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**Pro Bono Legal Services in Rural Communities:
Experiences of the Bagauda Law Clinic in Aid of
Citizens**

Yusufu Y. Dadem and Ibrahim Sule



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Abstract

In communities with low standard of living and low literacy level, access to justice is challenging; for rural communities who are under-served by the justice system, access to justice is a nightmare. These communities rely on traditional institutions of the family, the clergy and village councils to administer to resolve disputes. Law clinics may fill in the gaps of absence of regular courts, and serve as clinics for the legal education of students who wish to join the legal profession. Through the practical application of classroom lessons, students acquire skills and imbibe values to practice as lawyers. In order to address some of the legal needs of these communities, the Nigerian Law School established law clinics in all its five campuses and one of such is the Bagauda Law Clinic established in 2013 at the Kano Campus of the institute. This article analyses some the activities of the clinic in addressing some of the legal needs of its near-by communities and villages to see whether the purpose for which the clinic is established is achievable.

Introduction

The training program for lawyers has been criticised overtime for not providing future lawyers with “the core competence necessary to practice law after a university education.”¹ Lawyers are said to be trained only on how to appear and defend cases in court devoid of other social responsibilities and practical skills for lawyering. *Lord Sankey* observes on this point-

The courts are becoming more and more concerned with great social experiment. Law joins hands as never before with problems in economics, problems in political science, and problems in techniques of administration. It is important that the curricular of our law schools should send out lawyers trained to appreciate the meaning of these relationships. They must shape the mind to a critical understanding of the foundation of jurisprudence. Unless the training we give supplies these perspectives, there is a grave danger that the lawyer will not prove adequate to the big problems he has to help in solving²

Similar concern was also expressed by *Grady Jessup*, who observes that;-

The law courses of early curricular design did not reflect the needs of the society, and the training of lawyers was based on doctrinaire teaching geared to an adversary setting catering to litigation for the fortunate few at the cost of social injustice to the deprived many.³

In Nigeria, to meet local needs, the Nigerian Law School was established following the recommendation of the Unsworth Committee Report.⁴ The intention was to imbue in lawyers the required skills for the practice of law. Although the training was intended to be practical and vocational, it largely turned out to be knowledge-based by the impartation of knowledge of procedural courses. Student-centred and hands-on training was minimal.⁵ Trainings which were intended to make students responsible to their communities to render social services were absent. Even the professional ethics module was tailored towards the right conduct of lawyers

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¹Hovhannisian, Lusine, *Clinical Legal Education and the Bologna Process*, PILI Papers Number 2, December (Hungary: Public Interest Law Initiative, 2006) p. 3.

² As cited by Tan, C. H., in “Legal Education in Asean” available on http://www.aseanlawassociation.org/9GAdocs/w2_Singapore.pdf accessed on 1st June, 2015.

³ See Manteaw, S. O., “Legal Education in Africa: What Type of Lawyers Does Africa Need” available on http://www.mcgeorge.edu/documents/publications/02_manteaw_mastermlr39.pdf accessed on 3rd July, 2015; quoting Grady Jessup, “Symbiotic Relations: Clinical Methodology—Fostering new Paradigms in African Legal Education”, 8 *CLINICAL L. REV.* 377, 387, 2002.

⁴The Nigerian Law School is a postgraduate vocational institution intended to imbue students with skills and ethics to practice as Barristers and Solicitors. It was established in 1963, following the report of a committee (the Unsworth Committee) which advised on the future of legal education in Nigeria. The committee had then recommended that legal education should be provided locally and adapted to the needs of Nigeria and also That a Law School Should Be Established to Provide Practical Training for Law Graduates. See Mamman, T., “A Review of the Framework of Legal Education in Nigerian Universities” Justice M.M. Akanbi Annual Lecture, University of Ilorin, 8th November, 2010; sourced at Unilorin.Edu.Ng/.../REFLECTIONS On April 25, 2016. Dadem, Y. Y., “Recent Developments on Continuing Legal Education in Nigeria” in Onadeko, O., et al (eds.) *Fifty Years of Legal Education in Nigeria-Challenges and the Next Steps* (Lagos: Council of Legal Education, 2013) pp.171-180.

