

# Constructing a Clinical Legal Education Approach for Large Multicultural Classes: Insights from the Nigerian Law School

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## **Introduction.**

The Nigerian Law School presents a unique case study in the teaching of law in a developing society for several reasons.<sup>1</sup> First, attendance at the institution for an average period of ten months is a pre-requisite for sitting for the Nigerian bar final examinations to qualify as a barrister and solicitor. The Nigerian Law School administers uniform training for all aspirants to the Nigerian Bar, irrespective of where practice is to be conducted. This means that all lawyers currently in practice in Nigeria, apart from those who passed through the Inns-of-court in England from the colonial period through the 1960s, attended the Nigerian Law School.<sup>2</sup> Secondly, each campus is a microcosm of Nigerian Society, as law graduates from all the accredited Law Faculties are distributed across the four campuses.<sup>3</sup> Thirdly, in the highly competitive Nigerian labour market, the Bachelor of Laws degree (LL.B), which is a first degree, is considered incomplete without the BL, which is obtained on successful completion of the bar examinations.<sup>4</sup> Although the LL.B and the BL are distinct qualifications, they are perceived as fused by employers. The BL is viewed

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1 The equivalent of the Nigerian Law School in South Africa is the School for Legal Practice.

2 The development of legal training in Nigeria is

discussed in detail in C.O. Okonkwo, "A Historical Overview of the Legal Profession in Nigeria" in I.A. Ayua and D.A. Guobadia (Eds.) *Legal Education for Twenty-first Century Nigeria* (Lagos: Nigerian Institute of Advanced Legal Studies, 2000) pp.1-37.

3 Campuses are located in Abuja in the north-central, Kano in the north-west, Enugu in the south-east and Lagos in the south-west.

4 BL stands for Barrister-at-Law.

socially as the minimum demonstration of competence in Law, whether or not a person intends to practice. Indeed, employers prefer to see the one-year legal practice course at the Nigerian Law School as the final year of the LL.B. These factors, in addition to the traditionally acknowledged roles of law in developing societies, make it imperative that legal education is made more comprehensive, relevant and responsive to changing situations. A key vehicle for achieving this is clinical legal education.

This paper starts by discussing ways in which the current teaching system at the Nigerian Law School reflects a clinical approach. Issues examined include classroom participation, court and law office attachment, law dinners, moot court and other practice week activities. Certain issues are problematised and options for improving clinical teaching methods for large multicultural classes are proffered. Central to the options proffered is a project management approach where, for instance, students do not just participate in a moot court session, but the class *executes a moot court project*. This means that every stage of the project is constructed as a distinct, but integral exercise in which students need to develop competencies. This would create the opportunity for students to develop 'extended' lawyering skills of project management, reporting and evaluation in addition to the already established skills of research, interviewing, counselling, negotiation, advocacy and so on, much in the same way as medical doctors in training are involved in public health projects, within which they practice community medicine. Clinical projects would as much as possible, accommodate personal skills preferences, while methods of assessment suited to each area of competence would be developed and applied as part of the overall assessment of students' performance.

In the paper, the term "Law School" is used to refer to the Nigerian Law School, while "Law Faculty" is used to describe the Faculty of Law located in the Universities.

### Current Teaching Methods<sup>5</sup>

In addition to lectures, a number of learning methods are incorporated into the Law School calendar as co-curricula activities. These do not form part of the assessment for the overall performance of students, as this is determined solely by performance in the bar examinations.

#### Lectures

At each campus of the Law School, the class is made up of the entire student body. This means that all the students are in class at once. Currently, student population oscillates between 500 in the smallest Campus and approximately 1,500 in the largest Campus.<sup>6</sup> Lectures are held for students in a large auditorium on each campus, and lecturers deliver lectures using audio-visual equipment which include a microphone and a multimedia system. Each course is taught four hours a week, with one hour allotted to each lecture four days in the week. The large class size presents a major challenge to optimal student-participation. Lecturers are constantly devising interactive methods to fit into the limited time-allocation for each class.<sup>7</sup>

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5 Some of these methods are briefly discussed in P. C. Anaekwe, "Vocational Aspects of Legal Training: Critique of the Content and Scope of the Law School Curriculum" in I.A. Ayua and D.A. Guobadia (Eds.) op. cit. at 99-101.

