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Problems and Prospects of Legal Education in Nigeria: An Assessment of the *Council for Legal Education* Act in Nigeria

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Abstract

The main aim of this paper is to critically evaluate the problems and prospects of legal education in Nigeria from the perspective of Council for Legal Education Act. The research explores both primary and secondary sources to achieve its objectives. The Act, before and after 1962 are consulted and critically analyzed to elicit the problems and possible prospects. Secondary literature sourced include but are not limited to textbooks, journals, newspapers, reports and articles in relevant areas; unpublished writings, monographs and other well-researched documents like these. Findings from the study show that although legal education Act, 1962 is instrumental to the commencement of legal education in Nigeria, and subsequent legislations in that regard have reflected the letters and contents of that Act of 1962, one of the areas for reform is with regards to the autonomy and/or decentralization of the Nigerian law school, law school as a matter of fact and/or reality, should be, partly, privately- owned. It is recommended that the provision in question should be amended to cover all-round legislations for privation of legal education in Nigeria. This will unarguably assuage the burdens associated in the entire process of acquiring legal education in Nigeria.

Keywords:
Problems and Prospects, Legal Education, Assessment, *Council,* Nigeria

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Background to the Study

The main thrust of legal education is knowledge of the law which, in itself, grows as a country's economy changes, adapts itself to ever-changing tasks and serves as a tool for social engineering. Legal education, additionally, is the vehicle by which persons are trained to practice the legal profession. It is for these that any legislation which purports to prescribe for legal education must comprehensively and essentially put the interests of the society into due consideration. A situation whereby lapses or inadequacies arise in this arrangement will give rise to inefficiencies, dissatisfaction, complaints and desires for a reform. Richard Akinjide (SAN) partly in consequence of the above once opined in an interview with a legal journal, *Legal Platform* that:

> *I hope time is overdue to have a strong look at the legal profession (in Nigeria) ….*[1]

The view of Sylvester Ihmanobe, thus, lends credence to the above contention:

> *The federal government should unbundle the Nigerian Law School and allow private law schools. The Nigerian Law school (NLS) is currently facing multi-faceted challenges…the federal government should allow private institutions to train candidates to write the bar final examination. As at today, 22 private institutions exist with law faculties–the vocational study of law can also be handled by private law schools because the number of law school students is too large. This idea will also be the solution to the problem of backlog… there is the need to unbundle law school itself so that the CLE acts as a regulatory body*[2].

He further submitted that:

> *The federal government should allow private institutions to train candidates to write the bar final examination… The vocational study of law can also be handled by private law schools because the number of law school students is getting too large – this idea will also be the solution to the problem of backlog … There is need to unbundle law school itself so that the CLE acts as a regulatory body*[3].

O.A. Onadeko[4], once published an article[5] on the facts and challenges of the Nigerian Law School to the effect that there is a consolidation of the legal education reform through curriculum review for a responsive legal education that will equip Nigerian trained legal practitioners to adequately compete with their counterparts in the global legal market and that, realizing the imperative for this paradigm shift, the NLS, under the supervision

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[1]Gbadamosi, G. "*Legal Education in Nigeria, Which Way Forward,"* 2008, *The Punch*, 20 October, 2008, Punch (Nig.) Ltd, Lagos, 63.
[2]Bamgboye, A. "*Unbundle law school- Don*," Daily Trust, 20 January, 2015, p. 41.
[3]*Ibid*
[4]Director general of the NLS
[5]Onadeko, O.A. "Our *Feats, Challenges at the Law School"*, The Guardian, 21 September, 2014, The Guardian Press, Lagos, 11.

of the CLE, has continued to emphasize hands – on legal vocational training of aspirants to the Nigerian bar. The D.G. of the NLS stated further that review of the NLS curriculum has been an on-going project of successive directors-general of the institution.

There is, also, development of ICT learning facility with the infusion of ICT into virtually all facets of operation at the NLS. There is full automation of students' application and registration processes and an arrangement for all NLS campuses to be connected to video conferencing platform. There is engagement with NIGCOMSAT, an agency of the federal government, for the deployment of internet facility through the satellites to provide biometrics for staff and students video conferencing backup to boost simultaneous interactive e-learning across the campuses, intranet and virtual library. The bar final examination questions had been transmitted online to the campuses and it is expected that with this intensive exposure of students to ICT facilities during training, students eventually called to the bar will be able to take advantage of the ICT facilities for legal practice in the global village[6].

It is noteworthy that added to the development above is the fact that professional "Ethics and Skills" has been re-introduced as a distinct module for which a department had been established within the academic unit across the NLS campuses to ensure that aspirants to the Nigerian bar are groomed in tandem with the extant rules of professional ethics and global best practices in legal education. The frontier for quality assurance has been expanded to the extent that the committee of the Council of Legal Education (CLE) on quality assurance and the management of the NLS have been proactive to plug loop-holes through inbuilt peer-review mechanisms to help trouble-shoot and proffer solution to the curriculum needs of the NLS such as:

1. Periodic academic roundtable retreats of senior academics from all campuses of the NLS;
2. Annual academic staff retreat from all campuses of the NLS;
3. Feedback from distinguished members of the bar and the bench through externship field supervisors' confidential report on externs, which has been very useful in the continuous re-invention of placement criteria, and
4. Standing externship placement committee[7].

The NLS cum CLE have confronted the violation of admission quota by law faculties of Nigerian universities with impunity, which has stretched human and infrastructural facilities and, in view of the extant legal and regulatory framework for training undergraduates towards the LL.B. degree programme, which is the prerequisite for admission into the NLS, it is realized that the CLE and the NLS must have the NUC on its side to make a headway in enforcing admission quota-the NUC had been engaged at top management level in that regard, with the following positive result:

1. Adoption of CLE approved quota for faculties of law in Nigerian universities by NUC and communication of same to JAMB as directive from 2014/2015 admission exercise;

[6] *Ibid*
[7] *Ibid*

2. Setting-up of a standing joint committee for the implementation of CLE and NUC policies and decisions for the regulation of faculties of law in Nigeria, and
3. Joint NUC/CLE committee on the census of law faculties in Nigeria[8].

It is to be further noted that the above arrangement applies to bar part I, which has experienced overpopulation of students seeking to be admitted for the programme but which challenge has been obviated against by the CLE directing that the NLS admit only a prescribed number from foreign law faculties whose programme currently enjoys CLE's recognition. It is also noteworthy that included in the current development in the aspect of legal education in Nigeria is the improvement in the area of security for which security infrastructures have been deployed in all the NLS campuses. The infrastructures include CCTV cameras which are mounted at strategic locations[9].

