

# REPOSITIONING LEGAL EDUCATION IN NIGERIA TOWARDS STUDENTS' CENTERED LEARNING\*

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## *Abstract*

*Students are the focus of the learning process; therefore, it is imperative to reposition teaching methods to be students centered. Teaching methods which allows divergent reasoning, critical thinking and problem solving are needed. Students centered learning environment enables students to be touched individually and become parts of the learning process. To achieve this, innovative alternatives to the traditional teaching methods may be necessary such as is achievable by the emergence of information technology. Needless to say, that African nations need to move away from the traditional conception of law as an instrument of public order and justice, legal education needs to be repositioned to serve the interest of the present generation of students who belong to the information age. This paper seeks to examine the need to reposition legal education to accommodate the students in information age in order to serve the purpose of development for which law is a veritable tool. The benefits and shortcomings of the traditional teaching methods were examined. As a qualitative study, this work draws largely on relevant literature. Our research revealed that information technology supports research-based learning which prepares law scholars for a future of in-depth legal research which is a backbone of the legal profession. However, total embrace of Information Communication Technology may be dangerous to development of legal education because the internet has redefined space, literacy and borders such that the life wire of an institution as presented by the e- library may be destroyed by the click of a button. This paper concluded with a suggestion that technology revolution should be embraced alongside the traditional methods for the teaching and training of students in law faculties in Nigeria.*

**Keywords:** Teaching, Learning Methods, Information, Communication, Technology, Development.

## **Introduction**

Nigeria as a nation still gropes for development in many areas of human endeavors. While our nation seeks for aids and sundry assistance outside her own shores, law, a veritable instrument of development has remained largely static in content and context, while legal education oscillates between the traditional methods of chalk and talk, note dictation, issuance of handouts and field trip to courts of varying jurisdiction. It is trite, that law has not been perceived as an effective tool for development of all shade and shape in many African countries including Nigeria, hence legal education has not received the much-needed touch of dynamism. Clarke, et al<sup>1</sup> observed that the

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economic transformation achieved in China was driven by a conscious recognition from the outset that law had a new and important role to play in the process. For development to thrive in Africa in general and Nigeria in particular, we must go beyond the traditional objective of law as a tool for the maintenance of public order and justice. Development must be identified as a higher objective of law and legal education must be in tune with modern trend to achieve this objective. Allegorizing the developmental process as a vehicle in motion, Ocran<sup>2</sup> noted that law could serve as both ‘accelerators’ to keep the process moving and ‘brake’ to save the process from derailment. This status of law as the catalyst for development compels the need for quality students centered legal education in order to produce good drivers of national development.

Espousing the relationship between law and development, Baderin<sup>3</sup> holds that the nomothetic approach to the discourse essentially relates to different variables that influence the relationship between law and development. One of such variables is the legal education of lawyers who are the drivers of national development through the instrumentality of law, as the quality of legal education determines the quality of lawyer and ultimately the quality of national development. The metaphoric purport of the nomothetic theory of law and development is that, development is an ocean into which all rivers flow. The quality of legal education will dictate whether the contribution of the legal community into the ocean of national development will be a hotchpotch or potpourri collection. The main thrust of this paper is to examine how the methods of imparting legal knowledge in Nigerian Universities can be repositioned towards students centered learning. The paper also seeks to provoke and promote sustained consciousness in the use of Information Communication Technology (ICT) for the impartation of legal education at all levels since the recipients are students of the information age.

### **Students’ interest in the information age**

While the feats achieved through the traditional methods of teaching law in Nigeria are acknowledged with all sense of respect and appreciation, the method of teaching law across board needs to be in tune with the new wave of the information age<sup>4</sup>. The underlying reasons are crystal clear:

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<sup>1</sup>D. Clarke, P. Murrell and S. Whiting, ‘The Role of Law in China’s Economic Development’ in L. Brandit and T.G Rawski, *China’s Great Economic Transformation*, Cambridge: Cambridge University Press (2008) pp. 375 - 428

<sup>2</sup>T.M, Ocran, *Law in Aid of development*, Tema: Ghana publishing Corporation (1978) p. 17

<sup>3</sup> M.A Baderin, *Law and Development in Africa: Towards a New Approach. NIALS Journal of Law and Development.*(2011) Vol. 1 p. 19

<sup>4</sup>All nations of the world engage in transition to the new age which Alvin Toffler referred to as the ‘Third Wave’. In his book entitled *The Third Wave*, New York: William Borrow and Company Inc, (1980) p.26. According to him the pattern of societal development follows a series of waves, each of a lesser time span than the previous. Hitherto, the human race has undergone two great waves of change each one virtually obliterating the earlier cultures and civilisations, replacing them with ways of life inconceivable to those before them. The ‘First Wave’ of change is the Agricultural revolution which took thousands of years to debut. ‘The Second Wave’ of change is the industrial revolution which took just three hundred years to flower into fruition. Today, history is more accelerative, and it is likely that the Third Wave will sweep across history and complete itself in a few decades. Toffler’s predictions have been acknowledged today as the Information Revolution. In the First and Second Waves of change, law played a prominent role in determining the pace of development. The role of law as a catalyst led to the emergence of legal principles such as Trespass to land, Rule in Rylands v. Fletcher and Liability for animals, etc.. to pilot human development during the Agricultural revolution days. While principles such as Tort of negligence, vicarious liability, and Passing off among others, dictate the tune of human affairs from industrial revolution till date. In similar vein, law has remained the fulcrum of the present Information Revolution, therefore legal education in Nigeria must be repositioned to equip lawyers to take their pride of place in national development.

