

# OVERCOMING CHALLENGES IN LEGAL EDUCATION: CHARTING A NEW LEAF FOR LAW TEACHERS

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## ABSTRACT

The falling standard of legal education is an issue of grave concern in the Uganda and Nigerian legal climates. Today, a low quality of lawyers are turned out annually, as further exhibited in the poor lawyers' performances in courtrooms. The falling standard of legal education is a product of a shortage of qualified teachers, low-quality students and infrastructure shortage. The paper examines some concerns, challenges and successes recorded in legal education at the university and the law school. This paper further argues that permitting law teachers to undertake private practice, adopting appropriate pedagogy, removing examination malpractice, and enhancing welfare packages of Law teachers will resolve the issue of poor-quality legal education in Uganda and Nigeria. This paper adopts non-doctrinal using legislation, international statutes, newspapers, and the Internet to address the falling standard of legal education in the two countries. Against this backdrop, this paper advanced several conceptual arguments to support its views. Nevertheless, recommendations are made in this paper with a conclusion that the desire for quality legal training could be achieved through robust domestic laws and policy framework. The article recommends the paradigm shift in professionalism in the legal education, bearing in mind that Nigeria's and Uganda's institutional salvation rest in the legal profession since the legal profession is the proud bastion of justice.

**Keywords:** Legal education, teaching methods, falling standard of legal education, sexual harassment, corruption.

## **1.0 Introduction**

Legal education has become an integral part of the working of the entire educational system in Nigeria to the extent that it has become the face of attraction and attention. The legal profession is viewed as the proud bastion of justice, and the institutional salvation of society lies in the hands of the legal profession. The legal profession has gained increasing societal attention in recent years. Thus, in a period in which corruption and decay tend to assume a growing influence in Nigeria's affairs, particularly during election protests and challenges, many fundamental pillars of legal education are being questioned. How would Nigeria's legal education and training standards be sustained and improved? Are the legislations, policies and administrative regulations that govern legal education still compliant with international best practices? These are among the questions raised in this article, which aims to address Nigeria's core elements of legal education.

In developing countries, the population of people seeking and desiring legal education has been growing due to the increased population and the number of universities springing up yearly. However, while there is a growing concern about the poor standard of legal education in Nigeria, people still pursue the legal profession for many reasons, from obtaining higher education, finding and starting work, or getting self-employed. Indeed, the main reasons for the dwindling quality of legal education have been low salaries and welfare packages for law teachers in Nigeria and the failure to allow law teachers to engage in private practice to enrich their knowledge to impact law students in law faculties. Based on the above observation, it must be emphasised that a two-tier perception of the quality of legal education can be sketched out at the strategic and tactical levels. At the strategic level, low teacher morale causes law teachers to have a carefree attitude toward the teaching profession in Nigeria. At the tactical level, poor student commitment coupled with corruption of various dimensions lowers the quality of legal training. Aside from the above, in many cases, gender-based discrimination or restriction of a girl child's rights to higher education could trigger low interest and commitment to legal education. The girl child sees no reason to take the legal profession seriously since her parents prefer the male children to become lawyers.

The Council for Legal Education in Nigeria needs to understand the interpretive approach of legal education and the unique needs, rights, and challenges of those pursuing legal training in

Nigerian universities. At the same time, extensive literature analyses the problems that affect the legal profession. This article presents possible solutions and identifies the best methods for future legal education drawbacks.

This article is divided into six sections. The first part examines the meaning of the object of legal education and the history of legal education. The second part examines some of the reasons for the low quality of legal education in Nigeria and demonstrates how these reasons for low education quality can be addressed. The third section analyses why law teachers need legal practice experience to excel in the classroom. The fourth section looks critically at the job morale of the law teacher towards teaching as a career. The fifth section dwells on the theme of the research. The last unit initiates a conclusion and recommendation towards building a vibrant and career-oriented legal education in the country, which can be achieved by developing sustainable legislation on legal education.

### **1.1 The Meaning of Legal Education**

The Legal education means training obtained by lawyers already admitted to practice that maintains or enhances their competence as lawyers. It is recognized that education is essential to lawyers. However, not all education is legal within the meaning of these rules. Legal education means providing law-related education through the general dissemination of information about the law to the population or specific groups of persons.<sup>1</sup>

### **1.2 The Object of Legal Education**

- i. To equip lawyers with the relevant skills to practice the legal profession effectively. A lawyer can function as an advocate, solicitor, corporate executive, civil servant or even a law teacher; the skill to work in any of these capacities must be impacted through organised legal training, which is the objective of legal education. In fulfilling this objective, legal education must seek to produce a lawyer who is fit and proper and competent. Such a qualified lawyer must be "someone who has acquired

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<sup>1</sup>'Meaning of legal education' < <https://www.lawinsider.com/dictionary/legal-education>>accessed 16 June 2023

appropriate skills, abilities and competence, both physical and intellectual, as required for her to play her role as a useful member of the community"<sup>2</sup>.