These developments above, amongst others, are laudable and commendable. It is apposite to confer legal flavor and/or status on them in the Legal Education Act. It is trite that the legal Education Act, 1962 (to be now referred to, in some places as, "the Act")provided for the:

> *…. approved courses and examinations, etc., for the purpose of qualifying certificates*[10].

Subsequent Acts omitted the above provision. Nigeria is a constitutional country. Official acts must have support in the relevant statute. This is so in order to abide by the doctrine of the rule of law, which forbids ultra vires acts.

Objectives of the Research

This research intends to actualize the following objectives;

1. To critically appraise the *Council for Legal Education* Act;
2. To determine how law exists as an instrument of social engineering through the *Council for Legal Education*
3. To suggest reliable alternatives to the problems identified with the current situation of the *Council*

Methodology

This is a doctrinal research based on legal education in Nigeria, which is given legal authority by the *Act*. It is felt that the provisions of the *Act* have hindered Nigeria's legal education from keeping pace with developments in legal education and in the legal profession and, hence, not being at par with global best practices. The research shall explore both primary and secondary sources to achieve its objectives. The Act, before and after 1962 shall be consulted, analyzed, criticized or justified, as the case may be. Secondary sources shall include, but not limited, to textbooks, journals, newspapers,

[8] *Ibid*
[9] *Ibid*
[10] S.4

reports and, possibly, articles in relevant areas, unpublished writings, monographs and other well-researched documents like these. The research shall, where relevant, make detailed valuation and pass judgment as well as make recommendations within statutory and legal frameworks.

Literature Review

Council for Legal Education

Extant literature indicate that the state of legal education in Nigeria is deplorable[11] and has become open to criticism, more as, comparatively; little attention has been paid to the discipline of law[12]. Changes are bound to be effected if attention is attracted, by way of criticism, to the shortcomings that presently exist in the area of legal education in Nigeria. A literature[13] highlighted the achievements and challenges notable at the Nigerian Law School as at 2014.

A text on the history of legal education in Nigeria avers that:

> *There is no consensus as to the actual age of the legal profession in Nigeria but, historically, it is differently held that the legal profession was brought into Nigeria between 1863 and 1886.*[14]

A text, highlighting the imperativeness of reform in legal education in Nigeria, divulges the fact that:

> *Time is overdue to… (take) a strong look at the legal profession (in Nigeria).*[15]

It is partly for this that, according to the text, the Committee on the Reform of Legal Education in Nigeria was inaugurated by a former Attorney – General of the Federation and Minister of Justice, Ojo Bayo (SAN) on August 27, 2006 with the terms of reference towards the objective.[16]

A highlight by a text, in elucidating more on the roles of the lawyer in the social engineering concept, is to the effect that:

> *The lawyer, to Pound, takes the interests of all the members of his society as given: his task is merely one of devising ways and means of satisfying as many of them as possible. The need for the lawyer arises because of the fact that it is impossible to satisfy all the interests of everybody due to scarcity of resources and the fact that the interests of different people will often be incompatible.*[17]

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[11]Jegede, M. I. *Op. Cit.* 63.
[12]Brand, V. *Op. Cit.* 109. See also Collier, R. *Op. Cit*. 503, Collier, R. *Op. Cit.* 1 and Arthur, H. *Op.Cit*. 11.
[13]Onadeko, O.A. *Op. Cit*. 11.
[14]Mohammed, I.T. in Eri, U. Legal *Education in Nigeria 1960 to Date: Problems and Prospects*, 2009, National Judicial Institute, Abuja, viii.
[15]Gbadamosi, G. *Op. Cit*. 63.
[16]*Ibid*
[17]Elegido, J. M. *Jurisprudence*, 2005, Spectrum Books Ltd, Ibadan, 94 – 95.

A text posits that:

> *It is without doubt that the aim of social engineering, to Pound, is to build as efficient a structure of society as possible, which requires the satisfaction of a maximum of wants with the minimum of friction and waste.*[18]

A text divulges Pound's list of all the interests which are legally protected in society, a list supposes to be neutral and impartial, and devoid of indication of which interest is more important.[19] It divulges further that Pound places these interests in three main categories, which are:

1. Public Interests;
2. Individual Interests; and
3. Social Interests.

A text reveals that:

> *There was no institution where law could be studied as a course …*[20]

The text above averred that:

> *There is no consensus as to the actual age of the legal profession in Nigeria …*[21]

Another text is to the effect that prior to the commencement of formal legal education in Nigeria whereby professionally qualified local lawyers could have been trained:

> *The vacuum that existed was filled by Persons who were not trained in the law but who had acquired some knowledge of the law in the course of working as court clerks or clerks for legal practitioners*[22].

A text divulges that:

> *As a nation, one of our greatest challenges has been the evolvement of a culture of disrespect for the rule of law, unbridled corruption, endemic crime, violence, infrastructural deficit and a general malaise in the polity. All these constitute a direct manifestation of disrespect for law and order. This background has informed our administration's total and absolute commitment to entrenching an enduring culture of unqualified respect for (the) rule of law and constitutionality in the conduct of government's business*[23].

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[18] *Ibid*.
[19] Adaramola, E. *Basic Jurisprudence,* 2004, Raymond Kuris Communications, Lagos, 308.
[20] Eri, U. *Legal Education in Nigeria from 1960 to Date: Problems and Prospects,* 2009, National Judicial Institute, Abuja, VIII.
[21] *Ibid*.
[22] Adewoye, O. *The Legal Profession in Nigeria (1865 – 1962)* 1997, Longman, Lagos, 1.
[23] Aondoakaa, M. K. Quoting President Yar'adua, "*Rule of Law for Sustainable Democracy*", 2008, LACON News, Vol. 2, No. 4, Dec. 2008, Legal Aid Council of Nigeria, 2 – 3.

A text postulates that:

> *Formal commencement of Legal Education in Nigeria started with the establishment of the Nigerian Law School under the Legal Education Act, 1962.*[24]

A literature on the imperativeness of the rule of law postulates that:

> *The world was governed by law, human or divine, and…the King himself ought not to be subjected to man but to God and to the law because the law made him king.*[25]

Another literature, still on the imperativeness of the rule of law, postulates that:

> *The rule of law is, thus, a shield and a fortress against tyranny and oppression, the defender and custodian of individual rights and the liberties of the citizen, an asylum and comfort to the oppressed and a guarantee of hope to the innocent.*[26]

Concept of Law

There is no generally acceptable definition of law[27] and that is one of the main reasons for this inability is the duality of the meaning of the concept of law. Law is explained[28] to be the regime that orders human activities and relations through systematic application of the force of a politically organized society, or through social pressure, backed by force, in such a society, the aggregate of legislation, judicial precedents, and accepted legal principles, the body of authoritative grounds of judicial and administrative action; especially the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them, the set of rules or principles dealing with a specific area of a legal system, the judicial and administrative process, legal action and proceedings, a statute, the common law (but not equity) on the legal profession[29].

