understanding of the client’s needs and

---

<sup>367</sup> Ahmad, A. (Personal communication, January 9, 2019)

requirements.<sup>368</sup> The Law Clinics being pictorial representation of law firms to Clinicians made interaction with clients a constant variable.

The Clinicians meet indigent persons with legal problems on daily basis depending on the location and the public awareness created about the Clinic at the masses disposal, and the nature of assistance the Clinic is rendering to its host community. These interactions made interviewing and counselling skills an inevitable skill expected from the Clinicians. The interviewing and counselling skills are great tools for lawyers. These tools assist a lawyer to know the clients' problems, research on the problems and provide workable solutions to the problems identified.

The Law Clinics organised workshops, local client interviewing, and counselling skills competition as an offshoot of the National Client Interviewing and Counselling Skills Competition (NCCC), a project of NULAI-Nigeria. The NCCC is an annual competition for law faculties and Law School campuses aimed at promoting greater knowledge and interest among law students/lawyers to develop interviewing, planning, analytical and preventive (ADR) skills in the lawyer-client relationship in the office. The competition also provides a valuable educational and cultural interchange among students, law teachers and legal practitioners.<sup>369</sup>

The NCCC, an affiliate to the Louis M. Brown and Forest Moisten International Client Consultation Competition (ICCC), an annual international competition for the winners of national competitions across the world. It provides an existing opportunity for law students to learn and practice interviewing and counselling skills as well as to meet young (and not so young) lawyers from an amazing range of nations and cultures.<sup>370</sup> This competition has

---

<sup>368</sup> McQuoid-Mason, D. and Palmer, R. *Op. Cit.* pp. 79-80.

<sup>369</sup> NULAI-Nigeria, (2013). *2008-2013 Activities Report*, Garki, Abuja, p. 14.

<sup>370</sup> *Ibid.*

support from MacArthur Foundations, host Universities and campuses of the Nigerian Law School, law firms and individuals.<sup>371</sup>

The NCCC participants in Nigeria are Universities and Law School campuses students who registered for the competition. The participants were assessed based on eleven (11) criteria<sup>372</sup> by assessors/panel of judges<sup>373</sup> at the stages of the competition. The Universities and Law School students usually emerge as the winners of the local client interviewing and counselling skills competition organised by their schools. A student, Galadanci<sup>374</sup> report thus:

The competition, which held between 25th –27th, revolves around effective professional and skilful handling of clients where students pose as lawyers trying to learn client’s goal. Out of the 14 teams, 10 teams qualified for the knockout stage during the preliminaries. On the second day...the knockout stage, 6 (sic) teams were qualified to the semi-finals. At the final round of the competition where three (3) teams participated, A.H & Co (represented by Isah Almahdi and Hasiya Yakubu Muhammad) emerged as winners. The winners of the competition are to represent Ahmadu Bello University at the National competition this year organized by the Network of University Legal Aid Institutions (NULAI).

A.B.U Law Clinic participated in several NCCC competitions organized by NULAI-Nigeria in different part of the country. In 2013, the duo of Y.O.K Jejelola and Ikuku Nkemjika (now lawyers) represented A.B.U Zaria and emerged as the 2<sup>nd</sup> Runner-up of the 9<sup>th</sup> edition held at Nigerian Law School Enugu Campus (Agbani). In 2015, the duo of

---

<sup>371</sup> Ibid.

<sup>372</sup> The criteria includes (1) Establishing an effective professional relationship, (2) Obtaining information, (3) Learning the client’s goals, expectation and needs, (4) Problem analysis, (5) Legal analysis and giving advice, (6) Developing reasoned courses of action (options), (7)Assisting the client to make an informed choice, (8) Effectively concluding the interview, (9) Teamwork, (10) Ethical and moral issues, and (11) Post interview reflection period.

<sup>373</sup> In the 2018, competition organized by A.B.U Law Clinic the panelist includes law lecturers and legal practitioners. From the academia, (Dr. A.M. Madaki, Dr. S.B. Magashi, Dr. A. Is’haq, Abdul Muhammad Rafindadi Esq, Dr. Hassan Bala Esq, U.S. Bebeji Esq, M.K. Abdullahi Esq, Dr. Aliyu Abdullahi Esq, Bokani Esq) and legal practitioners from the public and private Bar (Bashir Chalawa Esq, Mahmuda Shehu Esq, Bashir Musa Esq and Abubakar Suleiman).

<sup>374</sup> Galadanchi, J. I. (2018). *Report on A.B.U Law Clinic Local Client Interview and Counselling Skills Competition*, A.B.U. Law Clinic, Faculty of Law, A.B.U. Zaria.

Abdulkadir Ahmad and Muhammad Muhammad Mujahid (now lawyers) represented A.B.U Zaria and emerged as the winner of the 11<sup>th</sup> edition held at Nasarawa State University, Keffi. The winners were to represent Nigeria at the ICCC in Canada but unfortunately, the students could not make it to Canada due to lack of funds and proper preparation because the University management got the trip information a week to the competition.<sup>375</sup> The students were so excited with skills they learnt after emerging victorious in the competition that year.

#### **4.3.1 Benefits of Client Interviewing and Counselling Skills**

The client interviewing and counselling skills competition have some benefits to Law Clinics, students and the public at large which can be seen in the discussion above. We shall relate some benefits and the experience of some participant herein.

- a. The competition improve students' confidence to interact with clients, fellow students and improve their interviewing and counselling skills. Mujahid narrate his experience thus:

Well, it is pertinent to state that after emerging winner at the NCCC, 2015, interviewing to me became an ordinary thing. Although, it is a skill and one can never be perfect at it. I still do not panic to undertake it. I taught students in the clinic, at workshops and on personal contacts what I learnt and what I will say is the competition gave me an opportunity to explore a special skill in the legal world.<sup>376</sup>

- b. The competition gives students the opportunity to learn by experience from each other. The competition being conducted on stages from preliminaries, knockout stage, semi-finals and finals exposed the participant to the lapses of each other and once such lapses are discovered, the students becomes wary of repeating the same mistake.
- c. The competition gives students the opportunity to network and collaborate with other students, legal practitioners and other important personalities in the society or/and persons from the different part of the world.

---

<sup>375</sup> Ahmad, A. (Personal communication, October 9, 2018)

<sup>376</sup> Mujahid, M. M. (Personal communication, October 9, 2018)

#### 4.4 The Ahmadu Bello University Law Clinic Committees

A.B.U Law Clinic in its bid to carry out its activities in line with the objectives of CLE curriculum and the yearning of its legal patient created some Committees, which are saddled with various responsibilities. These Committees are:

**4.4.1 A.B.U Law Clinic Awareness Campaign Committee (ACC):** This committee is charged with the responsibility of creating awareness, sensitization and projecting the image of the Clinic. With the assistance of this Committee, the public who are yearning for legal assistance knows the Law Clinic activities and programmes. The head of this Committee in the 2019/2020 Academic session is Mr. Ayeyomi Pius Olaitan.<sup>377</sup>

**4.4.2 Correctional Service & Courtesy Visitations Committee:** This Committee is saddled with the responsibility of arranging courtesy visits either to the correctional services in the State or other courtesy visits carried out by the Clinic like advocacy visits to Courts, Emir's Palace, police stations etc. The head of this Committee in the 2019/2020 Academic session is Mr. Galadanci Jafar Isah.<sup>378</sup>

**4.4.3 A.B.U Law Clinic Litigation Team (CLT):** This Committee is charged with the responsibility of providing free legal representation and other services to students before the Students Representative Council (SRC) Court<sup>379</sup> and other related thereto. While the Chambers in the Faculty charges some pittance to represent student or Association before the Court, the Clinic Litigation Team does it *pro bono*. The head of this Committee in the 2019/2020 Academic session is Mr. Oliver Gift Chukkol.<sup>380</sup>

---

<sup>377</sup>Balogun, S. (Personal communication, February 2, 2020).

<sup>378</sup> *ibid*

<sup>379</sup> The SRC Court is the creation of Ahmadu Bello University Students Representative Council (ABUSRC) Operational Guideline, 2009 which role is to handle students' cases against other student(s) or student(s) against any Student Association(s), which are enforceable by the University through the office of the Dean Students Affairs.

<sup>380</sup> Balogun, S. (Personal communication, February 2, 2020).

- 4.4.4 A.B.U Law Clinic Project Committee:** This Committee is given the role of planning and effective execution of the Clinic projects, like the Justice For All (J4A) project, Freedom of Information Act (FoI) Project etc. The head of this Committee in the 2019/2020 Academic session is Mr. Shamsuddeen Ahmad.<sup>381</sup>
- 4.4.5 A.B.U Law Clinic Dress Code Regulatory & Monitoring Committee (DCRMC):** This Committee is charged with the responsibility of monitoring compliance by all Clinicians with the standard set by the Faculty in terms of dress code.<sup>382</sup> This committee mandate is to liaise with the Deanery and the Council of Principal Partners for effective service delivery. The head of this Committee in the 2019/2020 Academic session is Mr. Uthman Isa Tochukwu.<sup>383</sup>
- 4.4.6 A.B.U Law Clinic Client Interviewing & Counselling Skills Competition Organizing Committee (CICSC):** This Committee is set to effectively, organize the Local Client Interviewing and Counselling competition, which equipped the Clinicians with the rudimentary knowledge of client interviewing and counselling skills. This is in preparatory to the annual National Client Interviewing and Counselling Skills Competition (NCCC) organized by NULAI-Nigeria and their future endeavours as lawyers. The head of this Committee in the 2019/2020 Academic session is Mr. Muhammad Al-Mahdi Isa who represented the University in the NCCC held in 2018 at Usman Danfodio University (UDUS), Sokoto.<sup>384</sup>
- 4.4.7 A.B.U Law Clinic Head Advisory Committee (CHAC):** This Committee is charged with the responsibility of providing sound advice on the working operation of the Clinic and matters connected thereto. The Clinic activities being one that requires critical thinking and in depth analysis on legal issues makes the committee a key

---

<sup>381</sup> *Ibid*

<sup>382</sup> The Faculty has mandate all students to be corporately dress on Mondays, Thursdays and when students are sitting for any examination in the Faculty.

<sup>383</sup> Balogun, S. (Personal communication, February 2, 2020).

<sup>384</sup> *Ibid*

player in the administrative policies and action of the Clinic. The head of this Committee in the 2019/2020 Academic session is Miss Halima Haruna.<sup>385</sup>

A careful perusal of the Committees works as discussed above, will reveal that the CLE activities is not only streamlining the prospective lawyers psyche to legal knowledge but rather the students learn administrative skills which is very key to legal practice. This is because the legal practice belongs to the future generation of lawyers, therefore they must be equipped with the necessary skills that the future needs not only in law as the legal market is changing, and the teaching methodology must equally change to accommodate the reality.

