

REVOLUTIONISING LEGAL EDUCATION AS A RESPONSE TO GLOBALISATION AND ICT IN NIGERIA

by

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Abstract

Legal education is the foundation of legal practice. The quality of a legal practitioner is the same as the quality of legal education that produced him. The 21st century is an era that has witnessed tremendous changes in all aspects of human activities, and the legal profession is not left out. The growth of transboundary relationships and Information and Communications Technology (ICT) in the execution of day-to-day transactions has made it imperative for the legal profession to be dynamic to avoid the risk of becoming obsolete. Thus, necessitating a revolution of the legal profession, through the legal education.

The law curriculum serves as the bedrock of legal education. A sound curriculum underscores quality legal education. The transformation of legal education in any system must commence with the reformation of the curriculum which usually specifies the course contents and teaching methods to be employed in imparting knowledge on the students.

This article, using the Nigerian undergraduate legal education curriculum as a case study, traces the historical development of legal education in Nigeria. It examines the legal education regulatory bodies which are the Council of Legal Education and the National Universities Commission, discussing the *status-quo* of Nigerian Legal Education Curriculum and the attempts at Revolutionising the Nigerian Legal Education. It will also explore the extent to which the regulatory bodies have implemented 21st century teaching methods and course contents. It examines the adequacy or otherwise of the legal education curriculum in preparing law students for a successful law practice in this age of globalisation and ICT, all in a bid to determine if they are reflective of the goals of globalisation and ICT.

Key words: legal education, legal practice, globalisation, Nigeria.

Introduction

In the history of mankind, most of the drastic changes to the society were preceded by one form of revolution or another.² A case in point is the abolition of slavery which was preceded by the industrial revolution.³ Revolution could be understood in two (2) senses, warlike and intellectual.⁴ Intellectual

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²Mario Coccia, "What are the Characteristics of Revolution and Evolution." *Journal of Economic and Social Thought*. (2018) 5(4): 288

³ David Eltis and Stanley Engerman "The Importance of Slavery and the Slave Trade to Industrializing Britain." *The Journal of Economic History* (2008) 60(1): 123, 140; Harley C.K, "Slavery, the British Atlantic Economy and the Industrial Revolution." University of Oxford Discussion Papers in Economic and Social History Number 113, April 2013. <<https://www.economics.ox.ac.uk/materials/papers/12739/harley113.pdf>> Accessed 4 March 2020

⁴ Agner Fog. *Warlike and Peaceful Societies: The Interaction of Genes and Culture*. (Cambridge: Open Book Publishers, 2017) 88

revolution unlike its warlike counterpart involves the transformation of society through unconventional thinking (revolutionary thinking) processes that embrace creativity and innovation towards the creation of a sustainable and beneficial environment to man.⁵ This kind of revolution is stimulated by the inadequacy of the *status quo* and must respond by providing better ways of doing things. The concepts of 'legal education', 'globalisation' and 'ICT' will be explored.

Education is an action or process of teaching someone, or the field of study that deals mainly with methods of teaching and learning in school.⁶ It can also be defined as the systematic process which allows the acquisition of knowledge by a child or adult.⁷ Legal education therefore, is the process that equips a student with the knowledge of the law so that he/she can become a legal practitioner. It can also be defined as a '*process which equips the future lawyer, judge, administrator, counsellor and legal scientists to know how legislative, executive, judicial organs of the government are designed and how they operate.*'⁸ Thus, it prepares students for careers in the legal profession.

Globalisation means the simplification of an unusually complex society into nothing more than a 'multiplicity of linkages and inter connections.'⁹ It is the transformation of the world into a 'global village' as a result of the economic interdependence among countries of the world. Globalisation is not a tool to produce equality of outcome, but it produces equality of opportunity for those with the right mindset.¹⁰

Through the globalisation of education, knowledge is getting transferred from the Western countries into developing countries, to improve the skills and capabilities of the people. The direct inter relationship between the industry, corporate world and higher educational institutions has brought a transformation in the skills required for various jobs. The process of globalization has brought significant transformation in the world trade, communications, educational activities and economic relations since the latter part of the 20th century.¹¹

Information and Communication Technology (ICT) means technology that is used to communicate, create, disseminate, store and manage information.¹² Through ICT, various electronic platforms such as e-mail

⁵ Arif Dirlik. "Culture, Society and Revolution: A Critical Discussion of American Studies of Modern Chinese Thought." *Republican China* (1985) 10(2): 22

⁶ <<https://www.merriam-webster.com/dictionary/education>> Accessed 24 January 2019

⁷J. Parankimalil, *Meaning, Nature and Aims of Education*.

<<https://www.johnparankimalil.wordpress.com/2012/03/26/meaning-nature-and-aims-of-education/>> Accessed 26 January 2019

⁸ M.R. Burra and V. N. Madasu, *Importance of Internet Facility in Support of Legal Education and Legal Research*. <https://www.abhinavjournal.com/images/Arts_&_Education/May13/4.pdf> Accessed 26 January 2019

⁹ A. Mc Grew, S. Hall and D. Held: *Modernity and its Futures*, (Cambridge: Polity Press 1990).

