

CLINICAL LEGAL EDUCATION

**CURRICULUM LESSONS AND
MATERIALS**



**Ernest Ojukwu
Sam Erugo
Charles Adekoya**

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Ernest Ojukwu et al

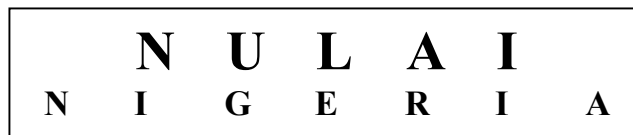
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PREFACE

In 2006, the Network of University Legal Aid Institutions (NULAI Nigeria) developed a Clinical Legal Education Curriculum for Nigerian Universities' Law Faculties and Law Clinics. Many Law Clinics adopted the curriculum. After using it for many years, NULAI Nigeria with the support of MacArthur Foundation set up a committee to review the curriculum and suggest more detailed lessons to guide clinical law teachers and students in the clinics' academic and service programmes. The reviewed curriculum was further subjected to a discussion at a conference attended by many clinical law teachers to validate the review based on our shared experience.

Clinical Legal Education: Curriculum, Lessons and Materials is a product of the in-depth review. The contents are meant to serve as a model providing guidance only to any Law Faculty, Law Clinic, Law Teacher or Trainer. The user is free to modify the curriculum and lessons as much as needful.

We thank all clinical law teachers who assisted in the production of this work and *The John D. and Catherine T. MacArthur Foundation* for supporting the publication of this book.

Ernest Ojukwu

March 2013

CHAPTER 1

Clinical Legal Education Curriculum for Nigerian Universities

INTRODUCING CLINICAL LEGAL EDUCATION

BACKGROUND

Legal Education generally in Nigeria is standardised under the National Universities Commissions' minimum standards and benchmarks statements, and the accreditation guidelines of the Council of Legal Education.

Legal education in Nigeria is divided between a Bachelor of Laws degree awarded at the university and one year vocational programme at the Nigerian Law School for call to the Nigerian Bar.

The LL.B degree syllabus is a five-year programme for the Joint Matriculation Examination (JME) candidates and four years for the direct entry candidates. The direct entry candidates are mainly

candidates who hold minimum of first degree or its equivalent. Each year is divided into two semesters of about fourteen weeks of lectures in each semester. On completion of the LL.B degree programme candidates who wish to enrol at the Bar must undertake a one year training programme at the Nigerian Law School and pass the bar examination. All LL.B graduates of recognized Universities/Faculties are qualified to undergo training at the Nigerian Law School.

For the LL.B programme, generally twelve law courses are made compulsory. These are: Constitutional law, Contract, Criminal law, Company law, Commercial law, Law of equity and trust, Law of evidence, Jurisprudence, Land law, Nigerian legal system, Law of torts and a compulsory essay. In addition to these core courses are other law courses (the list varies from university to university) that must be taken to make up the credit load in each semester in addition to at least five non-law courses which the student must pass such as computer appreciation and programming, natural science, the use of English, social science, logic and philosophic thought. As recommended,

every law subject is split into two parts, parts II and I. Each part is taught to a student for half a session (that is to say one semester). In each semester a law course has a 4-credit unit load. It means that for each 4-credit unit load course, 3 hours is located for lectures, while one hour is assigned to tutorial per week.

At the end of the semester a conventional theory examination is presented on the subjects taught over 100% in most faculties, as continuous assessment is not compulsory in most faculties. The NUC's general philosophy and fundamental principles of curriculum development for law programmes are stated to be designed to ensure that any student who goes through them will have a clear understanding of the place and importance of law in society. Because all human activities- social, economic, political, etc., take place within legal framework, it is necessary that future students of law should have a broad general knowledge of life and its problems before coming face to face with the law. Legal education should, therefore, act, first, as a stimulus to stir the student into critical analysis and examination of the prevailing social,

economic and political systems of his community and, secondly, as an intellectual exercise aimed at studying and assessing the operation, efficacy and relevance of various rules of law in the society. (See NUC Minimum Academic Standards for Law, pp. 3-4).

These objectives are laudable but in reality those objectives have not been met because of the actual content and teaching methods adopted in legal education in our faculties.¹

In 2003 the Network of University Legal Aid Institutions (NULAI Nigeria) was established as a non-governmental, non-profit and non-political organization committed to promoting clinical legal education, legal education reform, legal aid and access to justice in Nigeria and the development of future public interest lawyers. In 2006 at a curriculum development workshop about ten law faculties approved a clinical legal curriculum for Nigerian Universities' Law Faculties and Law Clinics.² The curriculum was immediately adopted and mainstreamed in the law programmes of

¹ Ojukwu Ernest, *Clinical Legal Education Curriculum For Nigerian Universities' Law Faculties/Clinics*, NULAI Nigeria, October 2006, pp.2-3

² See *Clinical Legal Education Curriculum for Nigerian Universities' Law Faculties/Clinics*, NULAI Nigeria, October 2006; See www.Nulai.org for an online copy of the curriculum.

the following universities: Abia State University, Adekunle Ajasin University Akungba, Ebonyi State University, University of Maiduguri and University of Uyo.

Clinical law programme was launched in Nigeria in 2004 under NULAI Nigeria platform (with the financial support of Open Society Justice Initiative (OSJI)) with the establishment of four³ pilot law clinics which were later increased to six⁴ in 2007. In addition to the NULAI-OSJI initiatives, University of Ibadan established a Women Law Clinic in 2007 with the support of North-Western University USA. In 2008, with the support of MacArthur Foundation, the programme was expanded to a total of ten University based law clinics. Now there are many university-based law clinics in Nigeria including the following:

1. ABSU Law Clinic Abia State University;
2. Akungba Law Clinic Adekunle Ajasin University;
3. Maiduguri Law Clinic University of Maiduguri;
4. UniUyo Law Clinic University of Uyo;

³ ABSU Law Clinic Abia State University; Akungba Law Clinic Adekunle Ajasin University; Maiduguri Law Clinic University of Maiduguri; UniUyo Law Clinic University of Uyo.

⁴ ABSU Law Clinic Abia State University; Akungba Law Clinic Adekunle Ajasin University; Maiduguri Law Clinic University of Maiduguri; UniUyo Law Clinic University of Uyo; EBSU Law Clinic Ebonyi State University; AAU Law Clinic Abrose Alli University.

5. EBSU Law Clinic Ebonyi State University;
6. AAU Law Clinic Abrose Alli University;
7. UniIbadan Women's Law Clinic University of Ibadan;
8. UniAbuja Law Clinic University of Abuja
9. Legal Advice Centre and Law Clinic Augustine Nnamani
Campus Nigerian Law School;
10. UNEC Law Clinic University of Nigeria Enugu Campus;
11. ABU Law Clinic Ahmadu Bello University;
12. Olabisi Onabanjo University Law Clinic;
13. Nasarawa State University Law Clinic;
14. Yola Campus Law Clinic Nigerian Law School Yola
Campus;
15. Nigerian Law School Abuja Campus Law Clinic;

Many university-based law clinics have adopted the clinical legal education curriculum for Nigerian Universities and Law Clinics.

In the past 2 years NULAI Nigeria has embarked on a review of the curriculum that was first adopted in 2006. The final review has been presented in this chapter in general form and in details with lesson plans and materials in the subsequent chapters of this book.

GOALS OF LEGAL EDUCATION AND CHARACTERISTICS OF CLINICAL LEGAL EDUCATION

The basis of the advocacy for reform of legal education in Nigeria is that NULAI Nigeria believes that legal education must be taught both as a liberal art subject and as a vocation. The general goal therefore will be to present legal education at all levels in a way that will achieve the development of professionally competent, socially conscious and ethical lawyers that will serve the society.

NULAI Nigeria believes in the motto of the Clinical Legal Education Association (CLEA) that clinical legal education is fundamental to a lawyer's education.⁵

We have identified the following characteristics of clinical legal education:

1. There is an Institutional goal for legal Education;
2. There is a fully fledged curriculum with clear objectives for each module;
3. Curriculum is designed based on an integrative approach that deals with legal education as both a liberal art and as a vocation- presenting knowledge, skills and values.

