

Teaching Ethics and Values in the Legal Profession: The Nigerian Perspective

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ABSTRACT

Over the years, much attention has been focused on lawyer's attitudes as forming the basis for his discipline in the legal profession. In several jurisdictions, Rules of Professional Conduct and Etiquettes have evolved in the bid to regulate practices in the legal profession. However, in recent times, lawyers are evidently paying less heed to the tenor of the rules. It has therefore become imperative to focus on the teaching of ethics and values in the legal profession so as to inculcate its ideals in those admitted into the profession. This contribution examines how ethics and values can be taught and its ideals inculcated in those admitted into the legal profession. The paper also goes further to examine some of the methods of teaching ethics and values in the legal profession and discusses the experience in some Nigerian Universities and at the Nigerian Law School. The paper will then conclude by highlighting some shortcomings and proffering recommendations in consonance with the discussions.

CONCEPTUAL CLARIFICATION OF THE TERMS "ETHICS" AND "VALUES".

In relation to the Legal profession, Ethics (Legal Ethics) is defined as "the minimum standards of appropriate conduct within the legal profession, involving the duties that its members owe one another, their clients and the courts".¹

Values on the other hand refers to moral principles, standards, ethics, ideals, traditions, code of conduct, norms, etiquette etc. that need be observed. In a sense, ethics and values may be used interchangeably.

Like every value system, Ethics of the legal profession evolved over time, is a product of societal demands and expectations. The Rules found expressions in judicial pronouncements and subsequently in statute books as a way of reminding us of what the time-honoured traditions are and the demands and expectation of our noble profession.

In Nigeria, the extant Rules of Professional Ethics are encapsulated in the Rules of Professional Conduct for Legal Practitioners, dated 7th day of February, 2007.² The Ethics as contained in the Rules of Professional Conduct are geared towards maintaining the highest standards of professional conduct, etiquette and discipline.³

METHODS OF TEACHING ETHICS AND VALUES

Teaching ethics and values in the legal profession is an attempt to help those admitted into the profession including law students to acquire some attitude, ideals, tradition, values and

¹ See Black's Law Dictionary, 8th ed., p.913

² Made pursuant to S.12(4) of the Legal Practitioners Act, Cap 207, Laws of the Federation of Nigeria, 1990 (now codified as Legal Practitioners Act, Cap L11, Vol. 8, Laws of the Federation of Nigeria 2004).

³ See for example, the preamble to the first Rules of Professional Ethics codified by the then General Council of the Bar at its General Meeting in Lagos on the 25th Dec., 1967 and subsequently amended by the meeting of the Council held in Lagos on the 15th January, 1979.

knowledge as it relates to legal ethics.⁴ The teacher's task is to create or influence desirable changes in behaviour in his or her own professional colleagues or students as acceptable in the legal milieu. The pertinent question however is - what methods should we use? Many educationists and psychologists have conducted series of researches in the fields of methodology of teaching and learning. The attempt here is not geared towards making an exposition on the findings of such research, but to briefly examine some of the methods that are apt with regard to teaching ethical values in the legal profession. Some methods are discussed below:

LECTURE:

This is one of the earliest methods of teaching. It has been termed as one of the traditional methods of teaching.⁵ It should be said from the on-set that lectures should be restricted to topics which can only be dealt with by means of formal lecture. Alternative methods of presentation, where necessary, can be interspersed with formal lectures. The lecture method requires adequate and thorough preparation. Ethical themes or topics derived from the ethics of the profession should be used. This will require that the curriculum for the Bachelor of Laws Degree programme at the University and at the vocational training in the Law School for lawyers be carefully structured to allow for such courses as Professional Ethics, Legal Practice and Law Office Management.

LAW OFFICE (CHAMBERS) AND COURT ATTACHMENT:

Legal ethics can be easily imparted on students when they are attached to Law Office (Chambers) or Court. This allow students to learn first hand from those already in practice, either at the Bar or Bench. Likewise, at Court attachment, students can acquaint themselves with court room atmosphere and the procedure therein, and also observe experienced lawyers in practice.

