Compatibility of Legal Education in Nigeria to Open and Distance Learning in the 21st Century.

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Abstract

Legal education, like any other discipline in higher Institution, necessitates the use of various teaching and learning pedagogies in order to provide a sustainable teaching and learning environment. Many aspects of legal education are driven by new market dynamics of demand and supply. Open and Distance Learning has created room for the emergence of virtual education. Not only are students found everywhere undertaking studies but geographical boundaries between States no longer appear to have much relevance today. This article aims at examine ode of delivery of legal education in Open and Distance Learning Institutions, especially National Open University of Nigeria. The article is divided into sections: The first section is introduction, the second discusses the concept, origin, types and goals of legal education; third describes the history of legal education in Nigeria; four presents historical development of ODL; five present methods of delivery in ODL; six discuss regulatory bodies of legal education in Nigeria and conflicts of interest. Seven examine the challenges of online learnin, The article concludes with recommendations that Legal Education in ODL Institutions can be effectively deliver.

Keywords: Legal Education, Technology, Distance learners, Cross-border Students

1.0 Introduction

The emergence of the digital technologies and their penetration into all levels of education, from primary schools, secondary school to Higher Institutions and Universities, has challenged higher education institutions to redefine their teaching and research practices and to redesign their organizational infrastructures. The digital technologies are applied in higher education institutions in teaching/learning processes for a variety of purposes: information retrieval from various resources; simulations and multi-media presentations; communication with instructors in- and after classes; communication among students; drilling exercises and sample tests; class administration, etc.
The revolution of science today in the area of telecommunication and the advent of the internet and electronic messaging system has improved (Chandler G.1989) on every facet of business activities, politics education and social life in the world. This is called digital age, which has the universe in its grip and every nation, profession, transportation, commerce, education and every transaction of the economy must keep abreast with it or lose its place in the race for development.

The internet, the great miracle of modern technology, the magic grid of several computers networks around the globe has created the World Wide Web (WWW) where virtually anything is possible to do through the internet. The internet enables every human activity to be conducted with relative ease, quick and speed. For instance, a click on a mouse will send messages to any part of the world in a matter of seconds. So also in the mode of delivery of legal education in ODL with ease in this digital age.

The various uses of the digital technologies in Open and Distance Learning (ODL) study environments is reflected in a plethora of different terms in the relevant literature, such as - Internet mediated teaching, web-based education, online education, computer-mediated communication, e-learning, virtual classrooms, information and communication technologies, open and distance learning, distributed learning, etc. (Donohue & Howe-Steiger 2005) claimed that the marketplace of ideas related to the applications of the digital technologies has become a mix of jargon.

ODL system since its inception has gone a long way in terms of imparting education to the learners through different modes of teaching. The reason to this is the increased competition in higher education, which has stressed upon a need to look beyond the traditional mode of teaching (Bates, 2005; Guri-Rosenblit, 2009; OECD, 2005; Trucano, 2005).

Article 26(1) of the Universal Declaration of Human Rights provide that everyone has the right to education -technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Statement of the problem

This study sought to examine challenges related to ODL Institutions, running Legal Education instructional and institutional levels facing students of ODL, National Open University Nigeria as a case study.
Research Methodology

The research methodology used to carry out this study is the doctrinal method. This entails the use of materials from the Library and is based on literature review. The author made observation and used his experienced as a Lecturer in National Open University of Nigeria.

2.0 The Concept of Legal Education and its origin

Legal education is the education of individuals in the principles, practices, and theory of law. It may be undertaken for several reasons, including to provide the knowledge and skills necessary to those working in other professions, politics or business, to provide current lawyers with advanced training or greater specialization, and to update lawyers on recent developments in the law.

It is a subject of great importance in view of its dynamic role in moulding and envisioning the legal system of the country—thus being instrumental in the accomplishment of the cherished objectives of justice, liberty, equality and fraternity of a sovereign, socialist, secular, democratic republic. Legal education is a broad concept. It includes the profession which is practiced in courts, teaching of law, research, and administration in different branches where law plays a role in commercial and industrial employments.