6 The only exception to the extra-large class number is the preliminary Bar Part 1 Course which LL.B.

graduates of non-Nigerian universities take before proceeding to the Bar final course, which tends to have an average of 100 students.

7 More is said on this under "Classroom Participation" in the section on *Deconstructing Current Teaching Methods*.

### *Moot Court*

Two scenarios are created, one for the criminal mock trial and the other for the civil moot court. An auditioning is conducted to select students suited to play particular roles. Typically, for one moot court session, participants are trimmed down from about one hundred students who may indicate interest, to about twenty, who actually end up playing roles. Of these twenty, about eight appear as counsel, four on either side, two feature as court clerks, while the remaining eight is made up of witnesses on both sides. In the course of rehearsals and before final selection, another ten may have been exposed to research, case preparation and advocacy skills. Many other students watch the rehearsals.

### *Court attachment*

For a period ranging from two to five weeks, students are posted to various courts across the country to observe court proceedings. In this exercise, students are attached to specific judges or magistrates who usually assume the responsibility of reviewing court proceedings with students at the end of each day's sitting, or periodically. This exercise serves as a prelude to more sustained court attendance which follows during the Law office attachment.

### *Law office attachment*

Students are posted to various law offices across the country, where they intern for a period of about two months. This usually comes immediately after the court attachment, and the entire exercise is known as court and law office attachment. In a dual session, that is in an academic year when the Law School runs two alternate sessions, the two exercises are split over two terms. This is because the two sets of students enrolled at the Law School within a given year alternate in terms of residence on campus, making it necessary to separate the court and law office attachment periods instead of conducting them back-to-back.

### *Tutorials<sup>8</sup>*

The class is divided into five smaller groups of about 55 students each for tutorials. In this way, the five tutorial classrooms accommodate about 275 students in total. The other 425 to 525 students (depending on the size of enrolments in a particular session) receive tutorials in the auditorium. This arrangement is alternated every other week to give the auditorium group the benefit of learning in the smaller classes. The tutorial period is one hour of answering problem questions, which usually comes up between 3pm and 4.30pm. Tutorials usually start in the second term of lectures.

### *Legal Skills Video Screening*

A set of video tapes on various aspects of legal practice are shown to students during the practice week. Students are divided into smaller groups for this purpose and the legal skills video tapes produced for the English Bar are used. Subjects covered include interviewing skills, advocacy skills and negotiating skills.

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<sup>8</sup> The information on tutorials given here is based on the system at the Enugu Campus. Each Campus organises tutorial classes to fit into its facilities.

### *Guest Lectures*

In the course of the academic session, lawyers in various fields of practice are invited to speak to the students on different areas of expertise. Guest lecturers are drawn from a variety of sectors, institutions and disciplines. These include the Corporate Affairs Commission, the Securities and Exchange Commission, the energy and petroleum industry, information technology, alternative dispute resolution and so on. Occasionally, lawyers visiting from other countries or from diplomatic missions within the country are involved.

### *Practice Week*

The practice week is a period lasting from Monday to Friday, when various activities with a focus on legal practice are held. It is in the practice week that the moot court, legal skills video screening and certain guest lectures are held. These include lectures on the Criminal Code, the Penal Code, alternative dispute resolution and information technology in law. The practice week usually comes up in the second lecture term.

### *Law Dinners*

Twice in the session, students participate in law dinners on campus. Dinners are held over a period of three to five days, depending on the size of the student population on each Campus. Students are divided into groups of 150 to 200, and each group dines on one of the dinner days.<sup>9</sup> Dinner guests are usually made up of Judges, senior practitioners, and distinguished academics. Lawyers on the staff of the Law School attend and are assigned to dine on different days. The dinner usually ends with a brief address by one of the visiting jurists on aspects of professional ethics and lawyers' role in society.

Applying the experiential learning classification to the practical teaching methods discussed in this section, the moot court would fit into simulations, while the court and law office attachment would be categorised as forms of externship.<sup>10</sup>

## **Deconstructing Current Teaching Methods**

In this section, a constructive critique of the teaching methods described above is done. The purpose is to highlight certain dynamics of Law School teaching that can be positively directed to shape and facilitate a more effective learning framework. The subject matter of this section is treated under three broad heads, namely, academic, vocational or co-curricula and administrative.

