

## ENHANCING LEGAL AID THROUGH UNIVERSITY LAW STUDENT ENGAGEMENT: A CASE STUDY OF EBSU LAW CLINIC MODEL

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### *Abstract*

The provision of legal aid to underprivileged and vulnerable citizens who could not have ordinarily been able to provide for self legal representation and access to the court system is infrequent in many societies today, especially in most developing countries. There is also an observed non-inclusiveness in the delivery of legal aid. These have starkly resulted to a gap that impacts administration of justice negatively. However, the emergence of clinical legal education (CLE) at different law schools and universities around the world becomes a remedial approach both to increasing the consistency and breadth of legal aid activities, including promoting inclusiveness. CLE is gradually assuming a great height of unprecedented importance and progress in academic curriculum globally. Many universities and law schools have begun to incorporate law clinics into their educational curriculum not just as an essentially approved aspect of their legal education or a novel course of study that involves different pragmatic approaches of engaging law students on learning, but also as a practical mechanism for providing unmatched pedagogy that focuses on diverse lawyering skills successively maximized in providing free legal services to those citizens whose survival depends on the public mercy. This paper discusses how the engagement of university law students from CLE perspective helps to enhance the provision of legal aid to underprivileged and defenseless citizens. Consequently, Ebonyi State University (EBSU) Law Clinic model is used for a methodological case study analysis to that effect. EBSU is a State University in Nigeria and has effectively run its Law Clinic since inception till date, combining both empirical and theoretical approaches in providing pro bono oriented legal services to unprotected Nigerians. The paper further examines the *modus operandi* of the EBSU Law Clinic and highlights significant reasons why the Clinic stands to be a reference practice model.

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## **1. Introduction**

The provision of financial support or other legal services usually by government in the form of legal aid to underprivileged and vulnerable citizens who could not have ordinarily been able to provide for self legal representation and access to justice remains an inevitable core component of the justice system and of course the foundation of CLE particularly in the modern society. The notion of legal aid in principle underpins four cardinal principles: unrestricted access to the court system, equality before the law, the right to counsel, and the right to fair trial. These fundamental principles have been unmistakably articulated in a wide range of supreme national and international laws.

Although a variety of cases ranging from criminal to civil can receive legal aid, what really constitutes a legal aid may differ from country to country especially in terms of the nature of cases and qualifications of those who receive it. For example, the primary rule within England and Wales in the United Kingdom (UK) is that a recipient of legal aid in non-criminal matters will not have earned above the gross income of £2,657 monthly.<sup>2</sup> In Nigeria, the extent of legal aid and access to justice delivery encompasses three major areas that include criminal defense service, advice, assistance and legal representation in civil cases and community-based legal services for which legal aid

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<sup>2</sup> The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013, section 7 (1) (b) (entered into force on April 1 2013)

## *Practice Report*

recipient will not have earned an income exceeding national minimum wage,<sup>3</sup> save in exceptional circumstances as encapsulated under the Legal Aid Act.<sup>4</sup> Additionally, case determination as to qualification for legal aid is generally subject to the test of merit and proof of indigeneship in Nigeria. Whereas the need for legal representation and access to the court system anywhere in our contemporary time calls for support of mainly the poor people irrespective of the nature of the crime allegedly committed, perhaps, it is also pertinent to consider legal advice to the needy and the rich as an essentially prerequisite of legal aid delivery services since both may lack the mental and intellectual abilities desirable to seek the right direction for legal representation and access to justice in spite of their income levels. Most importantly, timeous representation of these people is the key exceptionally upon being suspected or accused of committing a crime, mindful of the need to guarantee absolute presumption of innocence.

However, it is noted with dismay that the delivery of legal aid to citizens ensnarled by extreme pauperism is in a measure in many societies, specifically in the developing countries and this has taken a continuous decrease. The reason for this is not far-fetched. It has become a tradition to see government as the only right institution to offer legal aid by way of monetary help to citizens whose financial status makes it practically impossible for them to access the court system and be represented in a

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<sup>3</sup> The current basic National Minimum Wage (NMW) for employee salary earners in Nigeria is 18,000 thousand Nigerian Naira per month equivalent to \$57 US Dollar. See Nigeria's National Minimum Wage (Amendment) Act 2011

<sup>4</sup> Legal Aid Act 2011, Act No. 17, articles 8 (1) and 9(2) respectively

court case. This has resulted to many negative effects hampering the administration of justice mostly the congestion of prisons, excessive courts caseloads, including the marring of equality before the law in some jurisdictional settings. For instance, a statute<sup>5</sup> introduced in the UK in 2012 has been widely criticized because, it undermines free legal services as it cuts legal aid budget by £350 million.<sup>6</sup> The implication of this can lead to non-inclusive representation of people that deserve free legal support within the regions.