Historical Background of Legal Education in Nigeria

Legal education was non-existent in Nigeria prior to the attainment of independence by Nigeria in 1960 as there was no institution in which law could be studied as a course. There is no consensus as to the actual age of the legal profession in Nigeria but, historically, it is differently held that the legal profession was brought into Nigeria between[30] 1863 and 1886 but, conversely, in 1862, when the British system of courts was introduced into the landmass now called Nigeria, there was no trained lawyer practicing

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[24]Jegede, J. K. "*A Historical Perspective of the Nigerian Law School*, 2002, in Imhanobe, S. O. *The Lawyers "Desk Book*", 2008, Rehobath Publishing, Lagos, 857 – 867.
[25]Iuyomade and Eka, *Cases and Materials on Administrative Law in Nigeria,* 1980, Ibadan University Press, Ibadan, 3.
[26]Oputa, C. Cited in Okany, M.C. *Op. Cit*. 1.
[27]Frank, W. F., the *General Principles of English Law,* 6th Ed. 1975, Harrap, London, pp. 11 – 12.
[28]Garner, B. A. *Black's Law Dictionary*, 8th Ed. 2004, West Publishing Co. Minnesota, 900.
[29]*Ibid.*
[30]Muhammad, I.T. Forward to Umaru Eri's *Legal Education in Nigeria from 1960 to Date: Problems and Prospects*, 2009, National Judicial Institute Abuja, viii.

either as barrister or solicitor[31]. It has been noted that the role of legal practitioners was filled by persons who were not trained in the law but who had acquired some knowledge of the law in the course of working as court clerks or clerks for legal practitioners, and that it was not until 1876 that a serious attempt was made to regulate the practice of the legal profession[32]. The Supreme Court Ordinance[33] of that year empowered the Chief Justice to approve, admit and enroll to practice as barristers and solicitors in the courts such persons as shall be admitted as legal practitioners in the United Kingdom. Three broad categories of persons were enlisted[34] to practice law in Nigeria:

a. Persons who were entitled to practice law in Great Britain as barristers and solicitors – they could practice in both capacities in Nigeria[35];
b. Persons who had been articled for five years in the office of a practicing barrister or solicitor residing within the jurisdiction of the court and who had passed examinations on the principles of law prescribed by the Chief Justice[36];
c. Persons of good character who had acquired some working knowledge of English law – this category of persons was temporarily admitted for a renewable period of six months to practice as barristers, solicitors or proctors[37].

A university degree in law was not a requirement at that time to qualify as a barrister or solicitor in England. A person had to, for instance, join one of the four Inns of Court to qualify as a barrister then in England. These Inns of Court were:

a. Lincoln's Inn;
b. The Inner Temple;
c. Middle Temple; and
d. Gray's Inn.

Such a person must also keep terms by dinning in whichever Inn of Court such a person belongs for a specified number of times and must pass parts I and II of the Bar Examinations after which such person was formally called to the Bar by the Inn and, in the case of a person who aspires to qualify as a solicitor, such a person had to enroll as a student with the law society and must serve a period of articles with practicing solicitors and also pass parts I and II of the Law Society Qualifying Examinations[38].

It has been averred[39] that people who qualified in the institutions above were permitted to practice, not only in England, but also in Nigeria and that this set of legal practitioners were the ideal legal practitioners, having gone through formal training in law and,

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[31]Eri, U. Op. Cit. P.6.
[32]Adewoye, O. *Op. Cit.* 1.
[33]Section 1.s
[34]*Ibid*
[35]Section 71, Supreme Court Ordinance 1876.
[36]Section 73, Supreme Court Ordinance.
[37]Section 74, Supreme Court Ordinance.
[38]Eri, U. *Op.Cit.* 5-6.
[39]Muhammad, I.T. *Op. Cit.*Viii.

thereby, acquiring the necessary skill and nuances of the trade, and that their entrance set a different tone for the Nigerian legal profession as they, within a short time, assumed leadership of the bar and brought a lot of pomp, pageantry and sophistication to the profession and, immediately, elevated the status of the profession in Nigeria. It was discovered, as the profession grew with the influx of new people and ideas, that there was the need to streamline the dichotomy which existed between barristers and solicitors and, consequently, a committee was set-up in 1958 to look into the future of the legal profession in Nigeria with particular regards to the training of people to be admitted to practice as legal practitioners. The committee came out with a blueprint that overhauled, completely, the legal profession. It recommended, among other things, the establishment of legal education in Nigeria with a law faculty being established at the University College, Ibadan and in subsequent universities, together with a Law School that will provide practical training for law graduates, and that a university degree in law should be the essential requirement for legal practice in Nigeria[40].

It was at this time that when the then authority was putting into consideration the report of the Unsworth's Committee that the colonial government in Britain was disturbed about the future of the legal profession in the emerging independent African countries, Nigeria inclusive, and the deficiencies in the legal education of Africans in Britain, as such Africans lacked "local content". It was, consequently, in 1960 that a committee headed by Lord Denning was set-up by the Lord Chancellor to review legal education for Africans in Great Britain. The committee visited Nigeria and several other countries concerned and recommended, among other things, that the African countries should not admit on the basis of British qualification alone but should insist on training in local law. The need for legal education for Africans in Africa was emphasized upon. The report supported, in spirit, most of the recommendations of the Unsworth's committee[41], which recommendations were ultimately accepted by the government and, thus, in order to give effect to the recommendations, two Acts were promulgated:

a. The Legal Education Act, 1962; and
b. The Legal Practitioners Act, 1962.

The former established the Council of Legal Education, which is responsible for providing adequate legal training for legal practitioners and, also, arranging for the admission and enrolment of the qualified candidates to practice the legal profession in Nigeria. The Act established the Nigerian Law School, the vehicle which the Council of Legal Education uses to achieve its objectives. The Law School operates as a one year certifying course in law with emphasis on practical training for lawyers[42].

It is useful to recollect that no institution for legal education existed in Nigeria prior to 1960 and that, indeed, it was not until 1962 that the first faculty of law was established in a Nigerian university[43]. The implication of this, therefore, is that any Nigerian who wished

[40] *Ibid*
[41] Eri U. *Op.Cit*...x.
[42] Eri, U.*Op*. Cit. xi
[43] Eri, U.*Op. Cit*. 7.

to train as a legal practitioner had no option other than to go to the United Kingdom. The non-establishment of such training institution in Nigeria then was a deliberate policy of the British to ensure a perpetration of colonialism and subjugation of the local populace.[44] A scholar succinctly expresses a similar view thus:

> *The British colonial authorities had a deep – seated fear of lawyers. The Indian nationalist movement had been led by lawyers*[45] *and, the British, anxious to forestall a similar challenge in Africa, discouraged the training of African lawyers. When institutions of higher education came to be established in Africa after the Second World War, law was conspicuously absent from the subjects offered. The primary method of entering into the legal profession was through qualification in England as a solicitor or barrister, but the colonial authority refused to provide scholarship for law*[46].

