

Legal Education in Nigeria: Trends in Quality Assurance

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Abstract

Bearing in mind that the extent of the quality inserted into the input and process variables of an education system have far reaching implications on quality of its output; a system approach to quality assurance demands that dimensions of input, process and output should be taken seriously. It is in realization of this that this paper, which is a doctrinal research aims at evaluating the developments in the concept of quality assurance in relation to legal education system in Nigeria. In order to appreciate the trends, the processes of admitting applicants into law faculties of Nigerian universities; employment and promotion of law teachers; external examiners' system and accreditation process are examined. It is found that while quality assurance activities are being enhanced, improvements in the worth of graduates from the system is not, so far reputed to be consistent with the resources exerted to assure quality. These beckons for rejuvenation and strengthening of the momentum. Accordingly, recommendations are made for more collaborative efforts and improved material, financial and human resourcing between the regulatory agencies statutorily empowered to assure quality; and setting up of observatory on quality assurance. This is indispensable if we must ensure production of competent lawyers to meet the challenges of globalization.

Keywords: Legal-education, Quality-assurance, Accreditation, Nigeria.

Introduction

This paper assesses the trends in the concept of Quality Assurance (Q.A) with focus on Nigerian legal education system. In order to appreciate the trends, the paper appraises the processes of admitting candidates into law faculties of Nigerian universities; appointment and promotion of law teachers, external examiners' system and accreditation process. The paper establishes that while the Q.A activities are somewhat on the up and up, the improvement in the worth of graduates from the system is not really perfectly consistent with the resources put forth to assure quality. The paper concludes with suggestions that the momentum should be revitalized and strengthening; and that there should be more collaborative efforts to improve resourcing between the Council of Legal Education; the National Universities Commission and the Joint Admissions and Matriculation Board—the regulatory agencies that are statutorily empowered to assure quality of legal education.

History of Quality Assurance in Legal Education

The developmental history of Quality Assurance in legal education in Nigeria began in April 1959. That was when the government appointed a Committee on the future of the legal profession in the country, with the mandate *inter alia* “to consider and make recommendations for the future of the legal profession in Nigeria with particular regard to legal education and admission to practice”.

Fears were being expressed about the quality of legal education, because at that time there were no Nigerian institutions of higher learning offering law as a course of study. Thus, any Nigerian who aspired to practice law in the country had to be trained in the United Kingdom. But there were deficiencies in the English trained lawyers practicing in Nigeria, as among other things, a person could be qualified as a legal practitioner without knowing anything about Nigeria's customary law, and without offering any course on Nigerian legal systems, or any acquaintance with Nigerian local legislations. In addition, most of the lawyers were trained in the United Kingdom only as barristers, whereas on enrolment at the Supreme Court in Nigeria they were entitled to practice both as barristers and solicitors without any further training in respect of their deficiencies. It was therefore, not easy for them to render efficient service as legal practitioners.

As a result, the government setup the Committee which consisted of all the Regional Attorneys-General, the Solicitor-General of the Federation, the Legal Secretary of the then Southern Cameroon, six other distinguished legal practitioners and Mr. E.I.G. Unsworth QC the Attorney General of the Federation as the chairman. It was the report of the Committee that led to the establishment of the first

full fledged law faculty at the University of Nigeria, Nsukka in 1961; and in three other universities, namely, University of Lagos, University of Ife (now Obafemi Awolowo University, Ile-ife) and Ahmadu Bello University, Zaria by 1962. The report also led to the establishment of the Council of Legal Education; and the Nigerian Law School in 1962. For detailed history of legal education in Nigeria, see: (Okonkwo, 2000: 1-37); (Oba, 2007: 14-38); (Egbewole and Yusuf, 2010: 357); (Arewa, 2010: 395, 440); (Obilade, 2002: 271-272).

The Role of Accreditation in Quality Assurance

It is important to state from the outset that Quality Assurance is not synonymous with accreditation as it may be erroneously conceived. Accreditation can be broadly defined as a process leading to the granting of official approval to a law degree programme of a university, after meeting a set of minimum criteria or after a successful assessment exercise. It could also mean the process by which the quality and standard of law faculties are assessed. Quality Assurance on the other hand, and in relation to legal education system, is an umbrella concept for a host of activities that are designed to enhance the value of input, process and output of the legal education system. Okebukola (2010) defines quality assurance as a label for the process of ensuring fitness or suitability for purpose. Thus accreditation may be said to be one of the activities in quality assurance.