Against the common perception that the provision of free legal representation and access to justice remains within the exclusivity of government responsibility and sometimes to includes non-governmental organisations (NGOs), we must understand that such does no longer align with the legal demands of the contemporary society. This eccentricity falls out of the context of modern justice education (JED) and as such, inhibits the streamlining of the traditional notion of legal aid. The emergence of CLE has, therefore, come to aid mainly as an innovative socio-legal tool for university and law school students in enhancing legal aid. The general purpose of this paper is focused on the discussion of how Ebonyi State University (EBSU)<sup>7</sup> Law Clinic model

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<sup>5</sup> Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act, 2012

<sup>6</sup> See, 'Legal aid: Why equality before the law no longer exists in the UK in 2016' (LawCareers, 01 February 2016) <<http://www.lawcareers.net/Information/Features/01022016-Legal-aid-why-equality-before-the-law-no-longer-exists-in-the-UK-in-20>> accessed 01 May 2017

<sup>7</sup> EBSU is a multi-disciplinary State University created by Ebonyi State University Law No. 7 1999, with its Faculty of Law located at the former College of Agricultural Science (CAS) Campus in Abakaliki, the Capital City of Ebonyi State. The EBSU Law Clinic, founded by the former and current Dean of the Law Faculty Professor Amari Omaka C. now a Senior Advocate of Nigeria (SAN) is a general interest legal clinic for law students of the University's Law Faculty <<http://ebsu-edu.net/history-overview/>> accessed 6 May 2017

## *Practice Report*

promotes effective legal aid that underscores the preceding four cardinal principles to the indigent and vulnerable citizenries in Nigeria within the framework of CLE. The paper is divided into 5 sections of which section 1 is on introduction. Section 2 discusses CLE as a tool for enhancing legal aid while section 3 takes a look at the overview and the *modus operandi* of EBSU Law Clinic. Section 4 discusses why the Clinic is a practice model for a case study. Finally, section 5 draws a conclusion.

## **2. Clinical Legal Education-A Tool for Enhancing Legal Aid?**

The delivery of legal aid at different levels around the world has become an important development so much that the present meaning and scope ascribed to it has become dynamically broader like never before. Firstly, it is now crystal clear to understand that charting legal aid causes does not only involve governments, it also includes higher institutions of learning where law is taught as a professional course. Secondly, it is noted that other organisations such as civil societies or NGOs, including non-profit or profit-based private organizations like law firms alike voluntarily provide free legal services to those citizens whose survival depends on the public mercy. It is by this understanding that the actual role of lawyers in the society reflects the real essence of legal education on one hand whereas on the other hand, the actual role of law schools and universities then reflects partly in their students engagement towards delivery of free clinically-based community services, in either sense, for the pursuit of

## *Practice Report*

social justice in the society. This establishes a strong interface between legal education, legal aid and social justice<sup>8</sup> that meets increasing legal calls of the modern society.

Indeed, CLE is gradually assuming a great height of phenomenal importance and progress in academic curriculum globally. Many universities especially modern ones<sup>9</sup> and law schools alike have begun to incorporate law clinics not just as an essentially approved aspect of their legal education<sup>10</sup> or a course of study that involves different approaches of learning,<sup>11</sup> but also as a practical mechanism for providing unmatched pedagogy that focuses on different lawyering skills to law students<sup>12</sup> and which they in turn maximize in providing realistic legal aid to indigent and vulnerable people. It is not doubtful whether CLE has come to stay. Nevertheless, its sustainability demands a match of innovative ideas that would mirror the realities of our time, environments, needs, and divergent legal systems. There is need to synthesize old ideas for a broad-based new justice initiatives. To achieve this literally means we must look beyond the normal learning environment. Our definitions of the subject must

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<sup>8</sup> Ibijoke Patricia Byron, 'The Relationship Between Social Justice and Clinical Legal Education: A Case Study of the Women's Law Clinic, Faculty of Law, University of Ibadan, Nigeria' (2014) *International Journal of Clinical Legal Education*, 20(2) 531-646

<sup>9</sup> Nicola Antoniou and Patrick Hassan-Morlai, 'Live Client Clinics: Bridging the Gap' (2014) *International Journal of Clinical Legal Education*, 21(2)