⁵ The traditional mode of teaching and learning is by the dictation of notes by lecturers with students taking down notes in writing, which are merely regurgitated by the students during final examinations. The only opportunity for hands-on learning is during the court and law offices attachments.

to clients and the courts. They were taught to be ‘lawyers and lawyers only’ without inculcating in them how to use law to serve their communities. Law office management skills taught in the Nigerian Law School was aimed at preparing lawyers to establish successful law practice for equally successful clients, such successful practice rewarded often with the award of the rank of Senior Advocate of Nigeria as a mark of “distinction.”⁶ Although students at the Nigerian Law School undertake mandatory attachments in law offices and the courts in the course of study, for many years, the law school did not have law clinics through which students could experiment and experience live contact with clients. While noting the various legal clinics that may be established for training students, *David McQuoid-Mason* broadly dichotomised clinics into “live client legal advice and assistance law clinics, and legal literacy or street law–type clinics.”⁷ At its outset, the Bagauda Law Clinic set out to achieve live client legal assistance and to engage in street literacy programs, with the aim of imbuing in students of the Nigerian Law School skills and values and the spirit of community and national service in the event of their qualification as legal practitioners. This paper essentially shares the experiences of the Bagauda Law Clinic within a rural setting in the North of Nigeria.

Background to Clinical Legal Education and Bagauda Law Clinic

Clinical legal training was introduced in Nigerian Law School in 2008; the introduction was inspired by the need to have lawyers respond to community needs for free legal services and equipped the products of the school with lawyering skills who would be practice-ready and globally employable.⁸ This is because “a lawyer can only be as good as the system of legal education that produced him.”⁹ Prior to the year 2008, there were concerns from practicing lawyers, judges of courts and academics within and outside Nigeria to change the pattern of training lawyers in Nigeria. Stakeholders, especially the Nigerian Law School, the Nigerian Bar Association, the Nigerian Institute of Advanced Legal Studies, the Network of University Legal Aid Institutions (NULAI) and the universities took up the challenge.¹⁰

In May 2006, the Nigerian Bar Association resolved at the Nigerian Bar Association Summit on Legal Education that all law programs in Nigeria should adopt clinical legal education as

⁶ The rank of Senior Advocate of Nigeria is an annual award to a number of legal practitioners who have distinguished themselves in the practice of law or in research and teaching. These legal practitioners have certain privileges, such as the right to have their cases called out of turn.

⁷ McQuoid-Mason, D., and Palmer, R., “African Law Clinics’ Manual”, Durban, Institute for Professional Legal Training, 2013 p. 2.

⁸ Ojukwu, E., “Preparing Lawyers for the Practice of Law through Placement Clinic: the Nigerian Law School Experience” available on <https://www.northeastern.edu/law/pdfs/academics/x6/nigerian-law-school-exp.pdf> accessed on June 5, 2015.

⁹ Onalaja, M. O., “Problem of Legal Education in Nigeria” available on <http://www.alimiandco.com/publications/ACCREDITATION%20AND%20LEGAL%20EDUCATION%20IN%20NIGERIA.pdf> accessed on 3rd May, 2015.