In Nigeria, two main national regulatory agencies are statutorily empowered to assure quality of legal education. These are the National Universities Commission and the Council of Legal Education (National Universities Commission Act: 1974), (Legal Education, Consolidation, etc, Act: 1992). Laws setting up Universities and the Nigerian Law School superintended by the two agencies also accord them concurrent powers to assure quality (University of Ilorin Act). Accreditation exercises by the NUC are based on the approved Minimum Academic Standards made pursuant to section 10 of the Education (National Minimum Standards and Establishment of Institutions) Act. Failure to comply with the standards are to be detected and “ made known to the proprietor who would...take appropriate steps to correct the deficiencies” while programmes which are not accredited are to be subjected to periodic visits to ensure that the deficiencies are rectified. Presently, the Council of Legal Education limits its involvements into the universities to conduct of periodic visitations and fixing of the quota of intakes by each law faculty. This is based on the availability of facilities and strength of the academic staff. But it also has the power to withdraw recognition from a law faculty that falls short of its standards (Legal Education, Consolidation, etc, Act: 1992).

Basics of Quality Assurance in Legal Education

Quality assurance, in relation to legal education is an all encompassing principle for multitude of undertakings patterned to enhance the value of input, process and output of legal education. It has been described as course of actions to ensure suitability for purpose (Okebukola: 2010). And it has components which are both internal and external to the law faculties. The internal components of quality assurance include the internal examination, academic and management audit system. A law faculty engage in these activities to be assured that it is on course to fulfilling its mission in terms of quality of input, process and output. External validation is also necessary in order to be sure that the law faculty is at par with others with same mission. Agents external to the faculties are players in external validation while the key activities are accreditation, periodic monitoring and evaluation by regulatory agencies, visitation panel and external institutional audit.

The processes of quality assurance examine the efficacy of the basics of teaching, learning and service activities of a law faculty. For instance, the quality of law graduates can be measured by how well they are being prepared to serve the society, and for meeting the challenges of legal practice. It can also be evaluated by finding out how efficient the law teachers are, and the adequacy of the facilities needed for learning. The efficacy of quality assurance may be known through supply of information to concern parties about the worth of legal education delivery system.

Dimensions of Quality Assurance

It has long been realized that the extent of excellence inserted into input and process variables of education, including legal education system, have far reaching implications on the quality of its output (Obanyan: 2004), (Oladosu: 2010: 147). In view of this, a system approach to quality assurance demands that dimensions of input, process and output should be focused on. The input segment includes students, teachers, facilities, curriculum, non-teaching staff, finance, instructional materials and other resources. As regards the process dimension emphasis is on teaching and learning methods, evaluation and examination, system of external moderation, internal efficiency *et cetera*, while the output includes a skilled, employable lawyers, responsible citizens/lawyers with positive change in behaviour. Dimensions of quality assurance in relation to Nigerian university's law faculties would now be described below in material details.

1. Input Dimension

a. Quality of Students

The quality of candidates aspiring to have legal education is a core element in the consideration of quality graduates. For candidates seeking admission through the Unified Tertiary Matriculation Examination (UTME) five 'O' level Credits, to include English Language and Literature-in-English in the Senior School Certificate Examinations (SSCE) is the minimum qualification for entry into the degree programmes in law. Candidates also sit for the UTME conducted by the Joint Admissions and Matriculation Board (JAMB) established by the JAMB Act in 1978. But apart from the "acceptable" minimum UTME score which is set as the national cut off point, universities are at liberty, and almost all have set higher marks for their law faculties, and using same for eligibility to sit for another set of tests referred to as post-UTME screening. At the University of Ilorin only candidates scoring 270 marks or higher out of 400 marks are eligible to sit for its post-UTME screening in its Common Law programme (www.unilorin.edu.ng/index.php/admissions). The quality of candidates finally admitted, which ultimately determines output, is based on the thoroughness of the conduct of the UTME and post-UTME. Indeed, it has been observed that since the post-UTME or Pre-admission screenings exercise began in UNILORIN, there has been a drop in the attrition rate after the first year. This is due principally to the admission criteria employed which has led to the choice of better qualified candidates (Ayorinde and Olasehinde-Williams 2010:304).