- ii. A key objective of legal education is the engagement of relevant reforms into legal education and the legislation generally. The law reform commissions of most commonwealth countries seek "to take and keep under review the whole of the law with a view to its systematic development and reform which includes codification, the elimination of anomalies, the repeal of obsolete and unnecessary enactments."<sup>3</sup>

Summarily put, an excellent legal education must pursue, among other objectives, the following:<sup>4</sup>

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

The reality is that not all lawyers will go into the legal practice of litigation. Some lawyers may find themselves in the university system formulating legal policy. Some lawyers may become civil servants and company secretaries. This is because lawyers and the law operate in a complex society. So, the legal training institution, that is, the law faculty of universities and law schools, must do more to meet the needs of various lawyers, irrespective of their function in society.

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<sup>2</sup> A.O. Ilumoka, 'Beyond the Law School: Attaining Fully the Objectives of Legal Education in Nigeria' in proceedings of the 24th Annual Conference of the Nigerian of Association of Law Teachers (University of Benin, 28th –30th April, 1986), 115.

<sup>3</sup> I.O. Agbede; 'Dynamics of Law Reform Enterprise: Nigerian Experience' (The Guardian newspaper, 3 February 2004), 2

<sup>4</sup> A.O. Ilumoka (n2) 133-134.

Achieving this near-excellent legal education or training objectives requires concerted efforts with well-structured teaching and learning methodologies. This brings us to the methods of teaching in any legal education.

The methods of law teaching in Nigerian universities and law schools are not far from each other, even though the law schools are meant to be procedural in policy. In contrast, the universities concentrate on substantive laws. The majority of Nigerian law teachers have adopted an approach to law teaching that has focused on teaching students "what the law is" in the hope that they will be able to apply the law to a set of facts in a problem in the examination conducted by the university or the law school. The principal and traditional teaching method has been for law teachers to dictate notes and offer scanty explanations of the notes, typically in two or three-hour lectures, largely uninterrupted with no student participation other than listening and taking notes, notes often full of mistakes and spelling errors that occur due to overstretched length of period coupled with the impatience with which the teacher dictates the notes.<sup>5</sup>

Some law teachers have attempted to modify their style using the PowerPoint approach broken into slides. Still, this method has yet to receive wide acceptance and applicability, especially in public universities. Even with the aid of PowerPoint, student participation by way of interaction in the teaching and learning situation is poor and weak, as the teacher dominates the scene because of his eagerness to complete the scheme of work within a scheduled time range. Some teachers have infused a case book method and Socratic dialogue with students.<sup>6</sup> The Socratic model was developed in North America but has few rigorous adherents in Nigeria's law faculties. Many law teachers intersperse a straightforward lecturing style with questions directed at students, with some underlying intention of facilitating a degree of "student participation". However, often, the purpose of this "participation" is unclear. There is minimal attempt to vary the skills students acquire in the different courses. The same teacher-centred approach is adopted repeatedly over a different set of substantive laws being studied.

This traditional model of law teaching in Nigeria has persisted for a long time, the most important reason being that Nigerian law teachers, like most other tertiary teachers, are not

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<sup>5</sup> G Gibbs, S Habeshaw and T Habeshaw, *53 Interesting Things To Do In Your Lectures* (Bristol: Technical and Educational Services Ltd, 1987) 9

<sup>6</sup> EW Paterson, 'The Case Method in American Legal Education: Its Origins and Objectives' (1951) 4 *J Legal Educ.* 379.

required to have any teacher training. Teachers' training institutions ought to have infused the proper culture of teaching, which is mainly participatory and interactive. Yet, the law teachers based their approach to education on how they were taught at their faculties of law and the Nigerian law school, a method whereby practitioners delivered lectures about legal rules that did not change as rapidly as they do today and when legal pluralism was not the norm.

Due to the lack of teaching skills usually offered by colleges of education, teaching skills have been largely ignored when recruiting, deploying and promoting law academics. There have been very few attempts to provide academic teaching skills that embrace educational development theories, particularly in instructional psychology.<sup>7</sup>

The myth is that law teachers cannot teach students a critical perspective until "they know what the law is". By introducing the positive law uncritically and in the traditional authoritarian fashion, students are taught with an attitude to law and legal education that reinforces an uncritical, rigid acceptance of law as a series of rules that should not be questioned. Few interdisciplinary approaches to the law are employed because these non-law courses are seen as lacking in rigour, which are not central to legal education and are not included in the law curriculum. Once again, the narrow focus of law academics reproduces the same attitudes in law

Students, so the central ideologies in legal practice are legitimized and reinforced. All these flaws in the teaching of law courses by law teachers are due to a lack of teaching skills on the part of the law teacher, who himself was given a narrow legal education, which he passed on to the law students in training. The law student becomes competent in legal doctrine or substantive subjects but lacks training in interdisciplinary approaches to law, and such interdisciplinary courses help in understanding how law evolves in society.

