

# **Clinical Legal Education: An Examination of the Pedagogy of the Nigerian Law School and The Evaluation System**

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## **Abstract**

The Nigerian Law School is a vocational training institution, a finishing school for those who aspire to practice in the Nigerian Bar. The training is centered on procedural law, lawyering skills, and trial advocacy. To deliver that, the Institution keeps reviewing its curriculum to achieve its objectives. Presently, the curriculum is sandwiched in a nine (9) month program which includes about 20 weeks of orientation and lectures, 2 weeks of mock trials, 10 weeks of externships under Court and Law Office placements, 3 weeks of evaluation which includes the portfolio assessment of activities done or experienced during the externship period and final exams. The final examination at the Nigerian Law School is scenario-based Multiple Choice Questions (MCQ) and essay questions which form part of the final score and grade of a candidate. Students' externship activities are evaluated through the portfolio assessment exercise with a pass mark of 70%. Students

who do not pass the portfolio assessment will not be called to the Nigerian Bar and will be required to repeat the externship exercise, but the score earned does not form part of the final marks for grading. It was found that as a result of the non-inclusion of mock trials and portfolio assessment in the final score of the students, many of the students do not show much commitment to the activities and as such miss out on the simulations and experiential learning that are key in preparing them for practice. It was also discovered that one of the challenges of including the scores of exercises like portfolio assessment and mock trials into the final score, is the integrity of the process. However, in clinical legal education, such activities need to be part of the final score. This work recommended some options for the effective evaluation of clinical activities for their inclusion in the final score of the students as well as other recommendations to make the legal training at the Nigerian Law School more clinical.

### **Keywords**

*Clinical Legal Education, Experiential Learning, Evaluation, Large Class*

## **I. An Overview of the Nigerian Law School Curriculum**

The Nigerian Law School (NLS) curriculum has had several reviews, but one of the reviews which has been quite significant is the 2008 curriculum review,<sup>1</sup> because of its radical departure from

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<sup>1</sup> The 2008 review of the curriculum of the Nigerian Law School has been the most significant of reviews because of the radical departure from the lecture method to an interactive method that incorporated simulations

the lecture method. This same curriculum has been reviewed several times concerning the content since it was introduced in 2008 and since then, the curriculum has been described as the *new curriculum*. Under the new curriculum, the classroom approach is supposed to be interactive and students are to learn through various simulations to be carried on in the class after an overview of the topic in view for about an hour.<sup>2</sup> The purpose of the overview is to give a general framework to the topic under discussion and set the pace for robust classroom interactions.<sup>3</sup> Classes are supposed to take the form of a workshop where participants will contribute to building up the set objectives of the topic under the guidance of the teachers who should play the role of facilitators in small groups based on best practices of teacher-student ratio.<sup>4</sup> The workshop and interactive approach<sup>5</sup> with smaller groups of students is clinical, even though quite distinguishable from a law clinic. The interactive approach has been described as having to do with simulations of real-life situations through role play, interviews, mock trials, etc., a learning approach that appeals to learners in different categories; whether visual, auditory, or kinesthetic learners.<sup>6</sup> The challenge

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similar to a clinical method where simulations are based on practical scenarios within the context of the subject taught.

<sup>2</sup> O.A. Onadeko et.al (eds) *Property Law Practice Handbook, Council of Legal Education Nigerian Law School*, (Panaf Press Nigeria, 2016) pp.2-3. Lessons under the new curriculum are to take the form of interactive framework teaching, discussions, simulation clinics, etc.

<sup>3</sup> *Ibid*

<sup>4</sup> *Ibid*

<sup>5</sup> Obraori N.P. Adiola, 'Learning Styles and Teaching Methods: A Tool for The Law Teacher', in Grace O. Akolokwu et.al. (eds) *Pedagogy in Legal Education, Rivers State University*, (Princeton and Associates Publishing Co. Ltd 2019) pp 107-108

<sup>6</sup> *Ibid*

with the lecture method of learning is that it only appeals to auditory learners and leaves out other learners from gaining more through visuals and simulations. Powerpoint presentations are supposed to facilitate learning among visual learners, but that is when they do not carry bulky texts and include images that are linked to the learning process.<sup>7</sup> There is an element of micro-teaching in the interactive method as the teacher is only there as a guide who will receive constructive feedback from the students and direct or redirect them as the need arises.<sup>8</sup>