### *Academic*

#### *Classroom Participation*

As earlier mentioned, the class size is as high as the campus student population, a situation which severely limits participation. Each lecturer is tasked with devising creative methods of promoting student participation in lectures. One way is to throw a session open to random participation. Often, when this method is applied, only a handful of students tend to participate. From students'

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<sup>9</sup> This is the practice at the Enugu Campus.

<sup>10</sup> See D.F. Chavkin, *Clinical Legal Education: A Textbook for Law School Clinical Programs* (Cincinnati: Anderson Publishing Co. 2002) pp.4-5.

point of view, it takes courage to ‘march up’ to the podium and use the microphone to ask a question, proffer an answer or make a contribution before hundreds of their peers. While the few who summon this courage tend to get more confident with repeated attempts, the staggering majority remains passive. Alternatively, or in addition, the lecturer may decide to walk down the aisles, talk show-style, offering the cordless microphone to those who indicate that they wish to speak. This tends to generate responses from more students and especially from those who would not ordinarily stand and face the class. Since they speak while seated in their regular seats, and out of view of the majority of the class, a large chunk of the nervous response to crowd engagement is removed. The reasoning seems to be: *after all, they can only disagree with my voice, not with me!*

Another option is a phased participation. Here, the lecturer rotates between distinct blocs of students according to their seating arrangement. The auditorium is divided into blocs, each made up of several rows by criss-crossing aisles. Each row is made up of four connected chairs. The key facilitating factor in the phased method is that seating arrangement is permanent. This makes it possible to continue from where the class stopped the last time. While the bloc of students who participated in the last class can often safely assume that they are ‘off-the-hook’, it is not known which bloc will be next, as there is no particular sequence. This promotes a more evenly spread participation, and it serves to get many more students to prepare for the class.

Other factors that affect classroom participation are evaluation mechanisms such as needs assessments. When a needs assessment survey was mooted in the Legal Drafting and Conveyancing class in July 2006, there was an overwhelmingly enthusiastic response from students. All were keen to indicate what two topics in the course they found most challenging. The results of the survey clearly confirmed the assumptions of the lecturers in the course, even though this kind of survey had not been done with this class before. It was striking how students readily responded when faced with a motivation that was directed at identifying and strengthening their areas of weakness, rather than testing their strong points endlessly.

The dynamics of classroom participation are further affected by the context created or assumed by illustrations used in teaching, especially in multicultural classes. These illustrations could be names, imagery, terminologies used in problem questions, simulations and so on. For instance, it is very common to use examples from large commercial centres to illustrate commercial transactions in teaching. Such cities may have the largest single component group in the class, but would often not outnumber the total of all the other students. For example, the status of Lagos as the commercial capital and formerly the political capital of Nigeria, as well as the sole location of the Nigerian Law School for over thirty years, made it a very handy teacher’s tool in illustrating commercial transactions. Where an illustration was made using streets and areas in Lagos, a section of the class could identify, but where names peculiar to another part of the country, was used, it drew contributions from a different set of students. These students may not have been conversant with Lagos and may have no plans of practising there as lawyers.

The nuances of classroom interaction highlighted in this section and tabulated below are indicative of the internal dynamics which teachers of large multicultural classes expect to engage with and adapt to clinical forms of legal education. Multiculturalism does present a platform for the exercise of creativity and innovation in the clinical teaching of law. A recent catalyst in this respect came by way of intensive clinical teacher training workshops involving all lecturers of the Nigerian Law

School.<sup>11</sup> In this way, a long dormant potential is being stirred up at an institutional level, a development which can only be advantageous for the future of legal education in Nigeria.