b. Quality of Law Teachers

In Nigerian law faculties, quality of the lecturers is addressed, first at the point of recruitment; and subsequently through evaluations for promotion and in-service training. The NUC's Approved National Minimum Academic Standards (Law) for Universities, which is made pursuant to section 10 of the Education (National Minimum Standards and Establishment of Institutions) Act 1985 prescribes the least qualifications for direct appointment; and conditions for career progression of law teachers from the position of an Assistant Lecturer through Senior Lecturership to the Professorial cadre. To be appointed as an Assistant Lecturer in a law faculty in Nigerian university, a candidate must hold a good Honours (Upper Division) Degree in law from a recognized institution; and must have been called as a Barrister and Solicitor of the Supreme Court of Nigeria. However, such new lecturers are usually confined to tutorials and students' assignments for the first two sessions of the appointment (NUC Approved MAS for Universities: 1989: 19). But to be appointed as a Lecturer II, the candidate must possess the qualification of an Assistant Lecturer, plus at least a Master Degree in Law. In addition to academic qualifications, individual universities through its Appointment and Promotion Committees have specified conditions, such as number, quality and proportions of publications in peer reviewed journals; administrative experience among others for academic progression (Chapter 9 of the Revised Regulations Governing Conditions of Service for Senior Staff, cited in the call circular for year 2020 promotions exercises for promotion of academic staff etc dated 18th May 2020). It must be added that, to further assured quality, most law faculties are now intensifying efforts towards arranging exchange programmes. Lecturers are being sponsored to learned conferences, seminars, retreats, and for higher degrees locally and internationally within the limits of the dwindling budget of the university.

c. Infrastructural Facilities

To assure quality, minimum standards have also been set for some basic infrastructural facilities within the law faculties. It is against these standards that the quality of facilities are assessed. For instance, it is required that a law faculty should be a separate and distinct complex, exclusively for law programmes; and the building should be provided with functional conveniences for staff, students and visitors. A law faculty is also required to have well furnished and electronically equipped classrooms, a separate law library which must be ICT compliant and fully supported with e-library. It should also have at least subscription to basic legal data bases such as Hein on line, West Law, Lexis-Lexis etc; sufficient law reports, current books and journals. The law library must be well spaced, enough to accommodate at least one-third of the projected ultimate students population; and be manned by a professional librarian with a university degree in Law. There must be a well-spaced and well equipped moot court room specifically designed to suit the purpose. There should also be tutorial rooms, student-common room, exclusive and well-equipped staff offices, as well as an auditorium that can accommodate the ultimate projected students population. However, hardly can any of the existing law faculties, both in the private and public universities boast of running a functional faculty of law in the light of these standards; or even relatively available facilities as to engender the dreamt quality legal education that would be relevant in the 21st century (Egbewole & Yusuff: 2010:372).

d. Curriculum

As part of the Minimum Academic Standard (MAS), a minimum content load is specified for the curriculum. These are the core courses that must be passed regardless of whether the student studies Common Law or combined Common and Islamic Law and; regardless of the university which the student attend in Nigeria. The MAS prescribes twelve compulsory core law courses, ten optional law courses, and seven non-law courses which “ may be so important in the life of a lawyer” as to be made compulsory for the five year law programme. The twelve compulsory core law courses are: i. Legal Method ii. Nigerian Legal System iii. Constitutional Law iv. Contract Law v. Criminal Law vi. Law of Torts vii. Commercial law viii. Law of Evidence ix. Land Law x. Law of Equity and Trusts xi. Company Law; and xii. Jurisprudence and Legal Theory. For those offering combined law at the University of Ilorin, the following courses, namely i. Introduction to Islamic Law ii. Islamic Constitutional Law iii. Islamic Law of Crimes and Torts iv. *Mu’ amalat* (i.e. Islamic Law of Transactions) v. Islamic Family Law vi. *Mirath & Wasiyyah* (i.e. Islamic Law of Intestate & Testate Succession vii. *Usul-Al fiqh* (i.e. Islamic Jurisprudence viii. Islamic International Law ix. *Mura’ faat* (i.e. Islamic Law of Evidence) x. Islamic Law of Banking v. Islamic Property and Company Law, are in addition compulsory law courses.