¹⁰L. Chawla, Globalisation: Challenges and Opportunity <<http://image.slidesharecdn.com/challenges-and-opportunities-of-globalisation-1228495428884486-9/95/challenges-and-opportunities-of-globalisation-1-638.jpg?cb=1422659853>> Accessed 19 March 2019

¹¹ B.S Mukhi and R. Anand R. "Globalisation and its Impact on Indian Education System." *International Journal of Engineering Technology, Management and Applied Sciences*. (2015) Volume 3, Special Issue <<http://ijetmas.com/admin/resources/project/paper/f201512011448954135.pdf>> Accessed 19 March 2019

¹²M. Vijayalakshmi, *Information and Communication Technology in Education*. <<https://www.slideshare.net/mobile/Vijirayar/information-and-communication-technology-in-education-57360802>> Accessed 24 January 2019

communication, videoconferencing, legal databases have made communication across boundaries and accessibility to relevant resources possible.

This article is divided into 6 parts. Part 1 examines the historical development of legal education in Nigeria. Part 2 discusses the regulatory bodies overseeing legal education in Nigeria. Part 3 addresses the state of legal education in Nigeria including attempts that had been made in the past to improve Nigeria's legal education. Part 4 considers whether the legal education in Nigeria is living up to the expectations of globalisation and ICT by examining if there have been implementations of 21st century course contents and teaching methods. Part 5 highlights the challenges facing the revolution of legal education in Nigeria while Part 6 suggests recommendations before concluding.

Part I: Historical Development of Legal Education in Nigeria

The development of legal education in Nigeria was largely influenced by the advent of the British government in 1861. Through colonialization, the British introduced English Law, which necessitated formal legal education, into Nigeria.¹³ Prior to 1962, there was no formal institution vested with the obligation of overseeing legal education in Nigeria. The Chief Justice of Nigeria, by virtue of section 1 of The Supreme Court Ordinance No. 4 of 1876 was empowered to appoint three (3) categories of persons as qualified to practice law in Nigeria. They included persons who were entitled to practice law in Great Britain as Barristers or Solicitors,¹⁴ persons who had been articled for five consecutive years in the office of a practicing Barrister or Solicitor residing within jurisdiction of the Court and who had passed examinations on the principles and practices of law prescribed by the Chief Justice,¹⁵ and persons of good character who had acquired some working knowledge of law usually not formally trained.¹⁶ The individuals who practiced as lawyers under sections 73 and 74 of the Ordinance had no legal education background, and were referred to as 'local attorneys.'¹⁷

By 1913, the Chief Justice stopped granting licences to local attorneys to practice as lawyers. Therefore, anyone who wanted to practice as a lawyer in Nigeria must have undergone training in England, qualifying to practice as a Barrister or Solicitor, enrolled at the Supreme Court of Nigeria. There is a distinction between the legal profession in England and Nigeria. The profession is fused in Nigeria (a lawyer practices as both a Barrister and Solicitor), whereas it is separated in England (a trained lawyer can only practice either as a Barrister or a Solicitor). Upon returning to Nigeria after being trained in England, it was immaterial whether a legal practitioner was only trained in one branch of the profession, as he was entitled to practice as both Barrister and Solicitor.¹⁸

¹³ A.A. Adewumi and O.A Bamgbose, "Attitude of Students to Clinical Legal Education: A Case Study of Faculty of Law, University of Ibadan" *Asian Journal of Legal Education* (2016) Volume 3, Issue 1:108

¹⁴ The Supreme Court Ordinance No. 4 of 1876, Section 71

¹⁵ *ibid* Section 73

¹⁶ *ibid* Section 74

¹⁷ V.C Ikpeze, Legal Education in the 21st Century Nigeria: Need for Diversity in Content Paradigm, *Journal of Law and Policy* (2015) Volume 39, page 63

¹⁸ M.O Onalaja, *Problem of Legal Education in Nigeria*. <<https://www.alimiandco.com/publications/ACCREDITATION%20AND%20LEGAL%EDUCATION%20IN%20NIGERIA.pdf>> Accessed 26 January 2019

In 1959, the government of Nigeria decided to set up a committee to address certain issues regarding the legal profession, with concentration on legal education. This led to the setting up of the Unsworth Committee which recommended that Nigeria should establish its own system of legal education.¹⁹ The report of the Committee served as the foundation for the enactment of the Legal Education Act, 1962 and Legal Practitioners Act, 1962.²⁰ The University of Nigeria, Nsukka became the first university to establish a Faculty of Law in 1961 and since 1962 legal education became systemised in Nigeria leading to the establishment of faculties of law in various universities.²¹

An individual desirous of becoming a legal practitioner in Nigeria must have passed through an undergraduate law programme where upon completion, he/she would be awarded the LL.B²² certificate, then he/she proceeds to the Nigerian Law School where completing the mandatory Bar Exam and obtaining the B.L certificate is a condition precedent to being called to the Nigerian Bar. From this, it is evident that universities with accredited Faculties of Law and the Nigerian Law School are two (2) important channels a prospective legal practitioner in the Nigerian legal system must have passed through, fulfilling the requisite criteria. It is expedient at this juncture, that the regulatory bodies administering the affairs of legal education be examined.

