

LAW IN A CHANGING WORLD: ADVOCATING NEW PEDAGOGY OF LAW IN NIGERIAN UNIVERSITIES*

Written by Iyabode Ogunniran

Associate Professor, Department of Public Law, University of Lagos, Lagos

ABSTRACT

The relevance of the University system is construed through global competitiveness and development. There is equally an emerging trend of development being related to world class manpower trained with the necessary skills through world class institutions. The performance indicators of these institutions emphasize teaching, research, citations, industry income and international outlook. Sadly, Nigerian Universities are not in the top 100 in the world. In the just released 2021 Web Ranking in Africa, the country ranked 27 with University of Lagos. Obviously, the present law students will enter a vastly different legal profession requiring different skill sets and competencies. It is thus imperative for Nigerian Universities to re-align their teaching with these global or even regional trends. This is particularly significant as the 2020 Covid-19 pandemic has further shown the endemic inadequacies of quality higher education in Nigeria. Hence, the focus of this paper is to analyze the pedagogy techniques, strategies and methodologies that can advance legal education in the Nigerian Universities. In addition to the age long lecture method, the paper proposes teaching techniques which promotes active learning like students' presentations, group work, case methods, class discussions, and assignments. This includes effective teaching strategies through use of technology and digital law libraries. It considers new teaching methodology such as learning theory and learning outcomes. The paper concludes that it is only these changes that can prepare global future lawyers equipped for the 21st century.

Key words: Law, Pedagogy, Techniques, Strategies, Methodology, Universities, Nigeria.

1. INTRODUCTION

The relevance of the University system is construed through global competitiveness and development. There is equally an emerging trend of development being related to world class manpower trained with the necessary skills through world class institutions.ⁱ Such institutions exhibits certain characteristics such as highly qualified staff; excellence in research; quality teaching; high levels of government and non-government sources of funding; international and highly talented students; academic freedom; well- defined autonomous governance structure and well-equipped facilities for teaching, research, administration and student life. The world-class universities are recognized in part for their superior outputs. They produce well-qualified graduates who are in high demand in the global market and conduct leading-edge researches published in top scientific journals. They have an international reputation for teaching and research; operates within a global market and is international in many activities and continually benchmark with top universities and departments worldwide.ⁱⁱ

Nigerian Universities are not ranked among the top 100 in the world.ⁱⁱⁱ In the just released 2021 Ranking of African Universities, the country ranked 27 with University of Lagos.^{iv} According to a United Nations Education Scientific Cultural Organization (UNESCO) survey, the major impediments to quality higher education in Africa, including Nigeria are depreciating quality of teachers; research capacity deficit; inadequacies in facilities for teaching, learning and research; lack of regional quality assurance framework and accreditation system and slow adoption of ICT for delivering quality higher education.^v Nigerian Universities face manifold challenges such as funding; academic instability; deteriorated infrastructure; quality test; access problem, staff/student ratio and staff/student accommodation.^{vi} Obviously, the Nigerian legal education has been affected by the above strictures.

Relatedly, the teaching of law in Nigeria is still confined to expository tradition of academic law with little emphasis on developmental research. It is not multi-disciplinary in character and does not reflect the stark realities of legal practice. Presently, law is not taught in its social, political and economic contexts.^{vii} Conversely, based on the performance indicators of world class institutions highlighted above, there is a changing face for the teaching of law. The twenty-first century students are more engaged in the learning process; with well-resourced law data bases; virtual learning environment; assessment and prompt feedbacks.^{viii} Furthermore, the present law students will enter vastly different legal profession requiring

different skill sets, competencies, knowledge and values.^{ix} How do Nigerian Universities reposition themselves to maintain relevance in the teaching of law? This is even more urgent in the aftermath of the Covid19 pandemic. The focus of this paper is to analyse the pedagogy techniques, strategies and methodologies that can advance legal education in the Nigerian Universities. Hence, the paper is divided into four sections. The first section covers the introduction. The paper is contextualised in section two as pedagogy is defined. Section three explains new pedagogy, and analyses the new pedagogy being canvassed in the paper. Section four concludes the paper by proposing the way forward for Nigerian law graduates to be nationally-relevant and globally-competitive.

2. WHAT IS PEDAGOGY?

Pedagogy signifies the function or work of a teacher, the art or science of teaching, instructional methods.^x It means the art, science or profession of teaching.^{xi} This paper adopts the definition of pedagogy as teaching.

3. NEW PEDAGOGY

This paper is canvassing for a new teaching by exploring three variables. These are new teaching techniques, strategies and methodology. Teaching techniques in this context are active teaching techniques through students' presentations, group work, class discussions, case methods and assignments. This can engender critical thinkers and solution providers of the future. Teaching strategies entail the use of technology such as visual learning methods like videos, photographs, films; power point presentations; web-based instructions; computer networks, online teaching etc. Law Libraries using digital formats, well-resourced with books and online journals. These will be used to promote effective education. Teaching methodology involve the understanding and adoption of learning theory. It includes focusing on the learning outcomes such as the issues students are supposed to learn. The learning outcome is the destination at the end of the course. Assessments is another methodology, these are checkpoints to ensure our students are at the right path throughout the course. The next section discusses in detail each of this as a veritable tool for advancing the teaching of law.