⁵See www.cleaweb.org/ accessed on 11th February 2013

4. Teaching/learning is learner-centred as opposed to teacher centred education;
5. Teaching/learning is very active and interactive;
6. Lessons are planned with clear lesson outcomes known by everybody including the learner;
7. Learner is exposed to simulated and real life experience of the professional;
8. There is a clear assessment plan with a heavy dose of formative assessment, and also a continuous evaluation of the Institutional goals, curriculum, lessons and activities.⁶

Writing in the Carnegie Foundation's *Educating Lawyers-Preparation for the Profession of Law*, Sullivan W.M. and others wrote that:

Across the otherwise disparate-seeming educational experiences of seminary, medical school, nursing school, engineering school, and law school, we identified a common goal: professional education aims to initiate novice practitioners to think, to perform, and to conduct themselves (that is, to act morally and ethically) like professionals. We observed that toward this goal of knowledge, skills,

⁶ See generally Stuckey Roy, and others, *Best Practices for Legal Education, A Vision and a Road Map*, 2007.

and attitude, education to prepare professionals involves six tasks:

1. Developing in students the fundamental knowledge and skill, especially an academic knowledge base and research
2. Providing students with the capacity to engage in complex practice
3. Enabling students to learn to make judgments under conditions of uncertainty
4. Teaching students how to learn from experience
5. Introducing students to the disciplines of creating and participating in a responsible and effective professional community
6. Forming students able and willing to join an enterprise of public service⁷

CLINICAL LEGAL EDUCATION CURRICULUM

OBJECTIVES

A law clinic provides the platform for the academic and service components of the goal of legal education. "The clinic, ..., does provide an opportunity of addressing both *what* is taught in law

⁷ *Educating Lawyers-Preparation for the Profession of Law* p. 22.

school and, most importantly, *how* to achieve many of the teaching and learning goals implicit in educating lawyers.⁸

The main reason for introducing clinical legal education is to train law students to become competent, community service conscious and ethical lawyers. In a law clinic, a law student is expected to demonstrate the ability to function like a lawyer after going through the academic component of the programme and incrementally learning from experience, while carrying out simulated and real life lawyering activities and services under the supervision of qualified lawyers.

The course is generally called *Introduction to Legal Practice*. Law Faculties and Clinics are free to have another title for the course. The curriculum provided is also a guide and clinics are free to adopt, adapt and modify it as they desire and as suits their purpose.

Introduction to Legal Practice is proposed for the 4th and 5th Year Law Students under the five years bachelor of Laws Degree programme in Nigeria. In the 4th year, students will go through the academic component supported with simulations and case studies while in the 5th year, students will in addition to simulations and case studies work in live client clinics, community outreaches,

⁸ Bryne, H, Duncan, N, and Grimes R, *Clinical Legal Education: Active Learning in your Law School*, Blackstone Press Limited, p. 5.

street law programmes, externships and public interest law reform projects.

It may be noted that the course provides lessons that generally will enhance the knowledge, skills and values of the law student to be able to deliver services pro bono in the law clinic in competent, ethical and professional manner under the supervision of law teachers and other qualified legal practitioners. It may therefore be necessary to give law students (short) additional or supplementary training where the student is required to undertake specialised clinic work like, prison clinic, child rights, police station duty solicitors scheme, court monitoring, law reform and legislative drafting, freedom of information, consumer protection, tenancy clinic, community outreaches, street law programmes, and so on. Accommodating this specialised training may also require a modification of the general *Introduction to Legal Practice* curriculum presented here.

Where some of the topics dealt with under the *Introduction to Legal Practice* curriculum have been adequately presented in the faculty's general academic programme, less attention may be paid to the topic or scope as presented under the *Introduction to Legal Practice*.

Introduction to Legal Practice is divided into four parts and each part attracts weighted units of four credits. This is also subject to modification by the Faculty. The four parts are:

1. Introduction to Legal Practice Part I (4 units (credits) ó 1st Semester 400 Level
2. Introduction to Legal Practice Part II (4 units (credits) ó 2nd Semester 400 Level
3. Introduction to Legal Practice Part III (4 units (credits) ó 1st Semester 500 Level
4. Introduction to Legal Practice Part IV (4 units (credits) ó 2nd Semester 500 Level

A student needs to pass the first and earlier Parts before moving on to a latter part.

TOPICS AND SCHEDULING

Introduction to Legal Practice Part I (4 units (credits) – 1st Semester 400 Level

1. Overview of Introduction to Legal Practice Course - 2 hours (1 lesson);
2. Ethics and Professional Responsibility - 3 weeks (6 lessons);
3. Legal Research - 4 weeks (8 lessons);

4. Introduction to office management ó 2 weeks (4 lessons);
5. Legal Writing - 2 weeks (4 lessons).

**Introduction to Legal Practice Part II (4 units (credits) – 2nd
Semester 400 Level**

1. Legal Writing 2- 4 weeks (8 lessons);
2. Interviewing and Counselling ó 4 weeks (8 lessons);
3. Alternative Dispute Resolution ó 3 weeks (6 lessons);

**Introduction to Legal Practice Part III (4 units (credits) – 1st
Semester 500 Level**

1. Social Justice and Access to Justice ó 3 weeks (6 lessons);
2. Public Interest Lawyering ó 3 weeks (6 lessons);
3. Clinic Work/Community Service ó 6 weeks.

**Introduction to Legal Practice Part IV (4 units (credits) – 2nd
Semester 500 Level**

Clinic Work/Community Service ó 12 weeks.

NOTES:

The number of weeks allotted to the course per semester is 12 weeks. The Committee arrived at this after taking into consideration the fact that a semester in the Nigerian Universities is about 15 weeks, that is, 12 weeks of lectures/tutorials, 1 week of revision and 2 weeks of examination.

A week's lesson under our proposal means 2 lessons of 2 hours each.

The chapters that follow set out suggested lessons plan, and activities and sample case studies and materials. These plans and activities are set out as a mere guide. It is important to note that it is within a teacher's or facilitator's control to design lesson plans and activities that fit a lesson considering the goals of the lesson, the needs of the learner and the circumstances/limitations of the environment.

CHAPTER 2

Ethics and Professional Responsibility

OBJECTIVES

On 11th and 12th May 2012 at Abuja, Nigeria NULAI Nigeria with the support of Open Society Justice Initiative (OSJI) organised a workshop on -Ethics for Clinical Practice for Law Clinics. The workshop aimed at developing a body of ethics, standards and methods for the management of clinical processes and clients and also exposing clinic teachers and supervisors to ethical issues relating to law clinic practice, thereby preparing them, and by extension their students, to recognize and effectively manage potential ethical challenges in the course of their practice. Participants at the workshop agreed that the goal and value for teaching ethics should be **to prepare law students to be ethically conscious and socially responsible lawyers.** We adopt this goal for the ethics curriculum.

At the same workshop, participants identified and classified the contents of ethics lessons for law clinics as follows: values and

behaviour, morals, general ethics, corruption issues, professional rules and institutional rules.

1. Values and Behaviour:

Ethical values and, good behavioural qualities of a citizen;
Ethical values and good behavioural qualities of a competent lawyer; General duties of legal practitioners;
Social responsibility of a lawyer.

2. Morals:

Challenge of morals in the society and morality and the law; Challenges of trans-cultural behaviour and policy of discrimination, judgmental actions; Challenges of moral and cultural diversity; Social responsibility of a lawyer: duties of legal practitioners in respect of legal aid and pro bono work. Examples are charity, voluntary work, pro bono services.

3. General Ethics:

Meaning, scope and importance of ethics; Ethics and Professional Conduct for Legal Practitioners; Important terms and concepts, e.g. Ethics, Legal Practitioner, Fit and proper person, Misconduct, Professional negligence, etc

4. Professional Rules:

Rules of Professional Conduct for Legal Practitioners; Code of Conduct for Judicial Officers; Disciplinary process and sanctions.

5. Corruption Issues:

The lesson on corruption should be limited to identifying and discussing its scope in reality in the country, aspects of it and segments of people involved; its connection to morality and values and good behaviour; the effect; its pressure on legal practice and how to solve the problem of the dilemmas arising from it.

6. Institutional Rules:

Structure of the legal profession; Institutional Rules- Examples are Law Clinic Rules, Rules on Plagiarism; Organisation Rules where students are placed for externships like law firms, or students visit for specialised work like the Prison.

RECOMMENDED METHODOLOGY FOR TEACHING ETHICS

1. Values and Behaviour:

Brainstorming, research, take-home assignment, role play, drama, music, discussions, case studies, video clips, real life practice, use of manuals and handouts, the use of tables(organizing information in a table form); story telling; Reflective reports.

2. Morals:

Brainstorming, role play, case studies for every value, drama, videos and films and photographs, group discussions.

3. General Ethics:

Brainstorming, research, take-home assignment, role play, drama, music, discussion, case study, real life practice, use of manuals and handouts, the use of tables(organizing information in a table form).

4. Professional Rules:

Handouts, manuals, case studies, pre-class assignments, discussions, essays, quizzes, debates; make students identify the things that should be rules in the Code of Professional Conduct and everyday ethical values, visits to law firms or courts (write a report), Reflective reports.