Part 2: Regulatory Bodies Controlling Legal Education in Nigeria

It was previously mentioned that the Unsworth Committee provided the foundation for the systemisation of legal education in Nigeria through the enactment of the Legal Education (Consolidation, etc.) Act, 1962²³ and the Legal Practitioners Act, 1962.²⁴ There are two (2) bodies with the responsibilities of overseeing legal education in Nigeria. They are the Council of Legal Education (CLE) and the National Universities Commission (NUC). Section 1(1) of the Legal Education (Consolidation, etc.) Act, 1976 establishes the 'Council of Legal Education' with the 'responsibility for the legal education of persons seeking to become members of the legal profession.'²⁵ The CLE was the only body in charge of the regulation of legal education in Nigeria and was more preoccupied with infrastructural development of law faculties rather than the content and methods of legal education.²⁶

¹⁹ Other recommendations by the Committee included: the establishment of a Faculty of Law at the University College, Ibadan, the creation of a Law School in Lagos to provide vocational training of legal practitioners, and the creation of the Council of Legal Education.

²⁰ While the former Act regulates legal education in Nigeria, the latter focuses on the regulation of law practice. Both are currently provided as Legal Education Act, Cap L10 and Legal Practitioners Act Cap. L11, Laws of the Federation of Nigeria, 2004.

²¹ There are currently over 30 Faculties of Law in Nigeria. <<https://www.thenationonline.net/50-years-of-legal-education-in-nigeria-a-critique/>> Accessed 24 January 2019

²² Abbreviation for the Latin expression, *Legum Baccalaureus*, which means Bachelor of Laws

²³ Now, Legal Education (Consolidation, etc.) Act, 1976

²⁴ Now, Legal Practitioners Act, 1975

²⁵ Section 1(2)

²⁶ T. Mamman, "The Globalisation of Legal Practice: The Challenges for Legal Education in Nigeria" A Paper Delivered at the 2nd Annual Business Luncheon of S. P. A. Ajibade & Co – Legal Practitioners (2009): 7

Section 10(1) of the Education (National Minimum Standards and Establishment of Institutions) Act²⁷ confers the power to lay down minimum standards for all universities and institutions of higher learning in the Federation and the accreditation of their degrees on the National Universities Commission (NUC). In the same vein, the enabling law of the NUC, the National Universities Commission Act, 1974 provides *inter alia* that the function of the NUC is to advise the Federal and State governments on all aspects of university education and the general development of universities in Nigeria. The CLE comprises a Chairman, Attorneys-General/Solicitors General of States, President of the Nigerian Bar Association, fifteen (15) legal practitioners, etc.,²⁸ while the NUC is made up of a Chairman, a representative from each Federal Ministry and a representative from each academic discipline.²⁹

From the provisions of the enabling statutes of these regulatory bodies, it is evident that the scope of the statutory functions of the CLE is more specific and peculiar to legal education in Nigeria whereas, the NUC owes obligations to education in Nigerian universities generally. Therefore, it is deducible that for the NUC to make any policy affecting legal education in tertiary institutions, consultation with the Council of Legal Education cannot be neglected. The NUC addresses issues of accreditation and setting up of benchmark minimum academic standards (BMAS) for undergraduate programmes in Nigerian Universities. The CLE's sole obligation is the responsibility for the legal education of persons seeking to become legal practitioners.

Part 3: The Current Framework of Nigerian Undergraduate Legal Education (the *status quo*)

The historical development of legal education and the regulatory bodies overseeing legal education in Nigeria have been examined in the preceding paragraphs. It is pertinent that the workings of the system are examined, by shedding light on the undergraduate programme and the structure of the curriculum. This will aid the identification of the deficiencies in the system and the determination of whether the legal education system is preparing law students for a successful practice in a globalised and technologically oriented world.