3.1. Teaching Techniques

In most Nigerian universities, lecturers use majorly the lecture mode of teaching. Studies have shown that students retain less than five percent of such teaching.^{xii} Hence, world class institutions have gone ahead and improve their teaching techniques by adopting active learning instructional methods. This includes a wide range of activities that share the common element of involving students in doing things and thinking about the things they are doing.^{xiii} It is used to engage students in thinking creatively and critical; speaking with a partner (small group or entire class); expressing ideas through writing; exploring personal attitudes and values, giving and receiving feedback and reflecting upon the learning process.^{xiv}

Lecturers may start to wonder, is there any problem with the lecture method since we ‘cover the course content.’ This is said to be not any other thing than ‘...the transfer of information from the notes of the lecturer to the notes of the students without passing through the mind of either’.^{xv} In both regular classrooms and lecture halls, significant proportion of students daydream; attend casually to the lecture; engage in instant messaging on a cell phone. The proportion of students taking notes is rather very small. Research findings suggest that students’ concentration during lectures begin to decline after 10-15 minutes.^{xvi}

Conversely, studies have shown that discussion techniques are better than the lecture methods. A large meta-analysis of studies examining small group in SMET courses (Science, Math, Engineering, Technology) reported it produced higher achievement test courses, more positive student attitudes and higher level of students’ persistence.^{xvii} A study conducted in a large-division Biology lecture course revealed students who were taught with in class activities in place of some lecture time; allowed to work in students group were observed to make significant higher learning gains and better conceptual understanding.^{xviii} In a similar vein, a National Report reiterated thus, ‘Faculty should make greater use of active modes of teaching and require that students take greater responsibility for their learning’.^{xix}

It is inevitable that as Nigerian Law Faculties, we must start to use some of these active learning methods in addition to the lecture mode, if we have not been doing so. It is quite noteworthy that there are so many of them, however, this writer will only highlight a few that that we can easily incorporate into our lectures.^{xx} The first is questioning purposely and this involves frequent use of classroom questions. Such questions can be from the lecturer or the students.

In respect of the former, this shall be determined by the learning goal. Generally, questions can help sharpen students thinking skills; demonstrate the appreciation of theory to practice or even prepare the students for examination. To achieve such result, a higher degree of planning should go into the preparation of such discussion questions. On the latter, it can be to clear areas of confusion or formulate personal interaction with the course content.^{xxi} Secondly is connecting course content to current events. Lecturers assign to the students the task of locating current news illustrating or relating to important course content and making a brief in-class oral presentation about the news item found. Alternatively, each student can prepare a brief synopsis of his or her news item for posting on electronic discussion board or course website. This helps students to develop a clear sense of personal relevance and significance of course content. The third is integrating debates into course assignments. This help students to learn to locate information; think critically; formulate persuasive arguments and counter arguments and express themselves in oral and written forms.^{xxii} The fourth is the use of case studies, these are narratives designed to serve the basis for classroom discussion. As cases do not offer their own analysis, they are meant to test the ability of students to apply the theory they have learned to a 'real world' situation.^{xxiii} Fifthly, through exploring team-based learning course redesign (group work). The features include permanent and purposeful heterogeneous work groups, grading based on a combination of individual and group performance, and majority of class time being devoted to small group activities, the lecturer shifts from dispenser of information to a manager of a learning process.^{xxiv}

Admittedly, there may be challenges of not having enough time to cover the entire course content; it takes too much pre-class preparation; it is impossible to use in large class size or there is need for equipment support. In our view, a lecturer should just adopt the method suitable for him or her against the backdrop of the course he or she is teaching and use it systematically. Clearly, running through the active learning techniques is engaging the students to think critically of issues and be solution providers. This represents the basis for the adoption of these techniques in Universities worldwide. In a similar vein, it is imperative for Nigerian Universities to follow suit and raise the crop of global lawyers relevant for the twenty first century.

3.2. Teaching Strategies

Due to the fact that most law lecturers conduct doctrinal research, they have less than a rudimentary knowledge of computers. The spiral effect is that the teacher who is to use modern information technology to impart legal education is grossly deficient in its knowledge and application. This constitutes incalculable harm to the development of the current legal education.^{xxv} The Nigerian Universities law libraries are created as adjuncts to the central libraries. This is particularly true with first generation universities.^{xxvi} The negative consequence is that most law libraries continue to contest for space within the main libraries. Hence, the section considers effective teaching strategies through the use of Information Technology (IT) and Law Libraries.

3.2.1. Information Technology-based Teaching

These include the use of legal databases such as Westlaw and LexisNexis; computer networks; Web-based instruction, in-class Internet access, e-mail, multi-media technology and the like.^{xxvii} The views being shared by legal scholars, is that IT will continue to assimilate legal education at a rapid pace in the United States (US) in many respects.^{xxviii} Whilst one might want to think that the assertion is only relevant to US and probably other developed countries, the increasing availability of IT portend it has the potential to play an important role in legal education. It is no longer debatable that the twenty-first teacher must incorporate computer technology into their teaching and law students to have well developed IT skills.

As indicated above, there are varied types of technology. For instance, web based instruction entails having a homepage for the course. The lecturer can post course materials, tutorial exercises, lecture notes, Power Point (PP) presentations and video clips. He or she can create discussion forums for students and exchange e-mails. The page can also highlights important dates for group presentations, submission of assignments and final examinations. Multimedia in the lecture rooms such as projectors will allow lecturers to teach their courses with (PP) and enhance group presentations by the students. E mails can be created where students can access information on-line or even on-line provision of resources.^{xxix}

Some of the benefits of the use of IT include fostering on the students ability to learn by themselves at their own convenience. They become active participants in the learning process as it encourages them to post messages on discussion bulletins.^{xxx} It promotes interactive tests with instant feedback to students and inspires not only student-instructor interaction but interaction between students outside the classroom.^{xxxi}

However, as lecturers, we must appreciate that the key to effective learning is the students-centred nature of delivery method rather than the method itself. So, IT must be used appropriately. It is a supplementary rather than a replacement for traditional classroom teaching and this should be clearly explained to the students at the beginning of the class. Another critical factor which is very relevant to the Nigerian students is the varying competence level in computing skills. Therefore, students with less IT skills should not be at a disadvantage but training can be organized by the Faculty.