<sup>10</sup> William Pincus, *Clinical Legal Education for Law Students* (New York, 1980) 467. See also Richard J. Wilson, 'Training for Justice: The Global Reach of Clinical Legal Education' (2003) *Penn St. Int'l L. Rev.* 22, 421

<sup>11</sup> Mark Spiegel, 'Theory and Practice in Legal Education: An Essay on Clinical Education' (1987) *UCLA L. Rev.* 34, 577

<sup>12</sup> Binny Miller, 'Give Them Back Their Lives: Recognizing Client Narrative in Case Theory' (1994) *Mich. L. Rev.* 485. See also Robert D. Dinerstein, 'Client-Centered Counseling: Reappraisal and Refinement' (1990) 32 *Ariz. L. Rev.* 501; Philip F. Iya, 'Legal Education for Democracy and Human Rights in the New South Africa with Lessons from the American Legal Aid Movement' (1994) *J. Prof. Legal Educ.* 12, 211

## *Practice Report*

also transcend parochial thinking for a deeper understanding that truly appreciates it as a tool for enhancing legal aid as opposed to definitions that only appreciate CLE as a mere learning process. For example, as quoted in Emil Winkler, Grimes defined law clinic to mean,

*'a learning environment where student identify, research and apply knowledge in a setting which replicates, at least in part, the world here it is practiced.... It almost inevitably means that the student takes on some aspect of a case and conducts this as it would... be conducted in the real world.'*<sup>13</sup>

This definition no doubt lacks one of the sacrosanct pillars of CLE, but instead succeeded in accentuating the scholastic constituent of it, forgetting that legal aid is the foundation of a law clinic.

In like tension, Woodruff and Bucker argued that, *'clinical legal education is a method of training law students by putting them in situations where they must apply the legal theory, principles, and doctrines they have studied in a class room setting.'*<sup>14</sup> This is a far weaker definition, as it perceives CLE a replication of typical classroom knowledge of law in the legal practice. These foregoing definitions have not only direct implications on the broader understanding and application of CLE; they also have correlated impacts on the delivery of legal aid within the framework of JED for transformative social justice. While that is the case, some authors have certainly attempted to offer thicker explanations of CLE. One of such attempts comes from Jeff Giddings who argued that,

*'clinical legal education involves an intensive small group or solo learning experience in which each student takes responsibility for legal or law-related work for a client (whether real or simulated) in collaboration with a supervisor. Structures enable each*

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<sup>13</sup> R. Grimes, 'The Theory and Practice of Clinical Legal Education' (1996), in J. Webb and C. Maugham (eds.) *Teaching Lawyers' Skills*, 138.

<sup>14</sup> William A. Woodruff and Andreas Bucker, 'The Bologna and German Legal Education: Developing Professional Competence through Clinical Experiences' (2008) *German L.J.* 9, 575.

## *Practice Report*

*student to receive feedback on their contributions to take the opportunity to learn from their experiences through reflecting on matters including their interactions with the client, their colleagues and their supervisor as well as the ethical dimensions of the issues raised and the impact of the law and legal processes.'*<sup>15</sup>

Although Giddings' definition to a great extent focused on the learning side, it is at minimum contemplative of a wider understanding with an implied assumption suggestive of client-based legal aid and is rooted in the understanding that CLE is a progressively important tool driven by student-clinicians together with university law professors, and or teachers to providing hands-on skills for law students in rendering varied free legal and civic services in the society.<sup>16</sup>

Better still, Emil Winkler simply argued that law clinic is, "*a combination of practical legal education and legal aid.*"<sup>17</sup> And subsequently broadens his definition in the following words, '*the term clinical legal education or law clinic, traditionally refers to a nonprofit law practice usually serving a public interest or a group in the society that are in a underprivileged or exposed situation and (for various reasons) lack access to legal system.*'<sup>18</sup>

He further reasoned that law clinic could involve almost everything of student initiatives accomplished on extracurricular basis that is completely disconnected from the usual school premises to an ordinary part of a university clinical programme.<sup>19</sup>

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<sup>15</sup> Jeff Giddings, *Promoting Justice through Clinical Legal Education* (Justice Press, 2013) 14

<sup>16</sup> James Marson, Adam Wilson, and Mark Van Hoorebeek, 'The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective' (2005) *International Journal of Clinical Legal Education* 7, 29-43 (2)

<sup>17</sup> Emil Winkler, 'Clinical Legal Education: A report on the concept of law clinics'

<[http://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](http://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf)> accessed 10 May 2017

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.