The university undergraduate law programme in an accredited law faculty is the genesis of a law student's journey towards becoming a legal practitioner. Being the foundation of his/her career, the need for quality education cannot be overemphasised. Upon admission into a tertiary institution of his/her choice to study law, the law student runs the undergraduate law programme for a period of five (5) years.³⁰ From the first year to the fifth year, a law student will offer a range of core/compulsory courses, elective courses, optional courses, pre-requisite courses, and required courses. A compulsory course is a course which every law student must take and pass in any particular level of study; an elective course is that which students take within or outside the faculty (some students may graduate without passing the course

²⁷ Education (National Minimum Standards and Establishment of Institutions) Act Cap E3, Laws of the Federation of Nigeria 2004

²⁸ See Legal Education Act 1976, section 2(1)

²⁹ National Universities Commission Act, Section 2

³⁰ The duration of the undergraduate law programme depends on the mode of entry into the university. Students, who have secured admission through the Unified Tertiary Matriculation Examination (UTME), will run the programme for 5 years. However, students who have secured admission through Direct Entry e.g. A-Levels examination, will run the programme for 4 years

provided the minimum credit unit for the course had been attained); a pre-requisite course is that which a student must take and pass before taking a particular course at a higher level; and a required course is one that must be taken by a student and must be passed before graduation.³¹

According to the Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities (BMAS), the compulsory law courses that must be offered by students from their first year to fifth year include: Legal Methods, Constitutional Law, Law of Contract, Criminal Law, Company Law, Commercial Law, Law of Equity and Trusts, Law of Evidence, Jurisprudence & Legal Theory, Property Law, Nigerian Legal System, Law of Torts, Information and Communication Technology Law, Public International Law, Clinical and Moot Court Practice and Compulsory Essay in the Final Year. These compulsory law courses are usually divided into two parts; part one is taken in the first semester, while part two will be taken in the second semester.³² Compulsory non-law courses include Introduction to Computer Science, Introduction to Human Personality and Lifespan, Social Psychology of Law, Basic English Grammar, Principles of Economics, and General Studies.

The elective courses are made up of law and non-law courses, and the elective law courses include Administrative Law, Revenue/Taxation Law, Labour/Industrial Law, Oil and Gas Law, International Trade & Investment Law, Conflict of Laws, Family Law, Conveyancing, Alternative Dispute Resolution, Criminology, Introduction to Islamic Law, Law of Banking, Law of Insurance, Law of Intellectual Property, Maritime Law, Human Rights Law, Customary Law, Environmental Law, African Comparative Law, Legal Research and Writing, Health Law/Law and Medicine, Islamic Law of Crimes and Tort, Islamic Law of Transactions, Islamic Law of Procedure and Evidence, Islamic Family Law and Succession and Islamic Jurisprudence. Elective non-law courses are Elements of Business/Management, Political Science, Philosophy, Social Relations and Psychology.³³

The NUC has structured the curriculum for undergraduate legal education through the Benchmark Minimum Academic Standards (BMAS) for Undergraduate Programmes in Nigerian Universities which provides the course contents and teaching methods to be adopted by lecturers to instruct law students. As it will be discussed in subsequent paragraphs, the present writer does not object to the courses the NUC has stipulated that all undergraduate law students must study, the contention of the writer is that the contents of these courses and the teaching methods employed to teach them do not show a connection between the Nigerian legal education curriculum and the realities of globalisation and ICT.

The NUC and the CLE have suggested the implementation of certain policies/practices with the objective of reforming legal education in Nigeria. A significant aspect of legal education that has been affected by such policies is the teaching method, through the introduction and popularisation of clinical legal education in various law faculties. The traditional mode of teaching in most law faculties is through the dictation of notes by lecturers, distribution of study materials to students, etc. However, with the introduction of clinical legal education which has been adopted by most universities in Nigeria, students

³¹ National Universities Commission (2018), Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities (BMAS) (Law)

³² This applies to elective law courses too

³³ National Universities Commission (2018), Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities (Law)

now take active roles in the learning process. It emphasises the use of activity-based methods instead of the traditional method of learning by rote. The clinical legal education stimulates a professional environment of lawyer-client relationship among law students by mixing the theoretical aspects of law with its practical application.³⁴

The introduction of clinical education globally into law school curriculum is appreciated as it has renewed the interests of students in the study of law, moving law from a passive field of study to an active educational process that is student focused. Clinical legal education seeks to integrate clinical reforms across the entire law school curriculum.³⁵ The clinical global movement is directed towards ensuring clinical legal educators around the world are preparing future lawyers for high-quality, ethical law practice grounded in a legal profession dedicated to social justice by focusing on the importance of what local lawyers do despite the differences in the legal systems.³⁶

In Nigeria, the clinical legal education, as a teaching method, practiced by clinicians through the law clinics has integrated a student-centred approach to legal education in the following ways:

- Law clinics serve as real clients' clinic where the student clinicians, working closely with the staff clinicians acquire practical first-hand experience.
- Street law practiced through the clinics enable the students visit markets and the rural communities where they educate the illiterates and ignorant members of the community about their rights and offer legal services to their problems.
- Clinicians making use of similar cases already decided in courts or ongoing in courts to educate the students.