#### **4.5 A.B.U Law Clinic Internship Programme**

In a bid to enhance the professional expertise of all law students in the Faculty, toward understanding the rudiment of real legal practice in Law Firms, Company, Legal Departments and Ministry of Justice across the country, the Clinic initiated the Internship programme. The 2019/2020 Session Executives of the Clinic headed by Balogun Sofiyullah initiated this programme. The programme is carried out during the University break.<sup>386</sup> The internship programme commenced on 18<sup>th</sup> day of November, 2019 across Law Firms in Nigeria pursuant to the Clinicians application made indicating their interest to be part of this innovative programme of the Clinic.

The Law Clinic Coordinators sent letters to various Law Firms, Company, Legal Departments and Ministry of Justice across the country to give the interested Clinicians this golden opportunity and fortunately these organizations accepted the Clinic posting. Various Law Firms across the country have written acceptance letter for the Clinic posting.<sup>387</sup> This internship programme being a reflection of what is obtainable in the Nigerian Law School will enhance the practical skills of the Clinicians on various aspect of legal practice.

---

<sup>385</sup> *ibid*

<sup>386</sup> Galadanci, J. I. (2019) *Facilitation of Internship Application Process for Clinicians across Law Firms in Nigeria*, Law Clinic Herald, Vol. 1. No. 1 released on 4<sup>th</sup> November, 2019.

<sup>387</sup> Appendix F: Acceptance Letter from a Law Firm in Lagos.

In this chapter, we have made attempt to examine the role of Clinical Legal Education (CLE) in promoting legal practice in Nigeria. It is glaring from the activities of Law Clinics and the Clinicians in the society as painstakingly shown in different subheadings above that CLE as a course is overwhelmed with techniques capable of producing or even producing ethical, community conscious and *pro bono* lawyers in Nigeria. The activities of Clinicians are clearly akin to that of lawyers in the society and in the researcher's firm observation, the Clinicians with these activities assisted humanities more than many lawyers trained in the past to be social engineers.

These virtually is connected to the fact that the Clinicians are lucky to experienced first-hand legal problems, which they provided solutions to, which students of the 20<sup>th</sup> century, and beyond in Nigeria did not experience during their University days. A past Clinician in further response to question 10 on the questionnaire said: "As a clinician I was first introduced to some practical aspects of law, like prison visits, client interview, moot and mock trials through the clinic activities. This enhanced my confidence, presentation abilities and a practical appreciation of law".<sup>388</sup> As observed in the previous chapter that the status of legal practitioners in the society is seriously diminishing daily due to the activities of the few unethical ones. The CLE programme is hectic and time consuming. However, the skills are necessary for the future member of the legal profession.

The CLE methodologies if fully implemented in other courses that are being taught theoretically in the universities, the faculties of law will produce ethical lawyers the society will cherish, which thereby promote the status of lawyers in the society. The CLE activities transformed the social image of the legal profession in Nigeria from elitist profession to a profession with ambition to serve the social justice mission. The study recommends the adoption of CLE methodologies as a means of teaching all law courses.

---

<sup>388</sup> Appendix G: A past Clinician's Comment on the Knowledge Acquired from A.B.U Law Clinic activities.

**CHAPTER FIVE**  
**DATA PRESENTATION AND ANALYSIS**

**5.1 Introduction**

Data presentation and analysis being a component of empirical research is new to legal research in Nigeria. But the recent realization that there is need to walk-the-talk that *law does not apply/operate in vacuum*, has forced some legal researchers to embark on empirical research to view the workability or otherwise of the law in the society. In other words, legal research is moving away from strict doctrinal method to a more scientific method of data collection and analysis. The sampling population of this study are 1,755 respondents from the Faculty of Law, A.B.U Zaria comprising of academic staff and students (from 100 to 500 Level) in the Faculty, using the multi-stage sampling technique, 10% of the entire respondents are utilized.<sup>389</sup>

## 5.2 Socio-Demographic Characteristics of the Respondents

This sub-heading analyses the socio-demographic characteristics of the respondents as shown in the table below.

**Table 1: Distribution of Respondents Socio-Demographic Characteristic**

<b>Staff/Student</b>	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
Staff	16	9.1	9.1	9.1
Student	160	90.9	90.9	100.0
<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Student Level</b>	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
No Response	16	9.1	9.1	9.1
100 Level	8	4.5	4.5	6.3
200 Level	29	16.5	16.5	22.7
300 Level	44	25	25	48.3
400 Level	19	10.8	10.8	59.1
500 Level	60	34.1	34.1	100.0
<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Gender</b>	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
Male	88	50.0	50.0	50.0

<sup>389</sup> Taherdoost, H. (2016) Sampling Methods in Research Methodology; How to Choose a Sampling Technique for Research, *International Journal of Academic Research in Management (IJARM)*, Vol. 5, No. 2, p. 18 at pp. 21-22

Female	88	50.0	50.0	100.0
<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Age</b>	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
Under 20	30	17.0	17.0	17.0
20-29	109	61.9	61.9	79.0
30-39	34	19.3	19.3	98.3
Over 50	3	1.7	1.7	100.0
<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

Researcher's field work 2019

From table 1 above, 160 respondents (90.9%) of the population size are students, while 16 respondents (9.1%) of the population size are staff. This shows that the respondents that participated in answering the questionnaire are students who are largely the stakeholders in legal education.

The table also indicates that 60 students (34.1%) are in 500 Level, 44 students (25%) are in 300 Level, 29 students (16.5%) are in 200 Level, 19 students (10.8%) are in 400 Level and 8 students (4.5%) is from 100 Level. The table clearly shows that 500 Level and 300 Level students are the highest respondents to the questionnaire this is because the 500 Level that responded to the questionnaire are the first sets of students taught CLE in the faculty while 300 Level students carry CLE as a core course in their first and second semester.

As regards the age category, 109 respondents (61.9%) fell under the age category of 20-29, while 34 respondents (19.3%) were under the age category of 30-29 and those under 20 years were 30 respondents (17%) of the population size. This implies that the majority of the respondents are under the age bracket 20-29 which are still in their youthful age that need the inculcation of the CLE for their future career.

The table equally shows that the cumulative frequency of the respondents are divided into two, 88 respondents (50%) male and 88 respondents (50%) female. This is because the

research is designed to get equilibrium responses from both gender despite the fact that the Faculty is more dominated by male students.

### 5.3 General Knowledge of the Respondents about Clinical Legal Education (CLE)

#### Methodology and Importance of Legal Ethics in Teaching Law

This sub-heading analyses the level of awareness of the respondents on the CLE approach to teaching law and the importance of ethics in teaching law as shown in the tables below.

**Table 2: Distribution of Respondents according to their Awareness of Clinical Legal Education (CLE)**

Are you offering or aware of any course Clinical Legal Education (CLE)	Frequency	Percent	Valid Percent	Cumulative Percent
NO	8	4.5	4.5	4.5
YES	168	95.5	95.5	100.0
<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

Researcher's field work 2019

From table 2 above, it shows that 168 respondents (95.5%) are either offering or aware of CLE as a course in the Faculty. This implies that the course despite being a new course in the Faculty has gain momentum in the Faculty.

**Table 3: Distribution of Respondents according to their Knowledge on the Methodologies adopted in Teaching Clinical Legal Education (CLE).**

What are the methodologies adopted by the CLE Lecturers?		Frequency	Percent	Valid Percent	Cumulative Percent
<b>Presentation</b>	NO	36	20.5	20.5	20.5
	YES	140	79.5	79.5	100.0

<b>by Students</b>	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Simulation (Role Play or Drama)</b>	NO	36	20.5	20.5	20.5
	YES	140	79.5	79.5	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Live Client Interview</b>	NO	75	42.6	42.6	42.6
	YES	101	57.4	57.4	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Video and Film Clips</b>	NO	163	92.6	92.6	92.6
	YES	13	7.4	7.4	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Debate</b>	NO	129	73.3	73.3	73.3
	YES	47	26.7	26.7	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Group Discussions</b>	NO	90	51.1	51.1	51.1
	YES	86	48.9	48.9	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Reflective Reports</b>	NO	129	73.3	73.3	73.3
	YES	47	26.7	26.7	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Brainstorming</b>	NO	94	53.4	53.4	53.4
	YES	82	46.6	46.6	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Moot Trial</b>	NO	58	33.0	33.0	33.0
	YES	118	67.0	67.0	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Use of Hand- outs or Manual</b>	NO	93	52.8	52.8	52.8
	YES	83	47.2	47.2	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Lecture</b>	NO	53	30.1	30.1	30.1
	YES	123	69.9	69.9	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

Researcher's field work 2019

From table 3 above, the respondents present their responses on the methodologies adopted in teaching CLE in the affirmative in the following orders; 140 respondents (79.5%) acknowledged presentation by students, 140 respondents (79.5%) acknowledged simulation (role play or drama), 123 respondents (69.9%) acknowledged lectures and 118 respondents (67%) acknowledged moot trial. The table also indicate that 101 respondents (57%) acknowledges client interview, 86 respondents (48.9%) agreed with group discussions, 83 respondents (47.2%) consider the use of handouts or manual, 82 respondents (46.6%) acknowledged brainstorming, 47 respondents (26.7%) pointed at debate and 13 respondents (7.4%) picked video or film clips as the methodologies used in teaching CLE.

The responses shows that significant percentage of the CLE methodologies, which are both fusion of theories and practical, adopted in teaching are gaining momentum, though there is an insignificant response on the use of video/films clip to impact knowledge. This goes to show how our universities are not advancing in the use of modern technology (i.e. computer, projector etc.) to impact knowledge.

**Table 4: Distribution of Respondents on their Perception on Best Methodology for Teaching Law**

<b>In the study of law, what is the best mode of teaching?</b>	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
THEORY	11	6.3	6.3	6.3
PRACTICAL	21	11.9	11.9	18.2
BOTH 1 AND 2	144	81.8	81.8	100.0
<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

Researcher's field work 2019

From table 4 above, the 144 respondents representing (81.8%) of the population size are of the view that law is best taught if practice and theory are used together. Only 11.9%

and 6.3% are of the view that practice and theory should be the independent methods of teaching law. This is in line with the objectives of CLE, which requires Law degree programmes to be students ‘centred by exhibiting the theoretical knowledge into practice as opposed to the fully theory taught in classroom today.

**Table 5: Distribution of Respondents on their Participation on CLE/Law Clinic Activities**

<b>Have you ever participated in any CLE activities?</b>	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
NO	19	10.8	10.8	10.8
YES	157	89.2	89.2	100.0
<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

Researcher’s field work 2019

From table 5 above, the 157 respondents representing (89.2%) of the population size are of the view that law they have participated in CLE activities. Only 19 respondents (10.8%) did not participate in the CLE activities. This implies that majority of the respondents are within the targeted groups who can really appreciate the impact of CLE on legal practice.