The ten optional law courses include i. Administrative Law ii. Family Law iii. Revenue Law iii. Industrial Law iv. Banking and Insurance Law v. Public International Law vi. Conflict of Laws vii. Introduction to Islamic Law viii. Conveyancing ix. Criminology x. Healthcare law. The seven compulsory non-law courses are i. Use of English ii. History & Philosophy of Science iii. Logic & Philosophic Thought iv. Nigerian People and Culture v. Introduction to Computer and Applications and vi. English Literature. There are also optional non-law courses and such other non-law courses as a law faculty may determine from time to time. Thus the list of optional law and non law course are left opened, with the expectation that the faculties will add to the minimum, with a view to further enriching their curriculum; and so that courses that are no longer relevant may be eliminated and new ones added in response to national and global developments.

However, the law curriculum at the moment does not seem to prepare the students to fittingly respond to the era of globalization. This is because, while the future of legal profession lies in international practice, Nigerian trial lawyers seem not to be suitably learned in the law of other countries even if allowed to practice there. Nigeria’ s legal education should therefore include such courses as comparative legal systems. The faculties should take steps to continually add to the minimum to further enrich their curriculum in response to national and global development. Taking advantage of this expectation, the University of Ilorin law faculty, has added courses such as Environmental Law; Alternative Disputes Resolution/Commercial Arbitration; Research Methodology and Field Work *et*

cetera. In addition, apart from a bit of acquaintance of Islamic law which the combined law graduates can boast of, other law graduates know near to nil of customary law and Islamic law apart from their “repugnant” aspects (Oba, 1999-2003), (Aguda: 1989: 249-266), (Tilley-Gyado, 1993-1995). Yet all lawyers have an unhindered rights of audience before the *Shari’ ah* and customary courts. It is undreamed of how a Nigerian lawyer who is ignorant of his own native laws and customs can be an instrument of social change.

e. Quality of Research Activities

It has been realized that in order to assure quality of legal education, there is the need to have competent law teachers that not only excel in quality teaching; but are also true legal researchers disposed to doing forefront research; and can stand tall among the best researchers in the world. To this end, most law faculties have, in addition to quality teaching, community service and administrative experience laid greater emphasis on the requirements of publications in reputable learned journals.

To assured quality of academic publications, strict guidelines are being adopted for assessing the quality and spread of such publications on the basis, for instance, that to be promoted to the rank of a Senior Lecturer, Reader and Professor respectively not less than 10, 20 and 30 per cent respectively of the publications must be in established foreign/international journals (UNILORIN: Call circular Ref. UIL/R/E/277/XIII, for Year 2020 promotion exercise for promotion of academic staff positions etc dated 18th May 2020). This is designed to ensure that law/academic research in Nigeria matches the highest standards. Egbewole and Yusuf (2010) have however noted, with dismay that research activities among vast majority of Nigerian law teachers are more towards theoretical or doctrinal researches. They are of the view, and rightly too, that most of their colleagues are more involved in mainly library-based research to the detriment of empirical legal research which the learned authors believe, citing Hadfield (2009:20) “are the hottest trend in legal scholarship” and more beneficial to the society at large because it looks into the implications of the law on the real world, rather than to just look at the theory.

Undeniably, most of the papers being refereed to by Egbewole and Yusuf (2010) are not insightful, methodical, and more often than not, are found irrelevant; and that is why, not even fellow academics rely on them. Also, relatively few courts and counsels, or even policy makers, legal or otherwise rely on such researches. Indeed, at the level of the Courts, academic papers are seldomly regarded as very relevant. Only a naïve counsel would goof to refer to findings in academic journal articles at oral arguments. In addition, only a few law scholarship serves meaningful teaching instructional or pedagogical use when it come to teaching law students, as most of the lecturers are so obsessed in their own academic pursuits that they are more often than not unconcerned with students’ instructional needs.