There is no gainsaying that clinical legal education without more cannot proffer absolute solutions to some of the challenges faced by legal education in the 21st century. Clinical legal education cannot help to prepare law students for practice in a globalised and ICT oriented world if there are no changes to the course contents of the curriculum because the teaching methods are largely influenced by the course content. The traditional course content as it is now does not position law students for practice in a dynamic and constantly evolving society. The realization of this fact motivated the decision of the CLE to set up a Committee on the Review of the LL.B Curriculum and Programme of Nigerian Universities.³⁷ Some of the terms of reference of the Committee were to 'consider the course structure of the extant LL.B programme in the light of domestic and international competence requirements of lawyers; to review the current courses offered in the law faculties and the curriculum of each course; and to review the mode of teaching.'³⁸

³⁴ A.A Adewumi and O.A Bamgbose *op cit*: 110

³⁵ S. Bloch Frank and N.R Madhava Menon. *The Global Clinical Movement* (Oxford University Press 2011): 272

³⁶ *Ibid* 275

³⁷ The Committee was formed on the July 30, 2014 and comprising Chief Awa Kalu (SAN) as Chairman, Prof. M.O. Adediran, Prof. M.I. Sa'id, Prof. Jummai A.M. Audi, Prof. Oyelowo Oyewo, Prof. M.L. Ahmadu, Mr. James Uko Kalu Igwe (SAN), Prof. Roger Burridge and Prof. Ernest Ojukwu

³⁸ Council of Legal Education/ Nigerian Law School. Report of the Committee on the Review of the LLB Curriculum and Programme of Nigerian Universities. October 2017:1

A perusal through the report of the Committee shows that most of its recommendations on certain terms of reference, especially the review of the current courses offered in law faculties, were made in the context of the globalising trends in legal education today. Focus was equally placed on the inclusion of the elements of ICT in core courses during the LL. B programme. However, it is unfortunate that the NUC has not implemented the recommendations of the Committee set up by the CLE, although a new BMAS was published by the NUC in January 2018 with no changes to the traditional curriculum.

Part 4: Adequacy of the Nigerian Legal Education Curriculum in the Era of Globalisation and ICT

Globalisation necessitates paying attention to four important factors to improve the standard of legal education which are Global curriculum, Global faculty, Global degrees and Global interactions.³⁹ There is the need to think globally while acting locally.⁴⁰ In this era, legal education ought to be internationalised to face the challenges of globalisation. A law student should not be instructed with the sole objective of fulfilling the requirements for domestic practice, he must be trained with the intention of making him capable of competing with his counterparts from other parts of the world in the international market.

Curriculum development should therefore revisit the distinction between core/compulsory and optional courses, consider the need to expand the domain of optional courses, rethink the syllabus of individual courses, and develop innovative pedagogic methods. The law curriculum for the future must provide an integrated knowledge of biodiversity, biotechnology, information and technology, environmental sciences, ocean and marine sciences, public health and other related subjects. For instance, the existential challenge of climate change requires dissemination of information about the dangers of our personal and business activities and the increased spoliation of our environment. Thus, the future lawyer should be adequately equipped on the legal and social issues that emanate from this phenomenon in a globalized world. Therefore, related courses such as Environmental law, WTO law, Development Law should be made central features of our legal curriculum. The unmet legal needs of different sections of society and the impact of globalisation can be addressed and the students will be equipped to contribute to the society when they leave the four walls of the university. This interweaving of law with the related issues of the contemporary world will add immense value to the law degree.⁴¹

The objective of globalisation is to create a world without borders. Globalisation was influenced by socio-economic interdependence among countries with the transboundary movement of people, goods and services from one part of the world to another signifying global interactions. Globalisation led to the creation of multilateral and bilateral agreements establishing organisations such as the World Trade Organisation (WTO), Economic Community of West African States (ECOWAS), European Union (EU), African Union (AU), and Organisation of Economic Cooperation for Development (OECD), etc. This makes

³⁹ C. Rajkumar, "Legal education and Global Philanthropy." Adapted from *Pradip Kumar Das Legal Education to Meet Challenges of Globalisation*. < <http://www.legalserviceindia.com/article/1321-Legal-Education-To-Meet-Challenges-Of-Globalisation.html>> Accessed 16 March 2019

⁴⁰ Impact of Globalization on Legal Education in India. (26 Sep 2016) <<https://studymoose.com/impact-of-globalization-on-legal-education-in-india-essay>> Accessed 16 March 2019

⁴¹ Sumit Kumar, Impact of Globalisation on Legal Education in India <http://www.legalservicesindia.com/article/311/Impact-Of-Globalization-On-Legal-Education-In-India.html> Accessed 22 April 2019

it imperative for an educational structure to be in place geared towards preparing law students for careers in these fields, thus sustaining these organisations.