*Table 1: Class dynamics*

| <i>Element/ Activity</i> | <i>Challenge</i>   |
|--------------------------|--------------------|
| Size                     | Participation      |
| Diversity                | Identification     |
| Multi-campus structure   | Uniform curriculum |

### *Assignments*

Administering regular assignments is often not feasible with a large class. Still, it is important to have a means of assessing students' understanding of concepts and application of principles. Assignments can be given in general to the whole class. Alternatively, parts of one broad assignment or different assignments can be given to different blocs of students, in which case there would be group presentation of assignments. With the emphasis on producing 'internet ready' lawyers, lecturers are now required to create assignments that require students to search for resources on the internet.<sup>12</sup> The fact that students are all in class or out of class at the same time means that there is pressure on the limited number of computers at certain times of the day. With a computer-student ratio of about 1:40, it is imperative that assignments are structured in a way that some members of the class, at least, are able to attempt them, given the infrastructural limitations. One way of doing this is to give simple assignments, one at a time, not to the whole class, but to groups of students, determined either by classroom blocs or tutorial groups or some other workable classification model. A more involving assignment, suitable for the whole class, could be given at the end of the term as a holiday assignment.

The academic activities described so far are complemented by vocational exercises, which are examined next.

### *Vocational or Co-curricula Activities*

#### *Practice Week Activities*

One week in the ten-month academic calendar is designated as practice week and scheduled for vocational learning activities, earlier mentioned. The highlight of the practice week is the moot court. A mock criminal trial and a civil moot court are usually held. The process leading up to this starts with a compilation of the names of students who indicate an interest in participating in the exercise. A scenario is created and given to students who sign up. Students decide whether they want to be in the prosecuting team or the defence team of lawyers. Facts need not be based on a real life case, but are generally reflective of current societal realities. The trial is conducted using real laws, and a serving judge of the High Court presides and delivers judgment at the end.

While the emphasis in the moot court is primarily on developing trial advocacy skills, research

11 In May 2007, a series of workshops were held in Abuja, Nigeria for all lecturers of the Nigerian Law School, featuring notable trainers, Professors David McQuoid Mason and Richard Grimes.

12 This trend is facilitated by the completion of state-of-the-art internet facilities provided on each of the four Campuses by the UK Department for International Development.

skills are also sharpened as students prepare their respective cases. Still, Criminal Procedure and Civil Procedure are only two out of six subjects taught at the Law School. It is possible to extend the scope of the moot court scenario to incorporate issues that would serve to test skills learned from other courses. For example, a civil trial scenario could be drawn up around a company transaction in way that brings in elements of company law and legal drafting. An unauthorised property purchase on behalf of a company, for instance, will call into play documents such as the memorandum and articles of association of the company as well as relevant conveyancing documents. This then creates the opportunity for students to apply knowledge and skills gained from those courses.

The legal skills video tapes screened during the practice week cover core skills of trial advocacy and alternative dispute resolution. Tapes produced by the Inns-of-court in England are used. These cover client counselling, cross-examination, address, and negotiation. A learn-by-watching approach is complemented by discussion during breaks in each video session. The video screening provides a very useful platform for tying down many of the principles learnt in class to a particular set of facts. With the tutoring given by the judge in the tapes, students begin to identify some strengths and weaknesses in the performance of lawyers. Nevertheless, socio-cultural divergences, as well as differences pertaining to jurisdiction often show up when materials produced primarily for a specific jurisdiction are used in another. Contextualisation of training tapes to the jurisdiction within which they are to be used will no doubt make the learning experience even more effective.

#### *Court and Law Office Attachment*

In this exercise, students choose the city, but not the court, in which to serve the attachment. Timing is essential to this process. Usually, court attachment is carried out in the middle of the legal year, when courts are in active session. In a dual session, as was the case in 2006 and again in 2007, the timing for the court attachment may not always fit into the peak court season. If an attachment period falls at the beginning or end of a court vacation, students' opportunity to learn from court proceedings may be severely limited. Where this is the case however, the lack of consistency in court sittings is usually made up for during the law office attachment period which presents a lengthier opportunity for court attendance.