This depicts, aptly, the situation in Nigeria in the pre-1960 era. There were many shortcomings in a situation where those desirous of studying law have to go to England to do so. Not only was such adventure an expensive one and out of the reach of many, the curriculum for training lawyers in England was designed to suit the English environment and cultural setting, unlike in Nigeria where native law and customs governed the lives and regulated the activities of a large proportion of the Nigerian population. All these, combined with many others, made it imperative for the establishment of both institutions and structures for the acquisition of formal legal education in Nigeria. The process of putting those institutions and structures in place commenced in earnest shortly after the attainment of independence by Nigeria from the British in 1960[47].

It is apparent from the above that institutions for legal education in Nigeria were never contemplated by the British colonial government in Nigeria even though the concept of legal profession existed in Nigeria about the same time that the British arrived in Nigeria, along with the concept of the British court system. It is recalled that prior to 1960, when some persons were permitted to practice the legal profession either as barrister or solicitor, a university degree was not a requirement. Experience was what was then required even though, at that point in time, to qualify as a barrister or a solicitor in England, a person had to join one of the four Inns of Court and pass the Bar Examination or the Law Society Qualifying Examination.

The history of legal education in Nigeria is not complete without mention of the pioneering efforts at the Institute of Administration, Zaria where the first Law School in Nigeria was established[48] after the acceptance of recommendations of a panel of Jurists set-up to come up with the modalities for the study of law in northern Nigeria[49].

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[44]*Ibid.*
[45]See also Twining, W. "*Legal Education Within East Africa*", Law Today, British Institute of International and Comparative Law 116-117.
[46]Ghai, Y " Law Development and African Scholarship," 1987, 50 M..L.R. 750
[47]Eri, U. *Op. Cit*. 8-9.
[48]Eri, U. *Op. Cit. 4*
[49]*Ibid*

The panel made the following recommendations:

1. That a team of officers based in Zaria Institute of Administration should provide short residential courses based on the new Code Procedure for Senior Native Courts personnel and should also visit provinces to give similar instructions to Administrative officers and Native Courts personnel;
2. That existing courses at the Institute for Emirs, Assistant District Officers, etc. should include lectures on the importance of the proper application of the new Code;
3. That a succession of courses should be arranged at Zaria for Registrars, Scribes, etc. throughout the region;
4. That plans be made to provide for the Judges and Magistrates of the future by sending a few straight to London to take both a university degree and the bar qualification, and that a first year course be established at the Zaria College of Arts, Science and Technology for other promising candidates who would spend six months to complete their call to bar;
5. That those on the legal side at the Kano School of Arabic Studies should join the one year course at Zaria after completing one year specialization in the Muslim Law of Personnel Status at Kano;
6. That a few of these future Alkalis or Instructors might be sent for a course of specialized studies in London[50].

These, as earlier stated, were accepted by the Government of Northern Nigeria and the training facilities necessary were duly established at the Institute of Administration, Zaria in 1959. The first Law School in Nigeria[51] was, as a result, established in the Institute of Administration, Zaria in 1959 consequent upon which the Northern Region of Nigeria established the first Law School in Nigeria in Zaria[52].

The role of the Institute then as far as legal training was concerned includes:

1. The initiation of training for Northern Nigerians for call to the bar;
2. Re-orientation training for the staff of Native Courts;
3. The provision of basic legal education for students in the field of public administration and local government undergoing courses of instruction at the Institute;
4. Courses for Emirs and Chiefs;
5. A research rate in preparing books, teaching materials, translations and visual aids for legal training throughout the Region (and perhaps, in the future, for the Federation as a whole) and
6. A touring role aimed at giving basic training in provinces and following-up the training provided at the Institute[53].

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[50]Eri, U. *Op. Cit.* 10.
[51]Memorandum by the Principal of the Institute of Administration, Zaria Mr. S.S Richardson to the Panel of Jurists on the subject of Legal Training, cited in Eri, U. *Op. Cit*. 10-11 .
[52]Eri, U. *Op. Cit.* P. 11
[53]*Ibid*

An Overview of the Legal Education (Consolidation, etc) Act, 2004
Provisions of the Act

The Act[54] hasten sections. The long title of it is to the effect that it is:

> *An Act to re-enact the Legal Education Act, 1962 as amended up to date and to introduce new provisions relative to the composition of the Council of Legal Education and the appointment of the Director-General of the Nigerian Law School.*

It is in furtherance of the objectives stated above that the Act made provisions for ten sections for the establishment and functions of the Council of Legal Education[55], composition, etc. of the Council[56], additional functions of the Council[57], power of Minister to give directions to the council[58], qualifying certificates,[59] staff,[60] application of the Pensions Act, etc.[61] expenses[62], disposal of fees collected by the Council[63], short title and repeal, etc.

The 2004 Act is a very radical diversion from the Legal Education Act, 1962. It is a new Act, its contents are novel and it entirely superceded its predecessor. This is the reason for the contention that it should have been stated, expressly, in the long title of the Act, 2004 that:

> *This is an Act to repeal and/or supercede (not re-enact) the Legal Education Act, 1962.*

It is also contended that the inclusion of the information about the fact that the Act was amended (severally) prior to 2004 when the Act was enacted in the long title of the Act is irrelevant and could be a source of distraction. The object of the contents of long title is to adequately acquaint one with the objects of a legislation or statute[64]. This is to say, in other words, that the long title of the Act would have been more informative if coined thus:

> *This is an Act to repeal and/or supercede the Legal Education Act,1962 and to do with other miscellaneous matters regarding legal education in Nigeria.*

It is provided in the Act, 2004 that:

> *The Council shall have responsibility for the legal education of persons seeking to become members of the legal profession*[65].

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[54]Cap. 10
[55]S. 1
[56]S. 2
[57]S.3
[58]S. 4
[59]S. 5
[60]S. 6
[61]S. 7
[62]S. 8
[63]S. 9
[64]
[65]S. 1(2).

This provision did not limit the functions of the Council to the Nigerian Law School. This implies that the Council's functions extend to any institution that has anything to do with the legal education of persons seeking to become members of the legal profession in Nigeria.