ORIENTATION:

This is one of the numerous ways we can teach ethics and values. Newly admitted students, and new wigs all require proper orientation with regards to the dos and don'ts in the legal profession. This comes handy when students gain admission to the law school or when they are being Called to Bar. At the Law School (University), orientation week should be organized to sensitize the students on acceptable practices, norms and traditions in the legal profession.

CONFERENCES AND SEMINARS:

The use of this method need not be over-emphasized. At such fora, legal ethics and values should be discussed by participants.

In this regard, it is suggested that participants should be allowed to make an input on the speakers selected for the conference or seminar. The use of distinguished members of the Bench and Bar, experienced academics, lawyers that are well researched in the field of professional ethics, and experts in related fields is essential. Lawyers and law students should be encouraged to attend conferences and seminars, both local and international.

⁴ It is pertinent to note that legal education is not limited to academic training but extends to moral education.

⁵ See the Nigerian National Teacher's Institute Postgraduate Diploma in Education (PGDE) Book 2 on general Methods in Education, pp. 59 & 60.

LAW DINNERS:

Dining is one of the age-long traditions in the legal profession. The essence of organizing law dinners for students is to afford students the opportunity of meeting eminent members of the profession from the Bar and the Bench and to learn from them at first hand those intangible things about the profession: its tradition and its demands i.e., courage, respect, resilience, thoroughness, and comradeship that cannot be learnt from the pages of text books, law reports or lectures.

MOOTS AND MOCK TRIALS:

Another method of teaching ethics is to organize moot and mock trials for students. Mooting, apart from assisting the students to acquire skills, also enables them to learn the ethics of the legal profession. It is noteworthy that several national and international moot competitions for law students abound. What needs to be done is to encourage law students to participate by way of providing funds where possible.

CONTINUING LEGAL EDUCATION:

“... competence begins with a lawyer’s early education: his legal education and his early practical training. But it continues throughout his life at law, learning and relearning in the form of continuing legal education. This is as important as his original training and admission”.⁶

Continuing Legal Education (CLE) or Continuing Professional Development (CPD) (as it is known in some jurisdictions) has today become one of the features of lawyer’s training in the legal profession. Some jurisdictions have however not given it a prime place in their legal education. This is not unconnected with the self opinionated impression which the lawyer has as a learned man who it is believed knows it all and therefore does not necessarily need any other form of education after qualification.⁷

THE EXPERIENCE AT NIGERIAN UNIVERSITIES:

In Nigeria, the universities offering the Bachelor of Laws Degree programme do not include Professional Ethics as a procedural law subject in their curriculum. Core and elective subjects taken include substantive and procedural law subjects.

The inadequacy of the traditional curriculum in meeting the needs of teaching professional ethics at that level necessitates the use of other methods by the various law faculties to teach their students the traditions, standards and etiquette of the legal profession. Thus, methods such as orientation, visits to courts, attendance at moot and mock trials and competitions, attendance at conferences, seminars and law dinners are often resorted to.

⁶ See Address by L.A. Southwick Q.C., Chammane Secretary, Commonwealth Legal Bureau, in Proceedings of the Sixth Commonwealth Law Conference, Lagos (1980) p. xxvii at xxxiv.

⁷ See the paper delivered by Prof. Epiphany Azinge, the then Director of Research of Nigerian Institute of Advanced Legal Studies, titled “The Need for Continuing Legal Education in the Administration of Justice” at the Annual Law Week of Nigerian Bar Association, Benin Branch, on 16th May, 2001.

One striking feature in some law faculties in Nigeria is the introduction of Dress Code for students.⁸ This culture assists to teach the students the acceptable modes of dressing expected of legal practitioners in Nigerian Courts.