Law office attachment is carried out in an assortment of Law firms across the country. A list of accredited Law offices is maintained for this purpose. The degree of exposure to legal practice experienced by students during the Law office attachment depends significantly on the understanding and commitment of the principal lawyers in the firm to clinical training. With repeated hosting of interns over time, firms tend to create a definite programme of involvement for them. Law office attachment supervision experience has shown that the versatility of the practice in a firm impacts on how much students are able to learn. Further, the timing of the law office attachment exercise, usually just before the last term, which is also the examination term, engenders a contest between studying and practical learning. Quite often, students opt out of court attendance and other activities to focus on studying for the impending bar examinations.<sup>13</sup> This problem would be avoided if, for instance, the Law Office attachment exercise took place during a less-contested period, such as after the bar examinations but before the release of results. That way, students are more open to attending court for the purpose of learning. Alternatively, the exercise

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<sup>13</sup> Anaekwe, op. cit. at 100-1 also mentions this challenge.

can come up earlier in the session. Supervision is key to the success of the externship, as this would ensure that host firms are active partners in meeting the clinical legal education goals of the process. Further, the supervision exercise this presents a priceless opportunity for supervising staff to interact more closely with principals of host firms, most of whom are senior alumni of the Nigerian Law School. More is said on this in the section on *developing an alumni funding base*.

#### *Law Dinners*

The inculcation of professional values is a key goal of clinical legal education.<sup>14</sup> The law dinner provides an opportunity for students to meet jurists whose textbooks, judgments and arguments they must have read in the LL.B programme. It is an occasion which students attend with *great* expectations, dressed in their best. This very fact makes this occasion a powerful tool in clinical legal education. Relieved from the tedium of lectures and tutorials, and mellowed by the special cuisine, students listen to an after dinner speech presented by one of the visiting jurists. Typically, such a speech would last for about ten minutes and takes varying forms such as an address on ethical conduct, an anecdote or a reflection on legal practice development. Because students are delighted to be in the presence of jurists whom they revere, it is an occasion that could be better used to draw their attention to topical issues within a law-in-development context. Clinical legal education is no doubt about securing students' attention as much as it is about making good use of the attention when secured. The law dinner presents an excellent opportunity for directing students' attention purposefully where it is most needed in a society in transition – to issues of social justice, promoting the rule of law, increasing access to justice, legislative advocacy and a contextualised use of law for development. The thrust of the after-dinner speech should be discussed and concluded with a confirmed dinner speaker early on. The two dinners per set of students can be co-ordinated to ensure that the address at the second dinner is not a repetition of the first. Currently, the potential of the law dinner, as a tool of clinical legal education is largely unexplored. In many ways, it has become a formality, a mysterious rite of initiation into the legal profession, when it has the capacity to be a social justice catalyst and more. The limitations of certain co-curricula activities are shown in table 2

*Table 2: Limitations of co-curricula activities*

| <i>Activity</i>                 | <i>Limitation</i>       |
|---------------------------------|-------------------------|
| Moot Court                      | Few Roles in simulation |
| Court and Law office attachment | Observing not doing     |
| Law Dinner                      | Underutilised           |

The next section describes some administrative steps that need to be taken to support the development of clinical forms of legal education.

<sup>14</sup> P.A. Joy, "Law Students in Court: Providing Access to Justice" in *Issues of Democracy* (Electronic Journal of the U.S. Department of State, August 2004) at 19.



### ***Administrative Support Framework***

#### *Clinical Resources Unit*

It is important that a specific unit is given the responsibility for co-ordinating training resources.<sup>15</sup> This is even more important in institutions where a bureaucratic tradition is entrenched. The clinical resources unit proposed would be responsible for contributing to the development of clinical legal education methods, providing training and support, maintaining and managing audio visuals and other clinical legal education resources and materials. This point is clearly brought out in the report of the pioneering clinical legal education work of the Network of University Legal Aid Institutions (NULAI) Nigeria.<sup>16</sup>

#### *Alumni Funding base*

Any effort to address the challenges of training large classes of candidates for the bar requires a multiplied input of resources, not just once-off, but on an ongoing basis. Government allocations for this are not only inadequate, but may not always be desirable, in the interests of maintaining the integrity of the process of training professionals who staff the judicial arm of government in a country in transition. Alternative long-term sources of funding need to be developed. In this context, it is important to explore an income base that is successfully tapped in places with advanced educational traditions, namely, alumni giving. Every institution of learning, over time, accumulates a large body of alumni. In this respect the Law School occupies an advantageous position, in that virtually all lawyers who qualified to practice Law in Nigeria since the early 1970s are alumni of the institution. After graduating from the University with the LL.B, practically all law graduates proceed to the Law School immediately, or at least queue up to enrol at the institution. Thus, it would be safe to say that all lawyers in Nigeria with about 35 years post-call qualification attended the same ‘finishing school’. Stories of Law School experiences are frequently exchanged in courtroom banter across the country, in lawyers’ meetings and Bar conferences, as lawyers reminisce over the final stage of their legal training. Strangely enough, the Law School does not return this compliment of remembering its past students, although it could do so in many beneficial ways.