In spite of the funding and electricity challenges, it is imperative for the Universities to appreciate the reality that modern technologies will continue to revolutionize the practice, teaching and learning of law. To prepare our students for their future career, we must be familiar with information technology through the creative use of web-assisted facilities.^{xxxii} Whilst this writer appreciates that private Universities are readily compliant in the use of technology, such cannot be said of public universities where majority of the students are schooling. It is gladdening to say that the Covid-19 pandemic has forced most Universities to use technology even if it still minimal.

Hence, the Law Faculties can facilitate the use of information technology with these five steps. First, recognise the importance of information to the Faculty. Second, create an information technology structure that encourages the free flow of information. Thirdly, require a base level of computer literacy in administrative and Faculty support staff. The fourth is providing adequate training and learning opportunities. Fifthly, reward use of information technology amongst Faculty and staff.^{xxxiii}

3.2.2. Law Library

Another salient teaching strategy to promote effective education is the law library. This is central to Law Faculties providing print and digital collections, study spaces and library services. Though academic law libraries have traditionally emphasised their collection sizes and study spaces, the most important function of the twenty first century law library is the services it offers to its patrons.^{xxxiv} In other jurisdictions, law libraries have transited from wall of reporters and citations to exclusively online cases, move from comprehensive collections to highly selective collections, migration from print to online catalogues and general education of information technology knowledgeable students.^{xxxv}

Looking within the context of the roles of law library above, are the Nigerian law libraries fulfilling this mandate? This writer answers this question by investigating the University of Lagos Library, especially the Law Library. The library was built in 1962, the same year the University was founded. The vision 'is to be the primary and foremost source/vessel of reliable information for the University community in its quest to realize its noble vision concerning teaching, research and community services'.^{xxxvi}

The Head Reader Services was asked on the library study spaces. She responded that the Library was initially built to seat 600 students but presently, the University has about 50,000 students. She said, the library response to this constraint was to decentralize. She called it 'Distributed Library System' whereby each Faculty has a library within it managed by the Library Staff. She said it has expanded the number of students who can use the Library. Another area of improvement was to reorganise and create more spaces as almost 2,500 students can now use the library. In this instance, the Law Library was refurbished and can seat 250 law students. According to her a permanent solution is apparent, Tertiary Education Trust Fund (TERTFUND) has released fund to build another library complex which the University Governing Council has approved.

On collection size, she said the University has over 500,000 which are in print and digital. She said that the library recognised the importance of educational resources for the law Faculty. According to her apart from the Law Library OPAG (Online Public Access Catalogue), the University has specially subscribed to nine journals for Law: Herein online, Lexis Nexis (Academic and Professional), Legal Pedia/Law Pavilion, Westlaw International, JSTOR, DOAJ, EBSCOHOST, Project Muse and Science Direct. Obviously, the Law Library has a wide collection.

The respondent also explained the varieties of services by the University. Apart from the usual Circulation and References, they offer Inter-library Loan service, current awareness service, Selected Dissemination of Information, Document Delivery Services, 24 hours Library Service during exams at the Library extension, Lap top Loan service, Cloakroom service, Visually Impaired Library services and Library Instruction Programme for matriculating students. Even with these arrays of services, she mentioned funding as a challenge. It is our submission, that the University of Lagos Library, and by extension, the law library is *primus inter paire* in the nation.

Mindful of the fact that University of Lagos was twenty seventh in the ranking of University in Africa, this writer submits that it is imperative for all Law Faculties to reposition their libraries to effectively deliver legal education through the three parameters highlighted above. What collections do they have, is it majorly print or digital? What is the study space for students, for instance a supervised space for law students and others to study-hours of opening, availability etc? How do law libraries project the services it is rendering, do the students know about it through website, flyers placed in strategic places in the library?

In addition, the law libraries, if it has not been doing so, need to be involved in teaching. These include creating student-oriented research guides and pathfinders; training Faculty, research assistants, students in citation formatting, research logging and application that make them efficient researchers. The libraries need to promote scholarship beyond the institution by placing lecturers' research in blog posts and posting to the Social Science Research Network (SSRN) and institutional repositories.^{xxxvii} There is need for law libraries to collaborate through inter-library loan, shared bibliographic utilities or multi campus delivery services. This will especially fasten the effectiveness of the curriculum review as library can share compilation of information on the challenges. Most importantly, law libraries should actively and routinely conduct needs assessments by reaching out to students and the Faculty through surveys, focus groups and one-on-one meetings. This will help the library to improve its services.^{xxxviii}

By and large, the Faculties of Law in this country face funding challenges. We all agree there is limited allocation of resources. Yet libraries are to be computerised. All digital databases are now licensed rather than purchased; hence libraries must continue to pay institutional subscription to retain access. Due to automation of some parts of the library and online services, there is need for more qualified and technical staff such as an Agile Acquisition Department.^{xxxix} There is a new emphasis on outcome measures in legal education. Law libraries are to identify and track outcomes to demonstrate how and where they add value. The libraries must add value to the universities by providing increased scholar productivity and aiding the teaching enterprise.^{xl} These perquisites are non-negotiable as they constitute the real changing parameters to advance the teaching of law.

3.3. TEACHING METHODOLOGY

Most law teachers' instruction methodology has been characterized as the Vicarious Learning/Self Teaching models of the 1870s.^{xli} The former requires students to learn vicariously with a rebounding learning effect. The teacher's comments, questions and corrected of selected students will rub off on other students in the class. The method presupposes that the non-selected students know how to play along, answering the queries in their heads and learning to think like lawyers by experiencing vicariously what the speaking students actually experience.^{xlii} The latter model expects to figure out on their own what they need to learn and know. It assumes that the combination of teaching and classroom comments will enhance students legal reasoning, case analysis, issue spotting, drafting and policy analysis skills will open students mind to legal theory, allow students to understand the doctrine under study and encourage students to develop desired values.^{xliii} But do we as law teachers identify for our students the goals of what we are teaching? For instance, what they need to know or explain how to spot legal issues or perform legal analysis.^{xliv}

Schwartz rightly identifies the major reasons for the entrenchment of the models. According to him, Law Faculties hire and promote teachers based on scholarship. Lecturers' publications are sacrosanct, teaching skills or effectiveness is relatively not so important. So, there is no incentive to be competent teachers. Arguably, the above model is easier since it requires relatively little class preparation time.^{xlv} However, lecturers need to understand the learning theories and their implications for designing Law Faculties teaching.