At this point, it is noteworthy to mention that The General Agreement on Trade in Services (GATS) of WTO agreement consists of six parts, xxix Articles and 8 Annexures. GATS impose general obligations on countries that are signatories to its agreement, Nigeria being one.⁴² All signatory countries are bound to abide by the rules of the WTO. GATS require nations to accord most favoured nation status which mandates a member country to provide both market access and national treatment to other member countries.⁴³ As a consequence, we may not be able to prevent the entry of foreign lawyers into Nigeria as doing so will amount to an infringement of the provisions of GATS and WTO.⁴⁴

In addressing the issue of global curriculum, the challenge of legal education is related to how to respond to some of the paradigmatic changes⁴⁵ as legal education must contend with the forces of globalisation in order to be progressive or risk becoming obsolete.⁴⁶ However, the contention among writers is as to what changes should be incorporated into the curriculum to face the challenges of globalisation.⁴⁷ There are three (3) approaches to facing the challenges of globalisation:⁴⁸

- i. The curriculum should remain unchanged because lawyers would face the same universal legal issues while practicing law. Therefore, the proponents of this theory opine that the present state of legal education is adequate to cope with the challenges of globalisation.
- ii. There should be a change in the curriculum to accommodate the inclusion of more courses, employment of more international faculty, organising international academic programs, establishment of research centres with international links and the creation of exchange programs. The rationale behind this approach is that a lawyer must understand the law and culture of his clients, and the present system is not adequate to produce lawyers that are fit for practice in a globalised world.⁴⁹
- iii. There should be a qualitative reformation of the curriculum by reconceptualising its contents and making it possible to create a curriculum that enables a lawyer to practice in any legal system of the world.⁵⁰

⁴² GATS member states. www.americanlaw.com/gatsmembers.html Accessed 22 April 2019

⁴³ Basic Purpose and Concepts. https://www.wto.org/english/tratop_e/serv_e/cbt_course_e/c1s2p1_e.htm Accessed 22 April 2019

⁴⁴ The constitutionality or otherwise of this provision is outside the purview of This article.

⁴⁵ R.E Lutz, "Reforming Approaches to Educating Transnational Lawyers: Observations from America," *Journal of Legal Education* (2012) 61(3): 449

⁴⁶ K. Davis, "Six Uneasy Pieces" *Wisconsin International Law Journal* (2006) 14 (1): 31-40.

⁴⁷ A. Brackett, "Globalization and its Ambiguities: Implications for Law School Curricular Reform" (1998) 37 *Columbia Journal of Transnational Law*: 57

⁴⁸ *Ibid.*

⁴⁹ K. Myers, "World Gets Smaller as Number of International Programs Grows" *National Law Journal*. 11 December 1995

⁵⁰ This approach towards confronting globalisation has been held impracticable because it is impossible to develop a law degree which absolutely caters for various social and economic conditions existing in the world. See W. Twining, "A Cosmopolitan Discipline? Some Implications of "Globalisation" for Legal Education" *Journal of Commonwealth Law and Legal Education* (2001) 1(1): 13-29

Apparently, the first approach is not an effective means of responding to the challenges of globalisation as it is stagnant and makes no room for change by retaining the *status quo*.

Majority of law schools in developed countries have favoured the implementation of the second approach which involves the promotion of academic exchange programs,⁵¹ introduction of various international courses, creation of global schools of law,⁵² exportation of domestic law schools,⁵³ publication of international law journals, establishment of international organisations.⁵⁴ These are all geared towards promoting global faculties and global degrees.

Contrary to the opinion of Manteaw that 'Africa was one of the first continents to internationalise law curricula',⁵⁵ it is submitted that most African countries (especially Nigeria) cannot be said to have absolutely internationalised their law curricula, rather it can be said that they have only mastered to an extent, the legal system of their colonial masters which most of them have inherited and will only serve limited purposes in the international scene. What will be the case when legal practitioners from these countries are faced with transactions from other foreign legal systems, they are not familiar with? Will the knowledge of the legal system of their colonial masters which will be inapplicable in such circumstances be of any help to them? Internationalisation of the curricula of African law schools transcends the introduction of foundational courses on the legal systems of colonial masters.

Nothing in the BMAS, 2018 supplied by the NUC indicates the recognition and implementation of legal education practices that are responsive to globalisation such as academic exchange programs for students and lecturers, the establishment of international field trips and excursions, inclusion of relevant international law courses, creation of international organisations within the schools, etc. The BMAS, 2018 only prepares a law student for the practice of law within the territory of Nigeria, and at best, he/she can only become a 'tourist' and not a 'resident' in unfamiliar jurisdictions.⁵⁶

Dr. Tahir Mahaman, a former Director General of the Nigerian Law School, lamented that this situation is largely attributable to the fact that the curricula of law faculties in Nigeria are not outward-looking in content and approach. Instead, they are internally centred, looking inwards.⁵⁷ Any student

⁵¹ Singapore for example has one of the most extensive exchange programmes. 'About a third of its undergraduate students spend a semester or full year on exchange to one of more than fifty universities in sixteen countries, with a corresponding number of students coming from abroad to study in Singapore.' See Simon Chesterman, "The Globalisation of Legal Education" *Singapore Journal of Legal Studies* (2008): 62