## **2. Methods That Can Be Adopted By Teachers of Law in The Faculties of Law.**

Undoubtedly, different teaching methodologies will achieve different outcomes, depending on what the teacher intends to achieve through the learning experiences put across to students at a given time. Some methods of teaching are teacher-centred, while some are student-centred. Some teaching methods are participatory in approach, while some are mere note-taking without

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<sup>7</sup> M Chesterman and D Weisbrot, 'Legal Scholarship in Australia', ( Paper delivered at Australian Law Schools, 29 April, 1987) 50.

students doing anything other than taking notes. Some teaching techniques engage the learners' cognitive, affective, and psychomotor aspects. Some methods are more cognitive-centred and involve mere recall than doing activities.<sup>8</sup>

### **The Most Commonly Used Methods Include.**

- i. "Lecturing". Lecturing can be best adopted where the teacher intends to impart only a tiny body of knowledge for not more than thirty minutes. This is because all the activities involved in the lecturing method concentrate on the lecturer, with the students watching and often making incoherent notes. The students usually lose concentration after about forty minutes of lecture. This is because they are not involved, they get bored, and some students may get bored during the lecture session. It is a good way of imparting a small amount of information quickly and concisely. It is well known, however, that the lecture is less valuable than other methods for stimulating thought and fostering higher-level abilities. It does not involve the students in authentic activities.<sup>9</sup>

A more efficient method of imparting information is through the written word, printed materials and required reading from books, cases, articles, published problems or case studies, etc.<sup>10</sup> improving the lecturing method is using media such as projectors, PowerPoint presentations, and even whiteboards. This method will engage the students' eyes and listening faculty at the same time, thereby promoting easy learning.<sup>11</sup>

- ii. "Buzz groups" or "small groups". Buzz groups allow total participation by class members, firstly in small clusters and then in the resulting general discussion. The class is divided into groups of two to six students, and each group is given one or two questions to discuss for a certain period. At the end of that time, a spokesperson reports the group's conclusions to the class. Members of the group should ensure that

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<sup>8</sup> WJ McKeachie, 'Research on College Teaching: The Historical Background' (1990) 82 J Educ Psych 189.

<sup>9</sup> D Bligh, 'What's the Use of Lectures? Twenty Terrible Reasons for Lecturing' (Standing Conference of Educational Development, Occasional Paper No. 8 January, 1982)

<sup>10</sup> J Axelrod, 'The University Teacher as Artist' (Jossey Bass 1973) 12–14.

<sup>11</sup> T Makin-Slaughter, 'Teaching with Media University of Melbourne' (Centre for the Study of Higher Education 1990)

each member is introduced to the other members, that each person gets a chance to speak, and that the group elects a spokesperson.

The greatest strength of buzz groups is that they encourage active learning and can be used to achieve several objectives. Generally, they can draw out quiet students, help them develop oral skills, and give them a chance to talk about legal phenomena. They are excellent for involving students in authentic activities, such as problem-solving and project work. Students get an opportunity to explore a problem and develop an approach to it. They are also helpful for analysis and synthesis because groups can be asked to analyse a specific issue or doctrine or to assemble an argument. They can often be used to prepare for other activities — such as moots, debates, role plays, and similar activities. And above all, they develop skills in working with others.

Buzz groups can be counterproductive if not well supervised by the lecturer because the group may leave the work alone to the brilliant students and still present the brilliant student as a spokesperson for the group. Good students can feel that they are not developing what they know because the rest of the group is not as well prepared or skilled as they are in working with the material. Students who see the purpose of the activity will be in a better

Position to regulate their learning. The teacher may also need to join the discussion in flagging groups and ensure that each group is on track with the activity. The teacher actively supervises the buzz group if he wishes to attend to his set objectives.

- iii. "Class discussion". This involves the teacher seeking the comments and opinions of all class members in one discussion. This method can also include students in problem-solving activities such as problem-solving. The teacher's role is to keep the discussion focused on the topic and move appropriately. It requires students to discuss the issue, basing their contributions on pre-reading proposing solutions to their problem, and experiences. One disadvantage of class discussion is that it is often dominated by a small group of students, while the rest cannot or will not contribute. It is also difficult for the teacher to ensure that less assertive students build sufficient confidence to participate in discussions. A vital aspect of the excellent use of class discussion is that the teacher uses a variety of types of questions so that

students develop different cognitive skills during the debate;<sup>12</sup> that the teacher learns how to draw out quieter students and prevent the more aggressive, insensitive or vociferous students from dominating the class, and that the teacher be prepared to reveal their values, experiences and interests so that students are encouraged to do the same. Teachers should also learn to be aware of when to push students to develop their contributions to the class and when to encourage more reticent students to make contributions without threatening them with further questions. Class discussions are only valuable if the teacher ensures that all students speak loud enough to be heard by all class members. If this is not possible, the teacher should paraphrase the contributions of quieter students to ensure continuity.