- (i) the higher objective of law is development
- (ii) development in the modern age is driven by ICT
- (iii) the interaction of development and ICT throws up legal issues at every stage
- (iv) law is the compass of development
- (v) the recipients of legal education in modern time are students of the information age; and
- (vi) Lawyers play a central role in societal development.

Professor Akinkugbe captured the importance of lawyers and the central place they occupy in resolving societal problems as follows:

*The Lawyer has a vital and indispensable role in any society for when passions are inflamed, when individual is lost in the mass, when the majority overrides the minority, the only defender and conservator of basic human rights in society is the lawyer. To his clients he is a combination of an oracle and a comforting shoulder to weep on.<sup>5</sup>*

From the above position of Akinkugbe, it can be established that everyone in the society sees the lawyer as a “magician” of a sort, who has the “magic wand” to solve any problem. Therefore, legal education must be a unique form of education not static in content, context and method, but dynamic enough to unknot many knotty problems that confront man and his modern society. De Tocqueville rightly observed in the 19th Century that lawyers occupied a strategic position in the ordering of American society. Professor Akinkugbe<sup>6</sup> viewed De Tocqueville’s observation broadly thus:

*This is true not only of American society, but of all democratic societies. This is not simply because the law trains one in habits of analysis which can be applied fruitfully throughout the range of social problems... equally important and significant is the fact that government action which in some societies is exclusively the prerogative of administrators or legislators is in most democratic societies’ subject also to judicial review. People turn to lawyers for advice and assistance in their private affairs, for representation in the court and agencies of government and for leadership in public life<sup>7</sup>*

The above observation summarizes the importance of an all-encompassing legal education in resolving social problems. Not only does the law train lawyers in the habit of critical analysis of issues, legal education must be rooted in the current social concern and phenomena which dictate the affairs of men at any point in time. It is then that legal education can be fruitfully applied to a wide range of social problems. The fact that government activities are also subject to judicial review further underscores the importance of legal education in solving societal problems. This important status of Lawyers in the society requires that legal education should be all encompassing

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<sup>5</sup>O.O Akinkugbe, *The Role of Lawyers in Society*, in *Law and Social Change in Nigeria*, Lagos: Evans Brothers Ltd. (1972) p. 89

<sup>6</sup> Ibid at page 90

<sup>7</sup>Ibid

and conform to the demands of modern society, such that Lawyers can effectively perform their roles in the society.

To equip law students for the challenges of the information age, the Nigerian Law School and law faculties and colleges need to key into the learning community paradigm which is driven by ICT. According to Knauer<sup>8</sup>, the learning communities can help improve legal education through their unique ability to integrate the three core apprenticeships: theory, practice, and professionalism. Advantages of the learning communities is that they foster creativity and offer students a collaborative learning experience while instilling “soft skills”<sup>9</sup> According to Leigh Smith<sup>10</sup>, the learning community theory generally restructures the curriculum to blur the line between courses and discipline, creating intentional communities united by information sharing, social interaction, and problem solving.<sup>11</sup> In applying this to legal education in Nigeria, co-production of knowledge could be achieved on themes woven around academic topics, current events, and professional identities. This is possible when our law faculties and colleges develop into learning communities with active participation of students and the faculties through the use of ICT to encourage collaborative learning internally and with the outside world.

Unlike the traditional learning theories, learning communities lean with the social constructivist view that knowledge is socially constructed and learning is the shared production of meaning.<sup>12</sup> While the traditional learning theories of behaviorism<sup>13</sup>, cognitive constructivism<sup>14</sup> are individualistic in focus, the focus of social constructivist learning theory is the situated context.

The theory holds that the community is where learning occurs, and knowledge is co-constructed by its members. In order to achieve students centered legal education in Nigeria, our teaching method should lean towards co-production of knowledge by law faculties as a physical learning community, in collaboration with the virtual learning community facilitated by the ICT and with active participation of the students. Examples of learning communities are Google Scholar<sup>15</sup>, Academia<sup>16</sup> and ResearchGate<sup>17</sup>. Similar learning communities could be replicated by law faculties and colleges. A collaborative environment can be created where members of faculties and

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<sup>8</sup> N.J. Knauer, Learning Communities: A New Model for Legal Education, *Elon Law Review* (2015) Vol. 7 pp. 193 - 224 see also; W. M. Sullivan et al., *Educating Lawyers: Preparation for The Profession of Law* (2007) (Carnegie Report).

<sup>9</sup> Daniel Goleman, Leadership That Gets Results, *Harvard Business Review*, Mar.–Apr. (2000), at 78

<sup>10</sup> B. L. Smith, The Challenge of Learning Communities as a Growing National Movement, *Peer Review*, Summer/Fall (2001), p. 4, available at <http://www.aacu.org/publications-research/periodicals/challenge-learning-communities-growing-national-movement>.