## *Practice Report*

Winkler's definition is indeed apt, broad-based and has equally captured the historical rationales of CLE by setting a platform for current and future researchers to articulate beyond the ordinary perception of theory, even beyond a practice that has not straddled the area of free legal service delivery to the community. He has certainly severed CLE from a hidebound perspective and projected it in a spectacular forward-looking encircling image of social justice because the non-profit or pro bono aspect of a university CLE is indispensable and lies at the heart of every legal clinic. CLE *per se* is not legal aid, but it is the tool for enhancing legal aid and without which CLE in the twenty-first century onwards would fall short of adequate meaning and relevance across the world.

The European Network of Clinical Legal Education (ENCLE) has offered one of the most embracing and inspiring definitions of CLE. According to it,

*'clinical legal education is a legal teaching method based on experiential learning, which fosters the growth of knowledge, personal skills and values as well as promoting social justice at the same time. As a broad term, it encompasses varieties of formal, non-formal and informal educational programs and projects, which use practical-oriented, student-centered, problem-based, interactive learning methods, including, but not limited to, the practical work of students on real cases and social issues supervised by academics and professionals. These educational activities aim to develop professional attitudes, and foster the growth of the practical skills of students with regard to the modern understanding of the role of the socially oriented professional in promoting the rule of law, providing access to justice and peaceful conflict resolutions, and solving social problems.'*<sup>20</sup>

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<sup>20</sup> ENCLE, Definition of a Legal Clinic <<http://encle.org/about-encle/definition-of-a-legal-clinic>> accessed 10 May 2017

## *Practice Report*

Of all the definitions above, the ENCLE offers what is likely the current broadest meaning of CLE and as such, provides a working definition for this study. The definition captures two roles of CLE: proactive and reactive functions. While the former focuses on activities that equip contemporary student lawyers with theoretical knowledge for offering preventive solutions to societal problems and ensures law students gain advance practical insights of how the law works through learning-by-doing approach especially in understanding justice hurdles and how to defeat them,<sup>21</sup> the latter is concerned with applying both the knowledge and practical skills gained in responding to the actual prevailing needs of disadvantaged citizens in the society. This is how CLE fosters social justice, legal aid, and increased access to justice for all *via* the engagement of university law student-clinicians on varied justice initiatives. As the historic rationale of CLE has evolved in the United States due to the need for social justice campaign to offer pro bono-based legal services to the poor,<sup>22</sup> its use has accordingly transcended the shore of developed nations to becoming a food for thought in developing countries.<sup>23</sup> CLE has morphed into a modern global legal instrument that reveals students desire to stir social change.<sup>24</sup> To this extent, it can be

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<sup>21</sup> Orla Drummond and Grainne McKeever, 'Access to Justice through University Law Clinics' (Ulster University Law School 2005) 60. See also Anthony G. Amsterdam, 'Clinical Legal Education-A 21<sup>st</sup> Century Perspective' (1984) *J. Legal Educ.* 34, 612

<sup>22</sup> Judith Dickson, 'Clinical Legal Education in the 21<sup>st</sup> Century: Still Educating for Service?' (2000) *Int'l J. Clinical Legal Educ.* 1, 33

<sup>23</sup> Philip F. Iya, 'Fighting Africa's poverty and ignorance through clinical legal education: Shared experiences with new initiatives for the 21<sup>st</sup> Century' (2000) *Journal of Clinical Legal Education* 1, 13-32

<sup>24</sup> Richard A. Boswell, 'Keeping the Practice in Clinical Legal Education and Practice' (1992) *Hastings L. J.* 43, 1187. See also Alan A. Stone, 'Legal Education on the Couch' (1971) *Harv. L. Rev.* 85, 392

utilized as an inclusive practical approach to unearth and address a myriad of untold societal problems and proffer solution to them for the betterment of humanity anywhere in the world. Overall, CLE fosters legal aid and increases access to justice for all by engaging university law and law school students on wide-ranging justice initiatives.