3.3.1. Learning Theories

These are: behaviourism, cognitivism and constructivism. Foremost, three concepts are crucial to the learning theory-learning, instruction and transfer. First, 'learning is a change in human disposition or capability which persists over a period of time, and which is not simply ascribable to processes of growth'.^{xlvi} Thus, for learning to have occurred, '(1) the duration of change is long-term rather than short-term; (2) the focus of change is the content and structure of knowledge in memory or the behaviour of the learner and (3) the cause of the change is the learner's experience in the environment'.^{xlvii} Thus, a Constitutional Law student has learnt the Rule of Law when or he or she has developed the ability to identify it or situations contrary to it. Secondly, instruction is 'the deliberate arrangement of learning condition to promote the attainment of some intended goal'.^{xlviii} Hence, 'one of the primary tenets of instructional design is that a live teacher is not essential to all instruction'.^{xlix} Rather, instruction includes textbooks

reading, computerised tests, on-line directed discussions and any other form of mediated delivery of learning conditions.¹ So, if I tell my students to download recent materials on the Rule of Law in Nigeria from the internet, I am providing instruction. The third is the transfer of instruction, that is, ‘application of learned knowledge in new usage or situation’.^{li} Hence, my Constitutional Law students must be able to appreciate and cite instances of abuse or lack of Rule of Law in Nigeria.

As said above, the first learning theory is behaviourism. It has its roots in Aristotle empiricist view and greatest dominance in the first half of the twentieth century in the well-known works of Pavlov.^{lii} The core behaviourist belief is that learning occurs when the learner exhibits the proper response to a specific environmental stimulus. Hence, instruction should focus on strengthening connection between stimulus and response. This has influenced the development of Law Faculties instruction in the following ways: you assess learners to determine the point of instruction; instructions are sequenced so that students’ master early steps and easier problems early in instruction, learning can occur within and outside the classroom and evaluating and revising instructional materials by testing the effects on students’ performances and satisfaction. The key limitation of this behavioural principle is that it cannot adequately explain the acquisition of higher level skills or those that require a greater depth of processing (e.g. language development; problem solving, inference generating, critical thinking).^{liii} Arguably, whilst the theory is important to Law Faculties instruction because students must acquire knowledge of the relevant doctrine and policy, other higher level skills indicated above are not covered.^{liv}

The second is the Cognitivism, its use as a learning theory started in the late 1950s.^{lv} However, it has ancient theoretical roots and derived in part from Plato’s rationalist view that knowledge arises through the mind.^{lvi} It prescribes a set of theories called ‘information processing theories’ which explain how the brain processes information and retains learning. It equates learning with the learner’s active storage of that learning in an organised, meaningful and useable manner in long-term memory.^{lvii} It believes that prior learning plays a crucial role in allowing storage of information.^{lviii} Invariably, it is the learner who must ultimately store and retrieve the learning. The crucial factor in learning is the ‘active’ involvement of the learner. There is need to make learning meaningful to enhance coding. It changes the learner by encouraging him or her to use appropriate learning strategies.^{lix}

Compared to behaviourism, this learning theory addresses a different aspect of learning. It discusses what occurs in the brain between the brain and stimulus. The model focuses on deeper forms of learning and emphasises intellectual skills such as how to apply principles and use learned procedures, how to reason, how to combine learned principles and procedures in new ways to solve complex legal problems.^{lx}

This learning theory is still dominant and is important to Law Faculties teaching instruction in four ways. First, it encourages creating learning experiences that allow and encourage students to make connections between previously learned and new materials.^{lxi} For instance, my Constitutional Law students must learn meaning and classification of constitutions before learning the rule of law. Secondly, it emphasises structuring, organizing and sequencing information to facilitate optimal processing.^{lxii} Hence, materials are to have structures. For instance, Course Outline to move from foundational to main concepts. Thirdly, instructors should present multiple representations of materials to be learned. To help students learn abstract concepts, instructors should generate multiple examples so that students learn to identify key features and avoid confusion.^{lxiii} The fourth one and the most important in the writer's view, is that lecturers should integrate into their teaching materials instruction that allows students to be active participants in their own learning.^{lxiv} For instance, how to derive meaning from cases, how to spot legal issues, brainstorm on factual patterns, skillful legal analysis and self-check themselves, preparing deeply structured course outline and hierarchical relations among legal concepts studied.^{lxv}

The third is the constructivism and the rise parallels the development of postmodern thought throughout Western philosophy.^{lxvi} It views learning and knowledge as being constructed by each individual from his or her experiences.^{lxvii} Nevertheless, it shares the cognitivists' belief that learning is a mental activity as well as the behaviourists' belief in direct experiences with the environment.^{lxviii} Like the other two theories, it has old roots-the rationalist philosophy of early twentieth century philosophers like Jean Piaget.^{lxix}

Despite the above, Constructivism differs from both theories because it focuses on the relationship between the mind and environment. In the theory, three factors are crucial to learning: practice in real settings (experience); the opportunity to develop personal interpretations of experiences (construction of meaning by the learner) and the opportunity to negotiate meaning (collaboration).^{lxx}