For starters, a database of Law School alumni could be created, using the last known contact address of each past student. This would then be updated on an ongoing basis from the records of the Nigerian Bar Association (NBA) secretariat which would usually have more current information on practising lawyers. Secondly and not necessarily in that order, an Alumni Fund could be created and a strategy developed for planned alumni giving to the Law School. Some basic research on the donor attitudes of lawyers will be required, and in this regard, a survey can be carried out in conjunction with the NBA. This survey could be conducted by Law school staff when they go on supervision of students on Law office attachment. Developing an alumni funding base would take healthy advantage of the competitive tendencies that already exist among legal practitioners, while promoting ongoing interaction between practising lawyers, law teachers and

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15 Anaekwe, op. cit. at 101, makes reference to the absence of teaching aids and the lack of resources to acquire them.

16 See E. Ojukwu, “Developments Towards

Introducing Clinical Legal Education in Nigeria” in Network of University Legal Aid Institutions (NULAI) Nigeria 2004-2006 Activities Report. (Abuja: NULAI Nigeria, 2007) p.7.

students. Useful attention has been drawn to “the rich traditions of giving in multicultural contexts in different parts of the world.”<sup>17</sup>

### Constructing a Multi-skill Clinical Legal Education Approach

Clinical legal education is about learning how to practice law, in the twin sense of learning lawyering skills and professional values, while attending to clients’ legal needs.<sup>18</sup> As such, it should prepare law students for as many different facets of practice as possible. One of these facets is practice that is conducted through the nonprofit organization, whether the character of the practice is described as public interest law, activism, NGO advocacy and so on. Alongside career options in conventional legal practice, government and business, the position of the nonprofit sector as an employer of lawyers is increasing.<sup>19</sup> Often there are partnerships between nonprofit sector lawyers, government lawyers and lawyers in private practice, usually on issues of social justice.<sup>20</sup>

To accommodate these forms of legal practice which meet a critical need in transition countries like Nigeria, a reconfiguration of current legal training methods is proposed. The aim is to create room for greater student involvement in training processes in a way that gives them the opportunity of learning new skills. For example, a moot court competition is essentially designed to teach students trial advocacy skills. In this court room simulation exercise, students are involved primarily as counsel, witnesses and court clerks. It is possible, however, to optimise this exercise by getting students involved in the conceptualisation, design, planning and execution of the moot court exercise. This exercise would be part simulation and part real life. Thus, instead of being limited to participation in courtroom simulation, students would be required to *execute a moot court project*.

The project proposed will involve, at least six distinct activities. First is the establishing of a nonprofit legal aid entity or law service known, for purposes of this illustration, as the Clinical Law League (the League). Secondly, a litigation fund through which the activities of the League will be funded would have to be set up. Next, a client’s interview and counselling session in respect of a particular case referred to the League is conducted. At the fourth stage, case analysis and legal opinions are prepared, then comes the trial, and finally, the reporting. The six stages are discussed briefly.

### Establishing a Nonprofit

At this stage, participants in this section would have to do the necessary solicitor-client consultation, assemble the relevant information and prepare documents for the registration of a nonprofit association under the relevant section of the law.<sup>21</sup> In this exercise, students apply interviewing, advising, research and drafting skills. This is perhaps the other side of the coin to

17 D. Everatt et al, “Patterns of Giving in South Africa” in *Voluntas: International Journal of Voluntary and Nonprofit Organizations* Vol.16, No.3, September 2005, p. 275 at 277.

18 Joy, loc. cit.

19 The LL.B programme brochure of the University of Cape Town mentions the demand for law graduates in organisations such as Legal Resources Centre, Lawyers for Human Rights and Women’s Legal

Centre. See online version ‘Practising Law in South Africa’ at [www.law.uct.ac.za](http://www.law.uct.ac.za).