**Table 6: Distribution of Respondents according to what they learnt in Participating on Clinical Legal Education (CLE) Programmes and its Impact on Legal Ethics, Client Interview and Prison Decongestion.**

<b>If you are currently a clinician or once a clinician, what have you learn from the clinical programme?</b>	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
<b>Drafting Motion, Affidavit and Written Address</b>	NO	33	18.8	18.8
	YES	143	81.3	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>
<b>Drafting Letter for Adjournment</b>	NO	15	8.5	8.5
	YES	161	91.5	100.0

	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Application for Administrative Bail</b>	NO	74	42.0	42.0	42.0
	YES	102	58.0	58.0	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Request for Information</b>	NO	52	29.5	29.5	29.5
	YES	124	70.5	70.5	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Street Lawyering/Community Awareness Campaign</b>	NO	52	29.5	29.5	29.5
	YES	124	70.5	70.5	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Networking and Collaboration with other key Players in the Administration of Justice</b>	NO	19	10.8	10.8	10.8
	YES	157	89.2	89.2	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Do students learn legal ethics through the CLE/Law Clinic Activities</b>	NO	59	33.5	33.5	33.5
	YES	117	66.5	66.5	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Do students learn Client Interview through the CLE/Law Clinic activities?</b>	NO	69	39.2	39.2	39.2
	YES	107	60.8	60.8	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
<b>Do students engages in Prison Decongestion through the CLE/Law Clinic activities?</b>	NO	84	47.7	47.7	47.7
	YES	92	52.3	52.3	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

Researcher's field work 2019

From table 6 above, significant percentage of the respondents have learnt several legal skills, which includes, 143 respondents (81.3%) learnt drafting motion, affidavit and written address, 161 respondents (91.5%) learnt how to draft letter for adjournment and 102 respondents (58%) learnt application for administrative bail. In addition, 124 respondents (70.5%) learnt how to request for information, 124 respondents (70.5%) participated in Street

lawyering/community awareness campaign and 157 respondents (89.2%) learnt how to network and collaborate with other key players in the administration of justice.

The table also shows 117 respondents (65.5%) agreed that students learn legal ethics, 107 respondents (60.8%) indicate that students learn client interview and 92 respondents (52.3%) are of the opinion that students engages in prison decongestion through the Law Clinic/CLE activities. This implies that majority of the respondents have vast knowledge and experience on the subject matter and therefore competent to provide reliable knowledge on the impact of CLE on legal practice.

**Table 7: Distribution of Respondents according to their views on the Challenges affecting the Legal Education or legal profession in Nigeria.**

Challenges affecting the Legal Education or legal profession in Nigeria		Frequency	Percent	Valid Percent	Cumulative Percent
Lawyers and judges are regularly been accused of unethical conducts due to lack of ethical curriculum from the University.	NO	46	26.1	26.1	26.1
	YES	130	73.9	73.9	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
Half-baked lawyers are breed yearly	NO	60	34.1	34.1	34.1
	YES	116	65.9	65.9	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
Non-participation of NBA in admission/accreditation process	NO	85	48.3	48.3	48.3
	YES	91	51.7	51.7	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
Over population of students in the classroom	NO	112	63.6	63.6	63.6
	YES	64	36.4	36.4	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	
Students perception on the hectic nature of applying practical in teaching law	NO	2	1.1	1.1	1.1
	YES	174	98.9	98.9	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

<b>Law students have no practice rules for their curriculum activities</b>	NO	2	1.1	1.1	1.1
	YES	174	98.9	98.9	100.0
	<b>Total</b>	<b>176</b>	<b>100.0</b>	<b>100.0</b>	

Researcher's field work 2019

From table 7 above, the respondents have acknowledged various problems affecting legal education and the legal profession in general to wit majority of the respondents 174 (98.9%) attributed the problems to lack of practice rules and the hectic nature of applying the law in practice. While 130 respondents (73.9%) pointed at the constant allegation of unethical conducts against Lawyers and judges due to lack of ethical curriculum in the University. Then, 166 respondents (65.9%) attributed the problems to the nature of half-baked lawyers produced yearly, 91 respondents (51.7%) recognised non-participation of NBA in the education of lawyers and 64 respondents (36.4%) attributed the problems to overpopulation in the classroom.<sup>390</sup> The issue of lack of ethical curriculum is in tandem with the findings of Nigerian Bar Association Legal Profession Regulation Review Committee (NBA LPRRC), which observed, “that there is less emphasis on ethical education preparatory to legal practice in Nigeria”.<sup>391</sup>

This research accepted the problems identified as part of the challenges affecting legal education and the legal profession in Nigeria.

#### **5.4 Respondents' Perception on the Importance Clinical Legal Education and Law Clinic in the Education of Law Students in Nigeria.**

This sub-section evaluate the respondents' responses in line with their personal experience on how clinical legal education can promote legal practice in Nigeria as showcased in the table below.

<sup>390</sup> In a single class, the number of students exceeds four hundred (400). This makes it difficult to ensure each students' participation in the CLE activities. Taking all the students through the pragmatic approach require separation of the class into at least eight (8) sections with two or three instructors on each section.

<sup>391</sup> Idigbe, A, *et al.* (May, 2017). *Report of Nigerian Bar Association Legal Profession Regulation Review Committee (NBA LPRRC) to Nigerian Bar Association*, p. 13.

**Table 8: Distribution of Respondents responses on the Importance Clinical Legal Education and Law Clinic in the Education of Law Students in Nigeria.**

	<b>Respondents' Perception on the Importance Clinical Legal Education and Law Clinic in the Education of Law Students in Nigeria</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Total</b>
<b>1.</b>	Using the clinical legal education methodologies in teaching legal ethics from 200-500 level in the University will produce ethical lawyers in Nigeria.	70 (39.8%)	44 (25%)	16 (9.1%)	15 (8.5%)	31 (17.6%)	176 (100%)
<b>2.</b>	Using clinical legal education methodologies in teaching all law courses will produce competent lawyers in Nigeria.	61 (34.7%)	44 (25%)	16 (9.1%)	24 (13.6%)	31 (17.6%)	176 (100%)
<b>3.</b>	Using clinical legal education methodologies in teaching all law courses will produce more community conscience lawyers in Nigeria.	64 (36.4%)	50 (28.4%)	16 (9.1%)	15 (8.5%)	31 (17.6%)	176 (100%)
<b>4.</b>	Students learn/know the practical application of the legal theories they learn in classroom if they participate in the Law Clinic's activities.	60 (34.1%)	44 (25%)	26 (14.8%)	15 (8.5%)	31 (17.6%)	176 (100%)
<b>5.</b>	Having more than one lecturer taking a CLE,	50	49	16	15	46	176

	activity will be the effective way of ensuring students' participation for better internalization of the global best practice methodologies.	(28.4%)	(27.4%)	(9.1%)	(8.5%)	(26.1%)	(100%)
6.	Promulgating a practice rule of practice for law students will enhance the inculcation of ethics on the prospective lawyers.	55 (31.3%)	44 (25%)	21 (11.9%)	15 (8.5%)	41 (23.3%)	176 (100%)

Researcher's field work 2019

From table 8 above, 114 of the respondents representing (64.8%) of the population size are of the view that Using the clinical legal education methodologies in teaching legal ethics from 200-500 level in the University will produce ethical lawyers in Nigeria. While 56 respondents representing (26.1%) of the respondents disagreed with the postulation and 16 respondents (9.1%) of the respondents decided to remain neutral.

On whether Using clinical legal education methodologies in teaching all law courses will produce competent lawyers in Nigeria, 105 respondents (59.7%) agreed that it is possible, 55 respondents (31.2%) vehemently disagreed and 16 respondents (9.1%) did not take any stance.

On the issue of whether students learn/know the practical application of the legal theories they learn in classroom if they participate in the Law Clinic's activities, 114 respondents (64.8%) believed that students learn practical of the theories taught. While 46 respondents (26.1%) disbelieved the assertion and 16 respondents (9.1%) still maintained their neutrality.

On having more than one lecturer taking a CLE, activity will be the effective way of ensuring students' participation for better internalization of the global best practice

methodologies, 99 respondents (55.8%) who are the majority supported the postulation. While 61 respondents (34.6%) differed with the majority and 16, respondents (9.1%) took a midway, neither agreeing nor disagreeing with the postulation.

On whether promulgating a practice rule for law students will enhance the inculcation of ethics on the prospective lawyers, 99 respondents (55.8%) who are the majority agreed with this assertion, 56 respondents (31.8%) are in disagreement with the while 21 respondents (11.9%) remain undecided. This shows that majority of the respondents are yearning for a practice rule (i.e. ethical code of practice) since the rules of professional conduct is not applicable to them.

## **CHAPTER SIX SUMMARY AND CONCLUSION**

### **6.1 Summary**

The focal point of this dissertation is to indicate how experiential learning of law students through Clinical Legal Education (CLE) can promote legal practice in Nigeria with specific reference to inculcation of ethics, promoting social justice/public lawyering and promoting justice education by the future lawyers. Clinicians engages in presentations, simulation (role play or drama), live client interview, debate, group discussion, writing of reflective report, community outreach/street law, brainstorming, mock and moot trials and other forms of pragmatic methodologies. These afford the students the opportunity to learn lawyering skills and values from the university before venturing into law school or the realm of legal practice. Strict adherence to these methodologies gives the profession the opportunity of producing ethical, community service conscious and competent attorneys in accordance with global best practice who can compete with legal professionals around the globe.

Before the advent or adoption of the CLE curriculum in Nigeria Universities, the traditional methods of teaching law is basically theoretical and/or robotic in nature,<sup>392</sup> not interactive. Students are spoon fed with legal theories, *latin maxims* which are not ethically driven in fact or in law. The University curriculum have largely neglected ethics and the society have been clamouring for ethical lawyers. The only time law students get in touch with ethics is at the realm of Nigerian Law School (NLS). This contributed largely to acts of

---

<sup>392</sup> It is robotic in nature because some lecturers will just teach what is in their hand-outs, students are not engaged and any attempt by the critical students to ask questions on what is not in the hand-out will be followed by condemnation by the teacher. Students are forced to believe what is taught and nothing more.

breeding unethical lawyers, who choose to play by the Rules of Professional Conduct (RPC) in NLS and abandoned it in the realm of legal practice.

The research has shown that constant application of the RPC and the practical application of the theories taught in the classroom to the activities of law students breeds sound lawyers that the society and the legal profession will be proud of in the future. The activities of Clinicians from the university promote legal practice in the sense that the student developed several lawyering skills and values such as writing letters, drafting court processes, advocacy skills, interviewing, counselling, report writing, team work, inter-personal skills, community service, etc.<sup>393</sup> which suite the society needs. The CLE activities transformed the social image of our Faculty of Laws in Nigeria from elitist educational centres to institutions with ambitious to serve the social justice mission. This mission have manifested itself in the raising of legal awareness and education within our society, in the opening of the Faculty to cooperation with social justice organizations<sup>394</sup> such as NULAI-Nigeria, R2K, J4A etc.

This research examined the role of CLE in promoting legal practice in Nigeria by analysing the activities of Law Clinics and the Clinicians to see how they are helpful to the society and the law students aspiring to becoming lawyers in line with global best practice. The research relate experiences of law students in projects like social justice and public interest lawyering which covers prison/pre-trial detainees project, community outreach/street law, stop torture project, Freedom of Information Act Projects, client interview and counselling and other Law Clinic activities.

## **6.2 Findings**

---

<sup>393</sup> Ojukwu, E. et al (2012). *Handbook on Prison Pre-Trial Detainee Law Clinic*, NULAI Nigeria, Garki II, Abuja, p. 2.