### **3. The EBSU LAW Clinic model-An Overview**

The EBSU Law Clinic is housed and run under the Faculty of Law of Ebonyi State University, Abakaliki-Ebonyi State, Nigeria. While the Faculty Board approved the Clinic in 2005 for the delivery of CLE programme, it was not until June 2006 that it received EBSU Senate endorsement.<sup>25</sup> The Clinic was also registered in the same year as a member of Network of University Legal Aid Institutions (NULAI),<sup>26</sup> making it one of the experimental law clinics in Nigeria.<sup>27</sup> The EBSU Law Clinic was further raised to a Directorate in 2008 by the University management immediately after one year of the formal approval and given its historic performance in CLE, the Council of Legal Education of Nigerian Law School (NLS) rated it as a center for quality CLE.<sup>28</sup> Thus the Clinic within a short period of inception achieved a sharp remarkable

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<sup>25</sup> Ernest Ojukwu, Odinakaonye Lagi and Mahmud Yusuf, 'Compendium of Campus Based Law Clinics in Nigeria' (2014) NULAI Nigeria, p. 10 < <http://www.nulai.org/index.php/media1/downloads-resources/file/45-compendium-of-campus-based-law-clinics-in-nigeria>> accessed 6 May 2017

<sup>26</sup> NULAI is a Nigerian-based not for profit non-political organization poised to fostering CLE, legal education reform, legal aid and access to justice and the nurturing of future public interest lawyers in Nigeria. It was established in 2003 < <http://www.nulai.org>> accessed 12 May 2017

<sup>27</sup> Ojukwu, Lagi and Yusuf (n. 24)

<sup>28</sup> Ojukwu, Lagi and Yusuf (n. 24).

## *Practice Report*

ascension into repute. The *status quo* of this fame has remained consistently uncompromised and has been equally marked by steady improvement in attending to diverse justice needs of the disadvantaged people.

One of the primary goals that inspired the establishment of the EBSU Law Clinic was due to inert and depraved justice system, including the need to decongest prisons in Nigeria. With this in mind, the Clinic has since risen to the fore in addressing these concerns particularly within the criminal justice administration in Nigeria by providing access to justice and prison decongestion.<sup>29</sup> Consequently, the concern for prison decongestion and the delivery of pro bono oriented legal services have specifically grown remarkably from vision to becoming a conspicuous fundamental priority; areas of focus that have indeed resulted to detectable social achievement and change in the lives of underprivileged Nigerian citizens. The functionality of this vision has, however, become so broad that other objectives enmeshed thereof to include among other things: the training of law students on public interest law and community services and helping them acquire desirable real-life skills that meet legal demands of the present day society while promoting access to justice for deprived citizens by focusing on parts that range from street law programmes or community outreaches, child rights education in primary and secondary schools, freedom of

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<sup>29</sup> Amari Omaka C, Faiza Haswary and Omar B. Maniar, 'Code of Conduct and Ethical Challenges of Law Students Assisting Prisoners in Nigeria and Pakistan' (2014) A paper presented by the authors at the Sixth International Legal Ethics Conference (ILEC) at the City University London UK, July 10-12 2014 < <http://www.teachinglegalethics.org/assisting-prisoners-nigeria-and-pakistan>> accessed 10 May 2017

## *Practice Report*

information (FOI), community education and support, to environmental law.<sup>30</sup> Specific service areas of the Clinic includes: counseling, legal advice, alternative dispute resolution (ADR), prison pretrial detainee services, public interest law, street law outreaches, case referral on advocacy health and environmental protection, case analysis, writing of legal opinion, filing legal processes, provision of support services that enhance access to justice, et cetera.<sup>31</sup> This has led to the adoption of different justice initiatives by the Clinic in ensuring that the needs of many underprivileged Nigerians are met uncompromisingly.

The EBSU Law Clinic focuses on student-centered learning evinced by hands-on experience designed to meet NULAI syllabus on CLE while both 4<sup>th</sup> and 5<sup>th</sup> year students normally take a required course on Law Practice as an academic part of the Clinic's CLE.<sup>32</sup> Typically, 5<sup>th</sup> (final)<sup>33</sup> year law students are assigned to different tasks that are entirely pro bono driven and which also form an assessment criteria of the students for which they are usually graded as a continuous assessment under the supervision of the Clinic's Directorate. Clinicians, however, constitute mainly students working under the directive of a law professor who is always the Clinic's

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<sup>30</sup> Ojukwu, Lagi and Yusuf (n. 19)

<sup>31</sup> Ojukwu, Lagi and Yusuf (n. 24).

<sup>32</sup> Ibid.