2. Process Dimension

a. Teaching Methods

To make teaching and learning experience yield the expected results several approaches to teaching are now being adopted in most law faculties. Formally, teaching used to be principally by the lectures method, whereby the teacher talks or delivers a predetermined body of knowledge to his students, while the students listen and jot down points or take notes. The teacher entertained questions either to emphasize or make certain points clearer. However, in realization that this method was more teacher centred, most law faculties have, over the years made conscious efforts to whittle down the method.

The trend in the law faculty of the University of Ilorin lean towards the discussion-interactive method, which is in contrast with the lectures method. This is students centred approach in which the students actively participate in teaching-learning activities. It is a “do it yourself” approach in which the class is arranged into small or large groups for discussions and presentations on a pre-determined topic. Moot and mock trials as well as tutorials are now more than ever before being emphasized, so that as much as practicable, the students are actively involved while the teacher remains the “chairman”. However, transactions in classrooms, moot and mock trials are hardly subjected to direct quality check, while

teaching/learning is only assessed indirectly through student' s assessments of their lecturers and the performance of students at the end of the course.

b. Examination/External Moderation System

In line with the minimum academic standards, the system of examinations/course unit system is the most widely used course evaluation methods adopted by all law faculties in Nigeria. This is as opposed to the English traditional method of lectures/tutorials with sessional examinations and in which the fate of the learners is determined by a single examination. In addition, the system of Continuous Assessment of Students through occasional written tests and/or term papers to be allocated between 30%-40% of the total grading in each course is the trend (Chukkol 2000: 63). The immediate advantage of this system is that it makes students to work continuously hard throughout the session. This is because their fate is not determined by a single examination taken at the end of the session, as they are required to take at least two examinations in a session. Added to these are the continuous class works and assignments given to them during each of the semester. At University of Ilorin, it is a requirement that continuous assessment forms at least 30% of the total scores in each subject of study.

In addition, since the 2009/2010 academic session, the Cumulative Grade Point Average (CGPA) of 1.5 has been laid down as a minimum requirement for good standing and award of Degree at the law faculty of university of Ilorin. This has effectively abolished the Pass degree. Students who have insufficient credit earned or lower than the designated GPA are advised to withdraw from the faculty. And in line with the MAS documents all question papers and examination scripts of final year students are externally moderated.

3. Output Dimensions

The output dimension of quality assurance has to do with the results or consequences of the input and process dimensions. The output dimension include skilled and employable law graduates, responsible citizens/lawyers with positive change in behavior; and of course ability to conduct excellent advanced research in law. This paper however focuses on what has been put in place to elevate the quality assurance profile of these outputs.

Skilled/Employable Lawyers and the Relevance of Continuous Legal Education

The legal profession has come to appreciate the value of refreshers' programme, otherwise referred to as the Mandatory Continuous Legal Education (MCLE), or Continuing Professional Development Program (CPDP). This has been instituted throughout the career of a member of the legal profession in order to further assure quality and professional competence. Thus, by virtue of rules 15 (a) and 7(1) of the MCLE Rules, 2008 made pursuant to Rule 11 of the Rules of Professional Conduct for Legal Practitioner 2007 it is now required of all lawyers-whether academics or in active legal practice to subject themselves to Mandatory Continuous Legal Education.

The compulsory refreshers program is essentially a post-call orientation, organized by the Nigerian Bar Association (NBA), International Bar Association (IBA), the Continuous Legal Education Association of Nigeria (CLEAN); and other professional bodies and legal entities such as the National Human Rights Commission and the Legal Aids Council (LAC) *et cetera*. It is done in the forms of lectures, conferences, workshop, seminars, presentations of valuable information on legal profession, consistent study and assimilation of case laws, law reports, magazines and new legislations at all aspects and levels.