Although the NLS curriculum contains a lesson plan that divided topics to be taught into various sections including; general overviews, case studies, interviews, and other classroom simulations, these activities are difficult to achieve in a large class setting of more than one thousand students in some cases, with two or three teachers attending to them.<sup>9</sup> Therefore, the robust

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<sup>7</sup> Jamal Raiyn, 'Visual Learning in Improving Students' High Order Thinking Skills ', *Journal of Education Practice*, vol. 7 no.24 (2016). The use of graphs, flow charts, and other visual images will aid in delivering to visual learners and stimulate high-order thinking. Thus, PowerPoint presentations should not contain bulky texts or texts alone, but images and diagrams that facilitate learning.

<sup>8</sup> Imran Mahmud, Shahriah Rawshon, 'Micro Teaching to Improve Teaching Method: An Analysis of Students' Perspectives' *IOSR-JRME* vol. 1 no. 4 (2013) pp. 69-76

<sup>9</sup> The present teaching staff strength of the Nigerian Law School is about 70 lecturers across the 6 campuses spread across the six geopolitical zones of Nigeria. These six campuses can accommodate over 6,000 students in a conference sitting arrangement. Most of the campuses do not have seminar rooms and facilities to accommodate break-out sessions for smaller groups and even if there are such facilities, the teaching staff are grossly inadequate for purposes of achieving the objectives of the new curriculum. See <https://www.nigerianlawschool.edu.ng> accessed on the 18<sup>th</sup> of October 2021

classroom discussion that is envisaged under the curriculum is not achieved due to the short-handedness of the Nigerian Law School in terms of teaching staff and other facilities that are needed to facilitate interactive learning. The teachers employ their ingenuity in bridging the gap created as a result of the lack of facilities to deliver the curriculum and have produced good results using diverse classroom methods, but with more to be desired as far as delivering the curriculum is concerned based on the standard best practices. The large classes are divided into several tutorial groups, they are given pre-class tasks to be presented in the class when the topic will be discussed, which has a way of checking some of the challenges associated with teaching large classes like; students' passivity, absenteeism and very low engagement between the tutor and students.<sup>10</sup> The groups to present their responses to the pre-class tasks are selected randomly and will be reviewed by the class under the guidance of the tutor. The curriculum provides for classroom buzz activities where students engage in discussing concepts in clusters within the class, feedback is received by the tutor and analyzed by the class.<sup>11</sup>

The fact that the above techniques can be used to effectively facilitate a large class does not, however, totally address the goals of Clinical Legal Education (CLE) in an institution like the Nigerian Law School. One of the most important goals of CLE for undergraduate institutions and vocational training institutions

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<sup>10</sup> Roseadie P. Lynch and Eric Pappas. "A Model for Teaching Large Classes: Facilitating a 'Small Class Feel'". *International Journal of Higher Education*, vol. 6 No. 2. (2017) <https://doi.org/10.5430/ijhe.v6n2p199>

<sup>11</sup> Keats, Derek W., and John Boughey. "Task-Based Small Group Learning in Large Classes: Design and Implementation in a Second Year University Botany Course." *Higher Education*, vol. 27, no. 1, (1994), pp. 59–73. *JSTOR*, <http://www.jstor.org/stable/3448285>. Accessed 12 Jul. 2022.

like the Nigerian Law School is to provide experiential learning for the students.<sup>12</sup> Generally, Clinical Legal Education has two broad goals and they are; access to justice by providing legal services to indigent clients and equipping students with the necessary knowledge skills, and values required so that the students are well prepared and equipped to face practice upon graduation.<sup>13</sup> There are law clinics at the Nigerian Law School, but it is not part of the curriculum of the institution, only a few students get to participate in the activities of the clinics voluntarily and selection is based on interest and commitment,<sup>14</sup> less than 5 percent of the students at the Nigerian Law School participate in these clinics and no credits are awarded for participation.<sup>15</sup> Therefore, in order to deliver the goals of CLE at the Nigerian Law School, the vehicle through which that can be achieved is the activities in the curriculum which exclude participating in a law clinic. It follows, therefore, that the effectiveness of the learning that takes place through Clinical Legal Education will depend on what is contained in the curriculum and more particularly this will apply to the externship exercise and mock trials.