<sup>33</sup> As a requirement for Nigerian universities, the normal standard duration for the study of undergraduate law programme is 5 years. Students are classed and described according to their level of beginning and progress in the course from 1<sup>st</sup> to 5<sup>th</sup> year. Those in their 5<sup>th</sup> year are otherwise regarded as 500 level or final year students. See National Universities Commission, Benchmark Minimum Academic Standards (BMAS) for Undergraduate Programmes in Nigerian Universities, April 2007 < <http://fuwukari.edu.ng/wp-content/uploads/2015/04/BMAS-Law.pdf>> accessed 12 May 2017

## *Practice Report*

director with the support of assistant clinic director, all of whom are appointed and supported by the University management. Likewise, there is a clinic supervisor supported by three lecturers whereas the clinic director usually appoints a final year student-clinician leader who becomes responsible for all the routine activities of the Clinic through the help of the management team.<sup>34</sup>

The EBSU Law Clinic generally finances its pro-bono oriented activities or projects through varying funding sources that include: approvals from EBSU management, state government support, individual donors, students' clinic fees, and personal contributions.<sup>35</sup> These could be categorized into external and internal sources. Although this is the position, evidence from research tends to show that external development partners like the Open Society Justice Initiative (OSJI),<sup>36</sup> and internal development partners such as the Network of University Legal Aid Institutions (NULAI)<sup>37</sup> remain key funders of the most previous legal aid activities or projects undertaken so far by the Clinic. Of this, it suffices to note that there is no any statutorily provided funding source that readily supports the Clinic's projects and initiatives either at the Faculty or central University management levels. The internal approval from the University management highlighted above merely stems from a

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<sup>34</sup> Ojukwu, Lagi and Yusuf (n. 24)

<sup>35</sup> These sources of funding are based on the information provided in an email enquiry addressed to Professor Amari Omaka C (SAN), the founder and current Director of the EBSU Law Clinic as well as the presently serving Dean of the Faculty of Law when in the course of writing this article, it was extremely inevitable for adequate and reliable information regarding how the Clinic funds its activities or projects.

<sup>36</sup> For information about OSJI, see <https://www.opensocietyfoundations.org/about/programs/open-society-justice-initiative>

<sup>37</sup> For more information about NULAI, visit <http://www.nulai.org>

## *Practice Report*

formal application request for funds based on detailed budget to justify the work for which the fund is sought, which may or may not be approved. This raises a great concern on the sustainability of the Clinic since funding is a crucially critical sustainable factor for law clinics.

Consequently, the administration of EBSU Law Clinic is not without issues. Funding and logistics certainly remain key challenges affecting student–clinicians initiatives and particularly in undertaking assigned tasks that commonly result to non-refundable out of pocket expenses. From a student experience and which informs the writing of this article, I have had the rare opportunity of working as a student-clinician of the EBSU Law Clinic in a project tagged, ‘Street Lawyering and Access to Justice Programme.’ I was singly assigned to a case of an accused murder that had stayed quite long in Abakaliki prison without prompt trial. My experience during the time evinces that the Clinic faces funding and logistics challenges. My colleagues who were equally working under the same programme, but whose place of assignment was far South of Ebonyi State where one of the federal prisons in Nigeria (Afikpo prison) is located suffered the brunt of these challenges as most of them had to transport themselves each time they were going to or returning from the prison.

Despite the foregoing fact, the Clinic has achieved tremendous longstanding success and recognition in the delivery of legal aid through student-clinicians engagement. Since the past decade, the EBSU Law Clinic has truly justified the ultimate goals for which it was established and the evidence of that is clear as highlighted in this study.

### **3.1 The *Modus Operandi***

The EBSU Law Clinic as a general interest law clinic combines empirical and theoretical approaches in carrying out its varying pro bono projects and the rendering of other free legal services to the penurious and vulnerable Nigerians. The approach the Clinic adopts in a particular project, however, depends heavily on a case-by-case basis, but typically embraces the purpose, type and nature of such project. Most of the Clinic's undertakings deal with empirical studies involving field trips after pre-field trainings. The primary purpose of the pre-field trainings is firstly to acquaint student-clinicians with the knowledge of rules of professional conduct and to imbue them with the spirit of professionalism, as well as to take ethical consideration of the prisons when interviewing client inmates.<sup>38</sup> Advocacy visitations to attorney general and commissioner for justice, Nigerian Bar Association (NBA), and Nigerian prison authorities usually follow up this process.<sup>39</sup>

Since prison congestion has utterly increased to its worst height of attention, including the necessity to attend to unattended underrepresented and vulnerable Nigerians, the Directorate of the EBSU Law Clinic had frequently engaged student-clinicians mainly 4<sup>th</sup> and final year law students on first-hand empirical studies dealing with the evaluation and inquisition of facts regarding challenges faced by inmates