<sup>394</sup> Zielinska, E., (2005), Clinical Education as a Nucleus for the Reform of Legal Education in Poland. In: Lomowski, D. (ed.), *The Legal Clinic: The Idea, Organization, Methodology*, Wydawnictwo C.H. Beck, Warsaw, Poland, p. 14.

In line with aims and objectives of the research, it is apparent that experiential learning through the activities of Law Clinics shouldered by the Clinicians have impacts on the legal system in Nigeria. This is because through their activities, legal ethics, the spirit of public interest lawyering, pro bono services are instilled on law students and justice is made accessible to the poor despite the limitations imposed on law students' practice by the LPA. The research made the following findings:

### **6.2.1** Insufficient Ethical Curriculum for Teaching Law Courses in the Universities

Adherence to ethics is a vital variable in promoting legal practice, since a profession without ethics will lose its relevance in the eyes of the people it intends to serve. Most of the law Faculties in Nigeria do not have ethical curriculum, though NULAI-Nigeria have introduced a curriculum for Professional Responsibility and Ethics' for CLE<sup>395</sup> teachers but it is not sufficient because only the few CLE facilitators who teach the CLE course apply it when teaching. A careful perusal of ethics as a course will reveal that teaching it in isolation to CLE is not sufficient and adopting it in the CLE course alone will only leave the profession with the impact of ethics taught in Law School as posited by Okafor in chapter 4 earlier.

### **6.2.2** Resistance from Law Students due to Over-population in the Classroom

There is lack of commitment to Law Clinics activities from Clinicians because the activities being pragmatic is time consuming and highly demanding. While some students offering the CLE course do not participate in the class and pre-class activities due to their population. Like in A.B.U Zaria, the students select the courageous few among them to carry out the group activities given in class. They prefer being lectured (lecturer-centred methodology) than the student-centred methodologies adopted by the CLE course. These

---

<sup>395</sup> Ojukwu, E., Erugo, S., and Adekoya, C. (2013). *Clinical Legal Education: Curriculum Lessons and Materials*, NULAI Nigeria, Garki II, Abuja, pp. 14-30.

resistances by law students had really affect the CLE goal of breeding professionally competent lawyers.

**6.2.3** The efforts of Clinicians to render free legal services are facing resistance from some Legal Practitioners, Judges and Law Lecturers.

Some Legal Practitioners have challenged Clinicians deposing to affidavits, requesting for information and other paralegal activities carried out by Clinicians. They see the Clinicians as intruders who impersonate to practice. While some pushed their resistance too far by objecting the appearance of lawyers handling the Law Clinic cases.<sup>396</sup> Some judges have tempted to cite the Clinicians for contempt because Clinicians question the amount being over-charged (extorted) after payment of fine for convicts.

Some Law Lecturers believed more on the current *status quo* of lecturing students by theorizing legal principles without any formative assessment<sup>397</sup> on whether the students understand or not. They believe students will learn the practical aspect required at the realm of legal practice. This assertion is faulted considering the nature of complains raised by law practice consumers on the ability of lawyers produced now.

### **6.3 Recommendations**

In view of the above findings, the research made the following recommendations:

**6.3.1** Incorporation of CLE Ethical Curriculum in Law Courses Taught in the University or Promulgating a Practice Rule for Law Students.

There is need for incorporation of ethics to all law courses taught at the Nigerian Universities. The ethics will be taught at the end of each topic treated where law students will be ask to identify ‘ethical issues arising from the topics under review. This is the current

---

<sup>396</sup> Hajji, A.U. (Personal communication, December 20, 2018)

<sup>397</sup> Formative assessment occurs in the course of a lesson to measure the understanding of the lesson content by students using a variety of interactive mechanisms such as question and answer, teach back etc. to help students evaluate their strength and weaknesses. See Stuckey, R. *et al*, *Op.cit.*, p.257.

trend in NLS. It will gradually influence the mind of law students to understand the importance of ethics in their activities, which will further guide their activities as legal practitioners in the future. In the alternative the CLE ethical curriculum should be divided into four (4), taught from 200 level to 500 level, this means from year two to five the students will constantly relate with ethics, instead of the usual method where law students only hear about ethics at the NLS. In addition, a practice rules should be promulgated to guide law students' activities. The CLE advocates should meet and design a unified practice rules for law students practice. This study recommends the adoption of an improve version of the Deontological Code of the Warsaw University Legal Clinic and the Forms annexed to the Baze University Handbook.<sup>398</sup>

### **6.3.2 Mandatory Use of Formative Assessment Methodologies in Teaching Law Courses.**

The Universities method of assessing student understanding and capacity building on the courses they are taught is largely summative (i.e. through examinations at the end of every semester) which many have criticized for it encourages the students to only 'cram and pour' legal principles during examinations without appreciating the content of the course. It is therefore recommended that the formative method which includes, brainstorming, group discussion, role playing, questions and answers etc. on the topic under review should be adopted while assessing the performance, behaviour, attitude and values. These methods of assessment might be time consuming for the lecturers and students but its effect on producing better members of the legal profession outweigh the time spent. It will also improve the capacity and capability of the students to be acquainted with the practices of law in real life.

### **6.3.3 CLE Advocates need to Partner with NBA and the Judiciary for Effective Implementation of CLE.**

---

<sup>398</sup>Baze University, (2018). *Baze Law Clinic Handbook*, Faculty of Law, Baze University, Abuja, p. 8. See Appendix H. Proposed Practice Rules for Ahmadu Bello University Law Clinic.

The Bar and the Bench are stakeholders in the legal profession. The young lawyers being criticized daily are part of the Bar and the Bench either in fact or in law. The Bar and Bench must be made to see the CLE activities of Clinicians as a tool through which the wrongs of the past can be corrected, where the legal profession will produce lawyers the society will love than detest. It is therefore, recommended that CLE advocates should collaborate the Bar and Bench, so that practicing lawyers and judges should know the full mission of CLE engagements. A.B.U Law Clinic have gained some support from Hon. Justice Kabir Dabo of High Court 1, Zaria. My Lord had severally made Clinicians who escorted their coordinators to court for bail applications to move the application after the application is moved by their coordinators. My Lord, will praise and encourage them for the performance.

#### **6.4 Conclusion**

Training law students for their professional roles is a unique challenge, quite unlike any other endeavour undertaken by the law school. For one, this task is linked to specific educational and vocational outcomes. Secondly, students have to be prepared for a profession with a particular history and ethos. Too often, they are expected to become habituated in the culture of conformity, to learn to play by the rules, in order to become successful lawyers.<sup>399</sup>

The act of feeding law students with the theories of law only in the various courses taught at the university without engaging the student in any practical application of those principles is capable of producing the generation of lawyers who is a danger to himself, disgrace to the profession and a menace to the society. It is the considered view of this research that the current system of theorizing legal principles to law students in Nigeria is fast and less stressful, but the students' are not assisted at the long run. They might get the LL.B

---

<sup>399</sup> Vawda, Y. (June, 2003), *Clinical Law: Educating/Training Law Students*, First All-Africa Clinical Legal Education Colloquium, Durban, South Africa. p. 1.

degree at the end of five or four years (depending on the nature of entrance) but the question, which answer will certainly be in the negative is. Are they equipped to get into the profession? The LL.B certificates are issued based on one's being qualified in character and learning, so the ability to memorize legal principles without internalizing the applications of such principles in practice could not be considered as learning that will warrant lawyers to be called learned. Therefore the fusion of theory and practice is necessary in the education of future lawyers, if the appellation of the word 'learned' is something to be reckon with on the status of lawyers. It is the considered view conversed in this research that in the process of obtaining law degree, practice without theory is frail, and theory without practice is perilous. The current trend of teaching theory without practice in our classroom need to be revisited, else the profession risk extinction.

The CLE curriculum is an important innovation in the training of future members of the legal profession. The opportunities to better the future of the profession are enormous in its contents depending on the nature of mistakes the profession want to correct. The best practical experience any Law Student could get in Nigerian Universities is through clinical activities. It is therefore very vital for Law Students to have the knowledge of CLE in the University before moving to Law School. There is need for a paradigm shift from the traditional curriculum in our Universities and Law School on the method of teaching law. This is because, using practical skills to teach, inculcating legal ethics and the spirit of handling *pro bono* cases to law students in the university and Law School has the role of reshaping the standard of lawyers to be produced in the long run

## BIBLIOGRAPHY

### Books:

Aboki, Y. (2013), *An Introduction to Legal Research Methodology*, Ajiba Printing Production, Kaduna, 3rd Edition.

Abubakar, M.D, (2010), “Alternative Dispute Resolution and Restorative Justice: Challenges and Prospect in Nigeria Courts”. In: Aliyu A.I (ed.), *Alternative Dispute Resolution and Some Contemporary Issues*, M.O. Press and publishers Ltd, Kaduna.

Adegoke, O.A. et al, (2014), *Law in Practice: Professional Responsibilities and Lawyering Skills in Nigeria*, Jos University Press Limited, Jos.

Adelodun, A. O., (2016). “Moral Impropriety as a Specie of Corruption: An Expose of the Public Service in Nigeria.” In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Adenipekun, A., (2016), “The Role of Citizen in the Fight Against Corruption”. In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Aguda, T. A., (1986), *The Crisis of Justice*, Akure Eresu Hills Publishers, Nigeria.

Akinola, O.B., (2016), *Principle of Law in Practice: Professional Ethics and Skills*, St. Paul Publishing House, Ibadan, 2<sup>nd</sup> Edition.

Akinseye-George, Y. and Ayeni, V. O., (2016), “Independence of Anti-Corruption Bodies in Nigeria: Myth or Reality”. In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Alabi, M. O. A., (2016), “Political Parties in the Fight Against Corruption in Nigeria”. In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Amnesty International, (2008), *Nigerian Prisoners’ Rights systematically Flouted*. Amnesty International, International Secretariat, London, UK.

Amsterdam, A.G. (1984), Clinical Legal Education - A 21st Century Experience, *Journal of Legal Education*, 34.

Baze University, (2018). *Baze Law Clinic Handbook*, Faculty of Law, Baze University, Abuja.

Egbewole, W., (2016), “Challenges of Sectoral Fight Against Corruption in Nigeria”. In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Eleja, K. K., (2016), “The Bar in the Vanguard of War Against Corruption”. In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Ekanem, E.E., (2014). *Ethics in the Legal Profession*. In: Esikot, I. F. (ed.), *Ethics: Some Critical Essays*, vol. 1 Excel Publishers, Uyo,.

Garner, B.A., (2009), *Black’s Law Dictionary*, West Publishing Co. U.S.A, 9<sup>th</sup> Edition.

Kalu, A. U., (2016), "Legislative Advocacy to Combat Corruption in Nigeria". In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Kawu, S. D., (2016), "Extermination of Corruption: The Role of the Judiciary". In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Littlewood, S., (1963). *The Legal Profession in African Territories*. In: Anderson, J.N.D. (ed.). *Changing Law in Developing Countries*. George Allen and Unwin Ltd, London.

