

Clinical and Experiential Learning: An Effective Tool for Legal Education

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Introduction

Clinical and experiential learning as used in this paper simply means learning through live experiences (by doing, practice, mistakes, etc) as opposed to traditional law learning based on learning through factual information from legal theories, decided cases and statutes. Clinical and experiential learning started in the United States in the 1960s and it has now become an important component of legal education in many law schools around the world such as Canada, Australia, Argentina, Chile, Great Britain, Sweden, Croatia, the Netherlands, Romania, Russia, India, South Africa, and Nigeria etc. In some of these countries clinical legal education has been for many years but in others a movement is on going towards clinical and experiential learning.

Clinical and experiential learning requires a curriculum and methodological change from teaching legal theories through lecture method of instruction to teaching lawyering skills and professional responsibilities through learning by doing. Learning by doing may take the form of problem-based simulation skill courses as obtained in some law schools to a more sophisticated and practical live -client clinical courses as obtained in the US where students work with clients and are faced with the same problems and situations that lawyers faced in real practice. Among the reasons for continuing wide spread popularity of clinical legal education are its double benefits to the society and law students.

Clinical teaching adopts a methodology that exposes students to clients' problems in the way lawyers experience them in practice and therefore students are able to learn lawyering skills and professional responsibilities through real life experience and these make them more ready and prepared for their future professional responsibilities as lawyers. In addition to the benefits to the students is the public interest function of legal clinics. Access to justice is given to the less privileged in the society who cannot afford to pay a lawyer for a legal advice they desperately need or for legal representation in court. Access to justice by everyone reduces tension and makes the world a better place for everyone.

Developing a clinical program in Nigeria

The greatest challenge to effective clinical education in countries where students are by reason of laws and professional rules not allowed to practice even in a limited degree is a denial of direct client contact to students which to a reasonable degree also leads to a denial of experiential learning. In Nigeria our laws and rules of professional conduct do not allow students

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to practice and by these reasons students of the Nigerian Law School cannot take live-client clinical courses. Because there is no student practice provisions in our laws and rules, our students make do with simulated client representation instead of actual client representation. In recognition of the importance of clinical and experiential learning the Nigerian Law School curriculum has witnessed a radical restructuring which has not only caused a change from traditional lectures to interactive and experiential teaching methods that focuses on developing skills such as interviewing, counseling, negotiation, drafting and advocacy. Professional rules and responsibilities are now learnt from simulated cases instead of from traditional lecture.

Another serious challenge to implementation of clinical and experiential learning is the cost and staff requirements. In many developing countries Government grants to Law Schools are not adequate to run effective clinics. Despite these shortcomings, clinical law program can be structured within the finances and the available staff in the Law School. To surmount this problem, the Nigerian Law School exposes the students to mock trials in their orientation week and the students are made to play the role of witnesses, court officials, judges and lawyers under the supervision of lecturers. This exposes the students to team work, role allocation, conflict management and to interactive teaching method that will be adopted throughout the course. The experience creates in the students a great desire to learn which is used as a foundation for learning by doing.

After the orientation, problem-based simulation skill courses are delivered through participant presentations in which students are given a legal problem to solve in small groups for presentation to all the students where the presentations will be discussed. Mock trials are also conducted before Magistrates and Judges of Superior Courts in Nigeria and every student is made to play a role during the trial. Part of the clinical component of the course is the placement of students to law offices and courts for a minimum period of three months during their academic session in the Law School. During placement, students work with lawyers while interviewing clients, analysing clients' problems, conducting legal research and preparing pleadings and drafting documents. Upon the return of the students, progress is measured by reviewing the portfolio of the students before a panel consisting of a lecturer and an external assessor.

The result of this departure from traditional lecture method to clinical and experiential learning is remarkable. We discovered that the average retention rate in learning by doing is far greater than that of learning by lecture method and this is evident in the 71.99% pass in September 2010 bar examination.

I have talked much about Nigerian Law School clinical and experiential learning not with the intention of recommending it as a perfect model but with the intention of bringing it to the knowledge of all, that against all odds a structure can still be worked out to accommodate clinical and experiential learning in any law school. Thanks for listening.