Types of Legal education programs:

- First LL.B degree in law, which may be studied at either undergraduate or graduate level depending on the country.
- Advanced academic degrees in law, such as Masters and Doctoral degrees.
- Training and practice courses, which prospective lawyers are required to pass in some countries before they may enter into practice. For instance Bachelors of Law (BL) study at the Nigerian Law School, Abuja, Nigeria.
- Specialised law programme, which are less formal than degree programs but which provide specialised certification in particular areas, eg Diploma in Law or Sharia Law
- Continuing legal education, which do not lead to a qualification but provide practicing lawyers with updates on recent legal developments eg Institute of Advanced Legal Study, Lagos, Nigeria.
- Continuing Legal Education for Judges eg National Judicial Institute, Abuja, Nigeria.
3. 0 The goals of Legal Education are:

The prime goal of legal education is to produce professional lawyers.

(a) To train men for the legal profession;

(b) To provide a Center where scholars might contribute to an understanding of law, government and participate creatively in their growth and improvement.

(c) Education which would train a man not merely in the work of solving problems of individual clients but of the society in which he lives.

(d) To act as a centre of research and criticism and contribution to the better understanding of the laws by which societies are held together.

(a) To show how legal rules have developed, the reasons underlying them and the nexus between legal and social history (Lord Denning)

(d) To provide the students with some knowledge of the legal system of other jurisdiction in the world. (Dr Mohammed Farog)

(e) To encouraged students to participate in discussions, seminars and practicals.

From the foregoing the ultimate goals of Legal Education, is to create skilled or professional lawyers, Law teachers and individuals who are educated in law whose work is primarily based on their legal degrees.

4.0 Brief history of Legal Education in Nigeria.

The Pre-Colonial era

Legal education in Nigeria dates back to the advent of colonialism in 1860s. The pre-colonial communities in what later became Nigeria were based on simple customary rules and structures of settling disputes. Then there was no need for legal education because there was no need for any as at that time.
It was largely influenced by the advent of the British government in 1861. Through colonization, the British introduced English Law, which necessitated formal legal education, into Nigeria. Prior to 1962, there was no formal institution vested with the obligation of overseeing legal education in Nigeria.

In 1861, following the era of the colonial masters in Nigeria, there was a great need for the establishment of the legal profession, due to the fact that there were so many ethnic groups in the country. A national Legal system was required to rule the people. This solved the issue of language barrier amongst the people and to breach a gap between them and the white men.

Following the cession of Lagos in 1861 by the Supreme Court of her majesty, the Supreme Court Ordinance 1863 was established and provided for three classes of person to practice law in Nigeria:

**Post-Independence Development**

The relief and joy millions of Nigerians felt when the news of Independence was upon them and the ruling of the English man came to an end was for a moment. Few years after 1st October 1960, the year Independence was declared in Nigeria, the struggle for a stable government continued as Nigerians were tossed by the military government using their authoritative powers as the Head of State.

**The period 1962 till date**

The government set up a committee named the Unsworth Committee in April 1959, with the mandate to consider and make recommendations for the future of legal education and admission to practice. The committee recommended:

- Nigeria should establish its own system of legal education
- Faculty of law should first be established in the university college, Ibadan
- Nigeria should have its own law school and should be called the Nigerian Law School, to provide vocational courses.
- Qualification for legal practice in Nigeria should be:
  
  a. Law degree from a recognized university
b. The vocational course prescribed by the Council of Legal Education at the Nigerian law school

4.0 Historical development of Open and Distance Learning

a. Correspondence education: The beginning of correspondence education must be traced back to 1840 when Isaac Pitman began to teach shorthand by post (Morris, 2011; Rowntree, 1992). This was the first ever recorded successful national attempt at providing education at a distance anywhere in the world; for many years, Pitman used the post to reach his many learners who equally got back to him through the same medium.

b. Distance education: Distance education is a process whereby an individual or institution packages information in a learnable way with the view to helping another individual or group of individuals to learn at a distance. In line with the general aim of education, distance education employs all available media, methods and techniques to enable learners access needed information at a distance; distance education equally assists the learner to apply whatever may have been learnt.

c. Distance learning: Distance learning is a process of education which emphasises learning; it is an educational enterprise during which, a facilitator of learning who is usually separated from the learner by spatial or mental distance, gathers, collates and presents information in a learnable form to one or a group of learners who have accepted the responsibility to learn.