Mcquoid-Mason, D. and Palmer, R. (2013). *African Law Clinicians' Manual*, Institute for Professional Legal Training, Durban, South Africa.

Muhammad, I. T., (2016), "Fight Against Corruption in Nigeria: Shariah Point of View". In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

National Universities Commission (November, 2014). *Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities, Law*, National University Commission, Abuja.

New York State Judicial Institute. (2005). *Introduction to Clinical Legal Education*. Partners in Justice: A Colloquium on Developing Collaborations Among Courts, Law School Clinical Programs and the Practicing Bar. USA.

Obilade, A.O, (1979), *The Nigerian Legal System*, Sweet and Maxwell, London.

Ernest, O. (2006). *Clinical Legal Education Curriculum for Nigerian Universities' Law Faculties/Clinics*, NULAI Nigeria.

Ojukwu, E. and Lagi, O. (2012), *Manual on Prison Pre-trial Detainee Law Clinic*, Network of University Legal Aid Institutions (NULAI Nigeria) Abuja.

Ojukwu, E. et al, (2012), *Handbook on prison per-trial Detainee Law clinic*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja.

Ojukwu, E., et al. (2016). *Street Law Freedom of Information Manual*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja.

Ojukwu, E. et al, (2013), *Clinical Legal Education: Curriculum Lessons and Materiasl*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja.

Okoye, O. A., (2015), *Law in Practice in Nigeria: Professional Ethics and Skills*, Snaap Press Nigeria Ltd, Enugu, 2<sup>nd</sup> Edition.

Oputa, O. A., (1987), *Modern Bar Advocacy*, Committee for Law Reporting East Central State and Printed by the Government Printer, Enugu.

Orojo, O., (2003). *Forty Years of Service to the Nation*. In: Council of Legal Education (ed.) *Nigerian Law School Four Decades of Service to the Legal Profession*, Council of Legal Education, Abuja.

Owasanoye, B., (2016), “Youth and the Challenges of Corruption in Nigeria”. In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Rekosh, E., (2005), *The Development of Clinical Legal Education: A Global Perspective-International Experience, the History of Legal Education*. In: Lomowski, D. (ed.), *The Legal Clinic: the Idea, Organization, Methodology*. Wydawnictwo C.H. Beck, Warsaw, Poland.

Rekosh, E., et al (Eds.). (2001). *Pursuing the Public Interest: A Handbook for Legal Professionals and Activists*, PILI/Columbia Law School, New York.

Right to Know (2011). *Understanding the Freedom of Information Act (FOIA), 2011*, Maitama, Abuja-Nigeria.

Samba, J.N. (1995). Scope of Legal Education and the Contributions of Lawyers to the Development of Law in Nigeria. In: Ayua, I.A (ed.), *Law, Justice and the Nigerian Society; Essay in Honour of Hon. Justice Mohammed Bello, CON., GCON*. Nigerian Institute of Advanced Legal Studies, Lagos.

Sakowicz, A., (2005). The Organizational and Legal Form of Legal Clinics. In: Lomowski, D. (ed.), *The Legal Clinic: the Idea, Organization, Methodology*. Wydawnictwo C.H. Beck, Warsaw, Poland.

Shappard, S. (2007), *The History of Legal Education in the United States: Commentaries and Primary Sources*, Lawbook exchange Ltd, U.S.

Szeroczynska, M., (2005). Psychological Skills in Clinical Work. In: Lomowski, D. (ed.), *The Legal Clinic: the Idea, Organization, Methodology*. Wydawnictwo C.H. Beck, Warsaw, Poland.

University of Abuja Law Clinic, (2018). *Manual on Clinical Legal Education Program*, Faculty of Law, University of Abuja-F.C.T-Abuja.

Vawda, Y. (June, 2003), *Clinical Law: Educating/Training Law Students*, First All-Africa Clinical Legal Education Colloquim, Durban, South Africa.

Yusuf, A., (2016), "The Fight Against Corruption in Nigeria-Myth or Reality". In Yusuf, A. O., (ed.) *Anatomy of Corruption in Nigeria: Issues, Challenges & Solution*, Intec Printers Limited, Ibadan.

Zielinska, E., (2005), Clinical Education as a Nucleus for the Reform of Legal Education in Poland. In: Lomowski, D. (ed.). *The Legal Clinic: The Idea, Organization, Methodology*, Wydawnictwo C.H. Beck, Warsaw, Poland.

### **Journals/Law Reviews/Magazines/Bulletin**

Abubakar, I. and Abubakar, S., (2018). An Appraisal of the Freedom of Information Act as an Apparatus for the Implementation of the Provisions of Chapter II of the Nigerian Constitution 1999. *Human Rights Review: An International Human Rights Journal*, Vol. 7.

Adekoya, C.O., (2014). Meeting the Required Reforms in Legal Education in Nigeria: Clinical Legal Education -Ten Years After. *International Journal of Clinical Legal Education*. Vol. 20, No.2.

Agu, O. B. and Oyakhire, S., (2016) Teaching and Studying Law for Development: A New Approach for Law Teachers Legal Ethics and Students, *Ebonyi State University Law Journal*, Vol. 7, No. 1.

Akanbi, M. M., (2005), "Nigerian Legal System: The Moral Burden of the Nigerian Lawyers in the War Against Corruption", in Egbewole, O. E., (ed.) *The Jurist*, vol. 10.

Aloma, M.M., (2013). 2013 Call to Bar Speech. *Law and Practice Journal*, Vol. 12.

Ayibakuro, M. (2011), Law as Accelerator with no Brakes: The Approach to Corruption in the First and Second Moments of Law and Development Discourse, *Nigerian Law and Practice Journal*, Vol. 10.

Chika, I. S. and Uruchi, O. B., (2016) Teaching Legal Ethics: A Necessary Tool for the Restoration of the Legal Profession in Nigeria, *Ebonyi State University Law Journal*, Vol. 7, No. 1.

Ebobrah, S.T., (2013). Releasing the Academic Spirit in the Legal System: Law Faculties and Legal Education in Nigeria. *Nigerian Law and Practice Journal*, Vol. 12.

Emelie, C.I.N. (2017). Legal Education and Access to Justice in Nigeria. *Research Journal of Humanities, Legal Studies & International Development*. Vol. 2. No. 1.

Emiri, O.F. and Giwa, A.O. (2013). Misguided (Public) Regulation of Lawyers' Professional Conduct: An Economic Analysis of Rules of Professional Conduct for Legal Practitioners (RPC) 2007, *Nigerian Law and Practice Journal*, Vol. 12.

Golinski, S. (2013), Legal Assistance Offered to Students in Disciplinary Proceedings by Law Clinics: the Example of the Student Legal Clinic at the Jagie Itonian University. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 2, Pp. 1-22

Duhaime, B. and Zarifis I.N. (2012), Using Public Interest Litigation and Advocacy as a Tool for Social Change: Clinical Experiences in the Americas and Africa. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 2.

Du Plessis, M.A (Riette) (2014), Student Assessment in Clinical Legal Education: the Challenge of Variances in Education and Experience. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 3.

Gibson, F. (2012), Community Engagement in Action: Creating Successful University Clinical Legal Internship. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 1.

Joy, A.P. and Kuehn, R.R. (2008). The Evolution of ABA Standards for Clinical Faculty, *Tennessee Law Review*, Vol. 75.

Kana, A. A., (2016) Can Law Teachers Practice and act as Consultants for Free or for a Fee?, *The Nigerian Law Journal*, Vol. 19, No. 1.

Madubuike-Ekwe, N.J. (2017). Challenges and Prospects of Legal Education in Nigeria: An Overview. *NAUJILI*, Vol. 8, No. 2.

Mc. Williams, J. W. (1955). The law as a Dynamic Profession, *American Bar Association Journal*, 41 ABA.

Mokidi, S.K., and Agbebaku, C.A., (2010). Legal Clinics and Professional Skills Development in Nigeria. *International Journal of Clinical Legal Education*. Issue 17.

Okafor, A. O., (2018). The Bar: Professional Ethics in Decline? *Law Journal of Nigeria*.

Okpopo, T.J.O. (2014). 2014 Call to Bar Speech. *Law and Practice Journal*, Vol. 13.

Omalade, O. et al, (2012), Community Lawyering: An Intervention of University of Ibadan Women's Law Clinic in the Case of Stray Bullet Killings at Arulogunidi-omo Community: A Case Study. *African Journal of Clinical Legal Education and Access to Justice*, Vol. 1.

Ojukwu, E. (2012), "Editorial", *African Journal of Clinical Legal Education and Access to Justice*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja.

Onadeko, O., (2014). The Nigerian Law School and Improvement of the Quality of New Wigs. *Nigerian Law and Practice Journal*, Vol. 23.

Ojukwu E. (2011) "From the President NULAI Nigeria" In: The Clinic Insight, Faculty of Law, Abia State University, Uturu, Vol. 1

Uka, O.A, (2011), Holding Charge Syndrome: Need for Judicial Rethink, In: The Clinic Insight, Faculty of Law, Abia State University, Uturu, Vol. 1.

White, J. P., (1987). Legal Education in the Era of Change: Law School Autonomy. *Duke Law Journal*, Vol. 292.

### **Conference and Workshop Papers**

Hovhannisian, L. (2006) '*Clinical Legal Education and the Bologna Process.*' Public Interest Law Initiative (PILI) Papers; No. 2.

Illumoka, A.O. (April, 1986). *Beyond the Law School Attaining fully the Objectives of Legal Education in Nigeria*. Proceedings of the 24th Annual Conference of the Nigerian of Association of Law Teacher; University of Benin, Edo State.

Mamman, T., (November, 2010,). *A Review of the Legal Framework of Legal Education in Nigerian Universities*. A paper delivered at the Justice M.M. Akanbi Annual Lecture, at the University of Ilorin, Kwara State, Nigeria.

Odi, L., (2014). Freedom of Information Project Overview. A Paper Presented at the Freedom of Information Street Law Teacher Training for Clinical Law Teachers Organized by NULAI-Nigeria, held at Ayalla Hotels, Area 11 Garki, Abuja.

Ojukwu, E. (2006). "Clinical Legal Education for Nigerian University Law Clinics Overview." A Paper presented at a workshop organized by Network of University Legal Aid Institutions (NULAI Nigeria), Abuja.

Rahman, M. (2004). From Traditional to Rebellious to Developmental Lawyering: Tortous Journey of Clinical Legal Education in Bangladesh, First Nigerian Clinical Legal Education Colloquium organized by Network of University Legal Aid Institutions (NULAI Nigeria).

Uka, O.A, Students Manual for Pretrial Detention /Criminal Justice Law Clinics. A paper presented at the workshop organized by Network of University Legal Aid institutions (NULAI Nigeria), Held at Abuja from 9<sup>th</sup> – 12<sup>th</sup> September, 2011.

Wali, O. (2013, April). *Transcript of the Address of President of The Nigerian Bar Association*. Proceedings of the 46<sup>th</sup> Annual Conference of the Nigerian Association of Law Teachers, Ilorin, Nigeria.