<sup>11</sup> *ibid*

<sup>12</sup> J. R. Hill, Theoretical Foundations for Making Connections, in *Theoretical Foundations of Learning Environments* (David Jonassen & Susan Land eds.) (2012).

<sup>13</sup> Behaviorism views learning as the response to external stimuli and assumes a relatively passive learner who absorbs a predefined body of knowledge. See *Behaviourism*, BERKELEY GRADUATE DIVISION, <http://gsi.berkeley.edu/gsi-guide-contents/learning-theory-research/behaviourism> (accessed 18<sup>th</sup> May, 2019).

<sup>14</sup> Cognitive constructivism considers learning to be an internal process where learners actively construct knowledge systems based on preexisting cognitive structures. Cognitive Constructivism, BERKELEY GRADUATE DIVISION, <http://gsi.berkeley.edu/gsiguide-contents/learning-theory-research/cognitive-constructivism> accessed 18<sup>th</sup> May 2019

<sup>15</sup> Provides a simple way to learn from scholarly literatures across disciplines. <https://scholar.google.com>

<sup>16</sup> [www.Academia.edu](http://www.Academia.edu).

<sup>17</sup> <https://www.researchgate.net>

colleges can set up required reading folders to share with the students, gaining visibility into students checking in attitude.

For many years, the traditional methods employed by law teachers have produced eminent lawyers, great teachers and jurists of note, while acknowledging this constant fact, this paper seeks to interrogate the spectrum of teaching methods with a view to putting students' interest at the center of all activities.

### **Spectrum of teaching methods**

Law as a discipline falls into the class of liberal sciences<sup>18</sup> and therefore requires a combination of methods and techniques to make learning more permanent, recall much easier and teaching more effective. Different teaching methods are employed depending on the classroom environment and the learning objectives of a particular topic. Aside the traditional methods of chalk and talk, note dictation and issuance of handout employed to teach law for decades in Nigeria other methods that could be employed include but not limited to; storytelling, discussion, questioning, project methods. These methods are discussed one after the other as follows:

Traditional methods of teaching law in Nigeria

### **Chalk and Talk Method**

Chalk and talk method<sup>19</sup> primarily refer to the use of chalk and the chalkboard. However, it does not necessarily mean the use of chalk in modern time as the name implies. It also involves the use of any device that has replaced the chalk and chalkboard. Also known as expository method or lecture method, it involves talking and giving facts, asking and answering questions and writing the answers on the chalkboard. It is a large audience instructional method. It is a convenient method to adopt in teaching law, especially with the nature of law curriculum with considerable amount of content required to be covered within a short period. This method presupposes that the teacher is the main repository of the knowledge to be imparted while the students are passive listeners. Chalk and talk method enable the teacher to consult many sources and approach the class well loaded and able to touch deep into the subject. However, such lecture is directed at a large audience of students and provides no opportunity to meet the needs of individual learner.

This method also makes class discipline difficult to maintain. Again, chalk and talk method does not afford the students to adopt problem – solving approach to learning. The fact that it is a verbal presentation where the teacher does the talking and students are passive learners diminishes the strength of chalk and talk method. Unlike power point presentation which is its modern equivalent, drawing charts or diagram where required is often difficult for many teachers via chalk and talk<sup>20</sup>

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<sup>18</sup>The word science is derived from the Latin word 'scientia' which means knowledge. I.E Ukpokolo, "The Idea of Science" in *Philosophy and Logic A Critical Introduction*, GSP; University of Ibadan (2010) p. 29 Like the core science, law is a form of rational inquiry, like law, science thrives on evidence. While science is a blend of logic and imagination, law is a blend of logic and facts. Science predicts via hypothesis, while law presumes through legal inference to the existence of a fact or set of facts. For instance, when a presumption is irrebuttable it stands for all time, like the rock of Gibraltar see; Abubakar v. Yar'Adua (2009) ALL FWLR (Pt. 457) 1 at 140 and Adighije v. Nwaogu (2011) ALL FWLR (Pt. 559) at 1006 CA

<sup>19</sup>S. Anita and K. Neeta, Importance of Talk and Chalk Method of Teaching: dental students' View in Preclinical Years, *International Journal of Health Education and Medical Informatics* (2018) Vol. 5 Is.3 pp. 11-15

<sup>20</sup>N. Jabeen and A. Ghani comparison of the traditional chalk and Board Lecture System Versus Power Point Presentation as a Teaching Technique for teaching Gross Anatomy to the First Professional Medical Students', *Journal of Evolution of Medical and Dental Sciences* (2015) Vol. 4 Issue 11 pp.1811-1817

and could be time consuming. In a large class, the voice of the teacher may not effectively reach all students; hence visualization along with lecture can be more effective. Sometimes, there may be few terms which are not easily transmitted to the students on account of pronunciation or spelling problem, visibility and illegible handwriting of teachers, power point will take care of this in modern time.