In the course of the NLS program, students are expected to participate in a mock trial based on hypothetical scenarios, the students are divided into groups and the groups are further divided into sub-groups to act as prosecution and defense or claimant and

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<sup>12</sup> M.A. (Riette) Du Plessis. "Clinical Legal Education: Determining the Mission and Focus of a University Law Clinic and Required Outcomes, Skills, and Values". *De Jure Law Journal* Vol. 48 n. 2 (2015)

<sup>13</sup> *Ibid*

<sup>14</sup> Ernest Ojukwu, Odinakaonye Lagi and Mahmud Yusuf. *Compendium of Campus-Based Law Clinics in Nigeria*, Network of Universities Legal Aid Institutions (NULAI), 2014, pp 34-41.

<sup>15</sup> *Ibid*

defense teams as the case may require.<sup>16</sup> Judges or magistrates are usually invited to preside over the mock trials which are to be conducted according to the rules of practice within the jurisdiction in view and the teams are made to comply with the rules of court and practice procedure as much as possible depending on how much the available resources and facts of the scenario will allow, providing them experiential learning that is close to that of a live case in Court. However, these exercises are not evaluated and some of the students may, as a result not be committed to the process and thus be left out of the learning that takes place in the process.<sup>17</sup> As part of the NLS program, students are posted to Courts and Law Offices to gain some experiential learning in the process. The goals of the externship are:

1. Develop the Externs' lawyering skills.
2. Make the Extern understand various aspects of the legal system as well as the legal profession.
3. Inculcate in the Extern a sense of professional responsibility and values.
4. Develop the Externs' ability to reflect on and learn from their experience.<sup>18</sup>

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<sup>16</sup> Mock trials at the Nigerian Law School are compulsory for all students to partake in, the fact that students simulate courtroom practice over hypothetical case scenarios presided over by a real judge or magistrate makes it clinical, only that it is not graded nor does it form part of the score for a qualifying certificate for a call to the Nigerian bar.

<sup>17</sup> Felicia Anyogu et. al. 'Appropriate Curriculum for Training 21<sup>st</sup> Century Lawyers' in Allswell O. Muzah (ed), *Legal Education in the 21<sup>st</sup> Century- Proceedings of The 43<sup>rd</sup> Annual Conference of NALT* (Cinnamon Press International Ltd, Portharcourt, 2010) pp.122-186. A curriculum for legal education in the 21<sup>st</sup> Century should not be restricted to classroom learning.

<sup>18</sup> Ernest Ojukwu (Ed.) *Nigerian Law School Externship Students Handbook*, [2018] Nigerian Law School, p. 9

The students are monitored, mentored, and guided by field supervisors in both the Court and Law Office placements. The field supervisor is usually the Judge or a senior official of the Court where the Extern is placed as the Judge may appoint, while the principal partner, managing partner, or head of chambers in the Law Firm of placement can act as the field supervisor.<sup>19</sup> At the end of the externship program, the field supervisors send confidential reports to the NLS containing the evaluation of the student in various areas including the attendance and punctuality of the Extern during the placement. The students make a presentation termed portfolio presentation where they will be assessed by a panel of two persons, one of which must be a lecturer at the Nigerian Law School and the other a practicing lawyer. A student is expected to score a minimum of 70 percent, failing which the student will be required to repeat the externship exercise. However, the score made by the student is not computed to the final score that will determine whether or not the candidate is qualified to be called to the Nigerian Bar.<sup>20</sup>

At the end of the exercise at the Nigerian Law School, students take summative evaluation in the form of scenario-based multiple choice and essay questions. The Multiple Choice Questions carry 20 percent of the overall score while the essay questions carry 80 percent of the total score.<sup>21</sup> All other exercises

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<sup>19</sup> Ernest Ojukwu et.al (Eds.), *Externship Handbook for Field Supervisors*, [2013] Nigerian Law School p 9

<sup>20</sup> *Ibid* n2

<sup>21</sup> The Multiple Choice Question (MCQ) Examination and the essay examination accounts for 100% of the scores that qualify a candidate for a call to the Nigerian Bar. The examination is summative and more of an institutional assessment at the end of the training at the Nigerian Law School. However, the curriculum requires continuous assessment



and activities in the NLS are not included in the final score that will determine the qualification of the candidate to be called to the Nigerian Bar. There are five (5) courses that are taught in the Nigerian Law School<sup>22</sup> and the Multiple Choice Questions contains 100 questions covering the 5 courses, that is, 20 questions per course. The examination covers six consecutive days excluding Sundays.