5. Corruption Issues:

Research based assignments, debates, role plays, dramas, case studies, teach-back, discussions, videos and film clips, storytelling, Projects, Reflective reports.

6. Institutional Rules:

Research based assignments, handouts, discussions, reflective reports.

LESSON 1

TOPIC:

i. Overview of ethics and social responsibility of a citizen.

ii. History, nature and structure of the legal profession in Nigeria.

CONTENTS:

Overview of ethics, values and social responsibility behaviours of a citizen; History, nature and structure of the legal profession in Nigeria.

OUTCOMES: At the end of this lesson, students would be able to:

- i. Discuss the ethics, values and social responsibility behaviour of a citizen;
- ii. Explain the history, nature and structure of the legal profession in Nigeria.

ACTIVITIES:

a. PRE-CLASS ACTIVITIES

- i. Students should write a list of ethics, values and social responsibility and behaviour of a citizen.
- ii. Students should write a summary of the history, nature and structure of the legal profession in Nigeria.

(This should include the structure of the legal profession generally the Judiciary, organs of the profession and the Nigerian Bar Association.)

b. IN-CLASS ACTIVITIES

- i. Scripted role plays or video clips on ethics, values, social responsibility and behaviour of a citizen- 15 Minutes;
 - ii. Students present list of ethics, values, social responsibility and behaviour of a citizen and discussions follow. The discussion should also cover examples of wrong behaviours that negate ethics, behaviour and social responsibility of a good citizen. ó 60 minutes;
 - iii. Students discuss the history, nature and structure of the legal profession in general. ó 30 minutes
- c. Debrief and post-class assignments- 15 Minutes
- i. Assessment- Q & A
 - ii. Teacher asks Students to write a post-class reflective essay on one value and their experience relating to a bad behaviour that negates the good value.

LESSON 2**TOPIC: Values and behaviour of an ethical lawyer****CONTENTS:**

- (i) Objectives/goals of ethics education for law students
- (ii) Values and behaviour of an ethical lawyer

OUTCOMES: At the end of this lesson students would be able to:

- (1) Discuss the objectives/goals and rationale for ethics education;
- (2) Identify and discuss values and behaviour of an ethical lawyer

ACTIVITIES:

PRE-CLASS ACTIVITIES

- (a) Students should write a short essay on why they think it is necessary to study ethics and values as law students;
- (b) Students should prepare composite table identifying values, appropriate and inappropriate behaviours of an ethical lawyer.

IN-CLASS ACTIVITIES

- (a) Students discuss/debate the objectives/goals and rationale of ethics education for law students/lawyers. Students should cite concrete examples of personal experience where, when and how an ethics discussion in the past influenced their actions ó 30 minutes
- (b) Scripted role plays or video clips on unethical behaviour of lawyers ó 20 minutes
- (c) Students present written composite tables matching values of an ethical lawyer and appropriate and inappropriate behaviours and discussions follow ó 60 minutes
- (d) Debrief: Assessment ó Questions and Answers ó 10 Minutes

NOTES:

- (a) Legal Education Goal- "Train law students to become competent, value based ethical lawyers."
- (b) Ethics Education Goal- "Prepare law students to be ethically conscious and socially responsible lawyers."
- (c) Example of a composite table of values and behaviours ó see below:

VALUES	APPROPRIATE BEHAVIOURS	INAPPROPRIATE BEHAVIOURS
Honesty	Accountability, sincerity, truthfulness	Lying, fraud, theft, obtaining by false pretences, forgery, deceit, misappropriation of funds, conversion of client fund,

LESSON 3

TOPIC: (i) Morals and culture; (ii) Corruption

CONTENTS: The challenge of (i) Morals and culture; (ii) Corruption

OUTCOMES: At the end of this lesson students would be able to:

- (a) Discuss how to identify and the need to recognise the challenges of moral and cultural norms and diversities in the society;
- (b) Discuss the challenges of corruption in the society generally, and explain concretely the ways in which the phenomenon can pressure a lawyer to act in unethical ways; how lawyers and law students should behave when the system is operating as it is; and consider concretely and specifically what lawyers or law teachers could do to make the system act justly⁹.

ACTIVITIES:

PRE-CLASS ACTIVITIES

- (a) Students should make a list of morals and norms from diverse cultures that they think are challenges to law and order or their definition of good behaviour;
- (b) Students should write an essay on challenges of corruption in the society generally (also identifying concrete cases or examples of corruption and the effect on governance and development of the society); and explain concretely the ways

⁹ See Wortham, L., Klien, C, "Teaching Legal Ethics in a Corrupt Legal System" 5th GAJE Conference, Manilla Philippines, 6-13 December 2008.

in which this phenomenon can pressure a lawyer to act in unethical ways; how lawyers and law students should behave when the system is operating as it is; and consider concretely and specifically what lawyers or law teachers could do to make the system act justly.¹⁰

IN-CLASS ACTIVITIES

- (a) Students brainstorm on how to identify and the need to recognise the challenges of moral and cultural norms and diversities in the society. Example of cultural and moral diversity is the debate on whether to make gay marriage a crime in Nigeria? How a lawyer should treat a client who is gay when he feels that it is a serious immoral conduct to be gay?- 30 minutes
- (b) Scripted role plays/video clips on corruption activities or actions/pictures and video clips on effect of corruption ó 20 minutes
- (c) Discussions based on case studies on (i) challenges of corruption in the society generally (and also identifying concrete cases or examples of corruption and the effect on governance and development of the society); (ii) concrete ways in which those phenomena can pressure a lawyer to act in unethical ways; (iii) how lawyers and law students should

¹⁰ See Wortham, L., Klien, C, "Teaching Legal Ethics in a Corrupt Legal System" 5th GAJE Conference, Manilla Philippines, 6-13 December 2008.

- behave when the system is operating as it is; and (iv) considering concretely and specifically what lawyers or law teachers could do to make the system act justly- 60 minutes
- (d) Assessment: Questions and Answers ó 10 minutes

LESSON 4

TOPIC: Rules of Professional Conduct for Legal Practitioners; Code of Conduct for Judges, and Magistrates.

CONTENTS: General Conduct under the Rules of Professional Conduct; Duty/Relation with clients; Duty/Relation with the Courts; Relation with other lawyers; Duty to the Profession/Improper attraction of business; Remuneration and fees.

OUTCOMES: At the end of this lesson students would be able to:

- (a) Explain and discuss the Rules of Professional Conduct for legal practitioners and show its relationship to values of an ethical lawyer;
- (b) Discuss the code of conduct for judges and magistrates.

ACTIVITIES:

PRE-CLASS ACTIVITIES

- (a) Students write a summary of the Code of Conduct for Judges and magistrates;

- (b) Students prepare composite table identifying relevant rules relating to General Conduct under the Rules of Professional Conduct; Duty/Relation with clients; Duty/Relation with the Courts; Relation with other lawyers; Duty to the Profession/Improper attraction of business; Remuneration and fees and matching each with examples of inappropriate actions of lawyers that violate the Rules and an appropriate value of an ethical lawyer. Example of such a composite table is shown below as follows:

RULES	SUMMARY OF RULE	INAPPROPRIATE ACTION	VALUE OF ETHICAL LAWYER
RULE 1	Uphold rule of law	As A-G or Legal Adviser advise that a court order should not be obeyed	Integrity
Rule 1	General conduct	Lawyer habitually drunk in public/fighting in public; Struggling or not joining lines or jumping queue for food and drinks at meetings	Decorum; respect

IN-CLASS ACTIVITIES

- (a) With the help of case studies, students discuss the code of conduct for judges and magistrates ó 30 minutes
- (b) Students present their composite tables on the application of the Rules of Professional conduct and discussions follow ó 1 hour 15 minutes
- (c) Assessment: Questions and Answers ó 15 minutes.

LESSON 5

TOPIC: Confidentiality; Conflict of Interest and Ethical Dilemmas.

CONTENTS: Confidentiality; Conflict of Interest and Ethical Dilemmas.

OUTCOMES: At the end of this lesson students would be able to:

- (c) Explain and discuss the Rules of professional conduct, Evidence Act, Money Laundering Act and the Constitution relating to client confidences;
- (d) Explain the scope of the rules on conflict of interest;
- (e) Recognise conflict of interest situations and ethical dilemmas in case studies and discuss appropriate ethical decisions that should be made to resolve such ethical dilemmas and conflict of interests.

ACTIVITIES:**PRE-CLASS ACTIVITIES**

- (a) Students write summary of the rules relating to confidentiality of client's communications based on the Rules of Professional Conduct for legal practitioners, Evidence Act, Money Laundering Act and the Constitution;
- (b) Students write short case studies or bring copies of identified case studies on conflict of interest and ethical dilemmas.