To assure quality, Rule 7(2) of the MCLE Rule requires that, for a lawyer to be entitled to teach any law course and in any recognize law faculty or at the Nigerian Law School, whether as full-time or as a part-time law lecturer after the commencement of the rules, he must obtain a certificate from the Institute of Continue Legal Education (ICLE). This is after completing a basic course on law teaching skills totaling at least 24 hours of instruction. The course covers such topics as curriculum development, clinical legal education, teaching methods, assessment methods, and ethics for law teachers. Rule 7(1) provides that to be entitled to practice law before any court or tribunal as a legal practitioner, every person enrolled to

practice in Nigeria after the commencement of the rules must obtain a certificate from the ICLE established by the NBA after completing a basic course on trial advocacy totaling at least 24 hours of instruction. In addition to the requirements above, every lawyer enrolled in Nigeria is required to complete 30 hours of mandatory CLE activities during every two-year reporting period, while every Senior Advocate and Benchers must complete 24 hours of mandatory continuous legal education during every three-year reporting period.

The standard by which participants of continuous legal education are being assessed takes the form of credit rating by which attendance at specific programmes gives a lawyer an edge over a colleague who has not attended any program within the reporting year. In addition to these, lawyers have to learn, not just from themselves, but also from other professionals such as medical-practitioners; the clerics, educationist, political scientists, historians and the sociologists. to mention but a few, since there is the need for lawyers to be knowledgeable from a broader background to practice law (Solanke:1997: 45, 63), (Oba 2007: 35).

b. Responsible Citizens/Lawyers with Positive Change in Behaviour

To further assure the quality of the output of legal education, a number of ethical codes or rules of professional conduct has been laid down. For instance, a legal practitioner is under section 9 of the Legal Practitioners Act to exercise professional competence. He is not immune from liability for damage attributable to his negligence while acting in his capacity as a legal practitioner. And any agreement purporting to exclude or limit his liability is of no consequence. Rule 4 of the Rule of Professional Conduct requires a legal practitioner to *be candid and fair* as the court is entitled to rely on his assistance in ascertaining the truth of any matter. As an officer in the temple of justice, a legal practitioner must make the fullest disclosure of evidence, even where such disclosure will be adverse to his case. He must not knowingly mislead or stand by and allow the court to be misled. When engaged in public prosecution his primary duty should be to see that justice is done (*Enahoro v The State*:1965), (*Odofin Bello v The State*: 1967). Suppression of facts capable of establishing the innocence of the accused is unethical under Rule 9(d) of the Rule of Professional Conduct.

Furthermore, a lawyer must decline to conduct a civil case or defend it, when he is convinced that it is intended merely to harass or injure the opposite party, or to work oppression (RPC: Rule 22). Thus it is an abuse of legal process to issue a writ knowing that there is no real cause of action. Indeed, a legal practitioner may be required to refund the costs to which his client has been put. It is also an unprofessional conduct for a lawyer to instigate litigation either directly or through agents (RPC: Rule 25). He is duty bound to open a separate bank account for the keeping of money received on behalf of his clients; and should not make withdrawal from it unless permitted by the rules. He must avoid all forms of sharp practices and keep promises (RPC: Rule17). It is important to add that a breach of any of the above rules may under section 11 of the Legal Practitioners Act lead to striking off, of the name of a legal practitioner from the roll of call, or suspension from legal practice for a specified period of time, or any other direction as the circumstances of the case may require.

Conclusions

The main thrust of this paper has been to explain the prevailing system in quality assurance in of legal education especially at the law faculties across Nigeria. Aspects of inputs, processes and outputs have been examined in some relevant details. It appears feasibly on papers, that no system of education or profession assures quality as much, although improvement in the worth of law graduates are not known to be perfectly consistent with the resources put forth to assure quality. Accordingly, there is the need for more collaborative efforts and improved resourcing between the Council of Legal Education; the National Universities Commission and the Joint Admissions and Matriculation Board and; setting up of observatory on quality assurance.

In addition, we must endeavour to continue to constantly reconsider the minimum academic standards in a way to assure excellence in the quality of legal education. In the main time, we must strive to comply strictly with, or surpass the existing standards, we must be disciplined law lecturers, and renewed our

commitment to quality teaching and scholarship. This are *sine qua non* if we must ensure production of high-level human resources to meet the challenges of globalization. It is strongly believed that if suggestions made herein are taken seriously and reflected in our attitude, they will go a long way in assuring quality of the output of the legal education system. But while a hundred percent success can not be claimed the existing safeguards arguably represents a bold step in the direction of achieving a quality legal education in Nigeria.

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