## II. The Basis of Clinical Legal Education

The term 'Clinical Legal Education' is used to describe experiential learning of the law by exposing students to real-life legal issues or other realistic legal issues and getting them involved in solving the problem by researching the problem and applying the law to resolve the issues, thereby learning the principles and the practice of the law. A law clinic is usually set up to create the right environment for clinical learning. Clinical Legal Education was defined as follows:

*...by 'clinical legal education' we mean any clinic activity ... whether accredited or extra-curricular: in which each student takes responsibility for legal or law-related work for a client (whether real or simulated) in collaboration with a supervisor. Structures enable each student to receive feedback on their contributions and to*

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throughout the course in addition to the Bar final exams. See Council of Legal Education, 'Detailed Synopsis of Courses Offered at the Nigerian Law School' *Fifty Years of Legal Education in Nigeria-Challenges and Next Steps* (CSS Sterling Printers Ltd, Lagos, 2013) pp.19-44 at page 44.

<sup>22</sup> Council of Legal Education, 'Detailed Synopsis of Courses Offered at the Nigerian Law School' *Fifty Years of Legal Education in Nigeria-Challenges and Next Steps* (CSS Sterling Printers Ltd, Lagos, 2013) pp.19-44

*take the opportunity to learn from their experiences through reflecting on matters including their interactions with the client, their colleagues, and their supervisor.*<sup>23</sup>

Another definition of clinical legal education was given by Garcia Anon as follows:

*As a starting point, in our view, clinical legal education (CLE) should be defined as a space of active learning, in which law students' training experience is designed and planned, in a real or realistic context, in such a way that they can take responsibility for the outcomes of their learning through a process of reflection (emphasis mine)*<sup>24</sup>

The above definitions are similar in content in that they posit that learning has to be with real-life cases or simulated case scenarios that are realistic. However, the second definition gives some additional information as to why clinical legal education envisages life cases and simulations based on realistic case scenarios to *take responsibility for the outcome of learning*. I agree that in CLE students should take responsibility for the outcomes of learning because, in real life, lawyers take responsibility for the outcome of their actions concerning services rendered to their clients. It

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<sup>23</sup> Lydia Bleasdate et.al., 'Law Clinics: What, Why and How?', in Linden Thomas and Nick Johnson (eds). *Clinical Legal Education Handbook* (University of London Press, Institute of Advanced Legal Studies, 2020)p. 8

<sup>24</sup> Jose Garcia-Anon, 'How do we assess in Clinical Legal Education? A "reflection" about reflective learning', *International Journal of Clinical Legal Education* vol. 23 no. 1 (2016) p. 48 DOI:10.19164/ijcle.v23il.490. p50. Accessed 14<sup>th</sup> July 2021.

follows, therefore, that CLE without awarding credit (marks) that will add to the degree in view defeats a cardinal objective because there is little or no responsibility for the outcomes of learning. On the other hand, a law clinic is described as:

*A learning environment where students identify, research, and apply knowledge in a setting that replicates, at least in part the world where it is practiced. Here the term experiential learning refers to an approach to education in which students are exposed to real or realistic legal issues and problems.*<sup>25</sup>

It has been plausibly argued that for a school or institution to claim to be clinical, the activities that the students undertake in the clinics must form part of their score to earn the degree awarded by the institutions. It was succinctly submitted thus:

*A law school cannot be said to have a proper clinical programme (sic) until it is integrated within the curriculum structure and the students can obtain credit towards their degrees by participation in the program.*<sup>26</sup>

It is not enough therefore for clinical content to be incorporated into the curriculum of an institution or a law program, but credit must be earned for participating in the clinical activities that will count towards the degree that the student is

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<sup>25</sup> Vicky Kemp, Tine Munk and Suzanne Gower, 'Clinical Legal Education and Experiential Learning: Looking to The Future- A Report', (University of Manchester, the School of Law, 2016) p. 1

<sup>26</sup> Wiliam M. Rees, 'Clinical Legal Education: An Analysis of the University of Kent Model', tandf\_ralt209\_125 <<https://doi.org/10.1080/03069400.1975.9992435>>

studying to acquire. The basic elements for Clinical Legal Education can therefore be summarized thus;

1. The teaching of the law through real-life or simulated scenarios.
2. The award of credit or scores that will add up to the final degree awarded to the student or participant.