### **Dictation of notes**

Dictation of notes is a very common method of teaching in Nigerian Universities. This method is also adopted by law teachers in teaching law courses at the undergraduate level and in some cases for teaching postgraduate courses. Unlike the chalk and talk method, this approach to teaching involves a teacher dictating to the students from a prepared lecture note. This approach affords the students to be directly spoon-fed from a well-prepared lecture note, often a product of research across a spectrum of relevant textbooks. This method is however inherently weak in certain respects;

- (i) it is not an effective method for a large audience of students
- (ii) the method may be laborious for the law teacher, giving the volume of course content prescribed by the curriculum
- (iii) students are distracted in their attempt to fill the missing gaps as they are not gifted to write at the same pace
- (iv) students can miss out vital information in the course of dictation thereby making the note incomplete and
- (v) this approach produces lazy students who rely solely on the lecture notes for learning and examination purposes.

### **Issuance of handouts**

In this approach, the teacher discusses a topic in the law curriculum with the students and thereafter leaves the students with a handout containing the details of such topic. This method enables the students to hear the teachers' view and thereafter read the details in the handout. However, the method encourages laziness as many students may not go beyond the handout given by the teacher for learning and examination purposes. Again, some handouts are just photocopies of academic materials with no reference to authenticate the information or lead the students to further research. Therefore, the students merely give back to the teacher during examination, what the teacher handed to them in the class. This method has the danger of depriving the students the opportunity of having a functional knowledge.

### **Other methods of teaching**

#### ***Story – Telling***

Storytelling is a good method to adopt in the teaching of law. In this approach, stories are told for the purpose of identifying the legal principles in the scenario. It is recommended that such scenarios are drawn from topics contained in the course content with which the students are acquainted. Students are required to distill the legal issues and principles woven into the fact of a carefully crafted story. Simple, real and relevant stories are very useful in this circumstance as stories are not expected to be too long and boring. This method is designed to equip law students with the listening skill required to sieve life issues and potent facts from the stories they will have to contend with while dealing with their clients in real life legal practice. Story – telling is also a very common way of asking questions in law examinations in Nigerian Universities and the Nigerian law School. In using this method, facts relating to the students' immediate environment

are encouraged to be used as this greatly assist students to remember the content and context of the story. Law teachers must avoid long and clumsy stories to sustain students' interest. A well told story reduces tension, prevents fatigue and assist in class control. While an unnecessarily long and badly couched story leads to boredom, loss of interest and substance of the content. The good side of this method includes the following;

- (i) it catches the attention of students and useful in class control,
- (ii) it imbues students with listening skill;
- (iii) it helps students to identify relevant legal principles in diverse circumstances.

### ***Discussion Method***

More often than not, our conscious reaction to our environment is determined by the opposing mental attitudes of extroversion and introversion. According to Carl Jung<sup>21</sup> psychic energy could be channeled externally, toward the outside world, or internally toward the self. Extroverts are open, sociable, and socially assertive, oriented toward other people and the outside world, while introverts are withdrawn and often shy<sup>22</sup>. These types of personalities are noticeably present in every classroom. While some students readily get along with the class and participate actively, the introverted students are noticeably cool and look almost unconcerned about the topic of discussion. Discussion method of teaching law topics is a good student-centered technique which helps the teacher to get the introverts out their shells.

As against chalk and talk method, this method considers the needs of individual learner. In using this method, thought provoking topics in the relevant area of law are selected for discussion by individual students or groups of students. Such topics are given to students prior to the period of discussion. The only role of the teacher is to moderate the discussion and also bring forth important facts missed out by the students during the presentation. Different topics selected from the course content are given to individual students or group for discussion. Thereafter, questions are thrown at such individuals or group to measure depth of knowledge and originality of the presentation. Group leaders are purposively chosen to coordinate group activities and present the group consensus. Discussion method is advantageous for the following reasons;

- (i) introverted students are drawn out of their cocoons to take active part in class discussion,
- (ii) selected topics are properly grinded,
- (iii) students' depth of knowledge and originality of presentation are cross-checked during question time, and
- (iv) the teacher has the opportunity to supply missing facts and correct misconceptions.

### ***Questioning method***

Also known as Socratic Method<sup>23</sup>, questioning is a good method of imparting legal knowledge. In using this approach, questions are asked to measure the state of knowledge of the students on a

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<sup>21</sup> C. Jung, 'Analytical Psychology' in P. S Duane and E. S Sydney, *Theories of Personality*, 10<sup>th</sup> Edition, United State of America (2013), p.93.

<sup>22</sup> ibid

<sup>23</sup> The Socratic Method is traceable to Socrates, an Athenian philosopher who lived around 470 B.C. There are several key points in the Socratic Method when it is applied for learning purpose. First, its learning objective is "inquiry". Its purpose is not to completely oppose students' original arguments, but partially modify them. Secondly its method is a dialogue between student and teacher. The role of the teacher is to ask questions and the student expected to organize their past experience and knowledge in answering the questions. Thirdly, its method not only involves an interactive dialogue between teacher and students, but also inductive. The teacher continuously leads the students to

particular topic. Socratic Method is effective when questions are open – ended. This way, questions encourage thoughtful responses and discussion by the class. Questioning is also used to evaluate the students’ understanding of the previous lecture. All law teachers are encouraged to adopt this. The potency of this teaching technique is hardly noticed because it is used in combination with almost any other learning activity and as such teachers neglect to take full advantage of it. In adopting this method by law teachers, it is recommended that questions should be specific, unambiguous, probing and analytical. To have full appreciation of this method, chorus answers should not be encouraged, while badly answered questions should not attract any form of harassment by the teacher or the students. Questioning method attracts the following importance;

- (i) it aids effective learning,
- (ii) questions help students to think constructively,
- (iii) questions help a teacher evaluate the effectiveness of his teaching
- (iv) questions stimulate critical thinking
- (v) questions motivate learning, and
- (vi) Questions help students to develop insight into the subject matter.