The importance for Law Faculties teaching is in twofold. The first is, it obligates Lecturers to place learning in a real world settings.^{lxxi} There is emphasis on clinical and externship experiences. In the former, students do not simply perform basic rote legal tasks, but handle (with coaching from an expert) difficult real world matters.^{lxxii} This writer remembered that a former Dean after a Lecture on Consumer Protection at the Faculty informing students to register their names with the Centre for Human Rights. In the nearest future, probably community residents can lodge complaints of fake products which the Centre can prosecute. In teaching new courses like Child Law, students will have to do internship with Office of the Public Defender (OPD) or similar bodies to understudy different issues affecting children lodged with such Organisations. Already, the Anti-Human Trafficking Legal Hub has been opened in the Faculty of Law, University of Lagos. It has started to recruit students' volunteers from certain courses such as Human Rights, Family Law, Criminal Law, Torts etc. to work in the Hub. They will attend to Victims of Human Trafficking and feature in awareness creation. Secondly, lecturers should allow and encourage students 'to construct their own understandings and then to validate them through social negotiation (with other students), these new perspectives'.^{lxxiii} Such collaboration 'enables insights and solutions to arise synergistically that otherwise would not come about'.^{lxxiv} Further, it allows students both to refine their own ideas and measure the quality of those ideas.^{lxxv}

It has been rightly suggested that substantive law lecturers can still adopt this learning theory. For instance, lecturers teaching case reading and case analysis skills should require students (with guided supervision) to develop their own interpretations, discuss and compare their personal interpretations with other students.^{lxxvi}

In our view, all the learning theories are important and should guide the designing of Law Faculties curricula in Nigeria for our students to be relevant in the twenty first century. In fact, this is the norm in other Faculties of Law in other climes. Students develop basic to high level problem solving skills. It is left for the Law Faculties to fathom their own approaches. For instance, do we want to have an integrated curriculum that will consciously allow students to choose courses covering the three learning theories as they pass through the school for their legal education? This writer's suggests that, for courses inculcating the third learning theory, in view of the time frame in teaching, clinical or externship should be in the second semester. The students would have learnt basic concepts that will prepare them for the second semester

training. In addition, the above suggestion of Schwartz for lecturers teaching substantive law courses is also tenable.

3.3.2. Learning Outcomes and Assessment

In the writer's view, these methodologies are already used by Nigerian Universities, but in an unstructured manner. In teaching, most Faculties measured their success by their inputs-the carefully chosen materials, the meticulously planned learning activity, and the brilliantly delivered lecture-without asking whether all the teaching is actually resulting in learning.^{lxxvii} So, the question is do our teachings result in learning. This writer hazards a yes and no. The former response is because some of our students actually learn, graduate with top grades and are doing well in their chosen fields. The latter response emanates from the fact that there are some courses that students fail yearly. Do we feel there is a problem or assume all the faults are the students? The conscious and structured use of learning outcomes and assessment can improve the students learning. The outcomes and assessment driven education is crucial. Educational researchers have demonstrated three things. Students learn more and better when learning goals are clear,^{lxxviii} where they are given opportunities to practice what they are learning^{lxxix} and when they receive feedback on their learning.^{lxxx} As lecturers, we all conduct tests, give assignments which are forms of assessments. However, outcome and assessment will make the process more explicit and systematic. This will drive selection of subject matter, course materials and learning activities.

The first step in the process is to begin with the outcomes, that is, the destination of the course. There is need to choose and communicate to the students so as to carry them along. So how do we choose and articulate the learning outcomes?^{lxxxi} First, choose significant learning outcomes, important concepts or ideas in the course are to be taught, skills and clinical courses also have thematic structures which lecturers can choose from and teach. It is also important to recognise that students need frequent and meaningful feedback on their progress towards the learning outcomes but not necessarily grades.^{lxxxii} Secondly, prioritise in terms of the depth and breadth of the topics to cover. Researches have shown that more content does not necessarily translate to more learning. So the lecturers must balance it, there are topics that breadth will be necessary whilst for some depth is fundamental. Planned carefully, learning ought to re-emphasise and develop thematic understanding while surveying a diverse and broad range of topics. The idea of teaching piecemeal and rushing students at the end of the semester

is not tenable. The third on outcome is to think about the students. It is important to understand their expectations, abilities and preferences. There is need for them to know ahead about the outcomes and the time frame to work. Finally, after assessing the students, the outcomes will only count if we use the information to improve our teaching.^{lxxxiii}

The second step in the process is using assessment techniques or methods. First, there is dialogue method. Lecturers can obtain a good deal of assessment information about the students participating in the dialogue. Most of us are already doing this when we engage the students on an issue. However, we are actually assessing without any set of questions in mind? Hence, we need to carefully design question with assessment in mind. Also, lecturers only assess the learning of students participating than the class as a whole? In order to gather learning of the class as a whole, we need to broaden the dialogue; this can be by the class voting. Again, lecturers can use this type of assessment data immediately. If the vast majority of the class answers correctly, you can simply provide a brief explanation and move on. If majority of the class is incorrect, you can backtrack, address the misconception and then move forward again.^{lxxxiv} The second is the use of short multiple choice or short answer quizzes. Lecturers can use it to assess students' background knowledge or understanding, precipitate class discussion or review materials already learned. This can be an out of class assessment. Another method is the use of worksheet. The questions are already prepared and students provide answers to it. They can then exchange their worksheets with others. The lecturers dictate the answers. To assess the lecturer can collect the worksheet or listen to the type of questions students ask after reviewing the worksheet.^{lxxxv}