¹⁰ A number of conferences were organised to discuss the problem, principal of which was that organised by the Nigerian Institute of Advanced Legal Studies (NIALS).¹⁰ The NIALS roundtable resolved that there was a need for Nigeria to accept the new dimension of training lawyers in the 21st century which is recognised all over the world. In 2004, the 1st colloquium on legal education was initiated by the then Attorney General of the Federation Mr. Akin Olujimi, the Director General of the Legal Aid Council and other stakeholders from the Nigerian Law School, the faculties of law, Nigerian Bar Association and National Universities Commission. In 2005 with the facilitation of NULAI, the 2nd All African Clinical Legal Education Colloquium was also organised. See “Reform of Legal Education in Nigeria” available on <http://www.nulai.org/index.php/projects/reform-of-legal-education-in-nigeria> accessed on 3rd June, 2015.

the only way to train prospective lawyers in Nigeria.¹¹ Although in 2006 still, the then Attorney General of the Federation, Chief Bayo Ojo set up a committee to revised the regime on legal education, not much was heard on the committee's work.¹² In 2008 however, the former Director General of the Nigerian Law School,¹³ began a revision of the curriculum of legal education in Nigeria and made clinical legal education central to the training of students.¹⁴ This led to the establishment of law clinics in the campuses of the Nigerian Law School and in the headquarters in Abuja.¹⁵ The Bagauda Law Clinic was thus established in Bagauda, Kano State.

Bagauda: The Locale

Bagauda is a rustic community in Bebeji Local Government Area, in the southern part of Kano State. Bebeji is one of the Local Governments recognised under the 1999 Constitution of the Federal Republic of Nigeria.¹⁶ The Kano Campus of the Nigerian Law School is located in Bagauda, which is deemed suitable for study due to its serene setting, thus removing the distractions which the Kano city portends.¹⁷ Bagauda is inhabited by approximately four thousand citizens. Very proximate and surrounding Bagauda within the same Bebeji Local Government Area are other rural communities.¹⁸ Bebeji is equally surrounded by other local government councils.¹⁹ The proximate councils share similar characteristics with Bebeji local government councils, as may be seen in the map below.

¹¹ See Kevwe, M. O., "Celebrating a Decade of Clinical Legal Education in Nigeria: It is not yet Uhuru" available on <https://northumbrialawblog.wordpress.com/2012/08/07/celebrating-a-decade-of-clinical-legal-education-in-nigeria-it-is-not-yet-uhuru/> accessed on 12th July, 2015.

¹²The committee's terms of reference included-to develop a strategic and comprehensive blueprint for the reforms of Legal Education in Nigeria; to propose modalities for the training of students for the Nigerian Bar and develop proposals for amendment of the laws pertaining to legal education; and to make other recommendations as may be necessary to improve the quality of legal education as well as continuing legal education of lawyers with a view to bringing the same in line with international standards. Nevertheless, the Bayo Ojo's committee recommendations were not heard of again partly because of the public expressions then that its "motive was in fact to dispose-off the Nigerian Law School and generally bring private sector providers into the vocational training of lawyers in Nigeria".

¹³ Dr. Tahir Mamman was Director General of the Nigerian Law School from December 2005 to December 2013.

¹⁴As the 'clinical legal education wind' continues to blow globally, the Nigerian Law School took up the challenge by organising a number of training workshops to its training staff preparatory to changing its curriculum to be a clinical-based. Accordingly, in 2008 a revised curriculum was launched marking the beginning of new era in legal training in Nigeria. Mamman, T., "The Globalisation of Legal Practice: The Challenges for Legal Education in Nigeria" – being a paper delivered at the 2nd Annual Business Luncheon of S.P.A Ajibade & Co. – Legal Practitioners, Thursday, 19th November, 2009, available on <http://www.nigerianlawguru.com/articles/general/THE%20GLOBALISATION%20OF%20LEGAL%20PRACTICE.pdf> accessed on 3rd July, 2015.

¹⁵ The campuses of the Nigerian Law School are located in Lagos, Agbani (Enugu State), Yola (Adamawa State), Yenagoa (Bayelsa State) and Bagauda (Kano State).

¹⁶ Schedule 1, part 1 of the 1999 Constitution.

¹⁷ Kano city is the biggest commercial city in Northern Nigeria.

¹⁸ These include Gargai, Dakatsalle, Rantan, TashanBaure, and Kuki

¹⁹ These local government councils are Rano, Kiru, Tundun Wada, Kura, Madobi, and Garum Mallam.