### ***Project method***

The project method of imparting legal knowledge is adopted for students in their final year just like every final year student in other faculties and colleges in Nigerian universities. This involves the individual student choosing an area of interest to address a problem. Unlike other faculties or colleges, law students are required to address a legal problem. In this method, the teacher only assumes the position of a supervisor under whose guidance a student achieves a set of objectives within a stipulated time frame. The strength of this method includes but not limited to the following:

- (i) it makes learning real by presenting life issues for student to tackle;
- (ii) it makes learning clear through concrete objectives such that students can measure their degree of success at the end of the project
- (iii) it puts responsibility on students and encourage personal initiative and;
- (iv) it helps students to be self-reliant as they fall back on their views and sense of judgement.

### ***Importance of ICT in legal education***

Despite the efficacy of the teaching methods discussed above, legal education in Nigeria still leaves much to be desired. All the foregoing methods are in the category of analog teaching methods. A big contradiction sets in when we teach digital students by analog means alone. It cannot be gain said that the current generation of students is students of the information age who possess unimaginable mastery of the use of the internet and ICT tools. Therefore, for our teaching techniques to be students centered, law teachers must adopt a mix of analog and digital methods

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reason incorrectly then uses the counterexample to clarify the problem. Socratic method has five stages thus: (i) Wonder i.e posing questions using heuristic tools such as what? Why? How? etc., (ii) Hypothesis – an answer to the wonder, one gives his opinion or claim about the question which becomes an hypothesis of the dialogue,(iii) Elenchus – refutation and cross-examination , the hypothesis is called into question and counterexample is given to prove or disprove the hypothesis, (iv) Acceptance or rejection of the hypothesis; and (v) Action : acting on the findings of the inquiry. See generally; P. Boghossian, *Socratic Pedagogy: Perplexity, humiliation, shame and broken egg. Educational Philosophy and theory* (2012), 44:7 pp. 710 - 720 and Delic.H. and S. Becirovic., *Socratic Method as an Approach to Teaching, European Researcher* (2016) Vol.111 Is. 10, pp. 511 - 517



for a start and subsequently tilt toward digital method of teaching. Law teachers must have sufficient knowledge, not only of the use of computer but also of the navigation of the internet. This is necessary because the uncontrolled and uncoordinated exposure of our digitalized students to the internet and ICT tools are assuming a dimension inimical to ensuring good quality legal education. For instance, when individual or group assignments are given to students, or a topic is assigned to them for their long essay, they could easily plagiarize another person's work and get away with it, if law teachers remain in the analog world. Ironically, such students will be awarded high classes of degree at the end of their academic programme.

There are websites where complete project works are available for sale or where students can pay and hire a writer. Such website includes; projectsxtra.com, iproject.com and liveprojectstore.com among others. With the employment of ICT in our teaching method the negative prowess of these digital age students could be checkmated. Anti-plagiarism software useful in this regard are; Turnitin.com, plagiarismdetector.net, Scribbr, Ephorus, Quetext, Compilatio, BibMe and PlagScan among others. The complete analog method of teaching law seems to be inadequate to prepare the students for the challenges of legal practice. The picture was captured by Augustine Alegeh, SAN a former President of Nigerian Bar Association as follows:

The situation we often find is that the brilliant products of the Nigerian Law School who are awarded either a first class or a second-class upper division still know little or nothing about the practice of law whether in the realms of advocacy or commercial law practice.<sup>24</sup>

On the need to reposition the method of teaching law in Nigeria, Badaki advised that:

Legal education should be re-orientated from the traditional outmoded focus of 'what lawyers need to know' to 'what lawyers need to be able to do'. One way of achieving this goal is to familiarizes (sic) the student with lawyer-client relationship with modern practical teaching and training devices in order to develop skills in interviewing, investigation, fact and case analysis, writing, drafting, counseling, negotiating and advocating.<sup>25</sup>

The above opinion represents a challenge to legal education in Nigeria bothering on the need to reposition teaching methods to meet the modern requirement. Some of the importances of ICT in legal education are:

1. The dynamism of law is such that in practice, lawyers must contend with branches of law which were not part of the academic training they received. As the society is evolving, new social issues requiring legal attention and new legal structures come into existence. It is therefore imperative that a good law graduate is not restricted or limited by pedagogy as inherent in analogue teaching method but must be trained to adapt to changes and even help bring about changes in the law.