The functions of the Council of Legal Education have been conspicuously limited to the Nigerian Law School except for the periodic accreditation it conducts to universities. It is felt that such functions should extend, wholly, to universities, the Nigerian Institute for Advanced Legal Studies, the Nigeria Judicial Institute, etc. This should be, otherwise, it should be expressly provided in the section in contention that exceptions exist. It is trite in law that the express mention of one thing excludes the others[66]. Conversely, it could be expressly specified in the section that the provision encompasses only the Nigerian Law School if that is the intention of the provision.

The Chairman of the Council of Legal Education is to be appointed by the President[67]. This is an area that, it is suggested, needs to be amended to make the responsibility of the appointment of the Chairman of the Council of Legal Education that of the National Judicial Council NJC. This is because the NJC is better-positioned to deal with such matters or, in the alternative, that provision[68] could be amended to read:

(1) The Council shall consist of-
(a) A chairman to be appointed by the NJC and confirmed by the president on the advice of the Attorney-General of the federation.

A lapse in the provision regarding the composition of the Council is to the effect that:

> *The head of the faculty of law of any recognized university in Nigeria whose course(s) of Legal Studies is (are) approved by the Council as sufficient qualification for admission to the Nigerian Law School.*[69]

It is suggested that the purpose of this provision is more effectively realized if the member of the Council desired is one from the NUC. An office could be created at the NUC for this purpose. This is more representative of every university in Nigeria, private and/or otherwise. A representative from a recognized university out of the most uncountable number of universities in Nigeria will not just suffice in representation.
It is provided in the Act that:

> *The Council shall have power to do such things as it considers expedient for the purpose of performing its functions but no remuneration shall be paid to any member of the Council in respect of his office.*[70]

The nature of serious work the council does, whatever the time limit, should be remunerated. This ensures allowance for more commitment by the distinguished members of the Council. Remuneration, however little, should be paid. A provision[71]

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[66]See *A.G. Bendel v. Aideyan* (1989) 4, NWLR, 188 at 672, *INEC v. PDP* (1999) 11, NWLR, 626, 174 at 191.
[67]S. 2(1)(a)
[68]S. 2(A)
[69]S.2(1)(d)
[70]S.2 (5).
[71]S. 3

exists on additional functions of the Council. This is indication that inadequacy exists in the previous provision on the functions of the Council. It is suggested that the functions of the council should be outlined in a single provision or section. Related provisions are better embodied in the same section.

The Minister (of Justice) is empowered[72], subject to the Act, to give directions to the council, directions of a general character with regard to the exercise by the council of its functions and it shall be the duty of the Council to comply with such directions. It is suggested that this provision should be qualified. This is because the wide power it confers on the Minister is absolute and, in law, it is trite that absolute power corrupts absolutely. What if, for instance, the council, whose members could be far more experienced than the Minister, deems the directions of the Minster to be against the interest of legal education in Nigeria or that such directions are contrary to the rule of law or are ultra vires the provisions of the Act?

The provision in question should be amended to compel the Minister to give directions after consultation and agreement with the Council of Legal Education and in accordance with the provisions of the Legal Education (Consolidation, etc.) Act, 2004 and that any dispute arising, there from, should be resolved in a specified court of law, preferably, the Court of Appeal and that final appeal should lie to the Supreme Court.

No modality is provided for in the Act with regard to the appointment of the Director-General of the Nigerian Law School. The suggestion in this regard is that a provision should be included in the Act in that regard. There is a provision[73] in the Act with regard to the category and qualification of persons that could be appointed as the Director-General of the Nigerian Law School but it is not specified if such persons are to be appointed through an election or through selection, or if they are to apply for the position after vacancy has been advertised. It should also be provided that any such appointment should be confirmed by the National Judicial Council and the Attorney-General of the federation and, also, the president.

The provision on expenses in the Act is considered inadequate. A situation whereby there:

> *…shall be paid to the Council out of moneys provided by the Federal Government such sums by way of grant or loan as the Federal Government may, from time to time, determine…*[74]

…could cause immense financial crisis for the effective operation of institutions of legal education in Nigeria. Provisions should be included in the Act through which adequate funds could be made available for the operations of institutions for legal education in Nigeria.

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[72]S. 4
[73]S. 6 (2)(b)
[74] S. 8(1)

It is provided in the Legal Education (Consolidation, etc.) Act, 2004 that:

> *Any loan (of money) to the Council…provided by the Federal Government shall be made on such terms as may be determined by the Minister in the Government of the federation responsible for finance.*[75]

It is observed that there is no provision in the Act which empowers the Council to apply for loan from the Federal Government. The provision above cannot be said, in law, to confer such on the Council. Express provision should be included in the Act to confer authority on the Council to apply for loans from the federal government; otherwise, it would be ultra vires the provisions of the Act if the Council embarks on application for loans from the federal government. The Council could as well apply for loans from the World Bank, IMF, State government, local banks or from individuals. Similarly, provisions should be included in the Act on the parameter "the Minister in the Government of the federation responsible for finance" is to utilize to" determine "the terms on which to finance legal education in Nigeria. This is because the said Minister could unjustly exercise this wide power to deny legal education in Nigeria adequate loans and finances and, thereby, jeopardizing the progress and/ or advancement of legal education in Nigeria.

It is provided in the Act that:

> *The said Minister shall make regulations as to the keeping of accounts and records by the Council or by an officer of the Council, with respect to sums paid to the Council out of moneys provided by the Federal Government and fees collected by the Council from students of the Nigerian Law School and, as to audit of the accounts; and the regulations shall provide for the submission, in every year, of a copy of the accounts to the president.*[76]

It is suggested that provisions should be included in the Act to prescribe the modality for the determination of fees to be paid by students admitted to the Nigerian Law School to the Council. This will enable reason and understanding for any fee, however exorbitant, that a student is required to pay to the Council for legal education at the Nigerian Law School and, regarding the audit of accounts and quality control, a provision should be included in the Act to make it mandatory for the Minister of finance to engage professional audit and quality control firms to perform the functions periodically, say yearly. This has long been the practice in the majority of countries, some of which operate similar legal systems and legal education with Nigeria's."The submission, in every year, of a copy of the accounts to the president" will not suffice in doing much to the effective and/or prudent management of the financial resources available for the purpose of legal education in Nigeria.

Short title and repeal, etc. are mentioned[77] in the Act, and it is notable that the Legal Education Act, 1962 is said to be replaced, including subsequent amendments to it, but this does not derogate from the contention that it is more proficient to have expressly

[75]S.8(2).
[76]S.8(3).
[77]S. 10

utilized "repeals" in the long title of the Act. It is from the averments above that it is widely contended that the implementation of all the suggestions propounded above will make the Legal Education (Consolidation, etc.) Act, 2004 more meaningful, effective and relevant to legal education in Nigeria, apart from ensuring the advancement of legal education in Nigeria and its being at par with global best practices.