d. Open and distance learning: Distance learning needs not be open at all (Rowntree, 1992:30). This suggests that there exists a difference between Open Learning and Distance Learning; for many decades, the term Distance Learning has been used to describe learning organised, dispensed and acquired from a distance; the prefix “Open” became attached to Distance Learning towards the end of the 20th century as a result of three significant developments. GATT (General Agreement on Tariffs and Trade)

e. Online Learning: The 21st century has brought about a massive change in the world of education. Gone are those days when teaching was limited only within the confines of a classroom. The internet has brought about a paradigm shift in the fundamental way in which learning is done. It has taken learning beyond the hallowed walls of the universities and into the palms of everyone. Sakar has sum up, that online learning is one of the most life-changing innovations of the present
century. Education is perhaps the biggest asset of the modern era and online learning has provided a medium to disseminate it among the entire population. This presents a situation full of potential, which if properly harnessed, can catapult the entire world into a new dawn of development and prosperity. (Soumik Sarkar 2020). One of the first instances of online learning in the world can be traced back to 1960, at the University of Illinois, USA. Though the internet wasn't invented back then, students began learning from computer terminals that were interlinked to form a network.

5.0 Modes of delivery of Legal Education in ODL Institutions

Open and distance learning was first known as “Distance Learning” before it became “Open and Distance Learning”; indeed, the concept “Distance Learning” emerged from the idea of Distance Education which came from Correspondence Education which itself arose from Non-formal Education. (Idowu Biao, 2012) (The United States Distance Learning Association has its own formal definition of "distance learning). The author did not intent into discussing various definition.

As the name implies, ODL institutions primarily cater their academic delivery through distance mode, and it serves as a contributing factor in opening educational qualifications without boundaries. The term “Open Learning” refers to the availability of entry, qualification, technology, pedagogy and curriculum (Selvaras, 2020). There are other definition of Open Learning, however, the author prefer using the definition provided by UN and the one provided by Sevas Sakar for the purpose of this article.

1. Online learning allows people to study in new and exciting ways, but the best type of online learning comes down to personal preference. Synchronous classes run in real time, with students and instructors attending together from different locations. Asynchronous classes run on a more relaxed schedule, with students accessing class materials during different hours and from different locations.

Synchronous learning allows students to engage with class materials at the same time as their peers as long as they can connect to the internet. This delivery type provides learners with a structured and immersive learning environment without the worry and stress of travel. Synchronous teaching is where the teacher is present at the same time as the learners. This is almost always the case in a
face-to-face environment. Synchronous virtual classrooms operate much like traditional classrooms, with set study schedules and live discussions.

Asynchronous learning allows one to learn on his/her own schedule, within a certain timeframe.

2. Flipped Classroom

Another traditional form of teaching in a University often involves lectures being given to large groups of students, accompanied by tutorials and workshops, with some independent study.

The flipped classroom is a pedagogical model where lecture and homework elements are reversed. This means that a recording of a lecture is viewed by students at home before coming to the lecture, and then the contact time itself is devoted to discussion and activities.

The applicability of flipped learning method in teaching and learning law through open and distance learning, is the idea is that you flip the classroom on its head. Instead of using the class time in a traditional way for lecturing at students you let them get the lecture on their own time. They watch the lecture and then they come to class and they do the homework part in class (Peter, 2014)

3. Use of Zoom, zoom is a cloud-based video conferencing service you can use to virtually meet with students,

Resistance to online learning

*The main barrier to people from disadvantaged backgrounds entering the legal profession is the need to be accepted into and then complete law school.

*South African students have been desperate for the transformation of higher education. This was illustrated by the case of Holtz v University of Cape Town (2017 2 SA 485 (SCA) paras 1-12) which saw the bold protests of students.

*In Nigeria, the recent statement by the Nigerian Law School rejecting students from unaccredited higher institutions shows that the problem of lowering standards and quackery in both legal studies and profession has refused to go away.
*Finally, some top members of the Nigerian Bar Association (NBA) oppose the accreditation of National Open University Nigeria for running LL.B. However, the National Open University Act, has been amended to put NOUN on the same status like any other conventional University in the country (Daily Trust Newspaper 2015)

Can Legal Education be taught in National Open University of Nigeria? The answer is YES, considering the modes of delivery of Lecture online in ODL Institutions and University.