From the above premise, it is submitted with respect that the Nigerian Law School delivers clinical content albeit with the need to improve the facilities and the learning environment to meet up with the acceptable standards for the delivery of Clinical Legal Education. Even if each law school campus should have one or more law clinics depending on the number of students on the campus, without awarding credit for clinical activities, we can only say that the Nigerian Law School has a semblance of Clinical Legal Education, but does not, in reality, deliver CLE unless and until credits are awarded from clinical activities that students partake in.

### **III. The Challenges of Implementation of The Clinical Legal Education in the Nigerian Law School**

The reality is that there is a challenge with the implementation of Clinical Legal Education at the Nigerian Law School because of the difficulty of evaluating the clinical activities of a large number of students, part of which includes the cost<sup>27</sup> that is associated with

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<sup>27</sup> Katz, M., 'Understanding The Cost of Experiential Learning, *Journal of Experiential Learning* vol. 1 no. 1 (2015). P 28, in Barbara Preloznjak and Juraj Brozovic, 'The Financial Challenges of Clinical Legal Education: An Example From Zagreb Law Clinic', Practice Report, Clinic, the University

the same because it requires a small teacher-student ratio in delivering CLE,<sup>28</sup> as well as the need to maintain the integrity of the evaluation process. It is easier to maintain the integrity of a summative evaluation process for such a large group than for a formative evaluation process because of several factors which include among others:

1. The cost of running and evaluating experiential learning and in the case of the Nigerian Law School which has a population of over 6,000 students per regular set across the six campuses.
2. The evaluation method to be adopted and the integrity and reliability of the evaluation system.

As a result of the cost associated with CLE, several options are open to an institution for funding, which include accessing grants to establish and run the clinical aspects of learning in the institution.<sup>29</sup> However, funds that are gotten from donors do not last forever as a transition is expected to happen when the institution takes over the funding of law clinics progressively,<sup>30</sup> nevertheless, such funding can help establish the infrastructure for delivering and evaluating Clinical Legal Education. The Nigerian Law School also has the option of an upward review of the fees

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and Society. It was mentioned in the above journal that a law school must consider other costs associated with running other aspects of learning like externship which allows a higher ratio of students to the instructor as an alternative to CLE. The Nigerian Law School has a limited budget which comes under pressure should the clinical content be evaluated.

<sup>28</sup> Anthony G. Amsterdam, 'Clinical Legal Education-A 21<sup>st</sup> Century Perspective', *Journal of Legal Education*. pp 612-618 at 617 vol. 34 no. 4 (1984)

<sup>29</sup> Barbara Preloznjak and Juraj Brozovic, 'The Financial Challenges of Clinical Legal Education: An Example From a Zagreb Law Clinic', *International Journal of Clinical Legal Education* vol.23 no. 4 (2016) pp. 136-161 DOI:10.19164/ijcle.v23i4.526

<sup>30</sup> *Ibid*

paid by students to cover the cost of implementing the clinical content, this option is not a popular one because of the average income levels of Nigerians, and raising the tuition may make pursuing a career in law to become the preserve of the privileged rich minority. However, in the event of an upward review of the tuition at the Nigerian Law school, students can explore bursaries granted by some state governments or obtain students loans from Banks,<sup>31</sup> even though the latter is not a common practice with Nigerian commercial banks, that does not mean it cannot be initiated under a viable template similar to what is obtainable in other climes.