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<sup>38</sup> Amari Omaka C. 'Decongesting Prisons in Nigeria: the EBSU Law Clinic model' (2014) *International Journal of Clinical Legal Education*, 20(2) 531-646. The paper was first presented by Prof. Dr. Amari Omaka C at the 8<sup>th</sup> IJCLE Conference at Northumbria University Newcastle Upon Tyne, England United Kingdom, July 7 2010

<sup>39</sup> *Ibid.*



## *Practice Report*

predominantly in Abakaliki and Afikpo federal prisons in Ebonyi State, Nigeria, which projects captured realities on the inmates well-being, rate of access to justice by the inmates, welfare of the prison's staff, facilities at the prisons, situation of the prisons structures, extent of infrastructures at the prison and with other issues comprising the nature of offences, over age, and children in the prisons.<sup>40</sup>

Administering cross sectional surveys on the inmates for data collection that produces sample result representing a fairly larger population has always inspired the empirical study of the Clinic.

The theoretical aspect of the Clinic's work principally lies in the academic component of its CLE programme, advocacy, and the delivery of other pro bono services that do not involve real fact finding. The EBSU Law Clinic between 2008 and 2009 collaborated with an NGO, Agape Foundation to enlighten quarry workers within Ebonyi State in the specific areas of health law, HIV and AIDS, non-discrimination, and stigmatization,<sup>41</sup> as these could provoke human rights issues.

Accordingly, another investigation carried out by the Clinic on the health implications of quarry operations within Abakaliki Capital City of Ebonyi State revealed a shocking academic knowledge of health and ecological implications of quarry activities in the City. The result of the investigation prompted an immediate recommendation to Ebonyi State government for the repositioning of the entire quarry and blasting operations out of the City, which was given an immediate action. Among

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<sup>40</sup> Amari (n. 37)

<sup>41</sup> Ojukwu, Lagi and Yusu (n. 24)

many other justice initiatives or projects of the Clinic, its outreach activities had covered tenancy disputes, family and domestic disputes, unlawful termination of employment to assault and unlawful detention by police.<sup>42</sup>

#### **4. Why EBSU Law Clinic as a Bespoke model for Case Study?**

While clinical legal education movement is budding in Nigeria, there are currently about 22 campus established law clinics across universities and law schools in the country.<sup>43</sup> An in-depth review of activities of those clinics shows one commonality reflecting ambitious objectives to providing law students with rounded skills based on real-life classroom instruction and experimental learning process, training of competent and impassioned lawyers capable of fitting domestically and internationally in law practice, including providing pro bono oriented legal services to the less privileged and vulnerable citizens. Most of the clinics incorporated academic and legal aid service delivery components or either in their CLE curriculum design.<sup>44</sup> There are usually no taught courses, and of course formal assessments of the student-clinicians for the clinics that have only legal aid service delivery component. The scope of legal aid delivery and instruction of each clinic though shows a seamless resemblance with other clinics activities mostly in the areas of outreach activities or community enlightenment, human rights campaign, prison pre-trial detainee services,

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<sup>42</sup> Ibid.

<sup>43</sup> Ojukwu, Lagi and Yusuf (n. 24) 5-41

<sup>44</sup> Ibid., p. 6-41

## *Practice Report*

and freedom of information (FOI), yet the methodology applied by all the clinics in fostering CLE is somewhat not commonly analogous in a practical sense.

With a careful analysis, EBSU law clinic has remarkably stood out amongst the clinics examined in Nigeria. As pointed out in section 3.1 of this article, the Clinic typically involves empirical research approach not utilized by others in providing free legal aid to the society. This methodology has enabled the Clinic produce research outcomes<sup>45</sup> that have had significant inputs to government policy and decision-making process, administration of criminal justice, and prison reform in Nigeria. This has been clearly evinced by stupendous recorded projects and activities to which student-clinicians have been very instrumental. More interestingly, of all the pilot and non-pilot legal clinics in Nigeria, it is only EBSU Law clinic that has been rated by the Council of Legal Education, Nigerian Law School as an embodiment of quality in CLE delivery just after a short period of its establishment. Generally, the Clinic has been dynamically transformative in social justice education (SJE) mainly by undertaking motley of justice initiatives.

This is why the practicality of EBSU Law Clinic has positioned it as a model in the frontier of legal aid delivery through CLE both in Nigeria and beyond. Some of the key specific achievements of the Clinic extend from mobile clinics on outreach activities carried out in 2009 and 2010 within Abakaliki City that had assisted in resolving approximately 66 cases covering wide-ranging concerns of under-

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<sup>45</sup> Amari (n. 37). See also Amari, Haswary and Manjor (n. 28).