Figure 1: Map of Kano State showing Bebeji Local Government Area.²⁰

Bagauda: The People

A predominantly Hausa and Fulani community, the inhabitants of Bagauda and neighbouring communities are predominantly Muslim, although other religious minorities also co-habit.²¹ Polygyny is the norm rather than the exception. The occupation of the citizens of these communities is farming and trading. Produce from agriculture are cultivated during the raining seasons;²² irrigation farming is undertaken during the non-raining season which is aided by the non-flowing water dams located around Bagauda. The farming products are transported to be sold outside the State, largely in the Southern part of the country. Animal husbandry is undertaken largely by the nomadic Fulani herders with the consequential problems of the farmer-herder conflict.²³ Since disputes and conflicts emanate from the dynamics of socio-economic relations within the society, the common disputes and conflicts requiring legal aid and assistance from Bagauda Law Clinic inevitably bother on land, debt recoveries from commercial transactions, matrimonial disputes and maintenance of children. The value of the

²⁰ Sourced at <http://www.mnch2.com/kano-state/> on April 25, 2016.

²¹ These minorities are Christians and animists.

²² Usually this is between the months of June and October.

²³ The Fulani are largely nomads, while the Hausa are largely farmers. There is increasing cases of violent conflicts often resulting in loses of life between the two groups in Northern Nigeria. The spark for these clashes is usually the destruction of agricultural crops by the animals. The clashes are symptomatic of the failures of avenues for peaceful resolution of the problems.

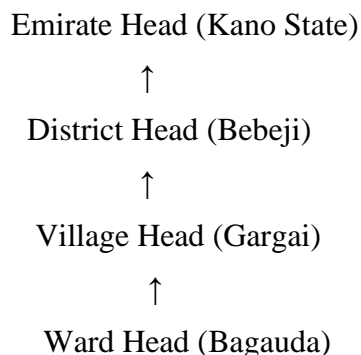
monetary claims is usually minimal.

Governmental and Courts Administration

Local government administration by way of duly-elected council members is the extant system of local administration in Bebeji Local Government. There are lower courts within the local government council: a Sharia Court and a Magistrate Court. While the Magistrate Court tries criminal offences as prescribed under the Penal Code of the former Northern Region,²⁴ the Sharia Court tries offences prescribed under the Kano State Sharia Penal Code Law 2000.²⁵ The distance of these courts from the Bagauda law Clinic are within the radius of 12 kilometres. Access to these courts in terms of distance is thus not herculean. The superior courts of record (with wide jurisdiction for trials) are however located in the Kano City, a distance of 60 kilometres from Bagauda, with the attendant transport cost and difficulty of access.²⁶ The challenges of trial of cases before the lower and superior courts include;-

1. The payment of fees for lodging complaints.
2. The formal adversarial system of trial does not engender amicable settlement of the dispute before the court. Verdicts are coercive, to be complied with at the risk of painful sanctions.
3. The requirement of legal representation for trial of cases.²⁷

Apart from the courts, the traditional institution also affords the avenue for resolution of conflicts. At the base of this institution is the Ward Head, who is supervised by a Village Head, who in turn is responsible to a District Head, with the District Head reporting to the Emir who sits in council with other traditional title holders. The traditional ruling hierarchy may be summed as follows from a descending to an ascending order;-



While the traditional institution affords the advantage of absence of cost and amicable settlement of conflicts, the institution has the following drawbacks;-

²⁴ Where the Magistrate Court sits over civil disputes, it assumes the jurisdiction of a District court. Such civil trials include debt recovery, libel and breach of contract.

²⁵ The Penal Code, Laws of Northern Nigeria, 1963 is applicable in many States of the former Northern Region of Nigeria.

²⁶ The Sharia Penal Code was enacted following demands for the implementation of the criminal aspects of the Sharia in 2000. The code codifies many criminal offences under the Islamic law to be applied by Sharia Courts created in the State. The sharia code exist side by side with the penal code. However, while the penal code is implemented by Magistrate Courts, the sharia code is implemented by the Sharia Courts.