The third method is the minute paper; this is simply asking the students a question and letting them provide a short written response. The lecturer collects the brief summaries and after class sorts them out according to the degree of understanding reflected. In class, the lecturer gives the class feedback based on one or two of an accurate and complete response. Also, this provides lecturers with powerful insights into students learning.^{lxxxvi} Fourthly is through issue spotting exercises. This is basically what lecturers do when students write their exams to test their understanding and analytical skill. Here, there is a prepared question, the students simply 'flag and label' the issues. The lecturers can assess by going through the issues identified, overlooked or confused and give additional reinforcement before moving to the next topic.^{lxxxvii} The fifth method is team- based work. Students work in small group and learn skills of

collaboration. Lecturers can assess the collaborative skill by examining the effectiveness of the group. Overtime, the group work will improve which lecturers should communicate to students. This will provide the incentives to work harder on their team process. I used the method in my Gender and the Law class and there were actually group presentations in class. Apart from developing skills, there is peer evaluation process and a means of celebrating their successes. Further, lecturers can ask students to list three things they have done well and one that needs improvement. In group presentations, the lecturer is also giving immediate assessment and feedback to improve students learning.^{lxxxviii}

According to Fines, the final examinations have a wealth of assessment information. As lecturers grade performance, they can use it to discover areas of strength and weakness of the students. Lecturers can gather data on the questions that students did well, the ones they had problems with. In respect of the latter, lecturers need to analyse if the students really understand the question, probe the materials and technique they used to prepare students for the question and plan well for the next semester by improving on teaching material or method related to that area as well as early formative assessment to identify early any challenge etc.^{lxxxix} This is particularly important in those courses students fail yearly.

Some universities have a Formal or Structured Assessment Form.^{xc} This will enable students to understand the criteria by which their work will be assessed. It will facilitate self-assessment as students can think about their learning processes and progress or metacognition.^{xc1} Little wonder, lecturers go to classes with the traditional handouts which are discussed within one hour. In most cases, the remaining 30 minutes may not be accounted for. Do these assessment methods suggest something? This writer rather thinks so. Lecturers must implore at least one of these methods depending on the number of students and the topic they want to assess.

4. CONCLUSION

This paper analyses the gaps in the teaching of law in Nigerian Universities. Lecturers adopt the lecture model instead of discussion type. In the teaching strategies, there has been a dearth of the use of information technology based teaching particularly in public universities. Though, the Covid 19 pandemic has pushed minimal use of technology in all universities. Law Libraries are not positioned for effective delivery of legal education. All the three learning methods are

critical in the teaching of law. Presently, Law Lecturers concentrate on exposition of legal doctrines without exploring further into these methodologies. Most times, Law Lecturers, especially in public universities do not focus on learning outcomes and assessments. Many of the students are confused on the expectations in their courses and are not carried along in the course of the Semester on their progress track.

A major albatross to improved teaching of law is the scarce funding of university education. In Nigeria, the government remains the main financier. Presently, the amount earmarked for education is lower than the 26 percent of government expenditure recommended by UNESCO.^{xcii} At the 2015 Convocation Lecture of the University, the guest lecturer, Okebukola identified three key areas for this administration as top priority areas for education. These are teacher quality; provision of learner-friendly facilities and curriculum delivery.^{xciii} This writer totally aligns with the recommendations to move the university system forward.

As indicated above, there are performance indicators for world class institutions which continue to be highly competitive. Nigerian Law Faculties should appropriately benchmark themselves with best in the world. Apparently, the teaching of law has changed in other climes and we must follow this positive trend. This will lead to producing streams of nationally-relevant and globally-competitive graduates of law.

REFERENCES

* This paper was first presented at the Nigerian Association of Law Teachers Conference in 2015 at Afe Babalola University, Ado-Ekiti, Ekiti State. It has since been updated to accommodate the comments and new realities.

ⁱ Olufemi Adebisi Bamiro 'Nigerian University System and the Challenge of Relevance' (2011 Convocation Lecture, University of Lagos, January 2012)

ⁱⁱ Peter Okebukola, 'World Class Status for Nigerian Universities: Goals, Challenges and Pathways' in Julius Okojie, Is-haq Oloyede and Pai Obanya (eds), *50 years of University Education in Nigeria: Evolution, Achievements and Future Directions* (National Universities Commission and University of Ilorin 2010).

ⁱⁱⁱ In the just released 2021 Web Ranking of Universities, University of Ibadan-1,219; Covenant University Ota-1,326; Obafemi Awolowo University-1,614; University of Nigeria-1615; University of Lagos-1,894. Times Higher Education and Quacquarelli Symonds (QS) Weighting Rates include academic peer review; employer review; faculty student ratio; citation per faculty; international faculty and international students. Pai Obanya 'System-wide and Institutional Level Pre-requisites for Building World-Class Universities in Nigeria' pp.557. <https://www.webometrics.info/en/africa/nigeria> accessed 14 April, 2021.

^{iv} Africa's Top 100 Universities (2021), the World University ranking (4icu.org) is a renowned authorized site that rates most of the major higher institutions across the globe <https://www.4icu.org/top-universities-africa/> accessed 14 April 2021.

^v Peter Okebukola 'Taking Advantage of a Depressing Nigeria Economy to Accelerate Socio-Economic Development' (2014 Convocation Lecture, University of Lagos, April 2015). There are increase in students enrolment, paucity of funds, infrastructure deficit, low research output with no focus on researches for national development and lack of quality assurance monitoring team in most universities. Goolam Mohamedbhai, 'Higher Education in Africa: Facing the Challenges in the 21st Century'. International Higher Education No 63 Spring 2011.

^{vi} Rahman A. Bello, 'Funding of University Education in Nigeria: Trends, Challenges and New Directions' (2nd Annual Memorial Lecture in Honour of Professor Adetokunbo Babatunde Shofoluwe, University of Lagos, May 2014)

^{vii} Ademola O. Popoola 'Restructuring Legal Education in Nigeria: Challenges and Options' in Ignatius A. Ayua and D.A. Guobadia (eds), *Legal Education for Twenty-First Century Nigeria* (Nigeria Institute of Advanced Legal Studies 2000)

^{viii} Alison Bone, 'The twenty-first century law student' (2009) 43 (3) *The Law Teacher* 222

^{ix} University of Washington School of Law, Legal Studies Research Paper No. 2015-03 http://papers.ssrn.com/so13/papers.cfm?abstract_id=2553452 accessed 1 April 2021.