6.0 The two regulatory body of Legal education in Nigeria National University Commission and Council of Legal Education

There are two bodies with the responsibilities of overseeing legal education in Nigeria. They are the Council of Legal Education (CLE) and the National Universities Commission (NUC). Section 1(1) of the Legal Education Act, 1976 establishes the ‘Council of Legal Education’ with the ‘responsibility for the legal education of persons seeking to become members of the legal profession. The CLE is the only body in charge of the regulation of legal education in Nigeria and was more preoccupied with infrastructural development of law faculties rather than the content and methods of legal education. Legal education in Nigeria spans six years.

Note however, that the Nigerian Law School do not accept students with law degrees from part-time, correspondence or external programmes. This includes the National Open University of Nigeria law degree.

Conflicts of interest in Legal Education in Nigeria between NUC, NOUN and CLE

The conflicts between CLE and National open university of Nigeria NOUN, started in the year 2015. After the NUC visited faculty of law of NOUN for accreditation exercise. The accreditation team of the NUC was about to release the results of the accreditation conducted, the CLE made a publication to the effect that no law graduate of NOUN will be admitted into the NLS. That led to the suspension of admission of new students into the faculty. Since then the management of the University have been making efforts to resolve issues that led to the suspension of admission into the LL.B. This is as a result of misunderstanding on the part of the CLE who came up with the idea of no part time legal education. NOUN operate a full-time programme.(Chegwe 2016)
The Second misunderstanding was the thinking of that NOUN LL.B was done by correspondence but it was not because lectures were held in all the study centers.

Thirdly the NOUN Act 1983 contained partly occasion this misunderstanding It contained the word ‘Correspondence’ as one of the mode of delivery of lectures. The study of legal education in NOUN is a full time.

**7.0 The challenges of online learning in Nigeria**

Lack of Funding by Governments sponsored Universities

Teaching Method devoid of modern technology

Problem of Accreditation of Law programme in some government approved Universities

**First-class Inflation in most private Universities**

**Lack sufficient power supply**

**Competition:** Nigerian Legal education is structured as competition. Applicants seeking for admission into faculties law is highly competitive.

**8.0 Recommendations on the way forward**

1. It is time for Nigeria to embrace new technology to revolutionising the legal education curriculum, or else, as a country risk becoming backbenchers in the community of nations, producing a generation of lawyers that will be primitive in thinking.

2. The Council of Legal Education should recognized and accredit National Open University of Nigeria as an Open and Distance learning Institution running full time programme in legal Education like any other conventional University in line with the recent amendment of the Act establishing the University.

4. There is need for a paradigm shift in Legal Education in Nigeria by all stakeholder. The Legal paradigm shift from traditional mode of delivery to online delivery will see Nigeria transit from advisory to informative service. From the point of view of delivery and consultation, law would shift from a one–to–one to a one-to-many others.
5. The best way for the CLE and Universities to foster development is providing an enabling environment for creativity in students by providing technological tools.

6. Utilize Educational Technology  For example, you can use video conferencing software to have live conversations with your students, either one-on-one or in group settings. This may include Skype, Google Meet, FaceTime, Zoom, and Google Hangouts.

**9.0 Conclusion**

Legal Education can be effectively be taught through ODL which is compatible with conventional mode of teaching legal education and other discipline through online. The Nigerian Law School and the Council of Legal Education should embrace reform and not hide under the cloak of conservatism. It is clear from, the above that now, than ever before Open and Distance Learning has not come to stay, but it is indeed the pathway to achieving quality of legal Education not just for law students but students of other discipline in ODL Institutions and even the conventional University are now using dual mode because of impact of COVID-19 pandemic. ODL has come not only to stay, but t also to serve the need of those whose living circumstances do not allow them the opportunities to attend conventional Universities, but to serve all categories of knowledge seekers in the world today. National Open University Nigeria, the only biggest ODL Institution in Nigeria and in deed the whole of West Africa sub region be accredited by the regulatory bodies to run LL.B degree programmes.

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Some Superior Court Jurisdictions in Maiduguri and Lagos have recently embraced this approach. It is expected that more courts will follow suit.