⁵² Examples of global law schools include Jindal Global Law School in Delhi (a private institution) and The Peking University School of Transnational Law. See J. Flood, *Challenges from Globalization, Technology and Changes in Government Regulation*, Report for the Legal Services Board (2011) https://www.researchgate.net/publication/228185869_Legal_Education_in_the_Global_Context_Challenges_from_Globalization_Technology_and_Changes_in_Government_Regulation Accessed 22 April 2019

⁵³ J. Flood. *op. cit*: 7

⁵⁴ D.S Clark, "Transnational Legal Practice: The Need for Global Law Schools" (1998) 46 *American Journal of Comparative Law*: 261

⁵⁵ S.O. Manteaw, "Legal Education in Africa: What Type of Lawyer Does Africa Need" (2008) 39 *McGeorge Law Review*: 903

⁵⁶ M.C Daly, "Tourist or Resident: Educating Students for Transnational Legal Practice" (2005) 23 *Penn St. Int'l L. Rev.* 785.

⁵⁷ T. Mamman, *op. cit*:12

desirous of extending the tentacles of his practice beyond the borders of Nigeria will take the personal responsibility of acquiring the knowledge of the international system, most likely starting from the scratch at the postgraduate level in foreign universities. Without any reservations, it is submitted that the framework of the Nigerian legal education system stands on all fours with the first approach to globalisation- the stagnant and immutable approach where all remains the same, while the world is changing.

ICT is a central feature of this generation. It is impossible to separate most transactions from ICT as all sectors utilise ICT in the execution of daily activities e.g. banks, government, education, etc. All aspects of human endeavours have been affected by technology one way or the other. The popular opinion held among legal practitioners and critics is that the legal profession is conservative and traditional. One fundamental attribute of law is its dynamic/organic nature. It will be irrational where the tool of the lawyer's trade- the law, is ever changing while the profession remains conservative. Therefore, just as the law changes within time and space, the legal profession must respond to these changes, and by extension legal education. If technology influences the practice of law, as a matter of necessity, it must affect legal education.⁵⁸

The interplay between ICT and legal education is quite evident in some jurisdictions where ICT has been assimilated into the teaching methods employed by lecturers and the contents of various law courses. In the United States for example, ICT has been utilised for the benefit of the members of the faculty for research purposes and has been helpful to students for study purposes. As early as the 1960s, technologies such as the Computer Assisted Legal Research (CALR)⁵⁹ and Computer Assisted Legal Instruction (CALI)⁶⁰ had been introduced into law faculties in the United States to facilitate the legal training process, helping lecturers and students alike.

Through the recognition of the importance of ICT in this globalised world, and its subsequent incorporation into the curricula of various schools of law, law courses are now technologically inclined, in that the technological aspects of various traditional law courses are explored. For example, the Law of Tort is a traditional and compulsory law course which has its origin in Common Law. The traditional approach to the explanation of this course by a law teacher will usually be limited to considering civil wrongs that can be caused by one man to a fellow human being, resulting in damage, thus, culminating to a cause of action on the part of the plaintiff.

However, with the astronomical development of technology, there has been a paradigm shift from the consideration of torts from the limited point of view of civil wrongs committed by man. There is now the technological aspect of torts which considers the 'legal aspect of liabilities and remedies against robots and other electronic agents.'⁶¹ This outstanding phenomenon is not limited to torts

⁵⁸ I.A. Olubiyi, J. A. Olaniyan and N. Odiaka, "The Role of Technology in the Advancement of Legal Education and Practice in Nigeria." (2015) <<https://www.researchgate.net/publication/280566346>> Accessed 29 January 2019

⁵⁹ The two largest CALR being Westlaw and Lexis. <<https://www.encyclopedia.com/law/encyclopedias-almanacs-transcripts-and-maps/computer-assisted-legal-research>> Accessed 22 April 2019

⁶⁰ See <<https://www.cali.org/>> Accessed 22 April 2019

⁶¹ This field of torts encompasses topics in the law of torts such as Negligence, Trespass to Person, etc.

alone; other areas of law are included such as the development of digital trusts, electronic banking law, legal aspects of electronic transfer of shares, cyberspace law, etc.

The development of virtual classrooms is another immense contribution by ICT to legal education. The practice of compulsorily having lectures within the walls of the classroom is gradually fading out; the emerging trend is Law Without Walls (LWOW)⁶² with the utilisation of electronic platforms for communication and the internet. Books which are the tools of a lawyer's trade are being converted into electronic formats thus, increasing availability and access. With the introduction of legal databases such as LexisNexis and Westlaw,⁶³ case-reporting by lecturers and students for research and study purposes has been made easier.