IN-CLASS ACTIVITIES

- (a) Students present summary of the rules relating to confidentiality of client's communications based on the Rules of Professional Conduct for legal practitioners, Evidence Act, Money Laundering Act and the Constitution- 25 minutes.
- (b) Discussion of case studies relating to client confidentiality -25 minutes.
- (c) Students and Teacher present for discussion case studies on conflict of interest and ethical dilemmas ó 60 minutes
- (d) Assessment: Questions and Answers - 10 minutes.

LESSON 6**TOPIC:**

- (i) Institutional Rules including in-house Rules of the Law Clinic and University;**
- (ii) Plagiarism;**
- (iii) Disciplinary Process and Sanction of Legal Practitioners and Law Students.**

CONTENTS:

- (a) Institutional Rules including in-house Rules of the Law Clinic and University;
- (b) Plagiarism;
- (c) Disciplinary Process and Sanction of Legal Practitioners and Law Students.

OUTCOMES: At the end of this lesson students would be able to:

- (a) Explain and discuss Institutional Rules including in-house Rules of the Law Clinic and University that affects the work of law students in a law clinic; rules of plagiarism; and Disciplinary Process and Sanction of Legal Practitioners and Law Students.
- (b) Identify Plagiarised writing and materials.

ACTIVITIES:

PRE-CLASS ACTIVITIES

Students should be given handouts that explain rules of plagiarism and sample writings for them to identify plagiarised and not

plagiarised portions. Students may also be provided software for testing their understanding of plagiarism.

IN-CLASS ACTIVITIES

- (a) Quizzes are presented to test students understanding of relevant Institutional Rules, and legal practitioners and students disciplinary process and sanctions and discussions follow- 50 minutes
- (b) Students make presentations on the pre-class case studies on plagiarism. Additional case studies may be presented. Discussions follow 60 minutes.
- (c) Assessment: Questions and Answers 60 minutes.

RESOURCES

1. Legal Practitioners Act
2. Rules of Professional Conduct for Legal Practitioners
3. Code of Conduct for Judicial Officers
4. Constitution
5. Money Laundering Act and SCUML Rules
6. Evidence Act
7. Handbook on Prison Pre-trial Detainee Law Clinic
8. Manual on Prison Pre-trial Detainee Law Clinic.

CHAPTER 3

Legal Research

OBJECTIVES

LLB students ought to have studied legal research and analysis between their first and third year levels and particularly under legal methods course.

The course 'Legal Research' being presented here serves as a refresher course aimed therefore to hone the students knowledge, skills and values on research to be able to execute intensive researches, prepare research reports and present them in connection with the clinic programmes. How many lessons and how deep the academic work on research that should be done in a particular clinic should depend on the needs of the students and the clinic.

CONTENTS

1. Meaning, nature, types, importance of legal research;
2. Types of research approaches;

3. Steps involved in the research process;
4. Legal methods and methodology, sources of information and major stages in carrying out legal research;
5. Basic tools of data collection;
6. Use of Internet for Legal Research;
7. Ethics of research, Conducting a Research; Writing a Research Report;
8. Presenting a research report using Power point slides.

LESSON 1

TOPIC: Principles of Legal Research

CONTENTS:

1. Meaning, nature, types, importance of legal research;
2. Types of research approaches;
3. Steps involved in the research process.

OUTCOMES¹¹: At the end of this lesson students would be able to:

¹¹ See Khushal Vibhute, K & Aynalem, F., *Legal Research Methods (Teaching Material)*, 2009, viewed last on 3rd March 2013 at <http://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf>

- (a) Explain the meaning, nature, types, and importance of legal research;
- (b) State the various types of research approaches;
- (c) Describe the various steps involved in the research process.

ACTIVITIES:

PRE-CLASS ACTIVITIES:

- (a) Students write short notes for presentation in the class
Meaning, nature, types, importance of legal research; Types of research approaches; and Steps involved in the research process. The alternative will be that the teacher would give the students questions covering these subjects for the students to answer in writing and present in the class.
- (b) Students should make a list of ten books and or articles on legal research written in the last ten years. In addition to presenting the list with full citations, students will be required to present a summary in open class of one of the books or articles.

IN-CLASS ACTIVITIES:

- (a) Teacher presents an overview on the principles of legal research ó 30 minutes

- (b) Students present the pre-class assignments and discussions follow- 1 hour 15 minutes
- (c) Assessment ó 15 minutes

LESSON 2

TOPIC: Legal methods and methodology, sources of information and major stages in carrying out legal research

CONTENTS:

Legal methods and methodology, sources of information and major stages in carrying out legal research

OUTCOMES: At the end of this lesson students would be able to:

- (a) Explain legal research methods and methodology, sources of information and major stages in carrying out legal research¹²;
- (b) Write literature review.

¹² See Khushal Vibhute, K & Aynalem, F., *Legal Research Methods (Teaching Material)*, 2009, viewed last on 3rd March 2013 at <http://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf>

ACTIVITIES:

PRE-CLASS ACTIVITIES:

Students should answer the following questions in writing for presentation in class:

- (i) Discuss different sources of information and comment upon their utility in research;
- (ii) Briefly explain the difference between research methods and research methodology;
- (iii) What is the significance of knowing research methodology?
- (iv) Explain major stages in legal research;
- (v) What do you understand by identification and formulation of a research problem;
- (vi) Comment upon the significance of review of literature in research;
- (vii) What is meant by scientific method? Explain its significance and utility in research.¹³

¹³ Questions adopted from Khushal Vibhute, K & Aynalem, F., *Legal Research Methods (Teaching Material)*, 2009, pages 64-65, viewed last on 3rd March 2013 at <http://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf>

- (viii) Prepare short literature reviews based on topics to be assigned by the teacher.

IN-CLASS ACTIVITIES:

- (a) Teacher presents an overview of Legal methods and methodology, sources of information and major stages in carrying out legal research ó 25 minutes
- (b) Students present the pre-class assignments and discussion/feedback follows ó 1 hour 25 minutes.
- (c) Assessment ó 10 minutes

LESSON 3

TOPIC: Basic Tools of Data Collection

CONTENTS:

Types of research data collection tools; advantages and disadvantages of tools data collection; significance of collecting facts/data; techniques of data collection in the legal research process; interview, questionnaire and observation as tools of data collection.

OUTCOMES¹⁴: At the end of this lesson students would be able to:

- (a) List the various types of research data collection tools and describe the advantages and disadvantages of each type of tools of data collection;
- (b) Explain the significance of collecting facts/data and techniques of data collection in the legal research process;
- (c) Discuss the Rules to be followed in using interview, questionnaire and observation as tools of data collection.
- (d) Collect data and present.

ACTIVITIES:

PRE-CLASS ACTIVITIES;

- (a) Students should make short notes for presentation in class on the following:
 - i. List the various types of research data collection tools and describe the advantages and disadvantages of each type of tools of data collection;

¹⁴ See Khushal Vibhute, K & Aynalem, F., *Legal Research Methods (Teaching Material)*, 2009, viewed last on 3rd March 2013 at <http://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf>

- ii. Explain the significance of collecting facts/data and techniques of data collection in the legal research process;
 - iii. Discuss the Rules to be followed in using interview, questionnaire and observation as tools of data collection.
- (b) Teacher should give students limited research projects that will require collection of data and the students to present a report of the data collected in class.

IN-CLASS ACTIVITIES:

- (a) Teacher presents an overview of Basic Tools of Data Collection ó 25 minutes
- (b) Students present the written pre-class assignments and discussion/feedback follow ó 1 hour 25 minutes
- (c) Assessment ó 10 minutes.

LESSON 4

TOPIC: Use of Internet for Legal Research

CONTENTS:

Use of Internet for Legal Research; Use of on-line legal resources; Major on-line legal resources, e.g. LexisNexis, Online Dictionary, JSTOR, Westlaw, and World Wide Web sites.

OUTCOMES:

At the end of the lesson the student would be able to:

- (a) Explain the uses of internet for legal research;
- (b) Identify various on-line legal resources;
- (c) Use on-line legal resources

ACTIVITIES:

PRE-CLASS ACTIVITIES:

- (a) Students should write a list of ten articles published on the internet on how to conduct legal research using the Internet;

- (b) Each student to carry out research on any area of interest in law which must involve the use of on-line resources only and a short report presented in the class;
- (c) Students to make a short note for presentation on how to conduct legal research using the Internet.