THE EXPERIENCE AT THE NIGERIAN LAW SCHOOL:

The Nigerian Law School is the institution in Nigeria where those admitted into the Legal Profession undergo vocational training. The Council of Legal Education has prescribed and reinforced good conduct as one of the pre-requisite conditions for admission to the law school.⁹ The course of study at the law school is divided into two parts: Bar Part I and Bar Finals or Part II. Ethics now feature as a necessary content component of the five courses presently taught at the Nigerian Law School.¹⁰

Instructions are given by way of lectures, practical exercises, moots and mock trials. Discussion in small groups are organized, some special lectures are given by eminent personalities in the legal profession and other related fields. Course synopsis and notes in each course are produced yearly which are very rich in instruction and studies and legal practitioners alike have found them useful. Moot and Mock trials are arranged from time to time, presided over by Judges of the High Courts, Magistrates and Senior Legal Practitioners. Students are expected to attend all lectures, tutorials and practice classes unless expressly permitted to be absent. Students must comply with regulation dress otherwise they will not be eligible to attend such lectures, tutorials and practice classes.

As part of the course, students are attached in small groups to courts for six weeks to get acquainted with courtroom atmosphere, proceedings and observe practice and ethics of the profession from experienced lawyers. Another important feature of the course is the attachment of students to Law offices for about 5 weeks, to give them an insight into the professional life of a legal practitioner and organization of a law office.

In teaching and upholding legal ethics and values at the Nigerian Law School, the watchword for the students is that before Call to Bar, they must be found to be "fit and proper, that is of good character".¹¹ Sponsorship in writing by two Benchers is a pre-condition to be admitted to the legal profession.

CONCLUSION:

We have discovered in this paper that one obvious shortcoming in the method employed in teaching ethics and values in the legal profession (as in Nigeria, and perhaps some other counties alike) is that professional ethics is not taught at the academic stage of legal education. Professional Ethics as a course is not included in the curriculum (syllabus) of law faculties offering Law Degrees. Consequently, the students have no ample opportunity to fully appreciate what ethics is all about until much later in their training at the vocational institution. This certainly does not allow for adequate internalization of legal ethics and discipline expected of learned gentlemen. Perhaps, if ethics were taught in the universities as well as in the Law School, the recruit would have acquired a substantial level of self discipline that can be consolidated on. Furthermore, after the brief study at the vocational stage, Continuing Legal Education is not given its prime place in legal education.

⁸ First introduced and made mandatory for students by the Faculty of Laws, Ambrose Alli University, Ekpoma, Edo State, Nigeria (formerly known as "Bendel State University"). The first university established by a State of the Federation of Nigeria; established in 1981.

⁹ See Okonjo v. Council of Legal Education FCA/L16/78 delivered on March 12 1979, 1979 Digest of Appeal Cases (DAC) 28.

¹⁰ See Nigerian Law School Syllabus for 2010 Session.

¹¹ S.4(2) of Legal Practitioners Act, Cap. L.11, Laws of the Federation of Nigeria, 2004.

It is also noteworthy that the inability of some law faculties to attend and participate in national and international conferences, seminars and moot competitions is due to lack of funds.¹²

We therefore recommend that Professional Ethics should be included in the curriculum of the universities (Law Schools) as a core course at the academic stage of legal education. Law Office and Court attachment should be included as a programme in the course of study at the law school. This will afford the students to appreciate the professional life of legal practitioners, appreciate the court atmosphere and learn about the organization of a law office. Mooting and Mock trials should be a regular feature in the lawyer's training. After the vocational and professional stage in a lawyer's education, the lawyer should be made to undergo Mandatory Continuing Legal Education (CLE) or Continuing Professional Development (CPD) as a prerequisite to obtain license to practice yearly. The content of the programme should be rich in legal ethics. Literature and films on ethics should be commissioned.

Participation in national and international conferences and seminars should be encouraged. This will afford legal practitioners and law students the opportunity to discuss issues bothering on ethics and values as well as enabling them to learn from each other.

The idea of stipulating a regulation dress for law students as practiced in some Nigerian universities and the Nigerian Law School should be encouraged. This will enhance decency, encourage decorum and clearly reflect the nobility of the legal profession.

Orientation as to the acceptable code of conduct, traditions and etiquettes of the legal profession should be given consideration at ceremonies such as matriculation for law students and Call to Bar.

Law Schools should endeavour to co-operate with one another in order to enhance legal ethics and values in an inter-related manner.

¹² Co-operation from International Law Schools and award of academic grants from notable organizations to universities in poorer nations may suffice.