On the other hand, the issue of the evaluation method of the Nigerian Law School and the evaluation of Clinical Legal Education has to do with the question of what is being evaluated. Is it a certification of a certain level of knowledge and competence or an evaluation of learning that is taking place?<sup>32</sup> It has been submitted that institutional assessment only *certifies* a level of knowledge or proficiency, it was described as an external evaluation of programs at the institutional level,<sup>33</sup> whereas assessment of learning has to do with evaluating what the student

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<sup>31</sup> L.O. Ogiji et. al. 'Funding Legal Education in the 21<sup>st</sup> Century' in Allswell O. Muzah (ed), *Legal Education in the 21<sup>st</sup> Century-Proceedings of The 43<sup>d</sup> Annual Conference of NALT* (Cinnamon Press International Ltd, Portharcourt, 2010) pp 298-314.

<sup>32</sup> Elizabeth Archer, 'The Assessment Purpose Triangle: Balancing the Purpose of Educational Assessment', <https://doi.org/10.3389/FEDUC.2017.00041> Published Online: 2017-08-08

<sup>33</sup> Marcia Mentkowski, 'Creating a Context Where Institutional Assessment Yields Educational Improvement', *The Journal of General Education* vol. 40 (1991) pp. 255-283 at 257 <https://www.jstor.org/stable/27797140> accessed 31st July 2021.

is learning in the teaching process, that is, to know whether learning is taking place.<sup>34</sup>If the Nigerian Law School was an Institution like the Joint Admission Matriculation Board,<sup>35</sup>an institution that certifies whether a candidate is knowledgeable enough to undertake a degree program in a university, then institutional assessment or certification will be okay, because the institution does not teach or impart knowledge and skills to candidates, but only certifies the knowledge and competence of the candidates. However, because the Nigerian Law School is a vocational training institution, responsible for imparting knowledge, skills, and values, there is a need for an assessment of the learning that is taking place which is formative.<sup>36</sup> The institution needs to know if the students understand what is being taught and that they have acquired the skills necessary for practice in the Bar, and the best way to evaluate a skill is to get the student to demonstrate it by practice, which is the aim of CLE. Afterward, the institution can certify the knowledge acquired at the end of the training period in the form of a summative assessment. Nevertheless, both formative assessment, which is an assessment of learning, and in this case, clinical learning of the law, and the final summative assessment must have credit that will determine the final award of the degree.

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<sup>34</sup> *Ibid* n.18, see p.51

<sup>35</sup> The Joint Admission and Matriculation Board is a Nigerian entrance examination Board for a tertiary level institution founded in 1978 by the Nigerian Federal Military government, it conducts the Unified Tertiary Matriculation Examination for prospective undergraduates into Nigerian universities, polytechnics, and colleges of education. [www.jamb.gov.ng](http://www.jamb.gov.ng) accessed on the 16<sup>th</sup> of October 2021

<sup>36</sup> Yangyu Xiao, 'Formative Assessment in a Test Dominated Context: How Test Practice Can Become More Productive' *Language Assessment Quarterly* vol. 14 no. 4 (2017) pp. 295-311

Given the large number of students that are trained across the six campuses of the Nigerian Law School, the question may arise; how can the validity, reliability, and fairness of the evaluation process be preserved?<sup>37</sup> By validity, what is considered is the efficiency of the evaluation process; by reliability, what is meant is the ability to produce consistent results using the same process and fairness has to do with what the process intends to assess based on the content of the curriculum, in other words, the objective of the learning must be spelled out and students should not be evaluated outside the content of the curriculum. However, there are certain methods of evaluation that are applicable in grading clinical learning which can be adopted by the Nigerian Law School with some modifications to suit the peculiarity of the curriculum and student population at the Nigerian Law School. A combination of self-assessment,<sup>38</sup> peer assessment,<sup>39</sup> and team assessment<sup>40</sup> methods are generally used to assess the clinical learning of the law.<sup>41</sup> Peer assessment which is the assessment of a student or group of students by another student or other students (their peers), can be used in evaluating activities done by the students at the law clinics. This can take the form of one group of students carrying on a client interview and writing a legal opinion from the facts elicited during the interview and another group of students will

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<sup>37</sup> *Ibid* n.18

<sup>38</sup> Andrade H.L., 'A Critical Review of Research on Student Self Assessment', *Front. Educ.* Vol. 4no. 87 (2019) doi: 10.3389/feduc.2019.00087

<sup>39</sup> Topping, Keith J, 'Peer Assessment', *Theory Into Practice.* Vol 48 no. 1 (2009) *JSTOR*, <http://www.jstor.org/stable/40071572>. Accessed 31 Jul. 2022.