IN-CLASS ACTIVITIES:

- (a) Teacher presents an overview of Use of Internet for Legal Research- 15 minutes
- (b) Students present pre-class assignments and discussion/feedback follow ó 45 minutes
- (c) Students are engaged to use on-line legal resources and data base. Internet resource and legal data bases need to be available for this part of the lesson- 55 minutes
- (d) Assessment ó 5 minutes

RESOURCES:

Reading materials/Lesson notes

Audio visual aids

Projector

Flip chart/pens/cleaner

Laptop/desktop Computers

Internet

Legal Data Bases

LESSON 5

TOPIC: Ethics of research; Writing a Research Report.

CONTENTS: Ethics of research; Writing a Research Report

OUTCOMES: At the end of the lesson students would be able to:

- (a) List ethical policies in research and explain the importance of adhering to ethical norms in research;
- (b) Explain the general layout of the research paper and its major parts;¹⁵
- (c) Explain forms and rules of citation of various sources of information such as books, journals etc, bibliography, etc, footnotes and endnotes in using any source of information of research methods.¹⁶

¹⁵ See Khushal Vibhute, K & Aynalem, F., *Legal Research Methods (Teaching Material)*, 2009, viewed last on 3rd March 2013 at <http://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf>

¹⁶ See Khushal Vibhute, K & Aynalem, F., *Legal Research Methods (Teaching Material)*, 2009, viewed last on 3rd March 2013 at <http://chilot.files.wordpress.com/2011/06/legal-research-methods.pdf>

ACTIVITIES:**PRE-CLASS ACTIVITIES:**

Students should write for presentation a short note on the general layout of a research paper and its major parts and principles of rules of citation adopted by the Faculty/Clinic.

IN-CLASS ACTIVITIES:

- (a) Group discussions, listing and explaining ethical policies in research and the importance of adhering to ethical norms in research- 20 minutes
- (b) Group presentations of their list and explanation of ethical policies in research and the importance of adhering to ethical norms in research ó 35 minutes
- (c) Students present the pre-class assignment and discussion/feedback follows ó 55 minutes
- (d) Assessment ó 10 minutes

LESSON 6

Students would be required from time to time to make presentations using power point slides. This may be assessed for presentation skills and so it is necessary that the slides must

conform to the highest standards. It is then necessary to begin honing power point slides presentation skills with the presentation of research reports.

TOPIC: Presenting a research report using Power point slides.

CONTENTS: Presenting a research report using Power point slides.

OUTCOMES: At the end of this lesson students would be able to present research reports using standard slides on power point.

ACTIVITIES:

PRE-CLASS ACTIVITIES:

Students should be given short research assignments and they have to write individual reports and present the summary in class using power point slides. Handouts and references should be given to the students on tips on how to make power point slides. See for example:

1. -Making PowerPoint Slides- Avoiding the pitfalls of Bad Slides- See www.iasted.org/conferences/formatting/presentations-tips.ppt OR

http://biog11011104.bio.cornell.edu/BioG101_104/pdfs/Presentations-Tips.ppsx

2. 12 tips for creating better PowerPoint presentations, see

<http://www.microsoft.com/atwork/skills/presentations.aspx#fbid=sOE-7XctGrR>

3. PowerPoint: Presentation Tips, see, <http://www.bates.edu/ils/2011/how-do-i/software/powerpoint-presentation-tips/>

IN-CLASS ACTIVITIES:

- (a) Teacher presents an overview using power point slides 25 minutes
- (b) Students present the pre-class assignments and discussion/feedback follows- 1 hour 25 minutes
- (c) Assessment 10 minutes.

LESSON 7

TOPIC: Conducting a Legal Research and Presentation

Students should be given different research assignments to conduct research during Week 5/6 Lesson, write reports and present at Week 7 Lesson.

ACTIVITIES

IN-CLASS ACTIVITIES

The presentation, discussion and feedback ó 2 hours.

LESSON 8

TOPIC: Conducting a Legal Research and Presentation

Students should be given different research assignments to conduct research during Week 5 or 6 Lesson, write reports and present at the Week 8 Lesson.

ACTIVITIES

IN-CLASS ACTIVITIES

The presentation, discussion and feedback ó 2 hours.

RESOURCES AND REFERENCES:

Doherty, O., *Legal Practice and Management in Nigeria* (London: Cavendish Publishing Ltd, 1998).

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Marnewick, C.G., *Litigation Skills for South African Lawyers* (Durham: LexisNexis Butterworths, 2003).

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Stott, D., *Legal Research* (London: Cavendish Legal Skills Series, 2nd Ed., 1999).

Thomas, A., et al, *How to Use a Law Library: An Introduction to Legal Skill* (London: Sweet & Maxwell, 2001).

Van Der Merwe, D.P., *Information and Communications Technology Law* (LexisNexis, 2008)

Williams, G., *Learning the Law* (London: Sweet & Maxwell, 12th Ed., 2002).

Abbot, C., *ICT: Changing Education* (London: RoutledgeFalmer, 2001).

CHAPTER 4

Law Office Management

OBJECTIVES

The Law Clinic is like the law firm and the firm's business is supposed to be managed like any business that wants to be successful. There is therefore the need to equip professionals in the office with the right management skills. There is need for people with strong administrative skills in any business. With business processes, equipment, documentation and communication becoming increasingly complicated, managers and professional administrators need a wide range of skills to run the office effectively.¹⁷ The Lawyer like any other professional requires these skills and law students in law clinics often manage their clinics and therefore need to have these management skills for the clinic to be managed successfully.

¹⁷Richards, E., *Effective Management Skills*, www.skillsportal.co.za/page/training/distance-elearning/1214920, last visited on 29th February 2013.

LESSON 1**TOPIC: Law Office Management 1(Introduction)****CONTENTS:**

- (i) Nature, Criteria and classification of law offices;
- (ii) Importance of a law office;
- (iii) Requirements for a good law office.

OUTCOME: At the end of this lesson students would be able to:

- (a) Explain the nature, classifications and importance of a law office
- (b) List the requirements and need of a good law office

ACTIVITIES:**PRE-CLASS ACTIVITIES:**

- (a) Students would be given assignment to visit at least 2 reputable law firms.
- (b) Students to come to class with a brief description of common/different features of the offices, a comparison of the

offices and the Law Clinic, and inventory of equipment/materials in use.

IN-CLASS ACTIVITIES:

- a. Brainstorming on nature, importance/goals of a law office -30 minutes
- b. Teacher gives an overview of a law office using audio visual clips -20 minutes
- c. Group work (In groups, the students are required to discuss and itemize the requirements of a law office and the categories -30 minutes
- d. General class discussion on group work presentations -30 minutes
- e. Debrief: (Question and answer to assess) -10mins

RESOURCES

Reading materials/Lesson notes;
Audio Visual Aids/Projector,
Laptop, Flip Chart/Marker Pen

LESSON 2

TOPIC: Law Office Management 2 (Receiving a client, opening File and File Management)

CONTENTS:

1. Clients reception styles
2. Taking instructions
3. File opening
4. File Management- contents of File/law office records, database, File indexing and closing a File.

OUTCOME:

At the end of this lesson students would be able to:

- a. Explain how to receive a client/Receive a client into a law office
- b. Explain the process/Open an office File
- c. Explain/discuss the process/manage a File (digital or manual)/use File management in a law office and the importance of maintaining confidentiality and safeguard of files and records.
- d. Role play- receiving clients in the appropriate manner.

ACTIVITIES:

PRE-CLASS ACTIVITIES:

- a. Students to list 5 points on Client's reception styles, taking instructions from a client, opening a File and File Management.
- b. Students to bring a File (hard copy or digital) to class.

IN-CLASS ACTIVITIES:

- a. The teacher gives an overview of client's reception styles/welcome statements, taking instructions and File opening, and file management, using Audio Visual presentation/Film clips - 20 minutes
- b. Simulated Role play: students expected to play the different roles in a client reception and file opening. -25 minutes
- c. The students in their groups of 3 each are given exercise on File management including endorsing necessary records; manage it and closing (using a given case study). -15 minutes
- d. General Discussions of the role plays and exercise on file management and importance of managing records and files appropriately/Feedback ó 50 minutes
- e. Assessment ó 10 minutes

RESOURCES:

Reading materials/Lesson notes

Audio Visual Aids/VCD/Video Clips

Projector/DVD Player

Flip chart/pens/cleaner

Laptop, Files

LESSON 3**TOPIC: Law Office Management 3 (law office assets)****CONTENTS:**

- (i) Law office assets
- (ii) Use of law office assets;
- (iii) Management of law office assets

OUTCOMES: At the end of this lesson students would be able to:

- (a) List and classify law office assets
- (b) Explain the importance of law office assets and proper management of the assets.