An essential aspect of class discussion and small group discussion is the question initially asked by the teacher, which is to become the focus of the debate. Centra has divided the kinds of questions invited into four types.<sup>13</sup> Each type of question focuses on different cognitive skills, and the higher-level questions encourage students to explore values. At the lowest level is cognitive memory questions, intending to have students recall or recognise information. These narrow, closed questions require common thinking and student responses can easily be anticipated. Students respond to these questions by identifying specific facts, defining, repeating, answering "yes" or "no", or quoting. For example, a student can be asked to recount the attributes of a case or the elements of a cause of action.

At a higher level are convergent questions, which aim to have students analyse and combine given and remembered information. These are also narrow, closed questions but require slightly higher level thinking and the answers, although generally predictable, are less restricted. A student responds to this question by interpreting, comparing, contrasting, explaining, concluding or summarising information. An example of this question is, "How do Hart, Dworkin, and Mac Cormick's judicial decision-making models differ?"

Divergent questions aim to get students to develop their information independently or view a given topic from a new perspective. These broad, open-ended questions permit various thought-provoking, original, and unpredictable answers. To answer these questions, students hypothesize,

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<sup>12</sup> *ibid*

<sup>13</sup> J Centra, *Determining Faculty Effectiveness* ( Jossey Bass 1979).

speculate, predict, imply, synthesise, infer, devise plans and solve problems. An example is "devise a research methodology to determine how legislation might best lower the road toll".

At the highest level are evaluative questions, where teachers intend students to project and support their judgments, values and choices. Mainly, these questions involve using cognitive operations from all the other levels and can also explore the students' attitudes, deals, and interests. They are broad, open-ended questions with diverse and unpredictable responses. In answering these questions, students judge, value, choose, rate and offer opinions. Students should be challenged to defend their views using internal and external standards. An example of this question is "Who is your favourite judge? Why?" Lower-level questions can be used to get the discussion going and as a prelude to higher-level questions.

Good teaching requires teachers to ask questions at different levels of this spectrum. If necessary, students should be given time to jot down answers and thoughts in response to a higher-level question before responding orally.

During class discussions, the teacher should ensure that particular groups of students are not discouraged from speaking in class.<sup>14</sup> If students do not feel they can contribute, they will lose the educational benefits of class discussion, particularly the opportunity to develop oral skills.<sup>15</sup> Women and Asian students, for example, are quieter in law class because of social conditioning, and teachers need, therefore, to address their teaching techniques to that issue. Teachers need to consciously and sensitively invite women to speak in class, to facilitate their participation, and to try, as far as possible, to remove inhibiting factors. One technique<sup>16</sup> is to enable the involvement by asking students to forget themselves and to play a role — "What would you argue if you were counsel for the plaintiff?". Another approach<sup>17</sup> is when a student is stuck with an answer to a question, to ask whether she would like assistance from another student. Two students are then engaged in a discussion with the teacher on the issue. The first student's mental processes can be "triggered" by the second's contribution, and the first student gets a chance to complete a positive

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<sup>14</sup> S Wildman, *The Question of Silence: Techniques to Ensure Full Class Participation* (Caberra Edu. press 1988) 38.

<sup>15</sup> P Ramsden, 'Evaluating and Improving Teaching in Higher Education' (2 Leg Educ Rev1990– 91) 149- 50.

<sup>16</sup> R Mann, SM Arnold, JL Binder, S Cytrynbaum, BM Newman, BE Ringwald, JW Ringwald & R Rozenwen, *The College Classroom: Conflict Change and Learning* (Wiley 1970) 144–233.

<sup>17</sup> *Ibid* (n11)

verbal interaction with the teacher and the second student. Other methods include small group discussion, mooting, debating, and other techniques to facilitate participation.