^x *Webster's Encyclopedic Unabridged Dictionary of the English Language* (New York: Gramercy Books 1994).

^{xi} Merriam Webster Pedagogy <<http://www.merriam-webster.com/dictionary/pedagogy>> accessed 13 May 2020

^{xii} Pai Obanya, 'System-wide and Institutional Level Pre-requisites for Building World-Class Universities in Nigeria' (n 2) 575-576.

^{xiii} Jim Eison, 'Using Active Learning Instructional Strategies to Create Excitement and Enhance Learning' (Department of Adult, Career and Higher Education, University of South Florida 2010) <<http://cte.cornell.edu/documents/presentations/Eisen-Handout.pdf>> accessed 20 April 2020). The earlier edition was published by the Association for the Study of Higher Education; ERIC Clearinghouse on Higher Education Washington DC and George Washington University School of Education and Human Development, Washington DC 1991

^{xiv} Ibid.

^{xv} Ibid.

^{xvi} Ibid.

^{xvii} Ibid.

^{xviii} Ibid.

^{xix} Study Group on the Condition of Excellence in American Higher Education (National Institute of Education/US Department of Education 1984). The Ancient Chinese Proverb states: Tell me, I forget; Show me, I remember; Involve me, I understand.

^{xx} Cooperative learning strategies entails the use of small groups working together to learn. Cooperation is not having students sit side by side at the same table to talk with each other as they do their individual assignments...they must have clear positive interdependence; members must promote each other's learning and success face to face; hold each other individually accountable to do his or her own share of work, use appropriately the interpersonal and small-group skills needed for cooperative efforts to be successful and process as a group how effectively members are working together. The power of cooperative learning lies in its ability to promote deep learning. This emerges from the careful, sequenced assignments and activities orchestrated by a teacher committed to student learning. Creating field trips, taking students outside of the traditional classroom on a carefully designed educational field trip can achieve a wide range of powerful learning outcomes. It offers the opportunity for students to create strong authentic connection between oftentimes abstract academic material and their own life experiences. Some other ones are: employing classroom demonstrations; assigning short in-class writings; using popular films and videos-vignettes to stimulate critical/creative thinking; inviting guest speakers; integrating web-site use and/or creation into course assignments. Eison, (n 13).

^{xxi} Ibid.

^{xxii} An early account of using debate as a teaching strategy dates back to when Protagoras taught in ancient Athens. Also, classroom debates have been gaining visibility and popularity across higher education over the past thirty years, *ibid.*

^{xxiii} This was first introduced at Harvard Law School in 1870, *ibid.*

^{xxiv} *Ibid.*

^{xxv} Bolaji Owasanoye, 'Technology and Legal Education in Nigeria' (n7) 165

^{xxvi} T.O. Dada, 'Organising Law Libraries: Policy, Management and Funding for Maximal Effect' University of Nigeria, University of Ife (Obafemi Awolowo University) and Ahmadu Bello University (n 7) 111-112.

^{xxvii} Anna W Shavers, 'The Impact of Technology on Legal Education' (2001) 51 *Journal of Legal Education* 407

^{xxviii} For instance, computers will become central and essential writing and research tools for all law students; course materials will be prepared in digital form and various forms of networked communication will link students and Faculty. P.W. Martin, 'Information Technology and U.S. Legal Education: Opportunities, Challenges and Threats' (2002) 52 *Journal of Legal Education* 509; M.A. Geist 'Where can you go today?: The Computerization of Legal Education from Workbooks to the Web' (1997) 11 *Harvard Journal of Law and Technology* 141; P. Goodman, 'Legal Education and Technology: An Annotated Bibliography' (2001) 93 *Law Library Journal* 423.

^{xxix} Wing Hong Chui, 'The Use of a Virtual Learning Environment: The Hong Kong Experience' (2006) 40 (1) *The International Journal of Legal Education* 59. There is need to acknowledge that some Law Faculties have gone further than this. They used films to portray lawyers. Films as *Kill a Mockingbird* (1962), *The Verdict* (1982) and *Suspect* (1987) are shown to students. The role of the lawyers in these films is used to demonstrate different popular perceptions of men and women in the legal profession. The interesting question that emerges from this analysis is whether screen portrayal of lawyers reflect the popular cultural experience of who is a lawyer. In part two of such courses, students read literature from classical to popular, from Charles Dickens' *Bleak House* to Mark Gimenez' *The Colour of Law*. Students analyse the role of lawyers in the literature and appreciate/reflect on what it means to be a good lawyer. Mark Pawlowski and Sarah Greer 'Film and Literature in the Legal Classroom' (2009) 43(1) *The Law Teacher* 49

^{xxx} Chui, *ibid.*

^{xxxi} J. Hanlon, 'Time to Throw Away the Chalk? Law on Blackboard' (2004) 8 *International Journal of Legal Education* 41

^{xxxii} Pearl Goodman, 'Legal Education and Technology: An Annotated Bibliography' (2001) 93 *Law Library Journal* 423

^{xxxiii} Elmer R. Masters, 'Five Steps Toward Improving the Use of Information Technology in the Law School' (1999) 1 *Journal of Law School Computing* 68.

^{xxxiv} Jonathan Franklin, 'Implementing Effective Education in Specific Contexts: Law Libraries and Legal Education' (University of Washington School of Law, Legal Studies Research Paper No. 2015-03)

<<http://ssrn.com/abstract=2553452>> accessed 1 April 2020

^{xxxv} *Ibid.*

^{xxxvi} <http://library.unilag.edu.ng> accessed 15 April 2020.