ACTIVITIES:

PRE-CLASS ACTIVITIES:

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Students are expected to have visited a law office as a pre class activity before Lesson 1, and required to come to class with:

- (i) The inventory of assets taken of a law firm.
- (ii) Report of observations (if any) on the use of office assets.

IN-CLASS ACTIVITIES:

- (a) Teacher's introduction of the lesson; -10 minutes
- (b) Students present their list/classification of law office assets and resources-this should be listed ranked in order of importance ó 30 minutes
- (c) In groups, the students are required to discuss the importance, uses and management of different law office assets and resources ó 20 minutes
- (d) Group presentations and discussions/feedback -50 minutes
- (e) Debrief: (Assessment/questions and answers) -10 minutes

RESOURCES:

Reading materials/Lesson notes

Audio Visual Aids

Flip charts; Projector

LESSON 4**TOPIC: Law Office Management 4(Time/office Diary)****CONTENTS:**

Time management strategies- diarizing, scheduling, appointments, Team work, and Job scheduling.

OUTCOME: At the end of this lesson students would be able to:

- (a) Explain how to manage time
- (b) Explain how to manage office Diary
- (c) Explain the importance of time and office Diary management

ACTIVITIES:**PRE-CLASS ACTIVITIES:**

Students to write a one page essay on time for presentation in the class. Students should also be required to have a diary) digital or manual) during the class lesson.

IN-CLASS ACTIVITIES:

- (a) The teacher gives an overview of time management strategies, including diarizing, on power point presentation/checklists. - 15mins

- (b) Field visit to the Law Clinic led by the Teacher for a first-hand and guided observation on how time and diary (digital or manual) are managed-30 minutes
- (c) Students practice diarising based on a case study ó 30 minutes;
- (d) Students present essay on the importance of time and general discussion follow ó 30 minutes
- (e) Debrief ó 15 minutes

RESOURCES:

Reading materials/Lesson Notes,
Audio Visual Aids, Projector
Flip Chart/Pens, Laptop, Files

REFERENCES:

Bodenstein, J, et al,(2004) *Clinical law in South Africa*, Durban,
Doherty, O.,(1998) *Legal Practice and Management in Nigeria*,
London, Cavendish Publishing Ltd.

Harriman, R.D., *Law Office Administration- The Legal Secretary's Handbook*, 2000, Lagos, Greenfield Publications.

CHAPTER 5

Legal Writing I

OBJECTIVES

Lawyers use communication to effectively serve their clients. It is important therefore that law students that work in law clinics should have good communication skills to effectively execute the service aspect of the clinic work. Writing is one aspect of such communication skills. We need to write well

To translate and materialize our ideas and thoughts into accessible documents useful to others.

For reporting our work in informative, concise and professional formats.

When writing we are sending message to our readers about *who we are*. Therefore we need to be clear, focused and accurate so as not to be misunderstood, underestimated or ignored.¹⁸

¹⁸ See Scientific Writing Tips, Research Corner, Sudanese Journal of Public Health, April 2009, Vol 4 No 2, www.sjph.net.sd/files/vol4i2/SJPH-vol4i2-p308-309.pdf, accessed last on 5th March 2013.

The lesson on writing skills is meant as a refresher course to prepare the students for the tasks at the Law Clinic.

LESSON 1

TOPIC: Introduction to Effective Writing Skills

CONTENTS

- i. Importance and objectives of basic writing skills
- ii. The Rules of effective writing

OUTCOME

At the end of this lesson, students would be able to:

- i. Discuss the importance, and objectives of basic writing skills;
and
- ii. Explain the Rules of effective writing.

ACTIVITIES

a. PRE-CLASS ACTIVITIES:

Students should list the rules of effective writing. Students should give examples of correct and incorrect writing that explains each Rule.

b. IN-CLASS ACTIVITIES

- i. Brainstorming on the importance and objectives of basic writing skills ó 15 minutes
- ii. Students present their list of Rules of effective writing and discussions follow- 45 minutes
- iii. Teacher presents quizzes on grammar, punctuation, etc ó 50 minutes
- iv. Assessment ó 10 minutes

LESSON 2

TOPIC: Writing a Good and Effective Letter

CONTENTS

Guidelines for letter writing; Features, characteristics or essential elements of a good and effective letter.

OUTCOMES

At the end of this lesson, students would be able to:

- i. Explain and discuss features, characteristics or essential elements of a good letter.
- ii. Write good letters.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

- i. Students should write short essay on the characteristics or essential elements of a good and effective letter.
- ii. Students should write different types of letters based on case studies given by the teacher.

b. IN-CLASS ACTIVITIES:

- i. Students present their essays on the characteristics or essential elements of good and effective letter and discussions follow - 40 minutes
- ii. Students present written letters based on case studies and discussions follow 30 minutes
- iii. Teacher present short case studies and students are required to write client letters based on the case studies -15 minutes
- iv. Discussion/critique of the client letters -30 minutes
- v. Assessment -5 minutes

LESSON 3

TOPIC: The Principles of Legal writing

CONTENTS

- i. Basic principles of legal writing
- ii. Writing legal opinion and reflective opinion

OUTCOME

At the end of this lesson, students would be able to:

1. Explain and discuss the basic principles of legal writing, opinion writing and the importance and principles of reflective opinion writing;
2. Write basic documents, like legal opinion.

ACTIVITIES

a. PRE-CLASS ACTIVITIES:

- i. Students should write an outline of the basic principles of legal writing.
- ii. Students should write a legal opinion based on case study to be given by the teacher.

b. IN-CLASS ACTIVITIES:

- i. Students present their outline of the basic principles of legal writing and discussions follow ó 30 minutes
- ii. Teacher presents an overview of the principles of opinion writing ó 10 minutes
- iii. Presentation of samples of legal opinion and general discussion -25 minutes
- iv. Brainstorming/discussion on the importance and principles of reflective opinion writing -20 minutes
- v. Group work and presentation based on case studies on writing reflective opinion-30 minutes
- vi. Assignment (Students should be given take-home assignments based on case studies to write legal opinion and reflective opinion) ó 5 minutes

LESSON 4**TOPIC: Writing of Minutes and Report****CONTENTS**

1. Guidelines/Rules for writing minutes and reports
2. Minutes writing
3. Report

OUTCOME

At the end of this lesson students would be able to:

- i. Discuss the guidelines for writing minutes and reports
- ii. Write minutes and report

ACTIVITIES

a. PRE-CLASS ACTIVITIES

- i. Students should write outlines on guide for minutes writing and report writing;
- ii. Students in groups hold meetings and each person writes the minutes of the meeting for presentation in class;
- iii. Students write reports based on case studies.

b. IN-CLASS ACTIVITIES

- i. Students present outlines on guide for minutes writing and discussions follow ó 30 minutes
- ii. Students present minutes of the meeting held pre-class and discussions follow ó 40 minutes
- iii. Students present written reports based on case studies pre-class activities/discussions- 40 minutes
- iv. Debrief: (questions and answers) ó 10 minutes

REFERENCES

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CHAPTER 6

Legal Writing 2

OBJECTIVES

The focus of this chapter is on developing the writing skill of the students to be able to prepare litigation documents such as originating processes, pleading and motions and other forms of applications.

Law Students are not permitted to practice law in the Courts in Nigeria but as paralegals they can assist legal practitioners with the preparation of court processes by way of drafts. Law Clinics require the pro bono services of legal practitioners particularly with respect to contentious matters since law students have no right of appearance in court on behalf of clients. One of the ways of having private legal practitioners donate their services is by having law students prepare most of the litigation documents for the approval of the private legal practitioner. In this way the cost (time inclusive) of the pro bono services to the private legal practitioner

is reduced to as much minimum level as possible. This will encourage many more legal practitioners to donate their services to Law Clinics.

In another dimension, for law students to be able to correctly prepare litigation documents in real cases, they must first understand the law, the procedure and how the legal system functions. So this chapter offers an opportunity to law students for learning and understanding the general principles of criminal and civil procedure in order to develop the skills of drafting litigation documents. Students that understand and appreciate criminal and civil procedure and what documents to prepare at each level of the case will also be in a better position to undertake researches and fact finding in a case and also interview and counsel clients, interview witnesses and mediate between parties. For this reason the earlier lessons of this chapter would be devoted to the general principles of criminal and civil litigation and procedure.

LESSON 1

TOPIC: Sources and Objectives of Civil and Criminal Procedure Rules of Court

CONTENTS

Sources and Objectives of Civil and Criminal Procedure Rules of Court; Why the legislature provided different rules of court for civil and criminal litigation.