Legal Issues and Related Problems of Legal Education in Nigeria

The import and relevance of the concept of the rule of law, as regards administrative and/or official acts that affect citizens' rights, in any country that operates a constitutional democracy where no citizen will suffer the violation of rights on account of abuse of power and non-adherence to the rule of law, was emphasized upon by president Umaru Yara'adua when he stated thus:

> *As a nation, one of our greatest challenges has been the evolvement of a culture of disrespect for the rule of law, unbridled corruption, endemic crime, violence, infrastructural deficit and a general malaise in the polity. All these constitute a direct manifestation of disrespect for law and order. This background has informed our administration's total and absolute commitment to entrenching an enduring culture of unqualified respect for (the) rule of law and constitutionality in the conduct of Government business.*[78]

This worry and the imperativeness of ensuring that any official act in a constitutional polity has support of a regular instrument or law is accentuated to by a speech[79] given by Robert F. Kennedy in 1961 at the University of Georgia Law School wherein he, whilst referring to a controversial Supreme Court decision, stated that:

> *I happen to believe that the 1954 Supreme Court decision is right, but my belief does not matter, it is the law. Some of you may believe the decision was wrong, that does not matter, it is the law*[80]*…*

It is indeed the rule of law that prevails[81] and it is imperative to understudy and highlight the concept of the rule of law and its applicability to acts relating to legal education in Nigeria as the concept of the rule of law form the basis on which the critical analysis of the Legal Education (Consolidation, etc.) Act, 2004 is based, and as any amendment of the Act should be geared towards the observance of the dictates of the rule of law and the conferment of legal authority on acts relative to legal education in Nigeria and its advancement and development, most especially, towards meeting up with global best practices and modern development in legal education, which Nigeria currently lacks, and in the effective utilization of law as a tool for social engineering.

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[78] Aondoakaa, M.K. Quoting President Yara'adua, "The Rule of Law for Sustainable Democracy," 2008, LACON News, Vol. 2, No. 4, Dec., 2008, Legal Aid Council of Nigeria, 02 – 03.
[79] *Ibid*
[80] *Ibid*
[81] *Ibid*

It is imperative to note that even though a provision in the Legal Education (Consolidation, etc.) Act, 2004 provides that:

> *The Council shall have the power to do such things as it considers expedient for the purpose of performing its functions…*[82]

By which fact, any act undertaken by the Council is to be deemed to have legal or statutory backing. This could engender, and has engendered, neglect in many salient aspects of legal education in Nigeria. This is attributed, contributorily, to the decline in the quality of legal education in Nigeria. Agreeably, it is not all aspects of legal education in Nigeria that provisions could be made for in the Act but detailed provisions should, as far as possible, be included in the Act with regards to the identifiable salient aspects of legal education in Nigeria.

A common example to illustrate this is a lapse in the Act whereby "the Nigeria Law School" is used throughout the whole provisions of the Act. It is to be construed that there is just one Law School in Nigeria whereas there are currently six Law Schools in Nigeria even though five are deemed to be campuses of the Law School in Abuja but for which there are no provisions in the Act. It is in accordance with the concept of the rule of law for each of the Law Schools in Nigeria to have an enabling instrument.

The doctrine of ultra vires should also be highlighted upon to complement the idea which the concept of the rule of law is intended to elucidate and, besides, the doctrine of ultra vires and the concept of the rule of law are interrelated since the former exist to render unlawful or unconstitutional any act purported to be done but which act is not in accordance with or is contrary to the provisions of the enabling instrument or law. Such contrary acts are, by virtue of the ultra vires doctrine, declared to be ultra vires or against the enabling instrument, Act or law and, therefore, unconstitutional, illegal, null and void, of no effect or, in some cases, criminal, especially, if the act contravenes any existing criminal law in Nigeria.

It is apparent from the above that the concept of the rule of law is to the effect that official acts must be in accordance with law so that, in effect, any official act purported to be done but which official act is not prescribed by law is contrary to the concept of the rule of law and can be interpreted to be an illegality. The Legal Education (Consolidation, etc.) Act, 2004 is the law that regulates legal education in Nigeria and, as such, any act purported to be done with regards to legal education in Nigeria must have been prescribed or supported by a provision in the Act.

The Ultra Vires Doctrine

Any act purported to be done with regards to legal education in Nigeria must derive from the Legal Education (Consolidation, etc) Act, 2004. Any such act must have a definite source by reference to which its scope, limits and details may be ascertained. It must be

[82] S. 2(5).

justified by showing that the power to so act is validly derived from the Legal Education (Consolidation, etc.) Act, 2004 and that it is exercised within the limits and in accordance with the procedures prescribed by the Act. Where an act is purportedly done but which act is in excess or outside the powers, substantive or procedural, conferred by the Legal Education (Consolidation, etc) Act, 2004 such act is regarded, and is actually, ultra vires, i.e. beyond the powers conferred by the Act. If, whilst keeping within the apparent limits set by the enabling statute, the Legal Education (Consolidation, etc.) Act, 2004, in this case, the act purportedly done violates any of the provisions of the Act, the act may still be ultra vires and possibly void, because the courts, generally, presume that the law-maker never intended to authorize the violation of the enabling instrument. Even where such a violation is expressly authorized, the action might, under certain circumstances, be ultra vires and void.

Examples of such circumstances are unreasonableness, conflict of interests, etc.[83] This is to say, in other words, that when power is conferred upon an administrative agency and its subsidiary, the intention of the legislature is, generally, taken to be that it should be exercised within the limits set by:

(a) The enabling statute, the Legal Education (Consolidation, etc.) Act, 2004, in this case;
(b) The Constitution, the 1999 Constitution of Nigeria. Any statute of general application, such as the Interpretation Act or laws.[84]

Acting ultra vires may arise from –

1. Want or excess of Jurisdiction (substantive ultra vires);
2. Defective procedure (procedural ultra vires);
3. Use of powers for an improper purpose: abuse of discretion or jurisdiction;
4. Unreasonableness;
5. No evidence.

Want or Excess of Jurisdiction

Every administrative agency (or its subsidiary) owes its power, exclusively, to an enabling statute which is consequent to an act of Parliament or the Legislature. This enabling statute is the parent act of such administrative or public agency and provides the provisions upon which the administrative or public agency is to operate upon[85]. It follows that any act outside the provisions of the statute is an act unjustified by law and thus, the administrative authority has acted ultra vires or in excess of its power[86].