<sup>40</sup> Georgina Ledvinka, 'Reflection and Assessment in Clinical Legal Education: Do You See What I See?', *International Journal of Clinical Legal Education* vol. 9 no. 29 (2014). DOI:10.19164/ijcle.v.9i086

<sup>41</sup> *Ibid* n.18



review the legal opinion made, stating points of agreement and disagreement with reasons for the same. Peer assessment is best used in evaluating skilled behavior,<sup>42</sup> thereby learning is taking place both during the clinical activity and review of the clinical activity.

The Nigerian Law School applies the self-assessment method through the entries made in the reflective journals of the students, reflection has been described as the process in which people recapture their experience, think about it, mull over it and evaluate it.<sup>43</sup> The entries made in the log books are then reviewed by the portfolio assessment team, a team of two persons, consisting of a lecturer of the Nigerian Law School and a practicing lawyer. It has been argued that assessing reflective learning is a challenging task, therefore reflective learning should not be assessed at all<sup>44</sup>, but that is only when what is sought to be assessed is substantive. Assessing reflection is to first of all assess that it took place.<sup>45</sup> Thus, we must not evaluate all the entries in a reflective journal, but verified attendance can be assessed and the reflective essays submitted by students can also be assessed, both of which credit should be awarded for the final award of the degree in view. However, in an information technology-driven world, such reflective entries can be made on a virtual platform<sup>46</sup> where students are to log in to the activities on the virtual platform daily. The platform can be

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<sup>42</sup> *Ibid* n. 40

<sup>43</sup> Boud, D. et.al, 'Reflection: Turning Experience into Learning,' (eds) Kogan Page (1985) at p. 19 in Georgina Ledvinka, 'Reflection and Assessment in Clinical Legal Education: Do You See What I See?', *International Journal of Clinical Legal Education* vol. 9 no. 29 (2014). DOI:10.19164/ijcle.v.9i086

<sup>44</sup> *Ibid* n.40

<sup>45</sup> *Ibid*

<sup>46</sup> *Ibid*

programmed in such a way that it shuts down entries for each day by midnight of the same day, therefore, students will have to make the entries daily. This will promote students' commitment to the process, ensure attendance at places of placement and allow assessors to review entries in advance before a physical presentation is done by the student. The team of assessors should also upload the assessed score and the materials assessed on another virtual platform for an independent assessor to moderate or peer review the assessment done by the team of assessors. Such interactions and reporting on a virtual platform are achievable as several if not all aspects of modern lives today are affected and influenced directly or indirectly by Information and Communication Technology and for learning, this may mean social networking, academic conferencing, and interaction between faculty and students using ICT.<sup>47</sup>

The law clinics at the Nigerian Law School as well as those in most of the universities in Nigeria focus on one area of practice and only one clinic to cater to the students in the faculty in most cases.<sup>48</sup> One of the cardinal aims of CLE is access to justice, which can be advanced by the Nigerian Law School through the creation of multiple clinics with specialized areas of practice where the students can be placed for experiential learning. These clinics can be divided based on the courses that are offered at the Nigerian Law School.<sup>49</sup> A proposal for such departmental-based clinics

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<sup>47</sup> Joash Amupitan et. al. 'ICT in 21<sup>st</sup> Century Legal Education' in Allswell O. Muzah (ed), *Legal Education in the 21<sup>st</sup> Century-Proceedings of The 43<sup>rd</sup> Annual Conference of NALT* (Cinnamon Press International Ltd, Portharcourt, 2010).

<sup>48</sup> Oludayo J. Bamgbose, 'Clinical Legal Education in Nigeria: Envisioning the Future', *Australian Journal of Clinical Education* vol. 10 no. 1

<sup>49</sup> *Ibid* n. 23

could be as follows; Criminal Litigation Department can run a clinic on access to justice for inmates that are awaiting trial, Civil Litigation Department on access to justice on matters bordering on fundamental rights violations, Professional Ethics and Skill Department can run and Alternative Dispute Resolution Clinic, Property Law Practice Department can operate a clinic with a specialization in environmental law advocacy and Corporate Law Practice Department can operate a clinic that provides services to Micro Small and Medium Enterprises, (MSME's). If the above proposal is implemented and each of the five clinics take up to 6 cases per session in each of the six campuses, then each campus will be able to provide legal services for up to thirty cases and together the seven campuses will be able to provide legal services for up to one hundred and eighty cases on behalf of indigent clients per session in different areas of the law. The students will also be divided into groups and spread across the five clinics, while the clinics will divide these students into sub-groups based on the number of cases at the clinic. The resultant effect of this is increased access to justice in Nigeria and at the same time improving the quality of legal education at the Nigerian Law School.