- iv. Pyramiding (sometimes called "snowball groups") is a marvellous teaching method ensuring students learn through activity and interaction with others. It involves students in class working alone, in pairs, in fours, and so on.<sup>18</sup> The expected conclusion to the exercise is to have students engaged in some form of activity involving pooling the findings or solutions of the groups. Students can focus on creative responses to the task without worrying about avoiding being chosen to report immediately to the whole class but with enough of a social obligation to produce an outcome so that they can report to their neighbour. The method also avoids a problem often found with "buzz groups", where students begin the activity without ideas.
- v. Consequently, they spend the beginning of the "buzz group" session reading their notes and find it difficult to get talking. Students allowed to work independently for a while are likelier to start a helpful discussion. Students working in pairs are also expected to be more creative and adventurous with their ideas because the fear of humiliation is reduced. In addition, groups of four to six may find it difficult to get talking immediately, mainly if they have been passively listening to a lecture. Time spent thinking alone, and then a discussion with just one other person makes it easier for the group's meeting to make some progress.
- v. Pyramids are most effectively used when there are different instructions to students working independently, then in pairs, and then in a larger group of four or more. This enables all the basic problem-solving steps to be worked out by the time the more prominent group tries to deal with the problem. Instead of the larger group prematurely closing down options, the problem or issue can be considered from the beginning, and various alternatives can be developed before a resolution is sought. Pyramiding also enables the group to tackle incredibly daunting and complex tasks for students if attempted in one go. Pyramiding makes complex tasks more manageable. For example, students can be asked individually to spend a few minutes identifying the crucial facts, legal principles and practical and ethical constraints involved in resolving a legal

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<sup>18</sup> G Gibbs, S Habeshaw & T Habeshaw, 53 Interesting Things To Do In Your Lectures (Technical and Educational Services Ltd 1987) 9.

problem. Then, in pairs, they can be asked to compare notes, form a basic agreement about the essential points, and begin resolving the issue without expecting to complete the task. Each pair can then be asked to team up with another couple, explain to the other what they have done thus far, and compare their approaches. They then set about resolving the problem. After the time allotted for this task has expired, the whole group comes together in one session, and one group of four is asked to explain their answer to the problem or question. The other groups are then asked if they took a different approach, and these different approaches are discussed in the plenary session.<sup>19</sup>

- vi. A significant advantage of pyramiding is that as students get into larger groups, they find that their assumptions and solutions to the problem are challenged by other students who have dealt with the same issue but alone or in a different pair. Students quickly begin to see that different approaches, assumptions, and value judgments are involved in the task they have been given.<sup>82</sup> The quality of the reporting to the whole class is also likely to be better once students have rehearsed the ideas in small groups, have already spoken in a group, and can feel that they are not directly responsible for the ideas generated by the group.
  
- vii. "Socratic Dialogue" or the "Case Book" method. Here, the teacher conducts the class by calling upon a particular student to answer questions about cases or other materials which all students are expected to have read before the class. This typically involves the teacher calling on students to recite the facts of a case. Suppose there is an adequate response to the question. In that case, the teacher then asks supplementary questions about the case's reasoning until the student can no longer answer when another student is questioned and may resolve the problem by rejecting one or more of the first student's assumptions.<sup>20</sup>

While the Socratic method does enable students to be involved in genuine problem-solving situations where they can observe the teacher engaging in legal discourse in an

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<sup>19</sup> *ibid* 12, 123–4

<sup>20</sup> E A Collins, 'Processes in Acquiring Knowledge' in RC Anderson, RJ Spiro and WE Montague (eds) *Schooling and the Acquisition of Knowledge* (Lawrence Erlbaum Associates 1977) 339

acculturating fashion, as practised in law schools, it has several serious weaknesses. As Hantzis<sup>85</sup> points out, this teaching method is exclusively male in its approach, and the classroom is "awash with silent tension" while this method is used. Many, if not most, students find the case book method threatening, particularly when the teacher calls on students by name and spends very little of their time thinking creatively about the subject matter. Therefore, using the case book method undermines attempts to develop a relaxed class atmosphere that encourages risk-taking and free thought. It silences and inhibits certain groups of students, particularly women and students from Asian cultures.<sup>86</sup> In its pure form, it focuses on legal doctrine to the exclusion of policy, theory or interdisciplinary perspectives, 31 and therefore elicits question-begging doctrinal responses. Far from encouraging students to explore and develop their values, it stifles such developments. It also focuses too much on individuals, so the teacher is usually unaware of whether the experience is enhancing the learning of others.

- viii. "Brainstorming". This is a technique in creative thinking in which class members generate as many answers as possible to the question or problem raised by the teacher. The "answers" are recorded on a whiteboard,<sup>21</sup> or even overhead projector, by the teacher or a student nominated from the class body. Electronic copy boards are most useful in this context, as they enable copies of class contributions to be made and then distributed to the class. This has the advantage of allowing the teacher to focus on generating answers. Critical judgments are suspended until all ideas are generated. What counts is the quality of ideas — the more pictures there are, the more likely it is that there will be good ideas. The wilder the idea, the better, and if it is possible to develop someone else's opinion, so much the better. Only once all the ideas have been generated should there be some critical discussion of the issues raised.