In Nigeria, the degree of responsiveness and adaptation of the legal education curriculum to ICT is not encouraging in terms of teaching methods and course contents, most especially in the federal universities. It is therefore not adequate in this era of globalisation and ICT. Although the committee set up by the CLE,⁶⁴ recommended some changes to the LL. B curriculum and programme of Nigerian universities which embrace ICT, the report of this committee has not been adopted till date. Some of the recommendations made by the committee include the amendment of the course contents, abolition of dictation of lecture notes by lecturers which is rampant in Nigerian universities, the use of electronic teaching aids,⁶⁵ and provision of electronic course materials.

In its final draft of the BMAS for 2017, the NUC incorporated these changes into the draft, only to leave them out in the BMAS, 2018 which is operative. This is quite disturbing because the report of the CLE committee, if implemented by the NUC will be a step in the right direction for legal education in Nigeria.

Part 5: Challenges to the Revolution of Legal Education in Nigeria

This article has examined the framework of the Nigerian legal education and has argued through a comparative study with other jurisdictions that the *status quo* is inadequate to produce the kind of lawyers that are in demand in this age of globalisation driven by ICT. While it is quite easy to identify the deficiencies in the educational system, it is apposite to address the clog in the wheels of progress of legal education in Nigeria. The state of the educational system is influenced by a cause and effect' concept, in that the existence of certain challenges, ultimately lead to negative results in the form of stagnancy/retrogression. What are these challenges hindering the revolution of legal education in Nigeria?

The first challenge is a consensus among various writers, and it is the problem of lack of funding. Most of the public universities in Nigeria are largely underfunded. This has affected the infrastructural

⁶² J. Flood, *op. cit*:12

⁶³ LexisNexis and Westlaw are electronic platforms providing legal practitioners and law students with access to relevant legal materials.

⁶⁴ National Universities Commission (2018), Benchmark Minimum Academic Standards for Undergraduate Programmes in Nigerian Universities (BMAS) (Law)

⁶⁵ For example, Power-point and Interactive Electronic Boards

development and growth of these universities. The dream of transforming legal education with ICT will remain a dream without adequate funding of such programs by the universities.

Another challenge which particularly affects efforts towards the globalisation of legal education in Nigeria is the lack of political will on the part of the Nigerian government to make education a priority issue. This has led to the instability of the academic calendar which is mostly triggered by strike actions⁶⁶ embarked upon by academic and non-academic staff unions of the universities. The reasons for such industrial actions include non-payment of salaries, underfunding of universities, and infrastructural decay in universities. An unstable academic calendar hampers the realisation of effective and efficient exchange programs with lecturers/law students from foreign universities, and internship opportunities with foreign law firm is also greatly affected.

Lastly, inadequate power supply poses a challenge to ICT, as ICT cannot thrive where there is no adequate power supply. Nigeria's inadequate power supply will also affect the application of ICT to legal education, leaving lecturers with no choice but to resort to the traditional teaching methods which they ought to have renounced. In fact, the case in Nigeria is not that some of these ICT gadgets for legal education have not been supplied to various law faculties, but the inadequate power supply makes it impossible for such gadgets to be utilised.

Recommendations and Conclusion

It is about time Nigeria's indifference to revolutionising the legal education curriculum came to an end, or else, as a country we risk becoming backbenchers in the community of nations, producing a generation of lawyers that will be primitive in thinking. The transformation of legal education wholly rests on the availability and access to funds, to introduce ICT into the legal education arena. Since the funding of public universities is the obligation of the government, it is therefore imperative that this obligation is carried out to minimise the incidences of strike actions, inadequate power supply, etc. Exchange programs should be established in various law faculties, allowing for international students' exchange.

The current framework of the Nigerian legal education system is inadequate to cater for the intricacies surrounding the practice of law in this era of globalisation and ICT, hence, the need for a revolution. This revolution as it had been earlier mentioned is an intellectual revolution. The NUC and CLE must take proactive steps rather than reactionary approaches to challenges faced by legal education in this age.

The NUC should adopt and implement the report of the committee set up by the CLE. The *status quo* must be disrupted to usher in a new age of change in the educational sector (legal education inclusive) in Nigeria.

⁶⁶ On November 4, 2018, the Academic Staff Union of Universities (ASUU) in Nigeria commenced a nationwide strike action, due to the non-payment of arrears of salaries, academic allowances, and the underfunding of Nigerian universities. This strike has moved into its fourth month with no sign of it being called off soon. See <<https://www.vanguardngr.com/2018/11/breaking-asuu-begins-strike/>> Accessed 22 April 2019

There is no gainsaying that courses like Public International Law and Private International Law should be elevated from the status of elective courses to compulsory courses as they are very fundamental and teach the rudiments of necessary principles to the application of law by a lawyer in this age of globalisation when relationships cut across different territories.

It is quite sad that the educational sector has not been a matter of priority to the government over the years, and the yearly budget of the government reveals this. An overhaul of the *status quo* in the legal education system will be impossible if all hands are not on deck, starting with the government.