Yusuf, A.O. and Kunuji, A.O. (2013). *Combating Corruption in Nigeria: Role of the Law Teachers*. In: Abdulqadir, I.A. et al (eds). *Corruption and National Development*. Proceedings of the 46<sup>th</sup> Annual Conference of the Nigerian Association of Law Teachers, Unilorin Press, Ilorin-Nigeria.

### **Internets**

**Abubakar, S.,** (2017). *The Rules of Professional Conduct for Legal Practitioners, 2007: At Your Finger Tips*. Retrieved from <http://thenigerialawyer.com/the-rules-of-professional-conduct-for-legal-practitioners-2007-at-your-finger-tips>. Accessed on 12/8/2017.

Abugu, C.U and Mukhtar, N. University of Abuja Law clinic Manual.  
[www.unibujalawclinic.com.ng](http://www.unibujalawclinic.com.ng). Accessed on 19/03/14

[amariomaka.blogspot.nl/2011/04/ebonyi-state-university-law-clinic-in.html?m=1](http://amariomaka.blogspot.nl/2011/04/ebonyi-state-university-law-clinic-in.html?m=1).  
Accessed on 16/05/14.

Chukkol, O.G. (2018, May, 30) *Comment*, Retrieved from  
[nulaiprisonclinics.blogspot.com/2018/06/on-Thursday-at-prison-well-rested-and.html?m=1](http://nulaiprisonclinics.blogspot.com/2018/06/on-Thursday-at-prison-well-rested-and.html?m=1).  
Accessed on 11/06/2018.

Duru, O., *The Legal Framework, Function, Powers, Functions and Composition of Regulatory & Controlling Bodies & Organs of the Legal Profession*.  
[www.legalempers.com](http://www.legalempers.com) Accessed on 16/02/2018.

[en.m.wikipedia.org/wiki/Wikipedia](http://en.m.wikipedia.org/wiki/Wikipedia). Accessed on 01-05-14

[en.mi.wikipedia.org/wiki/legal-clinic](http://en.mi.wikipedia.org/wiki/legal-clinic). Accessed on 30/03/14

Fabio, M. what is a legal clinic? <http://lawschool.about.com/od/lawschool/culture/a/legalclinic.htm>. Accessed on 26/03/14.

Gubbins, R.M, A Bit History on Law Clinics and Law Schools.  
[www.legalnews.com/ingham/1001290](http://www.legalnews.com/ingham/1001290). Accessed on 28/03/14

Kenneth, R. K., (1989), *Clinical Education and Lawyer Competency: The Process of Learning to Learn from Experience through Properly Structured Clinical Supervision*, Maryland Law Review. Vol. 40. p. 284. Available at  
<http://digitalcommons.law.umaryland.edu/mirvol40/iss2/5> accessed on 20/10/2017

Mahmoud, A.B. (2016). *NBA is under Public Attack*, Retrieved from  
<http://thenigerialawyer.com/nba-is-under-public-attack-mahmoud>. Accessed on 7/04/2016.

NULAI-Nigeria, (NULAI Newsletters, August 23, 2018). Retrieved from  
<https://mailchi.mp/42f5828cec9b/tales-from-law-clinics-on-pre-trial-detainees-in-nigeria-1308685?e=14ccdf3e52>.

Ojukwu, E. (2018). *Lack of Convictions Doesn't Mean Judiciary is Corruption Free*. Retrieved from [www.punch.com/lack-of-convictions-doesnt-mean-judiciary-is-corruption-free-ujukwu](http://www.punch.com/lack-of-convictions-doesnt-mean-judiciary-is-corruption-free-ujukwu). Accessed on 29/03/2018.

Ojukwu, E. (2018). *Response of Nigerian Lawyers on Top Ethical Issues they Want Tackled in the Legal Profession*. Retrieved from <http://thenigerialawyer.com/response-of-nigerian-lawyers-on-top-ethical-issues-they-want-tackled-in-the-legal-profession-by-prof-ernest-ujukwu-san/> Accessed on 03/03/2018.

Omoragbon, K.M, Celebrating a Decade of clinical legal education in Nigeria. It is not yet Uhuru!, (2012), [www.northumbrialawblog.wordpress.com](http://www.northumbrialawblog.wordpress.com). Accessed on 30/04/14.

Onolaja, M.O., (2008). *Problem of Legal Education in Nigeria*. Retrieved from <http://www.alimiandco.com/publications/accreditation-legal-education-nigeria.pdf&sa> Accessed on 22/2/2017.

Silas, M. (2018, May 10). Reflection from NSUK Law Clinic. Retrieved from [nulaiprisonclinics.blogspot.com/2018/06/one-Thursday-at-prison-well-rested-and.html?m=1](http://nulaiprisonclinics.blogspot.com/2018/06/one-Thursday-at-prison-well-rested-and.html?m=1). Accessed on 11/06/2018.

Sheppard, S. (2007). *The History of Legal Education in the United States: commentaries and Primary Sources*, Lawbook Exchange Ltd, pp. 538-539. Retrieved from [en.m.wikipedia.org/wiki/Legal\\_Clinic](http://en.m.wikipedia.org/wiki/Legal_Clinic). Accessed on 30/03/2014.

<http://databod.com/infographics/nigeria-prison-statistics-incarceration-rates-states-gender-religion-gender-others>. Accessed on 22/09/2018.

<http://mail.google.com/mail/u/0/x/rj83yapil701-/?&th=15d5fab1a9151fdf&v=c>. sent by NBA on 20/7/2017.

[http://us.mg4.mail.yahoo.com/neo/launch?rand=obhicle\\_cjk+53](http://us.mg4.mail.yahoo.com/neo/launch?rand=obhicle_cjk+53). Accessed on 30/12/2013.

<http://thetidenewsonline.com/2013/12/11/a-case-for-corruption>. Accessed on 3/05/2015

[www.nigerianlawschool.edu.ng](http://www.nigerianlawschool.edu.ng) Accessed on 30/10/2017.

[www.nulai.org/](http://www.nulai.org/) Accessed on 28/11/2017.

[www.thenigerialawyers.com/body-of-benchers-admits-1468-lawyers-to-nigeria-bar/](http://www.thenigerialawyers.com/body-of-benchers-admits-1468-lawyers-to-nigeria-bar/). Accessed on 13/07/2017.

[www.premiumtimesng.com/news/headlines/207102-lawyers-judges-slowing-nigerians-ant-corruption-war-buhari.html](http://www.premiumtimesng.com/news/headlines/207102-lawyers-judges-slowing-nigerians-ant-corruption-war-buhari.html) Accessed on 19/04/2017

<http://thetidenewsonline.com/2013/12/11/a-case-for-corruption>. Accessed on 3/05/2015

## **Reports**

NULAI Nigeria, *2004-2006 Activities Report*, Network of University Legal Aid Institution (NULAI Nigeria), Abuja, (2007).

NULAI Nigeria, *2008-2012 Activities Report*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, (2013).

Ernest, O. et al, (2012), *Handbook on Prison Pre-Trial Detainee Law Clinic*, Network of University Legal Aid Institutions (NULAI Nigeria), Abuja, pp. 1-220

## **APPENDIX A:**

**QUESTIONNAIRE ON THE EXAMINATION OF THE ROLE OF CLINICAL  
LEGAL EDUCATION IN PROMOTING LEGAL PRACTICE IN NIGERIA.**

Department of Public Law,  
Faculty of Law,  
Ahmadu Bello University,  
Zaria.

Dear Respondent,

**QUESTIONNAIRE**

I am a Masters student (LL.M) with Public Law Department, Faculty of Law, A.B.U. Zaria, writing my dissertations on the topic: “**An Examination of the Role of Clinical Legal Education in Promoting Legal Practice in Nigeria**” which major objectives is to indicate how experiential learning of law students through Clinical Legal Education (CLE) can promote legal practice in Nigeria. This questionnaire is part of the research instrument designed to generate data about the subject of the study. Please complete and return the questionnaire to the bearer.

The survey is confidential and shall be used only for the purpose of this research.

Thank you for your cooperation.

Yours sincerely,

**ABUBAKAR SULEIMAN  
(P16LAPU8039)**

## QUESTIONNAIRE ON THE EXAMINATION OF THE ROLE OF CLINICAL LEGAL EDUCATION IN PROMOTING LEGAL PRACTICE IN NIGERIA

**N.B:** Please tick  or comment where necessary.

### SECTION A: SOCIO-DEMOGRAPHIC DATA OF RESPONDENTS

1. Staff/Student, (a) Staff  (b) Student
2. If Student, state level: (a) 100  (b) 200  (c) 300  (d) 400  (e) 500
3. Gender: (a) Male  (b) Female
4. What is your age group? Under 20  20-29  30-39  40-49  Over 50

### SECTION B: KNOWLEDGE ABOUT CLINICAL LEGAL EDUCATION (CLE) AND LAW CLINIC

5. Are you offering or aware of any course Clinical Legal Education (CLE)?

Yes  No

6. What are the methodology adopted by the CLE Lecturers? *Ticking more than one option is allowed.*

(a). Presentations by Students  (b). Simulation (Role play or Drama)

(c). Live client interview  (d). Video and film clips

(e). Debate  (f). Group discussion

(g). Reflective reports  (h). Brainstorming

(i). Moot trial  (j). Use of Hand-outs or Manual

(k). Lecture  (l). Others

7. In the study of law, what is the best mode of teaching?

- (a). Theory { } (b). Practical { } (c). Both a & b { }

8. Have you ever participated in any CLE activities?

- (a) Yes { } (b) No { }

9. Will you support the teaching of law courses in the University curriculum through CLE methodologies?

- (a) Yes { } (b) No { }

10. If you are currently a clinician or once a clinician, what have you learn from the clinical programme? *Tickng more than one option is allowed.*

- (a). Drafting Motion, Affidavit and Written Address { } (b). Drafting Letter for Adjournment { }

- (c). Application for Administrative Bail { } (d). Request for information { }

- (e). Street lawyering/Community Awareness Campaign { }

- (f). Networking and collaboration with other key players in the administration of justice { }

Add Comment: .....  
.....  
.....

11. Do students learn legal ethics through the CLE/Law Clinic activities?

- (a) Yes { } (b) No { }

12. Do students learn client interview through the CLE/Law Clinic activities?

- (a) Yes { } (b) No { }

13. Do students engages in prison decongestion through the CLE/Law Clinic activities?

- (a) Yes { } (b) No { }

14. Are you aware of any challenges affecting the Legal Education or legal profession in Nigeria?

(a) Yes { } (b) No { }

15. If yes, what are the problems? *Ticking more than one option is allowed.*

- a. Lawyers and judges are regularly been accused of unethical conducts due to lack of ethical curriculum from the University. { }
- b. Half-baked lawyers are breed yearly { }
- c. Non-participation of NBA in admission/accreditation process. { }
- d. Over population of students in the classroom { }
- e. Students perception on the hectic nature of applying practical in teaching law { }
- f. Law students have no practice rules for their curriculum activities. { }

**SECTION C: RESPONDENTS' PERCEPTION ON THE IMPORTANCE CLINICAL LEGAL EDUCATION AND LAW CLINIC IN THE EDUCATION OF LAW STUDENTS IN NIGERIA.**

Instructions: Kindly, evaluate the statements in the table below and choose one of the options that you feel is in line with your personal experience on how clinical legal education can promote legal practice in Nigeria.