This teaching method is a beneficial way of changing the pace of a class, stimulating student participation and thought, and developing students' creative side. It can help students develop new perspectives and facilitate discussions where they are asked to

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<sup>21</sup> UNSW, 'Brainstorming Techniques in Teaching' (UNSW Teaching, accessed 21 October 2024) <https://www.teaching.unsw.edu.au/brainstorming>

think differently about an issue or use their own experience or instincts to deal with a particular topic or problem.

- ix. Mooting is an excellent "authentic activity" for law students. Particular class members are selected before or during the class to present each side of an argument or case as best they can. The rest of the class will be expected to decide which party "wins" on the facts and the law. The apparent advantage of this approach is that it teaches students how to prepare and present legal arguments and helps them develop oral skills to meet arguments raised by others.

Mooting can quickly be turned into a group activity by getting students to prepare the argument in buzz groups and encouraging them to switch speakers when the speaker holding the floor runs out of ideas. They will all be responsible for the discussion and, at the same time, will learn how to work cooperatively with others. Similarly, the class can be divided into two, one to argue for one party and one for the other. Some 32 students can be assigned to the bench as majority or dissenting judges, who will interrupt arguments with questions. This method ensures full class participation if preceded by a short small group discussion between students to get them involved.<sup>22</sup>

- x. Simulations or role-playing involve the teacher assigning students to particular roles and providing instructions indicating how these roles are to be played out.<sup>23</sup> They enable students to understand practical aspects of the law's operation, explore their values and assumptions concerning the law, or learn about the "internal logic" of a situation in which a lawyer may be placed. They also enable students to remember essential skills, such as drafting or negotiating, in reasonably authentic situations. Participants should carefully follow their instructions, immerse themselves in their role, and, if need be, indulge in some risk-taking.

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<sup>22</sup> S Wildman, 'The Question of Silence: Techniques to Ensure Full Class Participation' (1988) 38 J Leg Educ 147.

<sup>23</sup>R Ingleby, 'Translation and the Divorce Lawyer: Simulating the Law and Society Interface' (1989)1 Legal Educ Rev 237.

xi. Symposium discussion. This is a discussion in which a topic is broken up into some phases, and each part is presented by a person who has spent a bit of time researching a particular point and gives a very short and concise summary of the fruits of their inquiry. A general discussion can follow this. In reasonably small classes, many teachers find it helpful to ask from one to three students to take particular responsibility for presenting the material to be discussed in a specific category and to lead and stimulate the ensuing discussion. This does not excuse the other students from reading for class. This method helps shift the responsibility for learning onto students and helps them develop presentation skills. It also develops skills in analysing and synthesising material. This teaching method should not, however, be used indiscriminately. Suppose all the students in the class are expected to read the presented material. In that case, the presenting students must ensure that they develop the material in some way, not merely to paraphrase what the others have already read. The method also has the disadvantage that bad presentations can cause boredom among other class members. To avoid this, students should be aware that they will be expected to develop the material being presented further, raise issues not covered by the presentation, or question the presenter. This is best done by foreshadowing small group discussion on the proposed topic. Another possible follow-up method is to assign specific students to comment on the presentation.

A variant of this is debate discussion, where class member's debate two sides of a controversial issue. Each person is given a limited time to speak and must attempt to persuade the audience rather than denigrate her or his opponent. This can be done by convening the class as a legislative body to decide whether to adopt specific legislation. The course is divided into groups, each representing a group with a particular interest or lobby group and arguing for or against the proposed bill. Again, the groups should first convene alone to sort out their position and to prepare their arguments. After hearing from the representatives of all the groups, the legislature convenes. The class members abandoned their previous roles and debated the appropriate legislative action.<sup>24</sup> Alternatively, the debate and the small group discussion can be combined by dividing the class into groups of three or six students with three roles. The first role

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<sup>24</sup>J Morgan, 'The Socratic Method: Silencing Cooperation' (1989) 1 Legal Educ Rev 151.

argues for a specific position, and the second argues against it. The third role is to take notes, decide, and report to the class about the arguments and conclusions.<sup>25</sup>

xii. Another teaching method that is overlooked in this context is the manner of assessment of student performance. The evaluation is crucial because it does more than certify that students have achieved a certain level of competence. It directs their learning activities and focuses their attention directly on learning particular skills, methods and materials. It is well known that students tailor their learning to the assessment form used in the course. Therefore, it is more appropriate to develop other forms of assessment that develop research skills, skills in synthesis and evaluation, and enable students to explore their interests, attitudes, and values. Teachers should, therefore, consider a careful blend of assessments covering examinations, class participation, essays and assignments, and Mooting or debating. Homework and articles should not just involve library research but should also include students talking to participants and users of the legal system. The choice of assessment should be linked to learning objectives, not practicality.<sup>26</sup>

As noted earlier, good teaching requires teachers to evaluate whether they have achieved what they set out to do in designing their curriculum and choosing their teaching and assessment methods. Teaching methods are only successful if they enhance student learning.<sup>27</sup>

### **3. Why The Training of Law Students Is Not Effective in The Faculties of Law of Most Uganda and Nigerian Universities**

Apart from wrong teaching methodologies adopted in teaching law courses in the faculties of law in Uganda and Nigeria, other factors contribute to the falling standard of standard of legal education, among which include:

i. Lack of practice experience by the majority of law teachers.