OUTCOME

At the end of this lesson, students would be able to explain and discuss the sources and objectives of civil and criminal procedure rules of court; and why the legislature provided different rules of court for civil and criminal litigation.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students should write a list of all criminal and civil procedure rules of court (indicating their sources) applicable in the State Courts (only one State like the State where the University is domiciled)

and all criminal and civil procedure rules applicable in all Federal Courts.

b. IN-CLASS ACTIVITIES

- i. Students present their list of civil and criminal procedure rules and their sources ó 40 minutes
- ii. Students in groups match each rule to each listed court/presentation ó 30 minutes
- iii. Students in groups discuss the objectives of rules of court and why the legislature provided different rules of procedure for civil and criminal litigation/presentation/feedback ó 40 minutes
- iv. Assessment: Questions and Answers ó 10 minutes

LESSON 2

TOPIC: General Principles of Criminal Litigation and Procedure

CONTENTS

- i. Criminal Procedure from arrest and detention to arraignment.
- ii. Application for Bail at the Police Station
- iii. Application for Bail in Court (pre-trial, during trial and bail pending appeal).

- iv. Distinguishing between application for bail and application to enforce fundamental rights under Fundamental Rights Enforcement Procedure Rules.

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain criminal process and procedure from arrest to arraignment;
- ii. Explain the process and principles of bail application at all stages of criminal process; and
- iii. Discuss the distinctions between application for bail in criminal procedure and application to enforce fundamental rights under Fundamental Rights Enforcement Procedure Rules.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

- i. Students should write notes explaining criminal process and procedure from arrest to arraignment;
- ii. Students should write notes explaining the process and principles of bail application at all stages of criminal process;
- iii. Students should write notes distinguishing between application for bail in criminal procedure and application to enforce

fundamental rights under Fundamental Rights Enforcement Procedure Rules.

b. IN-CLASS ACTIVITIES

- i. Teacher's preview of criminal process and procedure from arrest to arraignment and the process and principles of bail application at all stages of criminal process ó 25 minutes
- ii. Students answer quizzes on criminal process and procedure and bail ó 20 minutes
- iii. Quiz results/feedback and discussions follow ó 30 minutes
- iv. Group work/presentation/discussions on case studies relating to distinctions between bail applications and applications under Fundamental Rights Enforcement Procedure Rules - 40 minutes
- v. Assessment ó 5 minutes

LESSON 3

TOPIC: General Principles of Civil Litigation and Procedure

CONTENTS

- i. General civil process and procedure from commencement to judgment;

- ii. Necessary matters for consideration before commencing a claim, remedies, and the defences available in civil litigation.

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain general civil process and procedure from commencement to judgment; and
- ii. Explain and discuss the necessary matters for consideration before commencing a claim, remedies, and the defences available in civil litigation.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

- i. Students should be given pre-class assignments to prepare (either on individual basis or in groups) to draw or prepare civil procedure road maps from commencement to judgment when using general writs of commencement in both Magistrates Court and High Court.
- ii. Students should make lists of matters to be considered by a lawyer before commencing a civil litigation; remedies; and defences that may be available to a defendant. Students should also be ready to explain why each of the matters for consideration before commencing a civil litigation is important.

b. IN-CLASS ACTIVITIES

- i. Teacher presents an overview of civil procedure and processes
ó 20 minutes
- ii. Students present their civil procedure road maps/feedback and
general discussions ó 40 minutes
- iii. Students present their list of matters to be considered before
civil litigation is commenced. Students should also explain
why each of the matters for consideration before commencing
a civil litigation is important/feedback/discussions ó 30
minutes
- iv. Students present their list of remedies, and defences in civil
litigation ó 25 minutes
- v. Assessment ó 5 minutes

LESSON 4

**TOPIC: Considerations before commencing civil litigation,
remedies and defences**

CONTENTS

Matters to be considered before commencing civil litigation,
remedies and defences

OUTCOME

At the end of this lesson, students would be able to discuss and concretely determine, from case studies, the necessary matters for consideration before commencing a claim, remedies, and the defences available in civil litigation.

ACTIVITIES**a. PRE-CLASS ACTIVITIES**

Students should be given case studies that challenge them to make decisions relating to matters to be considered before commencing civil litigation like cause of action, jurisdictional questions, limitation periods, parties, venues, conditions precedent, locus standi, alternative dispute resolution mechanisms, etc, remedies, and defences.

b. IN-CLASS ACTIVITIES

- i. Students' presentation of the pre-class assignment/feedback/discussions ó 1 hour 30 minutes
- ii. Assessment: Quizzes/Questions and Answers ó 30 minutes

LESSON 5**TOPIC: Drafting Originating Processes/Applications, Motions and Affidavits Part 1****CONTENTS**

Drafting Originating Processes/Applications, Motions and Affidavits

OUTCOME

At the end of this lesson students would be able to:

- i. Explain and discuss different originating processes, applications, Motions and affidavits; and
- ii. Draft originating processes, applications, Motions and affidavits

ACTIVITIES**a. PRE-CLASS ACTIVITIES**

- i. Students make a list of originating processes, applications and motions stating distinctly what each process/application/motion serves;

- ii. Case studies and precedents should be given to students to prepare originating processes, applications, motions and affidavits.

b. IN-CLASS ACTIVITIES

- i. Students in groups discuss and harmonise their lists of originating processes, applications and motions, stating distinctly what each process/application/motion serves/presentations/feedback and discussions ó 55 minutes
- ii. Students present the originating processes, applications, motions and affidavits prepared pre-class/feedback/discussions ó 55 minutes
- iii. Assessment: Questions and Answers ó 10 minutes

LESSON 6

TOPIC:

- i. Drafting Originating Processes/Applications, Motions and Affidavits Part 2;**
- ii. Pleading**

CONTENTS

- i. Drafting Originating Processes/Applications, Motions and Affidavits;
- ii. Pleading

OUTCOME

At the end of this lesson, students would be able to:

- i. Draft originating processes, applications, Motions and affidavits
- ii. Explain and discuss the meaning, essence, structure and the contents of pleading.

ACTIVITIES**a. PRE-CLASS ACTIVITIES**

- i. Additional Case studies should be given to students to prepare originating processes, applications, motions and affidavits.
- ii. Students should make a list of the contents of a pleading, and state facts that need to be pleaded.

b. IN-CLASS ACTIVITIES

- i. Students present the originating processes, applications, motions and affidavits prepared pre-class/feedback/discussions
ó 50 minutes
- ii. Brainstorming session on the meaning and essence of pleading ó
15 minutes
- iii. Teacher presents the structure of pleadings ó 10 minutes
- iv. Students present the list of contents of pleadings stating facts
that need to be pleaded/feedback/discussions ó 40 minutes

- v. Assessment ó 5 minutes

LESSON 7

TOPIC: Drafting Pleading and Witness Statements

CONTENTS

Drafting Pleading and Witness Statements

OUTCOME

At the end of this lesson, students would be able to draft statements of claim and defence and witness statements based on case studies.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students should be given precedents and case studies to prepare statements of claim and defence and witness statements.

b. IN-CLASS ACTIVITIES

- i. Teacher presents an overview of drafting statements of claim and defence ó 15 minutes
- ii. Students present pre-class assignment on drafts of statement of claim and defence/feedback/discussions ó 50 minutes

- iii. Teacher presents an overview on drafting witness statements ó 15 minutes
- iv. Students present pre-class assignments on witness statements/feedback/discussions ó 40 minutes

LESSON 8

TOPIC: Drafting Bail Applications and Applications under Fundamental Rights Procedure Rules.

CONTENTS

Drafting Bail Applications under Criminal Litigation and Applications under Fundamental Rights Enforcement Procedure Rules.

OUTCOME

At the end of this lesson, students would be able to draft bail applications in criminal litigation and applications under Fundamental Rights Enforcement Procedure Rules based on case studies.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Case studies and precedents should be given to students to draft applications for bail in criminal litigation and applications under the Fundamental Rights Enforcement Procedure Rules.

b. IN-CLASS ACTIVITIES

- i. Teacher gives an over view of the general principles of bail applications and Fundamental Rights Enforcement Procedure Rules and the drafting of these applications ó 30 minutes
- ii. Students present the pre-class assignment/feedback/discussions ó 1 hour 20 minutes
- iii. Assessment ó 10 minutes

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CHAPTER 7

Client Interviewing and Counselling and Witness Interviewing

OBJECTIVES

At the law clinic, the first contact by law students with clients will immediately lead to a form of client interview. In professional real life, the lawyer's work starts with client's interviewing and counselling. The main aim of client interviewing is to obtain relevant information, identify the client's problem and goal and be in a position to counsel the client to make informed decision towards achieving the goal and solving the problem. If a client's interview fails, the counselling will likely fail. Effective interviewing is therefore the foundation on which a client's case stands. It is therefore necessary to train the law students to be effective interviewers and counsellors.