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<sup>24</sup> A. Alegeh, SAN, "Legal Education in Nigeria; Way forward" in Council of Legal Education, Fifty years of legal Education in Nigeria: Challenges and Next Steps (undated) 151-169

<sup>25</sup> A.D Badaki Devising strategies for legal education as a tool for development' in Fifty Years of Legal Education in Nigeria –Challenges and the Next Step (2014) pp. 205 - 231

2. Electronic media have transformed education at all levels, while law faculties are not responsible for the radical use of digital technology by the students, they must manage to understand and embrace these changes so as not to lose efficiency and influence<sup>26</sup>. Digital technology allows students to be connected with their teachers in such a way that overcomes the challenges of distance. With a high increase in the student population in recent times (especially in Nigerian public universities), pedagogy is being compromised; therefore, the use of the internet in developing online resources is a way of making them always available to teachers to educate the students. This, in turn, improves the quality of education and increases the number of literate students in digital milieu.<sup>27</sup>
3. The use of digital textbooks provides an interactive interface where students have access to multimedia content such as videos and interactive presentations. The use of animation is a captivating way which allows students to learn by offering a visual representation of the topic to be learnt which is in tandem with what students are exposed to every minute on their android phones. Even the toughest topics can be presented in a simplified way by use of animation, charts, graphs and diagrams where necessary using projector.<sup>28</sup> With the use of projector, course content can be covered and completed earlier. All these are difficult to achieve with the adoption of chalk and talk teaching method.
4. Digitalization deemphasizes the top-down dissemination of standardized knowledge. As an educator, you go from disseminating knowledge orally, via in-class lectures, to putting it online in a variety of formats, including written text, videos, quizzes, and so on. While, almost by definition, oral lectures are prepared in advance, providing such content online frees up class time for more discussion.<sup>29</sup>
5. Digital technology makes it possible to access varying learning materials and tools for example publishers of law books, cases and materials can put their work<sup>30</sup> on the internet which is easily accessible to teachers and students alike. Virtual libraries are easily accessible at less cost to the scholars in this way. Legal research as an important aspect of legal education becomes easier, faster and better with digital technology.
6. Digital technology pays little attention to distance; it can penetrate geographical, political and institutional boundaries that previously seem utterly defining<sup>31</sup>. It allows law faculties to expand their reach to play a role in the education of additional categories of students as they currently enroll. This is possible because the limitation faced by those who cannot travel to lecture halls and designated libraries will also have the opportunity of being part of the learning process.
7. Digital distribution of course materials, networked communications between teachers and students and group of students among themselves is one of the things that are made possible

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<sup>26</sup>Martin P 'Information Technology and U.S Legal Education: Opportunities, Challenges and Threats' Journal of Legal Education (2002) 52(4) 506-515 retrieved from <http://www.jstor.org/stable/42898301>.

<sup>27</sup> Bates. A Broadcasting in Education: An Evaluation. *Using Technology to Teach* London Constables (1985) retrieved from <http://opentextbc.ca/teaching> in -a- digital -age/chapter/section-8-2-choosing-tech.

<sup>28</sup> Retrieved from <http://education.mit.edu/wp-content/uploads/2018/10>.

<sup>29</sup> Pierre Dussauge, 'The Impact of Digitalization on Higher Education' (HEC Paris) <https://exceed.hec.edu/en/news-resources/news/the-impact-of-digitalisation-on-higher-education>, 17<sup>th</sup> July 2018 [http://elearningindustry.com/digitization-of-education-21<sup>st</sup>-century](http://elearningindustry.com/digitization-of-education-21st-century)

<sup>30</sup> LEXIS introduced a computer based federal tax library comprising statutes, court decisions and agency materials sometimes in 1999, WESTLAW and others with greater cumulative impact, less cost and wider distribution. We now have platforms like LEGALPEDIA in Nigeria.

<sup>31</sup> Footnote 10 supra

by digital technology. Digital technology provides the opportunities that will enable stakeholders in legal education to free themselves of heavy costs and rigidity associated with the traditional analog method. Students can be offered instructions wherever they are, and the teachers can be spatially distributed. Through digital technology instructional teams could include lawyers and judges as well as scholars that are not resident full-time academics. This will allow for a blend of professional and academic training. A good example of an ICT tool offering this service is Google Classroom<sup>32</sup>.

It is noteworthy that the method of legal education goes a long way to influence the nature of legal practice which the students put up in later years.

### **Effects of analog teaching on legal practice in Nigeria**

The contribution of the analog method of teaching to the Nigerian legal community is immeasurable. However, it has some long-lasting effects on the legal practice of Nigerian lawyers and the entire judicial system. Until recent time, many lawyers are not digital literates while our justice delivery system is characterized with undue delay. It is common for a civil case to take between three to eight years before a judgment is entered. In land cases, it often takes more. A review of cases in Nigerian courts showed that on the average, it would take 22 years to conclude a case originating in the Magistrate Court at the Supreme Court<sup>33</sup>. It is not surprising, therefore, that Justice Olatawura had to sit over and decide a land matter which came to court while he was still a court clerk. The case “waited” for him until he had gone to England, studied law and practiced long enough to be elevated to the bench<sup>34</sup>. Confirming the truism in this magnitude of delay in Nigeria judicial system, retired Justice Sanda in his book, *Justice Delayed is Justice Denied* opines as follow:

*In our adversarial system of law, it is the common conclusion of parties who are involved in court litigation that they leave the court wishing they had never become involved with the law. It is the general assumption of the Nigerian public that if you go to our courts with your claim or complaint, you must find yourself to be the luckiest person on earth if judgement is delivered for or against you within seven to eight years of the issuance of the courts originating process<sup>35</sup>.*

Oyewo gave the effects of all these delays in the following words:

*Delay causes hardship - delay brings our courts into disrepute. Delay results in deteriorating of evidence through loss of witnesses, forgetful memories and death of parties, and make it less likely that justice will be done when the case is reached for trial<sup>36</sup>.*

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<sup>32</sup> Google Inc, about Google Classroom available at [support.google.com/educlassroom/answer.6020279](https://support.google.com/educlassroom/answer/6020279)

<sup>33</sup> Ojielo, M. O. *Alternative Dispute Resolution*. Lagos: Center for Peace in Africa (CPA) (2001) p.2

<sup>34</sup> Sasegbon, D. The opportunities and Challenges of the Computer in the Legal profession: *Nigerian Law and Practice journal* (1998) Vol.2 No.2:96.