## *Practice Report*

represented people to a research conducted from 2007 to 2008 on the environmental and health implications of quarry activities in Abakaliki, which also culminated into a crucial report submitted to Ebonyi State government and other development allies. As a result of this, all the blasting activities and quarry sites within the State were immediately relocated from the City to a remote Umuohara Village in Ezza North Local Government of the State.<sup>46</sup> While the State government received commendations from all quarters for her great decision, the motivating source for such decision is appreciably attributed to the EBSU Law Clinic.

Between 2010 and 2013 alone, verifiable record shows that 77 pre-trial detainees in Abakaliki and Afikpo Federal Prisons (AAFPs) gained access to justice through EBSU Law Clinic prison pre-trial detainee services,<sup>47</sup> and has consistently secured the discharge of several pretrial detainees.<sup>48</sup> There is no doubt that the EBSU Law Clinic has not enhanced the four pillars or principles of legal aid through CLE. In the same spirit, it has advanced legal education in a practical way, helped law students hone their practice skills in facing disparate challenges hampering effective criminal justice administration in Nigeria and have equally offered students new opportunities for legal practice and research. Besides professional practice, there has been indeed a new generation of leaders nurtured and produced by the EBSU Law Clinic. Whether these extraordinary clinically trained graduates of law have begun to bear their inspiration

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<sup>46</sup> Ojukwu, Lagi and Yusuf (n. 24).

<sup>47</sup> Ibid.

<sup>48</sup> Amari, Haswary and Maniar (n. 28)

and professional expertise in leadership in Nigeria remains a question of time to come. What makes the EBSU Law Clinic a good practice model is certainly determined by the range of its activities and projects and similarly the methodological approaches it uses to actualize them, which approaches have helped to reveal most pressing concerns that mar the efficient working of criminal justice system, more precisely in Ebonyi State of Nigeria.

## **5. Conclusion**

Recognizing the need to augment legal aid delivery through CLE as a cost-effective socio-legal mechanism with which university law clinics can utilize, it is nevertheless important to point out that CLE involves a plethora of justice initiatives that can be focused on 'need, environment, context, time and purpose.'<sup>49</sup> In effect, the adoption and extent of use of a model law clinic in providing free legal services will depend on the above factors, which could be determined by the historical antecedents of a country in dispensing with its justice system. Generally, this does not dispel the fact that a model law clinic of a particular jurisdiction cannot be practically replicated in another country, but only that it should be tailored to meet targeted needs of the citizens. Thus, the impetus for adopting the EBSU Law Clinic not as a fit for all purposes, though as a bespoke practice model for a case study in this article. The Clinic in this sense is typically essential because the scope and nature of its pro bono based

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<sup>49</sup> Neil Gold, 'Why not an International Journal of Clinical Legal Education?' (2000) *Int'l J. Clinical Legal Educ.* 1, 7

## *Practice Report*

legal services and projects are considerably encompassing and utilizes both theoretical and empirical research methodologies in fostering CLE. Therefore, it can serve to lead a guide for other countries in enhancing legal aid and access to justice delivery through the engagement of law student-clinicians.

As the scope of activities with which law student-clinicians can turn justiciable societal problems into real-life solutions are increasingly intensifying, the EBSU Law Clinic standard provides insights to that effect. It remains an epitome of excellence with global relevance and will always be a reference source for possible replication anywhere in the world whenever the need for a good workable model law clinic that delivers a complete and efficient legal aid arises. In this context, it is hoped that the Clinic will rouse the consciousness of law schools and universities around the world to practically engage their students on different approaches in ensuring legal representation and access to justice is provided at no cost to indigent and vulnerable citizens. Accordingly, governments, non-governmental organisations, law schools, universities, academics, judicial bodies, legal practitioners, and students alike will largely find this study very useful.

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EBSU is a multi-disciplinary State University created by Ebonyi State University Law No. 7 1999, with its Faculty of Law located at the former College of Agricultural Science (CAS) Campus in Abakaliki, the Capital City of Ebonyi State. The EBSU Law Clinic, founded by the former and current Dean of the Law Faculty Professor Amari Omaka C. (SAN) is a general interest legal clinic for law students of the University's Law Faculty accessed 6 May 2017.

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These sources of funding are based on the information provided in an email enquiry addressed to Professor Amari Omaka C. (SAN), the founder and current Director of the EBSU Law Clinic as well as the presently serving Dean of the Faculty of Law when in the course of writing this article, it was extremely inevitable for adequate and reliable information regarding how the Clinic funds its activities or projects.

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