20 See for instance, the profile of the Human Rights Law Service (HURILAWS) Nigeria [www.hurilaws.org](http://www.hurilaws.org) as well as the Constitutional Rights Project (CRP) [www.crp-nigeria.org](http://www.crp-nigeria.org).

21 In Nigeria, this is done under the Companies and Allied Matters Act 1990, Part C.

Joy's suggestion of externships in nongovernmental organisations and government funded programs in countries where this would be a more feasible option than in-house clinics.<sup>22</sup> However, this is not only about gaining legal practice experience through an NGO, but about doing the legal work necessary to set up an NGO. At this stage, the clients are the law students who want to set up a public interest law service.

### *Public Interest Advocacy*

This will involve both oral and written (non-trial) advocacy articulating the mission of the League and the ways in which this mission will be pursued, including the place of litigation in the achievement of the goals of the League. This will also require the writing of a proposal, motivating contribution and support for the Fund from prospective donors and supporters. The proposal will include a budget for the different services involved in case management, including a determination and description of a billing system. This way, law students have an opportunity to reactivate their quantitative aptitude, which is often laid down at the door of legal studies, but which becomes an imperative at the onset of practice. Moreover, it is important to keep track of the actual or potential economic value of services that are rendered through clinical law practice to demonstrate its usefulness. Since this phase of the project has oral and written components, it creates the opportunity for students to develop skills in proposal writing, budgeting, billing, public interest advocacy and fund raising. The importance of these "extended lawyering skills" in developing jurisdictions is reinforced by the pioneering experience of Nigeria's clinical legal educators, who recommend that "Faculty members of clinical programmes should be trained in fund raising and grant management skills."<sup>23</sup>

### *Client Interview and Counselling*

At this stage, the League is faced with a specific case, which has been brought directly to it by a client or referred from another source. Little imagination is required to generate a suitable scenario. Life in developing societies is characterised by daily tales of injustice at the personal, communal, institutional and other levels. Here, students apply the skills necessary for drawing out the facts of a matter from a client. These include the skills of active listening, effective questioning and appropriate counselling.<sup>24</sup>

### *Case Analysis and Legal Opinion*

The facts of the case may or may not be designed to make it eligible for support from the Fund. Students will also need to exercise research skills and skills of case analysis and consultation, after which a legal opinion is prepared and communicated to the relevant quarters, perhaps the Litigation Committee of the League or the referring agency as the case may be. Students' ability to analyse a case, determine what aspects of law are involved, advise on what primary course of action should be taken and articulate these in a written legal opinion will be tested and further developed at this stage.

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22 Joy, *op. cit.* at 22.

23 Ojukwu, *op. cit.* at 8.

24 These communication skills are described in detail in P. Lisnek, *Lawyer's Handbook for Interview and Counselling* (St. Paul, Minn.: West Publishing Co., 1991), Chapter 3.

### The Trial

This presents the conventional setting for the demonstration of advocacy skills backed by research skills. These include the ability to conduct effective examination-in-chief, cross-examination, re-examination, present an address and so on. This is a traditional focus of clinical legal education, and does not require much description at this point.

### Reporting

At the end of the trial, students are expected to write a report for several purposes, including briefing the instructing body such as the Litigation Committee. The report will also be published in the annual report of the League which should be made available to donors to the Litigation Fund. The client should also receive a suitable variant of this report. It would also be appropriate at this stage to prepare a final bill or case account, which may be incorporated as part of the report or presented separately.

### Strategy

The project-type approach proposed may be done by the Law Faculties or at the Law School, or both. The project will be phased over the session, to be completed before the examination term commences. A different group of students will be involved at each stage in a relay-type progression, which should, as much as possible, accommodate students' preferences. It is important for students to begin early on to identify their preferred tasks in the legal practice continuum and develop them, as this contributes to their effectiveness in making suitable career choices in the future.<sup>25</sup>

A number of distinct projects can run concurrently to ensure that all students participate. Assessment is done as the project unfolds, and scores are recorded either as part of sessional results or for purposes of recognition and award of prizes or both. However, since the focus is not merely on the end result, but on the learning that takes place in the process, assessment should be designed accordingly. As Chavkin points out, "*Instead of looking at whether you won or lost, we will be looking at the process you used to assist your clients.*"<sup>26</sup>

The early stages of establishing a nonprofit organisation, setting up a litigation fund and engaging in public interest advocacy jointly create a social justice ideological framework or point of reference for the client counselling and moot court proceedings that follow.<sup>27</sup> With the unfolding of a consistent story line, the project may take on the appearance of a legal soap opera, albeit with timelines. While this may have its appeal for securing lively participation from students, the phased system also lends itself to termination at the end of any phase if necessary. A new set of facts altogether could then be introduced if desired. The variations that may be made to the project approach seem almost limitless.