The modes of recruiting law teachers in Uganda and Nigeria have some significant flaws. Law teachers are employed on the condition that they obtain a master's degree (LLM) and further get

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<sup>25</sup> Richard Johnstone, 'rethinking-the-teaching-of-law' (semantic scholar, accessed 21 October 2024) <<https://www.semantic scholar.org/paper/Rethinking-the-Teaching-of-Law Johnstone/6ede6ac5010503f811cde221dea981fffb0f086a>>.

<sup>26</sup> S Wildman, 'The Question of Silence: Techniques to Ensure Full Class Participation' (1988) 38 J Leg Educ 147

<sup>27</sup> P Ramsden and A Dodds, 'Improving Teaching and Courses: A Guide to Evaluation' (University of Melbourne: Centre for the Study of Higher Education 1989).

a doctorate (PhD) in the law or related fields. No emphasis is placed on the practice experience of the law teachers. With such misdirected requirements, inexperienced lawyers are engaged to teach students some of the courses that could be better taught by those who have practice experience. Such inexperienced LLM and PhD holders merely consult textbooks to teach the students. Some of what they teach may have been obsolete or repealed laws, yet inexperienced teachers may continue to teach such laws ignorantly and misguide the students. To be informed, a lawyer must keep abreast of new statutes and new rules of court. These updates are acquired when a lawyer attends court session and visit law book stands on the court premises. For example, in Nigeria, a law teacher who teaches the law of evidence will not understand what it means to lay a foundation before tendering secondary evidence.<sup>28</sup> Even if he reads it in a textbook, he would not appreciate and explain it to the students as a lawyer who had conducted trials where a foundation was laid before secondary evidence could be admitted in law.

#### Acquiring a PhD

cannot help him teach this aspect of the law of evidence. A first-degree practising Lawyer will effectively teach this aspect of the law of evidence. Many law teachers have been elevated to the professorial cadre without exposure to courtroom experience. What knowledge can such a professor impact on the students when he knows little about the law courses he teaches? The answer is that lack of practical ability will be deteriorate his productivity as a teacher of law. These lapses have been a continuous glitch in effectives teaching of law courses in Uganda and Nigeria.

Secondly, "conveyance and legal drafting" is a practical course taught at the law school or the Law Development Centre. Still, the Lawyer gets a better understanding of this course if he had severally received briefs that involved such drafting as Leases, Deeds of Assignment, Letters of intent, contract of sale, hire purchase agreements, searches at land registry, tenancy agreements, Memorandum of Understanding (MoU), Legal retainership agreements, quit notices, court processes (statement of claim and statement of defence, petitions, motion and supporting affidavits, matrimonial proceedings and so on. One still wonders how non-practising Lawyers can effectively teach these areas of law without practice experience. Such a teacher or professor

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<sup>28</sup> Evidence Act 2011 s 87

will only beat about the bush with such courses, and the students will gain little or nothing from inexperienced teachers or professors.

Furthermore, it is doubtful how a non-practising lawyer would teach criminal and civil procedure aspects in the Nigerian or Ugandan legal system, introduced at the undergraduate level and Nigerian law school and Law Development Centre respectively. It takes a lawyer who has conducted civil litigation and criminal litigations to appreciate and effectively teach these courses, even at the law school, otherwise, the teacher would come to the class to dictate notes and shy away from the practical explanations, confusing the students.

ii. Corruption and sexual perversion in our universities

Corruption had to do with receiving gratification from students and arbitrarily awarding grades not merited by the students. Such corrupt teachers will compromise standards. Where corruption prevails, the universities often produce mediocrities because the students believe in money for grades rather than hard work. In many instances, this corruption has been reported in universities, and the law faculty is no exception to this evil practice. A twin pair of evils that lower the standard of legal education, including other academic disciplines, are referred as sexual harassment and money for grades. When sex perversion or money is demanded and offered, academic marks are altered, and a weak student comes out with flying colours. Such corrupt students cannot defend their professions or academic achievements. Recently, a university teacher, Doctor Balogun Olaniyan, was arraigned before Justice Osinuga of the Ijebu-ode High Court Nigeria on a one-count charge of demanding sexual gratification or the payment of one hundred thousand naira to alter the grades of a female student of Tai Solarin University of education (TASUED) Ijebu-ode Ogun state Nigeria.<sup>29</sup> The offence contravened section 8 (1) of the Independent Corrupt Practices and other related offence Act 2000. The matter is ongoing in court, but this gives an idea of the reason for Nigeria's generally falling standard of education, including the faculties of law. Recently it was reported that thirty-five professors and other cadres were indicted and dismissed over sexual harassment in the Nigerian universities and