²⁷ A sum raging between N200. 00 to N500. 00 is required to be paid before cases are filed or lodged. Where the case concerns recovery of a debt or some monetary claim, 5 per cent of the claim is payable as the filing fee. This amount is considered high for persons living in the rural communities who live in poverty.

1. Lack of formal legal knowledge to try and settle cases by the traditional rulers who are not schooled or are lacking in formal trainings on justice administration. A decision on these cases may end up in the courts of the State and up to the Supreme Court which is in Abuja, the Federal Capital Territory.
2. The potential for conflict of interest; because the disputants are members of the same communities with the traditional rulers (some of whom may be friends and relatives), impartiality is beclouded.

In contrast to the court system and the traditional institutions, the Bagauda Law Clinic does not charge fees for lodging complaints. Also, acknowledging the communal relationship of the communities it serves, it places premium on the resolution of disputes without a first resort to the courts to engender greater social harmony within the communities. The clinic is located at the heart of the Bagauda community and is nearer to many of the communities adjacent Bagauda. Finally, the Faculty of the Bagauda Law Clinic, who are experts in diverse fields, aids the just adjudication of disputes applying legal principles to the issues.²⁸ Agreements arrived are less likely to be set-aside even if further complaints are made before the formal courts.

Bagauda Law Clinic and Legal Assistance

Twelve calendar months is the period of study at the Nigerian Law School. The training covers activities such as lectures, dinner terms, law office and court externship placements, portfolio assessments, moot trials, and bar examinations. It is during this course of study that the students volunteer to serve as clinicians in the Bagauda Law Clinic. The students of the Kano Campus handle cases brought to the clinic under the direction and supervision of the faculty. Participation in clinical activities is voluntary, although it is emphasised during the induction session of each new set on the advantages and importance of serving as clinicians.²⁹ Students practice the theory taught in class by providing highly effective and quality legal services to clients who consult the clinic for services. These services, which are rendered *pro bono* include legal advices, mediation of disputes, negotiating and settling disputes and legal representation. Other services rendered to the communities are justice-issues education and street lawyering. Apart from this community service, the clinic affords students the opportunity to learn and acquire skills which they would need upon admission into the legal profession.

Clinical legal education is experimental learning in which the students using the law clinics as their workshop gain practical skills by delivering services seeking to enhance and uplift social justice, in most cases for the communities around their school. In every legal clinic setting, like in Bagauda Law Clinic, students under the supervision of law lecturers entertain real-life cases from communities and act 'like lawyers' in handling and solving the legal problems. This pattern of training is completely different from the old and traditional training which was theory-based without giving to the students any opportunity of learning practically what they will continue to do as future lawyers. The Bagauda Law Clinic seeks to "to teach law students practical legal skills in a social justice setting."³⁰ Although legal services at the Bagauda Law Clinic is a cocktail of legal aid, considering the thirst for legal services by the communities and several villages around the Kano campus, the Bagauda Law Clinic combines the above

²⁸ The faculty is made up of the teaching staff of the Nigerian Law School, Kano Campus. These teachers teach and train students in the practical courses of civil and criminal trials, mediation and negotiation, property and corporate law practice.

²⁹

³⁰ McQuoid-Mason, D., and Palmer, R., *supra* p. 2.

mentioned models and provides live client legal advice and representation and street law, community training and enlightenment. However, it should be noted that, although every clinic is different in its organisation, services etc., “there are some common shared characteristics in how they operate and what they look like”.³¹

Table 1: Percentage of student participation in the clinic in the last three academic sessions.³²

Academic Session	Admitted students	No of Clinic Students	Percentage
2012 / 2013	716	26	3.63
2013 / 2014	836	30	3.58
2014/2015 (Nov. Set)	752	36	4.78