^{xxxvii} *Ibid.*

^{xxxviii} *Ibid.*

^{xxxix} *Ibid.*

^{xl} *Ibid.*

^{xli} Michael Hunter Schwartz, 'Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching' (2001) 28 *San Diego Law Review* 347,

<<http://ssrn.com/abstract=959471>> accessed 1 April 2020 .This is a model being used since Christopher Columbus Langdell's tenure at Harvard Law School.

^{xlii} *Ibid.*

^{xliii} Since students do not figure out everything on their own, they can form study groups to enhance their self-teaching. There are resource books such as hornbooks (too detailed) and nutshell (oversimplified) but lecturers do not assign resources from these materials. Invariably, students need to teach themselves, *ibid.*

- xliv Paul T Wangerin, 'Skills Training in Legal Analysis: A Systemic Approach' (1986) 40 *U Miami L.R.* 409, 425.
- xlv Schwartz, (n 41).
- xlvi Robert M Gagne, *The Conditions of Learning and Theory of Instruction* (4th edn, CBS College Publishing 1985).
- xlvii H.E. Mitzel (ed) *Encyclopedia of Educational Research* (5th edn, Free Press 1982).
- xlviii Marcy Perkins Driscoll, *Psychology of Learning for Instruction* (Allyn and Bacon 1994).
- xlix Patricia L. Smith and Tillman J. Ragan, *Instructional Design* (2nd edn, John Wiley & Sons Inc 1999).
- ¹ Schwartz, (n 41).
- ^{li} Peggy A Ertmer and Timothy J Newbury 'Behaviourism, Cognitivism, Constructivism: Comparing an Instructional Design Perspective' (1993) 6 *Performance Improvement Q* 55
- ^{lii} Schwartz, (n 41).
- ^{liii} *Ibid.*
- ^{liv} *Ibid.*
- ^{lv} Ertmer (n 51), Smith (n 49)
- ^{lvi} *Ibid.*
- ^{lvii} *Ibid.*
- ^{lviii} *Ibid.*, to use prior learning to analyse a problem, the learning must be recalled from long term memory into short term memory. The two engages in continuous exchange programme in which learning passes back and forth between them. The retrieved information passes through a response generator which sends an appropriate message to the parts of the body that need to act or communicate.
- ^{lix} Ertmer (n 51).
- ^{lx} *Ibid.*
- ^{lxi} *Ibid.*
- ^{lxii} *Ibid.*
- ^{lxiii} Driscoll, (n 48).
- ^{lxiv} Ertmer, (n 51)
- ^{lxv} Schwartz (n 41).
- ^{lxvi} *Ibid*
- ^{lxvii} Ertmer (n 51) Smith (n 49).
- ^{lxviii} *Ibid.*
- ^{lix} *Ibid.*
- ^{lxx} Schwartz (n 41).
- ^{lxxi} Ertmer (n 51).
- ^{lxxii} Schwartz (n 41)
- ^{lxxiii} Ertmer (n 51)
- ^{lxxiv} Driscoll, (n 48)
- ^{lxxv} *Ibid.*
- ^{lxxvi} Schwartz, (n 41)
- ^{lxxvii} Barbara Glesner Fines 'The Power of a Destination How Assessment of Clear and Measurable Learning Outcomes Drives Student Learning' (University of Missouri Kansas City School of Law 2014) <[http://law2.umkc.edu/faculty/profiles/glesnerfiles/Outcomes Assessment in Professional Responsibility.pdf](http://law2.umkc.edu/faculty/profiles/glesnerfiles/Outcomes%20Assessment%20in%20Professional%20Responsibility.pdf)> accessed 20 April 2020.
- ^{lxxviii} Okianer Christian Dark, 'Statement of Good Practices in Legal Education: Principle 6: Good Practice Communicates High Expectations' (1999) 49 *Journal of Legal Education* 401; B Glesner Fines, 'The Impact of Expectations on Teaching and Learning' (2002/2003) 38 *Gonz. L.Rev* 89.
- ^{lxxix} Gerald F Hess, 'Statement of Good Practices in Legal Education: Principle 3: Good Practice Encourages Active Learning' (1999) 49 *Journal of Legal Education* 401; R Lawrence Dessem, 'Statement of Good Practices in Legal Education: Principle 4: Good Practice Emphasize Time on Task' (1999) 49 *Journal of Legal Education* 401.

^{lxxx} Terri LeClercq, ‘Statement of Good Practices in Legal Education: Principle 4: Good Practice Gives Prompt Feedback Learning’ (1999) 49 *Journal of Legal Education* 401.

^{lxxxi} Fines, (n 77)

^{lxxxii} Grading will fulfill if it reference defined criteria that describe and differentiate students’ achievement of the knowledge and skills objectives being tested on each question or portion of a question. In most cases, we do not cover the questions, *ibid*,

^{lxxxiii} *Ibid*.

^{lxxxiv} *Ibid*.

^{lxxxv} *Ibid*.

^{lxxxvi} *Ibid*.

^{lxxxvii} Another method, assessing reflection is apposite in experiential courses. Personal written reflection will be effective if students are reflecting on genuine experience and observations. The lecturers must look for the students ability to capture experience (description), to critically reflect on the thought and feelings associated with that experience (reflection) and to turn it to insights and plans (product of reflection). In addition, after assessing the reflections, lecturers may ask further questions, share their own perspectives and thank students for their efforts, *ibid*.

^{lxxxviii} *Ibid*.

^{lxxxix} *Ibid* 41-42

^{xc} This writer’s personal observation during Sabbatical Leave at the University of Reading. The School of Law has three forms of Assessment: Anonymous Assessed Essay, Named Assessed Essay and Non-Assessed Essay.

^{xci} (n 77) 8-9.

^{xcii} Bello, (n 6)

^{xciii} Okebukola, (n 5)