<sup>35</sup> Sanda, A. A. *Justice delayed is Justice denied: Problems and Solutions*, (2001) Ibadan Spectrum Books Limited. p.1

<sup>36</sup> Oyewo A. T *African Customary Law in Comparative Milieu and related topics*. Ibadan: Jator Publishing Company (2003) p. 28

With the minimum standard set by the Council of Legal Education is that all faculties and Colleges of law must have e-library and with electronic sources of law report, things will improve both in legal education and practice. ICT can be conveniently employed to facilitate both. Every lawyer must however be prepared to move with the digital tide for the digital revolution affects every aspect of human endeavour and law must not be left out<sup>37</sup>. In the past, the three professions regarded as ‘learned professions’ are law, medicine and religion. Nowadays, lawyers have wrested and won the exclusive label of being the learned profession.<sup>38</sup> Lawyers have no doubt some rights to this appellation because of the information-seeking nature of legal profession<sup>39</sup>. What has been discovered however is that many lawyers do not take advantage of the ICT to facilitate their legal practice owing to their background in analog legal education. This raises a lot of concern, because law is an information-based profession which ought to leverage on the information revolution to widen in horizon and grow in leap and bounds.

About the importance of information to lawyers, Gerbert opined thus:

*There is no class of men, professional or otherwise so dependent upon books as the lawyers. There is no library of whatsoever kind or nature which so directly pertains to the interest which it is designed to serve as the law library. I am speaking with authority when I say the lawyers books are his tools without which he would be unable to provide for himself and his family<sup>40</sup>.*

A recent study<sup>41</sup> was carried out to examine the level of awareness, availability, accessibility and use of electronic legal information resources in legal practice as providing a veritable platform for networking among legal practitioners, with a view to developing robust legal mind, as well as to facilitate the use of library electronic information resources in legal profession. The study which used Oyo state judiciary as a case study is quite apposite at this juncture. The respondents<sup>42</sup> in the research agreed that the use of electronic legal information resources leads to faster and timely execution of cases and also provide platform for comparative jurisprudence. The study however found that most court libraries are still operating manually<sup>43</sup> as e-legal resources like law reference materials, laws of other countries, human right needs, law reports and court proceedings were poorly accessible. This factor has adversely affected individual legal practice of many lawyers and justice delivery system at large not only in Oyo State but in the country as a whole.

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<sup>37</sup> Anyaegbu, M.I. et al, Law Libraries in Information Age: The Role of Academic Law Librarians, *Information and Knowledge Management*, (2013) 3 (12). 112-118

<sup>38</sup> Oba, A.A. Towards regaining learning and correcting leanings in the legal profession in Nigeria. *CALS Review of Nigerian Law and Practice*, (2007) 1(1).13-27

<sup>39</sup> Hawau A. M and Adeleke, L. An Electronic information Resources and the Legal Profession: The Case Study of Oyo State High Court, Nigeria, *Information Impact, Journal of Information and Knowledge Management*, (2018) Vol.9 (1) pp. 26 - 34

<sup>40</sup> Gerbert, D. System dynamics, towards a language comparative law. *The American journal of comparative law*, (1998) 46 (4): 719-737.

<sup>41</sup> Note 23 supra

<sup>42</sup> The study population consists of Oyo State High Court, Nigeria and some selected legal practitioners in the state. The total enumeration technique was adopted in drawing samples covering judges, lawyers and law library personnel in the court and its branches. In all, 111 respondents including law library personnel, lawyers and judges were covered. Data was analyzed using descriptive statistics such as frequencies, percentages, and standard deviation.

<sup>43</sup> Larger proportion of the respondents indicated that Oyo State High Court libraries do not provide electronic library services. Thus, have no internet connectivity.

### **Challenges of digital legal education**

Laudable as the application of ICT to legal education and practice is, there is an array of challenges that could stand on the path of applying ICT in aid of legal education and legal practice. Some of the challenges are:

1. Academic institutions are limited by economic, cultural and technological situations in the general environment in which they are situated. In the case of law faculties in Nigeria, the economic restriction that comes with funding of universities and affects allocation of resources within the university system. Technological limitations are created by the level of infrastructural development in the country as a whole.
2. Structural impediments such as staffing and training of staff prevent quick and strategic response to a rapidly changing environment. Embracing digital technology wholly will necessitate differentiated teaching roles and institutional structure that may be difficult for law faculties and colleges to embrace.
3. Expectations of regulatory standards for legal education may limit the potential of law faculties to embrace and fully utilize digital technology. The express stipulation of the number of hours that the students must sit in the classrooms, the structural and institutional setting where instruction must take place as well as the qualification of those that must oversee such instruction are some of the regulatory standards that may limit a fully digitalized legal education.
4. The personal connection between teacher and student as well as interactions among participants in a classroom setting is notably absent in a full virtual learning environment.
5. The incidence of cyber security is another challenge in this regard. This has to do with the resources needed to keep electronic data intact. The information revolution is dynamic phenomenon, it involves the integration of information technology with physical infrastructure operations, there is thus increased risk of wide scale or far-reaching consequences events that could cause harm or disrupt services upon which our economy and the daily lives of millions of Nigerians depend. To disrupt any critical infrastructure, physical contact has become irrelevant, as every manipulation could be done in the cyber – sphere. National intellectual infrastructure is also vulnerable to cyber threat or attack. The virtual libraries of faculties and colleges of law as well as personal catalogue of electronic data kept for the purpose of legal education are open to cybercrime. The tools

used by cyber attackers are manifold and these include; hackings<sup>44</sup>, SQL injection<sup>45</sup>, password cracking<sup>46</sup>, sniffers<sup>47</sup>, and viruses and worms<sup>48</sup> among others<sup>49</sup>.

As discussed above human efforts at digitalizing legal education can be destroyed in a jiffy once there is virus or worm attack on the system. The foregoing discussion generally represents the limitations and challenges of digitalization of legal education and emphasizes the need to keep our physical libraries and further exploit the inherent potentials of the traditional and the analog model of legal education.

### **Conclusion and recommendation**

The use of ICT in aid of teaching and learning is constantly evolving, and the vistas of opportunity that lay in the horizon seem endless as it is hard to predict the velocity and direction of this revolution. Digital revolution has affected different disciplines in different ways. Law teachers and students cannot stand unconcerned and stick to the analog form of teaching and learning, while the rest of the world moves with the current tide. ICT has made impartation of knowledge stress-free for both students and teachers. The Nigerian law school, faculties and colleges of law should gradually implement digital teaching solutions to involve with a generation of learners familiar with the likes of PlayStations and iPads such as to make the classroom atmosphere broader and more participatory. Currently students live in a world that is constantly linked and alive outside the classroom, so traditional methods of teaching alone will not be adequate in modern time. The true revolution in legal education can only be achieved when legal education is driven by digital revolution and students can learn at their own speed both within and outside the classroom. Our law faculties and colleges could transform into structured learning communities, where legal issues are tackled via problem-solving approach within and between the faculties and colleges. Nonetheless, it is recommended as follows:

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<sup>44</sup> The Australian Law Dictionary defines hacking as unauthorized access to a computer or computer system usually with intent to cause harm or damage. Trischa Mann, (ed) Australian Law Dictionary (2<sup>nd</sup>ed) Oxford University Press (2013) p. 163 - 164 Often times, hackers impersonate the system administrator by employing default maintenance password that the system administrator failed to change, to gain access to the system.

<sup>45</sup> SQL injection is a type of security exploit whereby the attacker injects Structured Query Language (SQL) code through a web form input box, to gain access to resources, or make changes to data. Here, the attacker injects SQL commands to exploit non- validated input vulnerabilities in a web application database backend and consequently execute arbitrary SQL commands through the web application. The aim of a password cracker is mostly to obtain the root/administrator password of the target system

<sup>46</sup> Password cracking is a term used to describe the penetration of a network, system, or resource with or without the use of tools to unlock a resource that has been secured with a password.

<sup>47</sup> Sniffers this is a programme or device that captures the vital information from the network traffic specific to a particular network. Sniffing is basically a data interception policy whose objective is to steal passwords (from email, the web, FTP, SQL or telnet), email text, files in transfer etc. Dasuki, M.S 'National Cyber Security Policy' (December, 2014) available at <[https://cert.gov.ng/images/uploads/NATIONAL\\_CYBESECURITY\\_POLICY.pdf](https://cert.gov.ng/images/uploads/NATIONAL_CYBESECURITY_POLICY.pdf)> accessed on 4th June 2019

<sup>48</sup> A virus is a self-replicating malicious programme that replicates its own code by attaching copies of it into other executable codes and operates without the knowledge of the computer user posing serious threat to both business and personnel. It resides in the memory and replicates itself while the programme where it is attached is running.

<sup>49</sup> Oludele, A.et al 'Vulnerabilities in Network Infrastructures and Prevention/Containment Measures' (Paper presented at the Proceedings of Information Science & IT Education Conference (InSITE, 2012) available at <<http://proceedings.informingscience.org/InSITE2012/InSITE12p053-067Awodele0012.pdf>> accessed on 22<sup>nd</sup> May 2019

1. That digital learning should not be a substitute to in-class learning but rather a complement to it.
2. Digitization can no doubt change the legal education in a positive way, but it will not in any way diminish the value of classroom learning. Digitization of legal education should be a combination of classroom learning and on-line learning with both acting as complements to each other.
3. It is recommended that the virtual libraries of faculties and colleges of law should be functional with regular update of cases, statutes, books, rules of courts and other relevant materials. A situation where e-libraries are updated only for the purposes of resource verification or accreditation by the Nigerian Universities Commission and the Council for Legal Education should be discouraged.