The table demonstrates a steady rise in the percentage of the number of students volunteering to participate in the law clinic. Column 3 in the table is the students who have successfully completed a year’s service in the clinic.³³

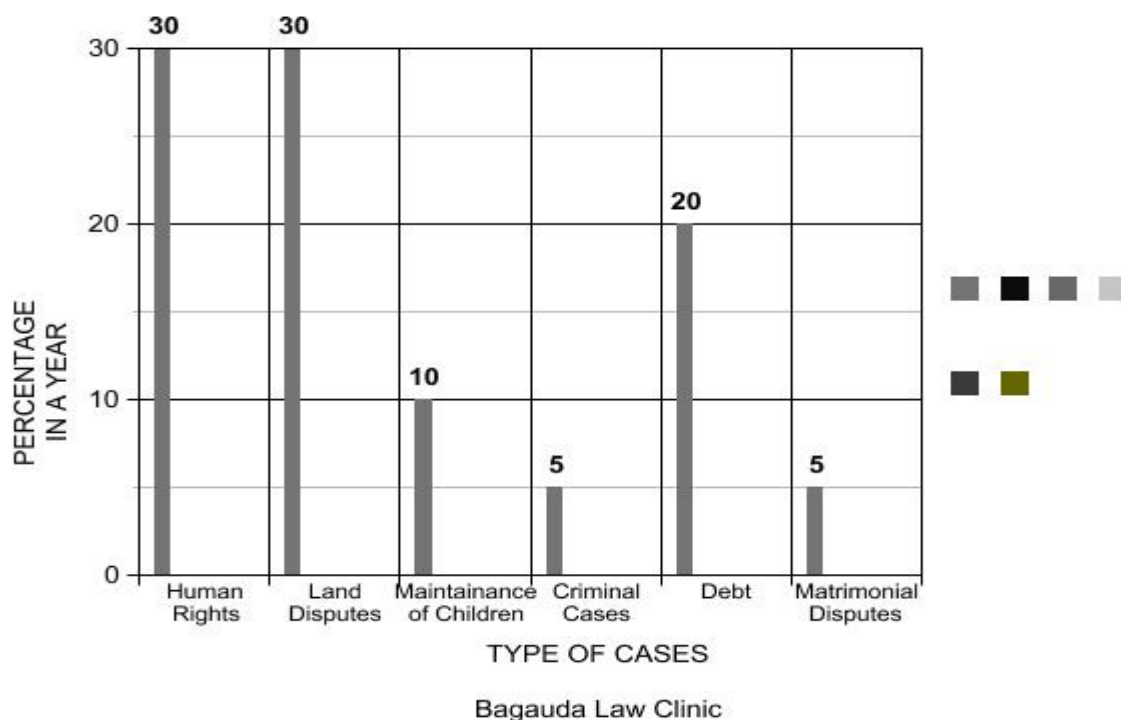
The chart below demonstrates the types and number of cases handled by the clinic thus far.

³¹ Martinez, S. A., “Law Clinics in Taiwan: Can Clinical Legal Education Succeed in this Civil Law Jurisdiction Education System” National Taiwan University Law Review, available on http://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1311&context=faculty_scholarship accessed on 4th July, 2015.

³² There were two sets in the 2014/15 academic session. The first was the April set, otherwise called the backlog set, because it was an abnormal session compelled by the industrial action by the academic staff of Nigerian Universities which led to the delay in normal admissions. The April backlog set was so created to cater for interest of students who over the years could not be admitted due in part to excess in quota of admitted students by the faculties of law of Nigerian Universities. The records for 2010/2011 and 2011/2012 academic session are not very relevant as the number of participating students were negligible due in part to the teething problems of organising an early law clinic.

³³ Usually, at the outset of the session, there are always more students volunteering to serve in the clinic. The number steadily declines, due in part to the rigorous demands of the vocational training at the law school.