#### **IV. Recommendations**

Having considered what Clinical Legal Education is about as well as the pedagogy and evaluation system at the Nigerian Law School, there is no doubt that the new curriculum brought about great reforms that have redirected the teaching methods at the Nigerian Law School, but it is quite obvious that more needs to be done.

The following recommendations are therefore suggested as part of the way forward for the institution to become truly clinical.

1. Information technology should be used in the assessment of clinical content of learning by developing a virtual platform for students to log in their daily activities and reflections during externship placements such that the date and time of each entry can be ascertained to ensure full participation of students during the placements. Data from such a platform can be retrieved to evaluate the candidate that made the entries by a team of assessors.
2. Moderation or peer review techniques should be added to randomly review the assessment done by the team of assessors that conducted the portfolio evaluation of externship activities to ensure compliance with evaluation standards.
3. Mock trials should be assessed as a group task carried out by members of each team and in addition, each team member should be individually assessed based on responsibilities carried out during the mock trial by a team of assessors whose assessment will be subject to review.
4. Clinical content evaluation scores should replace the Multiple Choice Questions Examination and should account for a minimum of 10 percent of the final score and same should be systematically reviewed as the evaluation method is tweaked until it accounts for up to 30 percent of the final score for a candidate to qualify for the call to bar.
5. Law clinic facilities and facilities for breakout sessions should be provided for each law school campus fitted with IT equipment for live streaming of sessions when the need

arises for remote evaluation of sessions by a peer review team.

6. Each department at the Nigerian Law School should have a specialized law clinic and students should be mandated to put in a minimum number of hours at a selected law clinic per week, where the students can carry out the task assigned to them in very small groups, at the end of the week, the task assigned should be assessed by the supervisor on a case file assessment basis to enhance learning and enable the clinic to make progress with the client's case or brief.<sup>50</sup> Before the end of the study at the Nigerian Law School, each candidate should be required to submit a report on a selected case or activities done at the law clinic not exceeding a certain number of pages within a prescribed content for summative assessment.<sup>51</sup>
7. More teachers should be employed at the law school with an encouraging welfare package to compensate for the additional hours they will be required to put in at the law clinics. Lawyers in full-time practice should be engaged on an ad hoc basis to provide supervision for the students, sign processes to be filed in court, and participate in the weekly evaluation of the activities at the clinics.
8. The Council of Legal Education Act should be amended to allow private law schools to operate, but the evaluation of

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<sup>50</sup> M.A. du Plessis. 'Clinical Legal Education Models: Recommended Assessment Regimes,' *Potchefstroom Electronic Law Journal* Vol. 18 n.7 (2015) <http://dx.doi.org/10.4314/pej.v18i7.11>

<sup>51</sup> *Ibid.* See p. 2791, this could be viewed as a mini project or written assignment within set rubrics so that what is assessed is set out and the student has a guide as to what is expected. This has the form of a summative assessment while a weekly report provides formative evaluation to facilitate learning at the clinics.

the candidates should be the sole responsibility of the Council of Legal Education and the Nigerian Law School as that will decongest the Nigerian Law School and make it more effective in delivery to a lesser number of students.<sup>52</sup>

## V. Conclusion

In conclusion, the journey towards becoming fully clinical is not a day's journey, but with consistent steps in the right direction, it is achievable. There will be challenges, but they are surmountable.

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<sup>52</sup> J.K. Gadzama, 'The Legal Profession in Nigeria-A Critical Appraisal' *JK Gadzama LLP, 2013*

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### **Acknowledgment**

None

### **Funding Information**

None

### **Conflicting Interest Statement**

There is no conflict of interest in the publication of this article.

### **Publishing Ethical and Originality Statement**

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.