S/No	Please Tick {√}	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1.	Using the clinical legal education methodologies in teaching legal ethics from 200-500 level in the University will produce ethical lawyers in Nigeria.					
2.	Using clinical legal education methodologies in teaching all law courses will produce					

	competent lawyers in Nigeria.					
3.	Using clinical legal education methodologies in teaching all law courses will produce more community conscience lawyers in Nigeria.					
4.	Students learn/know the practical application of the legal theories they learn in classroom if they participate in the Law Clinic's activities.					
5.	Having more than one lecturer taking a CLE, activity will be the effective way of ensuring students' participation for better internalization of the global best practice methodologies.					
6.	Promulgating a practice rule of practice for law students will enhance the inculcation of ethics on the prospective lawyers.					

**THANK YOU!**

**APPENDIX B:  
IMAGE OF COMMUNITY OUTREACH/STREET LAW CAMPAIGN PROJECTS.**



A Cross-section of Demonstration Secondary School Pupils, Kongo Annex, Ahmadu Bello University, Zaria with Clinicians at the Clinic Secondary Schools awareness campaign visit to the school on 17<sup>th</sup> May, 2013.

**APPENDIX C:  
IMAGE OF COMMUNITY OUTREACH/STREET LAW CAMPAIGN PROJECTS.**



Senior Clinicians interviewing a client community lawyering exercise at Samaru town 31<sup>st</sup> May, 2014.

**APPENDIX D:  
IMAGE OF COMMUNITY OUTREACH/STREET LAW CAMPAIGN PROJECTS.**



Clinicians with the Village Head after the community lawyering exercise at Samaru town on 31<sup>st</sup> May, 2014.

**APPENDIX E:  
IMAGE OF CLINICIANS AT THE MUSLIM REFRESHER TUDUN WADA, ZARIA  
EDUCATING THE STUDENTS ON THE R2K CAMPAIGN.**



Cross-section of Clinicians at the Muslim Refresher Tudun Wada, Zaria Educating the Students on the R2K Campaign on 14<sup>th</sup> day of June, 2015.

**APPENDIX F:  
ACCEPTANCE LETTER FROM A LAW FIRM IN LAGOS**



# GAB-ANNA CHAMBERS

CHIEF MACDONALD O. B. OMOLEMEN & ASSOCIATES  
Barristers & Solicitors, Notary Public, Capital Market Solicitors,  
Maritime Solicitors, Property Consultants, Chartered Tax Practitioners and  
Chartered Arbitrators

**HEAD OFFICE**

House 8, 2<sup>nd</sup> Avenue  
Between 205 & 206 Road,  
Festac Town,  
Lagos State, Nigeria  
E-mail: [gabannachambers@gmail.com](mailto:gabannachambers@gmail.com)

**POSTAL ADDRESS:**

P.O. Box 4144 Festac Town,  
Lagos State, Nigeria.  
Tel: 08189671735  
Mobile: 08023005769  
web site : <https://gab-anna.com>

Our Ref: ..... Your Ref:..... Date 6th December, 2019

The Coordinator,  
ABU, Law Clinic,  
Faculty of Law,  
Ahmadu Bello University,  
Zaria, Nigeria.

Dear Sir,

**RE: INTERNSHIP APPLICATION LETTER**

The above subject matter refers.

We acknowledge receipt of your letter dated 6<sup>th</sup> of November 2019 in respect of one ADAMU YUSUF IDRIS, a student of your faculty.

We are pleased to inform you that your application letter indicating your student's interest to be an intern in our law firm has been duly accepted.

However, we wish to inform you that the firm will be vacating for the year on the 23<sup>rd</sup> day of December, 2019 and will resume on the 6<sup>th</sup> of January 2020.

We sincerely hope that this opportunity will expose him to the rudiments and general practice of law.

Please accept our heartfelt congratulations.

Yours faithfully,  
For: Gab-Anna Chambers

Chief Macdonald O.B Omolemen  
(Principal Partner)



SOLICITORS: MR. IME ASSIBONG LL.B (HONS) BL., LL.M., MR. A.B. JOSIAH LL.B (HONS) BL., MR. AMBROSE IYAMANSHOR LL.B(HONS) BL., MR. CHRIS ILOBA NWAEI LL.B (HONS) BL, LL.M, MRS. GRACE EHIGIE LL.B (HONS) LL.M, MR. DUYEMAECHI HARRIS BASIL, LL.B(HONS) BL, MISS WURAGLA ADISA-ADEGUN LL.B (HONS) BL, MR. CHIEF MACDONALD O.B. OMOLEMEN LL.B (HONS) BL, LL.M, M.S., MCT, ABIL, ACTI, ACTS, MNIM, PHD. IN VIEW  
CONSULTANT: PROFESSOR D.A. BADAJI, BA, LL.B (HONS) BL, LL.M, LL.M PHD

**A PAST CLINICIAN'S COMMENT ON THE KNOWLEDGE ACQUIRED FROM  
A.B.U LAW CLINIC ACTIVITIES.**

10. If you are currently a clinician or once a clinician, what have you learn from the clinical programme? *Ticking more than one option is allowed.*

- (a). Drafting Motion, Affidavit and Written Address {  } (b). Drafting Letter for Adjournment {  }
- (c). Application for Administrative Bail {  } (d). Request for information {  }
- (e). Street lawyering/Community Awareness Campaign {  }
- (f). Networking and collaboration with other key players in the administration of justice {  }

Add Comment: *As a clinician I was first introduced to some practical aspects of law, like prison visits, client interview, moot and mock trials through clinic activities*

11. Do students learn legal ethics through the CLE/Law Clinic activities?

- (a) Yes {  } (b) No {  }

12. Do students learn client interview through the CLE/Law Clinic activities?

- (a) Yes {  } (b) No {  }

13. Do students engages in prison decongestion through the CLE/Law Clinic activities?

- (a) Yes {  } (b) No {  }

14. Are you aware of any challenges affecting the Legal Education or legal profession in Nigeria?

- (a) Yes {  } (b) No {  }

15. If yes, what are the problems? *Ticking more than one option is allowed.*

- a. Lawyers and judges are regularly been accused of unethical conducts due to lack of ethical curriculum from the University. {  }
- b. Half-baked lawyers are breed yearly {  }
- c. Non-participation of NBA in admission/accreditation process. {  }
- d. Over population of students in the classroom {  }
- e. Students perception on the hectic nature of applying practical in teaching law {  }
- f. Law students have no practice rules for their curriculum activities. {  }

**APPENDIX H:  
PROPOSED PRACTICE RULES FOR AHMADU BELLO UNIVERSITY LAW  
CLINIC**

This is a practice rules for Ahmadu Bello University Law Clinic containing ethical codes for the management of the clinic and sanctions for the violation of the codes by law students and clinicians. The rules also provide the assessment methodology for Clinical Legal Education students in 300 level.

**Rule 1: Clinic Coordinators/Law Clinic Committee**

- (1) All the law lecturers taking/teaching Clinical Legal Education as course shall be the Clinic Coordinators as supervisors with the Dean of the Faculty as the Chief Coordinator of the Clinic to whom other coordinators are answerable.
- (2) The Dean of Law, Head of Public Law Department and two other members of the academic from the Department shall constitute the Law Clinic Committee which shall be the final decision making body.
- (3) The term ‘supervisor’ is mentioned in this Rule include a member of the Clinic committee or any other lawyer or law teacher who takes responsibility for supervising the case that a Clinician have been allocated and will be professionally qualified as a barrister and solicitor.

**Rule 2: Clinic Coordinators and Clinicians’ Goal**

- (1) The Supervisor while teaching shall enhance the skills, competencies and values of students by teaching law in an integrative format, skills and value competencies and giving the student opportunities to practice through real client contacts and simulations and then reflecting on the experience.

- (2) The supervisors and the Clinician's shall protect the clients' best interest audaciously and honorably, and without consideration to any consequences to themselves or any other party.
- (3) The coordinators and clinicians' attitude shall express willingness to lend assistance to the client.
- (4) In delivery of legal assistance, supervisors and the students shall observe the rules of consciousness and diligence, and they shall produce their clinical work in a timely manner.
- (5) All the cases handle by the coordinators or clinician shall be at no cost from the client but the client will be responsible for filing fees and other a sundry fees as prescribed in the Intake Form sign by the Client.

### **Rule 3: Students/Clinician Participation/Dress Code**

- (1) All Law Students in the Faculty are members of the Law Clinic and all 300 Level Students shall be assign a single date subject to other class activities in the Faculty, in which they must attend the Clinic from Monday to Saturday.
- (2) Other Clinicians may be selected to participate in the Clinical activities based on their willingness to be subjected to the rules of the Clinic.
- (3) The Students at the Clinic on duty shall be responsible for taking clients instruction by filling the Client Request/Intake Forms subject to appointment by the Coordinators.
- (4) The students assigned to the client will conduct the interview and carry out any preliminary research that may be necessary. The students should use the information on the form to consider what they will need to establish during the interview and the questions they will need to ask.
- (5) If for any reason a student is unable to attend an interview appointment, the student must notify the clinic Coordinator/teacher/supervisor immediately who will try to arrange for

another appointment at a later date. The Clinic will only do so if the student has a good reason for being unable to attend the interview.

- (6) Students on duty shall be dress in students' professional attire and must not wear the lawyer shirt unless in Moot or Mock trials appearances in Moot Court.

#### **Rule 4: Confidentiality**

- (1) The Supervisors and the clinicians shall strictly adhere to the rules of confidentiality as encapsulated in the Rules of Professional Conduct for Legal Practitioners, 2007.
- (2) Coordinators and Students shall not disclose, disseminate, or wrongfully use any information obtained during the course of their participation in the Clinic's activities. The application of this rule is not limited by time.
- (3) No documents surrendered by the Clients shall be use outside the Clinic except with the express permission of supervisors or the clients.
- (4) At the client's request, the Clinic shall surrender all documents supplied by the client and copies thereof.

#### **Rule 5: Conflict of Interest**

The Clinic may not attend to case where the client's interest conflicts. This can arise in the following circumstances:

- (1) A case against a person who is or has been a client of the Clinic;
- (2) Any action on behalf of a client against the University, managers, employees or current students. The reason for this is the actual or potential conflict of interest. In such cases, after discussion with the Clinic coordinator, if possible, the Clinic shall refer the client to another suitable agency;
- (3) The case the result of which could concern the supervisors or the Clinicians property;

- (4) Where the Clinic supervisor or clinician previously delivered legal assistance to the opposing party in the same case or related case or acted as a witness;
- (5) Where the case is against a close person or a person with whom the supervisor or clinician are in serious personal dispute;
- (6) Where clients interest conflict with one another even if the clients consent. Should the conflicts of interest manifest themselves within the course of delivery of legal assistance the student and their supervisor is/are obliged to inform the clients of the Clinic inability to continue with the case.
- (7) The Clinic shall not handle a case where the client already engaged a legal practitioner.