The co-ordinators of clinical programs will work out which aspects of the project can accommodate real life activity and which to simulate. The fact that clinical legal education methods need not be boxed into a specific mould is captured by the observation that "*some form of clinical legal education is possible in every country wishing to involve law students in providing access to justice.*"<sup>28</sup>

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25 Chavkin, *op. cit.* at 155-64, discusses this all-important subject as 'developing a theory of ourselves'.

26 *Ibid.* at 20.

27 A tabular representation of the multi-skill project proposed here is shown below.

28 Joy, *op. cit.* at 22.

Table 3: Phased multi-skill project proposal

| Activity                             | Key Skills                                      | Character                               | Team |
|--------------------------------------|---|---|------|
| Registering a non-profit law service | Interviewing (the client) research and drafting | First time real, subsequently simulated | A    |
| Public interest advocacy             | Proposal writing, non-trial advocacy            | Real and simulated                      | B    |
| Client interview                     | Interviewing and counselling                    | Real or simulated                       | C    |
| Case analysis                        | Research, analytical, writing                   | Real or simulated                       | D    |
| Mock trial                           | Trial advocacy                                  | Simulated                               | E    |

## Conclusion

With the relative stabilisation of civilian governance in Nigeria and the accompanying economic and legal reforms, an enlarged marketplace for lawyers has grown, making it necessary to expand the complement of skills developed through legal education. In the context of a developing society like Nigeria, this may require a reconstruction of clinical legal education to create the settings necessary for growing these skills. The demand for legal training, which has always been disproportionately high, is increasing, placing immense pressure on the legal education system, made up of the Faculties of Law and the Nigerian Law School, a phenomenon that has been described as no less than a ‘national problem’.<sup>29</sup>

The time spent at the Nigerian Law School is short, fragmented and fully apportioned. Consequently, the continuity required for running conventional law clinics may not be easily accommodated in the regular Law School calendar. The prospects seem more promising in the Law Faculties, where students spend five years in the LL.B programme.<sup>30</sup> Yet the Law School is the only stage of legal training which presents a uniform opportunity for the reinforcement of the clinical legal education ethos to prospective legal practitioners. The key need at the Law School stage of legal training is to advance a clinical legal education that ties together the threads of experience garnered by students through the law clinics and other forms of legal training administered by various Law Faculties.

Although current teaching methods are designed to secure a practical component to the Law School programme, these methods can be restructured to offer more than they are currently able to. For example, it would be more effective to contextualise legal skills training resources, like video tapes, to local jurisdictions, using local characters and settings. Court and Law office attachment could be more constructively supervised and the supervision exercise itself can be optimised to promote useful interaction between Law School teachers and practising alumni. The development of an alumni funding system presents itself as a sustainable supplement and

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<sup>29</sup> I.A. Ayua, “The Objectives of Legal Education in Nigeria” in I.A. Ayua and D.A Guobadia (Eds.) op. cit. at 43.

<sup>30</sup> See reports of pilot law clinics in Network of University Legal Aid Institutions (NULAI) Nigeria 2004-2006 Activities Report, pp.36-52.

alternative to government funding. The law dinner component constitutes an excellent platform for motivating and conscientising prospective lawyers on professional values, including the social justice role of their profession of choice.

Moot court events can be made more comprehensive and inclusive of other Law School courses. A project-type, as distinct from case-type approach may be used to create a more expansive field for the learning and application of a variety of lawyering skills. With regard to the key challenge of extra-large class sizes, a multiphase project approach complements a class grouping strategy for more effective inclusion and management of students. These observations are not intended to be exhaustive, but indicative of ways in which the Law School can become better positioned to offer 'finishing school' training, not in a superficial sense, but in the sense of anchoring the clinical legal education received in the Law Faculties to a social justice rubric.