There is want or excess of Jurisdiction where, without any legal backing, a person or an agency exercises a given power, or where such a person or agency vested with some legal

[83]See Okany, M.C. *Op. Cit.* 150-15, 1 for example.
[84]Okany, *Op. Cit.* 7. See also, Aristotle, *Op. Cit.* 3.
[85] See Richard Anaba v. The Higher Registrar, Chief Magistrate Court, Aba, cited in Okany,M.C. *Op. Cit.* 151.
[86]Okany, M.C. *Op. Cit.*151.

power exercises it over persons or subject-matter not subject to its jurisdiction, or where the person or agency issue orders or make findings or award remedies, or does any other thing which is outside his or its jurisdiction,[87] or if the act is done by the wrong person, etc..[88]

Defective Procedure

The procedure by which a given power is to be exercised or which must be satisfied before a tribunal can validly hear and determine a case is usually prescribed by the enabling statute or by a law applicable generally to situations of the land or even by conventions. Whether non-compliance with procedural requirements would render the actions or decisions of a body invalid depends on the nature of the requirement disregarded, whether it is imperative or merely permissive or directory. Non-compliance may be condemned if it is imperative, as where it is a condition precedent to any valid exercise of the powers granted, but would not lead to the invalidity of the acts done in disregard of them.[89]

Where, in some cases, the requirements are in the nature of a condition precedent to the assumption or exercise of jurisdiction, failure to comply would render all subsequent proceedings ultra vires and void. Even where Jurisdiction has been validly assumed and exercised in the first instance, a subsequent mistake in this procedural step taken in the course of exercising the powers may not render the whole proceedings ultra vires and void, but may justify a court in nullifying any decision taken or order issued.[90]

One of the rules of natural justice is the principle that every party must be given an opportunity to be heard, and this fundamental principle applies whenever judicial or quasi-judicial functions are being exercised. The courts would, for instance, quash the decision of a tribunal for non-compliance with any statutory requirement requiring that notice be given to the parties. Thus, in Rayner v. Stopney Corporation[91], a local authority's

[83]See Okany, M.C. *Op. Cit.* 150-15, 1 for example.
[84]Okany, *Op. Cit.* 7. See also, Aristotle, *Op. Cit.* 3.
[85] See Richard Anaba v. The Higher Registrar, Chief Magistrate Court, Aba, cited in Okany,M.C. *Op. Cit.* 151.
[86]Okany, M.C. *Op. Cit.*151.
[87]Okany, M.C. Op. Cit. 151-152.
[88]See the dictum of Uwaifo, J. in Akhigbe v. A. G. Bendel State Anors Suit No. U/29/77 (unreported) where he quoted the dictum of Helot, J. in Midlands Gee Board v. Doncaster Corporation (1953) 1 W.L.R. 54 at 59. See also, Obayuwana v. Governor of Bendel State Anors, suit No B/25/80 (unreported), Re MacLean Okoro Kubainja (1974) 1 All N.L.R. 269, Lakanmi Anor v. A.G. Western Nigeria Anors (1971) 1 U.I.L.R. Port II, 201, Allingham v. Minister of Agriculture and Fisheries (1948) All E.R. 780, Vine V. National Dock Labour Board (1957) A.C. 488, Federal Military Government V. Nwachukwu (1976) N.M.L.R. 151. Lawson V. Local Authority (1944) 10 W.A.C.A 228, Alakija v. Medical Practitioners Disciplinary Committee (1959) F.S.C. 38, Sule Katagun Anors v. Roberts S.C. 749/ 1966 (Unreported) Prescott v. Birmingham Corporation (1954) 3 All E.R. 698, Allen & Co Ltd v. Provincial Police Officer (1972) 2 E.C.S.L.R (Part II) p. 390.
[89]Macintosh v. Simpkins (1901) 1 Q.B. 487 and Dixon v. Wells (1890) 25 Q.B.D 249.
[90]Okany, M.C. *Op. Cit.* 160
[91](1911) 2 Ch. 312. See also, *Spackman v. Plumstead Board of Works* (1885) 10 A.C. 229.

failure to comply with a regulation requiring the service of a notice before making a closing order in respect of an "unfit house" giving particulars of rights of appeal was held to render its proceedings void.

Generally, whether or not a defect in procedure affects the jurisdiction of a tribunal or administrative official, the courts would intervene and set-aside any decision or order given in violation of an important procedural requirement, particularly, if its failure to intervene would have committed a gross injustice or occasion a miscarriage of justice provided, however, that:

(a) No channel of appeal exists from the decision of the tribunal or official; and
(b) Disregard of the prescribed procedure is so serious that it substantially affects the justice of the case, and no detached observer would believe that justice would be done in spite of the violation of the requirement.[92]

No Evidence

It is apparent that whatever authority is purported to be exercised in every situation must be one prescribed by an enabling instrument and that such exercise must be confined within the limit of the power conferred.

It is from the background of all the above that it is averred that even though there are provisions in the Legal Education (Consolidation, etc.) Act, 2004 to the effect that:

> *The Council (of Legal Education) shall have the responsibility for the legal education of persons seeking to become members of the legal profession*

And that:

> *The Council (of Legal Education) shall have power to do such things as it considers expedient for the purpose of performing its functions…*[93]

It does not legally suffice to confer absolute legality on all acts done by the Council, going by the principles of the rule of law and the ultra vires doctrine enunciated upon above. Experience shows that, instead, the non-provision for important acts regarding legal education in Nigeria has caused the Council of Legal Education to neglect acts that could have contributed to the development of legal education in Nigeria and, hence, the numerous complaints about the falling standard of legal education in Nigeria.

What this entails is that the Legal Education, (Consolidation, etc.) Act, 2004 should be amended (or superceded by an entirely new act) to include specific provisions on all acts regarding legal education in Nigeria. The starting points are specific provisions in the Act providing for the establishment of the Nigerian Law School and any other Law School that is established or is to be established-there is no known instrument establishing the Nigerian Law School and its campuses. The Nigerian Law School and its other campuses are, by the analysis above, illegal bodies. The functions of the Council of Legal Education

[92]Okany, M.C. *Op. Cit.* 7. Ssee also, Aristotle, Op. Cit. 3 and *Re Bowan* (supra) and *Smith v. East* E403 Rural District Council (1956) A.C. 736.
[93]S.2 (5) Legal Education (Consolidation, etc.) Act, 2004.

should be specifically provided for, e.g., visitation to universities for accreditation, review of fees charged for legal education and other sundry matters. Provisions should be included in the Act to enable the appointment of private professional audit and quality control firms to audit the finances and ensure maintenance of quality of law schools. Similarly, expenditures with regard to legal education in Nigeria should be provided for in the Act to the extent that budgets could be vetted and their implementation monitored to ensure compliance. Specific provisions should be inserted in the Act to enable the Students Loan Board deal with students of the law schools or for a separate students' loan scheme to be constituted for the purpose of legal education, as obtains globally. The implementation of these and others will ensure the steady progression of legal education in Nigeria and ensure that legal education in Nigeria keep pace with developments in legal education worldwide. It is added that the observance of the dictates of the rule of law will obviate incidences of ultra vires acts by administrators of legal education in Nigeria and advance the objectives of the utilisation of law as an effective tool for social engineering.