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<sup>29</sup> 'Professor suspended for demanding gratification in Nigeria' ( Punch, accessed 1 September 2023) <<https://punchng.com/tasued-lecturer-arraigned-for-demanding-sex-n100000/>>

higher institutions.<sup>30</sup> Such randy behaviours compromise standard, and poorly trained graduates are churned out annually, some of whom cannot communicate effectively in English language.

In a later development, the Dean of the faculty of law of the University of Calabar was removed from office following allegations and protests from the students of the faculty of law accusing the dean, Professor Cyril Ndifon, of sexually harassing the female students of the faculty, with the promise of higher grade and favouritism in the mobilisation for the law school program. Professor Ndifon was consequently suspended from office on the 17<sup>th</sup> of August, 2023, on the allegation of sexual harassment.<sup>31</sup> Professor Ndifon may be exonerated at the conclusion of investigation, however if sexual gratification becomes a yardstick for grades, and mobilisation for law school and Law Development Centre, students will no longer take their studies seriously, and the standard of legal education keeps falling.

#### **4. Recommendations and Conclusion**

- i. A law teacher must tailor his teaching to meet the needs of the learners. He must adopt student-focused methods so that the students get involved in the teacher's learning activities instead of being passive learners. To achieve this depends on the skill and personality of the teacher. The teacher must strive to meet the set objectives of the curriculum. The teacher must be dynamic, innovative and directing his teaching method to suit each subject he teaches. A teacher must evaluate his teaching methods and assess the students to determine whether the learning experience presented to the students has been well assimilated; this the teacher will achieve through class participation, questioning and answering by the students at each level of the teaching. Students must be engaged in research essays and assignments, and such tasks must be promptly returned to the students so they know their level of understanding of the subject concerned. The teacher may make the students attempt past question papers on the topic they have been taught, and the teacher should guide them to discover the correct answers and principles of laws applicable to the course at hand. The teacher should display open-mindedness and a commitment to tolerance and pluralism so that students accept various attitudes, values, and interests and respect others' expressions

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<sup>30</sup> Deborah Tolu-Kolawole, '35 professors dismissed over sexual harassment' (Punch 17, September 17, 2023) 1,5.

<sup>31</sup> 'Unical law students protest against sexual harassment'(Guardian Newspaper, August 17, 2023) 1,5.

- of them. This approach makes the students a welcome critics, part of a lawyer's legal training.
- ii. The Council for Legal Education (CLE), the National Universities Commission (NUC) and the Council for Higher education (CFHE) in Nigeria and Uganda respectively should come up with policies that will ensure that for any lawyer to aspire to teach in the faculty of law, such a person must have at least five years practice experience at the bar, not just five years post call. This will ensure that the law teacher knows practically what he is teaching the students and not just copying notes from law textbooks. Similarly, a law textbook author must be grounded in practice so that the student would gain from their authors' courtroom experiences and life case experiences. Any intending law teacher not prepared to acquire field experience should not aspire to teach in Nigeria's and Ugandan faculties of law.
  - iii. A special enhanced salary package must be designed for law teachers to attract quality practitioners and retain those already teaching law. All faculties of law must allow their teachers to practice to update their knowledge and skills and become abreast of new developments in the legal world at large. Law students would benefit from such a policy if adopted and implemented.
  - iv. The national parliament should pass legislation imposing ten years imprisonment against any lecturer found guilty of sexually harassing students, male or female students.
  - v. A second-degree requirement for law programme: it is advocated that the Bachelor of Law degree programme in the Nigeria and Ugandan universities be made a second degree. This means that for a person to be admitted to pursue the LLB, that person should have obtained a first degree in a field other than law. Legal practice is a profession of philosophical, critical and logical thinking; hence it requires maturity in age and wisdom associated with experience of life challenges. The current practice where a young man graduates from the Law school at the tender age of twenty-two is not adequate for the challenges involved in legal practice and teaching of practice related courses; hence it is advocated that law programme be made a second degree programme as obtained in the United States; by so doing a lawyer should attain at least twenty-five years of age before being enrolled to bar.

If all these recommendations are sincerely implemented, the standard of legal training in Nigeria and Uganda will rise and stabilize significantly.