BAGAUDA LAW CLINIC CASES CHART



Lessons and Challenges

While the Bagauda Law Clinic continues to make little strides, it has faced certain challenges, some of which bother on the structure of legal education in the Nigerian Law School and others on the peculiarities of operating in a rural setting like Bagauda. First, is the lack of integration of clinical activities into the assessment regime of the law school. So, students do not earn any credit for their work and assessment of their activities in the clinic – participation is therefore voluntary and there is no mandatory classroom component. In fully integrated law clinics, students are awarded credit for the tasks they carry out in the clinic. Second is the law school’s Calendar. Unlike the university law clinics in which one set of students will be trained in the clinic for the minimum period of four years, in the law school, students hardly stay continuously in school because of law office and court placements which they have to attend to outside the school. After the 12 calendar months training is completed, a new set of clinicians are recruited for the next 12 calendar months. This problem may be cured if the placements regime is recalibrated to ensure that students can undertake law office placements in the various clinics of the Nigerian Law School. Third, is the limitation on right of appearance and audience in court for students who are yet to be called to the Nigerian Bar. Until student clinicians are called to bar, they cannot sign any court process or appear in court to represent the clinic’s client. With this limitation, the burden of legal representation rests on the faculty who are qualified to represent clients in court and can also sign legal documents. The faculty however is inundated with other teaching, research and assessment responsibilities, with less time to devote to the clinic.

The peculiarity of operating in a rural setting also poses problems. First is the communities’ misconception. Even though there is continuous enlightenment of the communities about the activities of the Bagauda Law Clinic and the extent of facilitation in their disputes, many clients coming to the clinic believe they are coming to a ‘place bigger than all the courts and the

police.”³⁴ They want the clinic to issue orders like courts or to effect arrest like the police. Attempts to explain to clients the basic differences are often futile, resulting in some cases where the clients, out of frustration for our inability to do so, refuse to return to the clinic. Second is problem of conflict of interests when complaints are made against our partners (community leaders and the police). Although these complaints are entertained, dealing with such complaints become difficult since the Bagauda Law Clinic still rely on the police and the community leaders for security and mobilisation in the event in carrying out its programs.

Conclusion

The experiences of the Bagauda Law Clinic in providing *pro bono* legal aid to citizens of Bagauda and surrounding communities in Kano State, has afforded students of the Kano Campus of the Nigerian Law School the opportunity to put to practice the lessons they learn in the course of their studies. Case law reviews in classes concentrate on commercial and property disputes which may not be experienced in the rustic communities in which the Bagauda Law Clinic operates. Other modules (such as law office management) may simply be theoretical since working in the clinic is not synonymous with the operation of a law office in the same way that the intricacies of the courses may not find application in these rustic communities. Many of the clinicians who graduate from the law school may not practice law in rural communities which Bagauda typifies, but it is hoped that in the event they decide to, the lessons from the Bagauda Law Clinic would be of immense help.

Recommendations

As it is now, the clinical activities, programs and projects in Nigerian Law School are not mandatory, but are optional for any student who likes to join the clinic. And therefore there isn't credit to be awarded to the students. This practically affects students' general performance. The students too are not practically engaged in the real legal services offered to the communities, especially those involving filing of court processes and presentation of cases in court. The Rules of Court in Nigeria do not allow students to get involved in legal services until they are called to the Nigerian Bar. Students in the clinic should be allowed to handle light legal problems under the supervision of their lecturers. Funding is also important. Module registries and courtrooms are important for teaching the students the rudiments of legal practice even before they are called to the Nigerian bar. Certain clinical events, like streetlaw, public enlightenment programs, outreach, etc will require funding which the students will not be able to provide for themselves, without the help of the institution.

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³⁴ The words of one of the clients visiting the clinic. Several other villagers also hold the same view.

Martinez, S. A., “Law Clinics in Taiwan: Can Clinical Legal Education Succeed in this Civil Law Jurisdiction Education System” National Taiwan University Law Review, available on http://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1311&context=faculty_scholarship accessed on 4th July, 2015

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