#### **Rule 6: Legal Opinion**

- (1) Clinician shall not give or render any oral or written legal opinion without the consent or proper vetting of any of the Clinic supervisor.
- (2) Clinicians shall not provide false information in any legal opinion or any pleading they draft.
- (3) Clinicians or their supervisor shall not deliver any legal assistance or legal opinion to clients whose trust they lost.
- (4) Clinicians or their supervisor shall not deliver any legal assistance or legal opinion to persons who are unauthorized to receive such assistance.

#### **Rule 7: Representing Client within the Bounds of Law**

- (1) Supervisors and students shall not deliver legal assistance that would facilitate committing a crime or would indicate the possibility of avoidance of criminal responsibility for crime that would be committed in the future.
- (2) Clinicians and supervisors shall not justify the violation of this practice rules or any other Rules of legal practice for the legal Profession with suggestion made by a client.

### **Rule 8: Dedication and Devotion to the Cause of the Client**

- (1) It is the duty of the supervisors or the clinicians to devote his attention, energy and expertise to the service of his client and subject to any rule of law, to act in manner consistent with the best interest of the client.
- (2) Without prejudice to the generality of paragraph (1) of this rule, the supervisors and clinicians shall-
  - (a) consult with the client in all questions of doubt which do not fall within his discretion;
  - (b) keep the client informed of the progress and any important development in the cause or matter as may be reasonably necessary.
  - (c) warn his client against any particular risk which is likely to occur in the course of the matter.
  - (d) respond as promptly as reasonably possible to request for information by the client, and
  - (e) where he considers the client's claim or defence to be hopeless, inform him accordingly.
- (3) When representing a client, the supervisors and clinicians may, where permissible, exercise their independent professional judgment to waive or fail to assert a right or position of the client.
- (4) It is the duty of a supervisor or clinic external lawyers who takes a Court case to be personally present or be properly represented throughout the proceedings in Court.
- (5) Negligence in handling of a client's affairs may be of such a nature as to amount to misconduct.

**Rule 9: Miscellaneous/Sanctions**

- (1) All Clinicians on duty either in or outside the Clinic must ensure the requisite forms/Appendixes to this Practice Rules are filled for the purpose of which they are designed.
- (2) If a Clinician acts in contravention of any of the rules in these Rules or fails to perform any of the duties imposed by the rules, he shall be guilty of misconduct as may be prescribed by the Law Clinic Advisory Committee.
- (3) The sanctions for violating these rules are as follows:
  - a. All Students who fail to participate in the Clinic activities without cogent and verifiable reasons or violate any provision of this Rules, shall be sanction as follows;
    - i. Warning for first and second time offenders.
    - ii. For third time offenders, reduction of five (5) marks for 300 Level Clinical Legal Education students.
    - iii. Reporting the Student(s) to the University Disciplinary Committee for subsequent violation after subsection (i) and (ii) above.

**Appendix 1: Sample Request Legal Services Form**

**Contact Information:**

Name (Last, First): \_\_\_\_\_

Organization: \_\_\_\_\_

Address (Street, City, Postal Code): \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Best way and time to be contacted: \_\_\_\_\_

Income Per Month: \_\_\_\_\_

Source of Income: \_\_\_\_\_

How did you know about the Clinic:

Radio Broadcast

Informed by Friend

Informed by a Law Student

**Type of Case:**

Human Rights

child rights/custody

Marriage

Employment

Sexual abuse

domestic violence

other, please specify

---

Name, Signature and Date

**Appendix 2: Declined Application Form**

Name of Applicant: \_\_\_\_\_

Case received on: \_\_\_\_\_

By \_\_\_\_\_ (student name): \_\_\_\_\_

Reason for declining the case: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was a referral recommendation given?

- No
- Yes, please specify agency/lawyer

\_\_\_\_\_  
 Other recommendations made, please specify  
\_\_\_\_\_

Was the applicant given advice on potential time limits for the case?

- No
- Yes

Was a letter confirming the conversation sent to the applicant?

- No
- Yes

\_\_\_\_\_  
Supervisors/Students' Name, Signature and Date

### Appendix 3: Retainer Agreement

#### 1. Retainer:

a. I hereby retain the A.B.U. Law Clinic (“Clinic”) to act as my legal representative in the following \_\_\_\_\_ matter:

---

---

---

b. I understand that Clinic has agreed to represent me only in the matter listed above. Should there be a question in the future about representation on an appeal or about help with a different problem, I understand that the Clinic will have to weigh that request for legal service against the other requests it receives.

c. I understand and agree that I will be represented by a law student working under the supervision of a lawyer employed by Baze University/the clinic supervisor/a law teacher/a pro-bono lawyer assigned to the case (*please mark applicable options*).

#### 2. Confidentiality

I understand that the Clinic has a duty to keep information about me and this case confidential. Normally, no such information will be shared with anyone outside of the Clinic without my consent, except for information that must be shared in order for the Clinic to carry out its representation. We authorize the Clinic to consult and share information on a confidential basis with other lawyers, experts, investigators or consultants if, in the Clinic’s opinion, such a consultation would help the Clinic to provide better representation.

#### 3. The Clinic’s Teaching Mission

I understand that the Clinic is a teaching law institution and that students, staff, and supervising lawyers will have to discuss the case among them in order to ensure the best possible representation. I also agree that Clinic students, staff, and supervising lawyers may discuss the case among themselves in a classroom setting for educational purposes so long as the discussion remains confidential.

#### 4. Fees and Costs

I understand that the services of the Clinic are provided at no cost to me. I agree, however, to pay any filing fees or other court costs if they cannot be waived by the court. If legal representation fees are awarded by a court in connection with the case, I agree that they will be paid to the Clinic.

#### 5. Cooperation

I understand that the Clinic will work vigorously on my behalf and will keep me regularly informed about the status of the case. I agree to cooperate with and assist the Clinic in our case, to provide complete and truthful information when requested by any of the Clinic staff

members, to be present at all scheduled hearings and meetings and to respond promptly to phone calls, letters, and other communication received from the Clinic.

**6. Withdrawal from Case**

I understand that if I do not inform the Clinic of a change of address within 30 days of the change, or if I repeatedly fail to respond to letters or telephone calls from Clinic, the Clinic may assume that I no longer want it to serve as my legal representative and may seek to withdraw from the case.

**7. Satisfaction**

I understand that if I am not satisfied with the services of the Clinic, I am free to discharge the Clinic as my legal representative.

**8. Goals of Consultation**

I understand that I have the right to decide the goals to be pursued in this case. I also have the right to decide whether or not to accept any offer of settlement made by the opposing party. I agree that the Clinic will be primarily responsible for deciding which legal procedures to follow in the case.

**9. File Retention**

I have been informed that the Clinic will keep my file and any documents it contains for 10 years after the case is closed and that at the end of those 10 years the file may be destroyed. I understand that I may request a copy of my file or documents within it at any time, except for documents created by the Clinic that were either in draft form or were created for purely internal purposes.

By signing this agreement, I acknowledge that it has been explained to me by the Clinic staff member named below, and that I have had an opportunity to ask questions and receive an explanation regarding any part of it I did not understand.

\_\_\_\_\_  
Clients' Name, Signature and Date

\_\_\_\_\_  
Supervisors/Students' Name, Signature and Date

**Appendix 4: Case Closing Form**

Case File Number: \_\_\_\_\_

Student Name: \_\_\_\_\_

Client \_\_\_\_\_ Name:

Date and Site of Case Intake: \_\_\_\_\_

Area \_\_\_\_\_ of \_\_\_\_\_ Case: \_\_\_\_\_

Case Closed

- Letter sent to client
- Memo sent to law clinic

Reason for Case Closure

- Matter resolved or case referred
- Client did not want to pursue case
- Lost contact with client
- Case outside Law Clinic parameters (i.e., traffic; criminal; frivolous)

Status of Case Resolution

- 1. Provided general information only
- 2. Advocated on behalf of client
- 3. Court appearance – please specify details and outcomes of proceedings

- 
- 
- 
- 4. Referred case – to where or to whom?

- 
- 5. Completed forms or obtained documents for client – please specify

How much time did you spend on the case?

---

Client's last known address:

---

Approval for Closing

---

Supervisor's Name, Signature and Date

**Appendix 5: Course Evaluation Form**

SEMESTER: \_\_\_\_\_ YEAR: \_\_\_\_\_

**Course Objectives:**

Were the objectives and the requirements of the course clearly stated?

- Yes
- No

Were the methods used (lectures, practical exercises, role plays, etc.) well suited for teaching clinical skills?  Yes  No

Is the size of the class appropriate?

Yes  No

Did the course enhance your practical legal skills?

Yes  No

Do you think you have a better understanding of the concept of effective legal aid?

Yes  No

Was the amount of coursework and assignments reasonable?

Yes  No

Is the credit given for this course adequate and commensurate with the credit for non-clinical courses?

Yes  No

Would you recommend this course to fellow students?

Yes  No

**Suggestions and Comments:**

---

---

---

---

---

**Instructor:**

Was the instructor consistently well prepared for class?

Yes  No

Did the instructor demonstrate a strong understanding of clinical methodology?

Yes  No

Did the instructor exhibit strong knowledge and skills in dealing with clients?

Yes  No

Did the instructor establish high standards and encourage you to do your best work?

Yes  No

Did the instructor encourage independent learning and active problem solving?

Yes  No

Was the instructor regularly available to provide you with the assistance and feedback needed to succeed in the course?

- Yes       No

**Suggestions and Comments:**

---

---

---

---

---

**Clinic Staff:**

Are you pleased with the clinic facilities?

- Yes       No

Did the clinic staff provide you with enough guidance and assistance to successfully work on the case?

- Yes       No

Was the communication with the assigned pro-bono lawyer effective and helpful?

- Yes       No

**Suggestions and Comments:**

---

---

---

---

---

**Appendix 6: Instructor Questionnaire**

**SEMESTER:** \_\_\_\_\_ **YEAR:** \_\_\_\_\_

**Clinical Course:**

Do you think the method of student selection attracts an adequate student body for the class?

- Yes       No

Did the students regularly attend the course?

- Yes       No

Does the course curriculum give the student sufficient guidance to succeed in the clinical work?

- Yes       No

Did you see an improvement of the students' skills and knowledge by the end of the course?

- Yes       No

**Suggestions and Comments:**

---

---

---

---

---

---

---

---

---

---

**Clinical Work:**

Do you think the law clinic attracts a sufficient number of cases?

- Yes       No

Would you recommend reconsidering ways of advertizing the work of the clinic?

- Yes       No

**Suggestions and Comments:**

---

---

---

---

---

---

---

**Cooperation:**

Are you pleased with the invited guest lecturers, i.e. adjunct professors, lawyers, and judges?

- Yes       No

Would you describe your relationship to the students as rather collegial than directive and supervisory?

- Yes       No

Are you pleased with the cooperation with NGOs?

- Yes       No

Are you pleased with the network of pro-bono lawyers and their work for the law clinic?

- Yes       No

**Suggestions and Comments:**

---

---

---

---

---

---

---

---