Findings

Arising from the above, the research finds out the following setbacks of the Council for Legal Education:

1. It is apparent from the research that there is development in legal education worldwide but which development has not been implemented in Nigeria's concept of legal education, which has become otiose and/or outdated. The implementation of any change in the present state of legal education in Nigeria must be in accordance with statutory provisions which, if nonexistent, should necessitate the amendment of existing statutes in that regard to make provisions for the changes;
2. There is no provision in the Act for modalities for the appointment of the Director-General of the Nigerian Law School;
3. It was submitted that the revival of the Students' Loan Board or the establishment of a students' loan scheme, as in jurisdictions understudied in this thesis, could assist in cushioning the effect of the high cost of legal education in Nigeria.
4. Social engineering is how a society educates its citizens, informed by the formulation of any law or policy in due consideration of the interests of the majority of the members of the society in order to avoid friction;
5. There is no provision for the courses taught, and lectures, at the Nigerian Law School, as hitherto provided in the 1962 Act, thereby, contravening the concept of the rule of law;
6. There is no provision for the establishment of the Nigerian Law School and its campuses;
7. The legal education Act, 1962 is instrumental to the commencement of legal education in Nigeria, and subsequent legislations in that regard have reflected the letters and contents of that Act of 1962. One of the areas for reform is with regards to the autonomy and/or decentralization of the Nigerian law school, law school as a matter of fact and/or reality, should be, partly, privately- owned.

Recommendations

In view of the above, the research makes the following recommendations:

1. It is recalled that one of the lapses in the Act considered problematic and controversial is the fact that the use of the phrase "*legal education*" in the Act is understood, from all intents and purposes, to be only the legal education at the Nigerian Law School. Legal drafters will attest to this deposition. It is an incontestable fact that the jurisdiction of the Council of Legal Education, in practice, presently starts and stops at the Nigerian Law School. This should not be so anymore. The provision in question should be amended to cover all levels of legal education in Nigeria, including continuing legal education and legal education of persons appointed as Area Courts, Sharia Courts and Customary Courts' Judges, and the amendment should include a provision bringing all these under the auspices of the Council of Legal Education;
2. It is recalled that it was a generally held view of some administrators of legal education in Nigeria that the whole world would end if another law school was established in Nigeria, not knowing that Great Britain, a country not up to one-tenth of Nigeria in size, not as well-endowed with natural resources as Nigeria, not up to one-hundredth of the population of Nigeria, and a country that imposed its system of legal education and profession on Nigeria had multiple law schools at the time. Some countries with the same historical antecedents with Nigeria, e.g. Australia and the U.S.A. have multiple law schools each. This is to say, in another way, that the Act should be amended to prescribe criteria for the establishment of multiple law schools in Nigeria. This will be in line with global best practices and, besides, cater for the students' population pressure on the single law school Nigeria still operates, fifty years after independence. This recommendation requires the utmost urgency in its implementation, regardless of if the world ends. Nigeria lags behind most countries in the area of development in legal education. The Act should include a provision bringing all law schools in Nigeria under the auspices of the Council of Legal Education;
3. It is recollected that loopholes in provisions of a law create room for misuse or neglect in the exercise of power conferred which, in effect, create difficulties`` all over, apart from creating a cog in the wheels of development of legal education in Nigeria. The problems here are, simply put, loopholes in the Act, and the sensible solution is that experienced professionals should be recruited at any cost, accustom them with all problematic issues, (including all those stated here) including the avoidance of loopholes in the Act, and instructed to amend and/or redraft the Act. This will enhance the quick development of legal education in Nigeria. It is, for instance, contended that the provision in the Act which provides for "*the power of the minister to give direction to the Council*" should be amended to specify the minister that is intended. It is not enough in law to assume that the minister intended is the Minister of Justice. Any minister could assume that the provision refers to any minister. It is, likewise, contended that the provision that refers to "*qualifying certificates*" is isolated. It may be asked, for instance, that, what are "*qualifying certificates*"? The provision should be amended to inform more and

all about the qualifying certificates. The provision on "*staff*" should be amended to specify the category of staff, whether of the Law School or of the Council of Legal Education, or of both bodies. The provision on the Pension Act is inadequate. An amendment should be to the effect that the categories of staff the Pension Act applies to are specified. It is, similarly, contended that the provision on "*Expenses*" should be amended to specify if it is with regards to the Law School or to the Council, or both bodies. Nothing should be taken for granted in a legal draft, not one as important as the Act;

4. It is apparent that there are lapses in the curriculum for the training of prospective lawyers in Nigeria in the faces of complaints and dissatisfaction, and in the resolve to reform legal education in Nigeria. What this translates into is that the curriculum should also be reformed or overhauled completely, most especially, with the concept of the utilisation of law as a tool for social engineering in mind as enunciated upon earlier. It is in consequence of this that it is recommended that there should be a provision on courses taught and lectures at the Nigerian Law School, and students at any law school in Nigeria should spend a maximum of between four and six months for academic exercise at the law schools and six months of being articled in chambers, after which they are examined and, consequently, called to the bar. It follows that since law school's lecturers are permitted to indulge in legal practice, law offices should be allowed in law schools so that students would do their articles in mostly law offices in the schools. This will ensure that students are well-monitored for that period of article to ensure full participation, as some students are most likely to indulge in truancy. Holidays during the period of academic work in the schools should be abolished or limited to only public holidays. Dinners at the law schools serve very minimal and inconsequential purposes and are not portrayal of Nigeria's culture and tradition. They should, therefore, be abolished to minimize the high-cost of legal education in Nigeria, and should be restricted to normal dinners of students periodically, during which speeches and other activities hitherto meant for those dinners could be conducted. This is more beneficial to students, apart from reducing the high cost of legal education in Nigeria, and it will eliminate instances of people exploiting and profiting from such strange and ubiquitous practices which are foreign and not too beneficial to the advancement of legal education. The caveat here is that, as always, the Act should be amended to provide for this so as to ensure compliance with the rule of law and avoid ultra vires acts;
5. Provision should be in the Act to prescribe modality for the appointment of the Director-General of the Nigerian Law School;
6. There should be a provision in the Act to give backing to students' loan scheme;
7. It is recalled that there is no regulatory body to monitor expenditures and matters related to finances and quality at the Nigerian Law Schools; like an auditing and a quality control bodies, to ensure proper management of fiscal matters and quality, and that too much allowance exists by this vacuum whereby funds could be mismanaged or quality compromised. What this entails is that auditing and quality control bodies should be mandated to perform the functions. It is the practice in consonance with global best practices.

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