General criteria for an effective client interviewing and counselling

The Louis M. Brown and Forrest S. Mosten International Client Consultation Competition has developed criteria to determine

students' effectiveness in an interview and counselling session at the international competition. These are¹⁹:

1. Establishing an effective professional relationship: The lawyer should establish the beginning of an effective professional relationship and working atmosphere. At an appropriate point, the lawyer should orient the client to the special nature of the relationship (confidentiality, fees, mutual obligations and rights, duration, and plan of interview, methods of contract, etc) in a courteous, sensitive and professional manner;
2. Obtaining information: The lawyer should elicit relevant information about the problem from the client. "Relevant information" may include matters that affect the client considerably but are not "legally" relevant. They should develop a reasonably complete and reliable description of the problem and reflect this understanding to the client;
3. Learning the client's goals, expectations and needs: The lawyer should learn the client's goals and initial expectations and, after, input from the client, modify or restate them as necessary, giving attention in doing so to the emotional aspects of the problems;

¹⁹ See www.brownmosten.com/ last accessed on 6th January 2012.

4. Problem and analysis: The lawyer should analyse the client's problem with creativity and from both legal and non-legal perspectives and should convey a clear and useful formulation of the problem to the client;
5. Legal analysis and giving advice: Legal analysis and the consequent legal advice given should be both accurate and appropriate to the situation and its context. If appropriate, the lawyer should give pertinent and relevant non-legal advice.
6. Developing reasoned courses of action (options): The lawyer, consistently with the analysis of the client's problem(s), should develop a set of potentially effective and feasible options, both legal and non-legal;
7. Assisting the client make an informed choice: The lawyer should develop an appropriate balance in dealing with the legal and emotional needs of the client. He/She should assist the client in his or her understanding of problems and solutions and in making an informed choice, taking potential legal, economic, social, and psychological consequences into account;
8. Ethical and moral issues: The lawyer should recognise, clarify and respond to any moral or ethical issues which may arise, without being prejudicial in judgments;
9. Effectively concluding the interview: The lawyer should conclude the interview skilfully and leave the client with a

feeling of reasonable confidence and understanding; appropriate reassurance; and a clear sense of specific expectations and mutual obligations to follow.

LESSON 1

TOPIC: Purpose, Stages and Criteria for Effective Client Interviewing and Counselling

CONTENTS

Purpose, stages and criteria for an effective client interviewing and counselling; Planning and preparing for a client's interview

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain the purpose, stages and criteria for an effective client interviewing and counselling;
- ii. Plan and prepare for a client's interview

ACTIVITIES

a. PRE-CLASS ACTIVITIES

- i. Students view client interview video to be provided;
- ii. Students prepare notes on Purpose, stages and criteria for an effective client interviewing and counselling.

c. IN-CLASS ACTIVITIES

- i. Focuser using scripted role play or video clip on purpose of client interview ó 5 minutes
- ii. Quizzes and discussions on purpose, stages and criteria for an effective client interviewing and counselling ó 40 minutes
- iii. Teacher presents overview of planning and preparing for a client's interview and guidelines for interviewing ó 30 minutes
- iv. Teacher presents a scripted role play or video clip that raises issues of "meet and greet" stage, including explanation of procedures, ascertaining other lawyer's interest and confidentiality/discussions - 40 minutes
- v. Assessment ó 10 minutes

LESSON 2

TOPIC: Conducting the Interview: telling the Client's Story

CONTENTS

Conducting the Interview: telling the Client's Story

OUTCOME

At the end of this lesson, students would be able to explain the guidelines and strategies to effectively get the client tell the story and practice conducting an interview.

ACTIVITIES**IN-CLASS ACTIVITIES**

- i. Teacher presents interactive client interview video or interview drama (without counselling)/discussions ó 50 minutes
- ii. Students perform role plays that raise issues of òmeet and greetö stage, starting the interview and telling the story stage; and issues of conflicts of lawyersø retention and clientø confidentiality. (The role play would not extend to counselling stage)/feedback and discussions ó 1 hour
- iii. Assessment ó 10 minutes

LESSON 3**TOPIC: Identifying Client's problem and goal and Counselling**

CONTENTS

Developing a chronology of the story; identifying the client's problem and goal; Counselling.

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain the purpose for developing a chronology of a story during a client's interview and the principle and guidelines (including ethical considerations) of counselling;
- ii. Identify the client's problem(s) and goal(s)
- iii. Conduct an Interview and counsel in a role play.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

- i. Students should view interviewing and counselling video film provided for them;
- ii. Students should make notes on the purpose for developing a chronology of a story during a client's interview and the principle and guidelines (including ethical considerations) of counselling.

b. IN-CLASS ACTIVITIES

- i. Focuser: Discussion of meaning of counselling ó 10 minutes
- ii. Quizzes/Discussions on the purpose of developing the chronology of a story, during a client's interview, and the principle and guidelines (including ethical considerations) of counselling ó 30 minutes
- iii. Group work on case studies to identify client's problems and goals/report/discussions ó 30 minutes
- iv. Students role play counselling sessions/feedback/discussions ó 40 minutes
- v. Assessment ó 10 minutes

LESSON 4**TOPIC:**

- a. Client-Centred Interviewing;
- b. Interviewing Persons with Special Need/Special Circumstance

CONTENTS

- i. Basic Elements of Client-Centred Interviewing: Place of Interview; Relationship; Confidentiality; Listening skills, barriers or obstacles to effective listening, Dos and don'ts of effective listening, Empathetic listening; Honesty and Openness.

- ii. Essence of client-centred interviewing and counselling.
- ii. Interviewing Persons with Special Needs/Special Circumstance. Example: Children, Prisoners and detainees, Persons with language barrier or challenge, difficult persons etc.

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain and discuss the basic elements of client-centred interviewing and principles of interviewing persons with special needs or in special Circumstance;
- ii. Explain the essence of focusing on client-centred interviewing and counselling.

ACTIVITIES

IN-CLASS ACTIVITIES

- i. Focuser- scripted role play on lawyer-centred interview approach ó 10 minutes
- ii. Brainstorm/discussion on the elements of client-centred interviewing and principles of interviewing persons with special needs or in special Circumstance ó 35 minutes
- iii. Group work to discuss and list the barriers or obstacles to effective listening/Group presentation/Discussion ó 40 minutes

- iv. Brainstorm/discussion on essence of client-centred interview/counselling- 25 minutes
- v. Assessment ó 10 minutes

LESSON 5

TOPIC: Client Interviewing and Counselling: Reflection Lesson on guidelines and criteria

CONTENTS

Client Interviewing and Counselling: Reflection Lesson on guidelines and criteria

OUTCOME

At the end of this lesson, students would be able to:

Reflect and discuss in depth the guidelines and criteria for effective client interviewing and counselling.

ACTIVITIES

- i. Students view full video/drama on client interviewing and counselling ó 55 minutes
- ii. Group work to discuss how the interview and counselling was conducted in the video/drama with a view at identifying the positive and negatives in the video/drama relating to the

principles and criteria for effective client interviewing and counselling ó 30 minutes

- iii. Groups present reports/general discussions ó 30 minutes
- iv. Assessment ó 5 minutes

LESSON 6

TOPIC: Conducting Client Interviewing and Counselling

CONTENTS

Conducting Client Interviewing and Counselling

OUTCOME

At the end of this lesson, students would be able to interview and counsel a client in role.

ACTIVITIES

Client Interview: Depending on the number of students in the class, using a case study, students should be grouped to conduct an interview role play. Students can be grouped in threes so that 1 person plays the role of client, one person plays the role of lawyer and another plays the role of observer. It means that there shall be three different case studies to enable each student conduct at least one interview as a lawyer.

Interview Session A

- a. Facilitator prepares the client actors separately ó 5 minutes
- b. Client interviewing session using case study 1 ó 20 minutes
- c. Clients/observers report at plenary on facts elicited from client, counselling given and compliance with the guidelines and criteria for effective client interviewing and counselling ó 10 minutes.

Interview Session B

- a. Facilitator prepares the client actors separately ó 5 minutes
- b. Client interviewing session using case study 1 ó 20 minutes
- c. Clients/observers report at plenary on facts elicited from client, counselling given and compliance with the guidelines and criteria for effective client interviewing and counselling ó 10 minutes.

Interview Session C

- a. Facilitator prepares the client actors separately ó 5 minutes
- b. Client interviewing session using case study 1 ó 20 minutes
- c. Clients/observers report at plenary on facts elicited from client, counselling given and compliance with the guidelines and criteria for effective client interviewing and counselling ó 10 minutes.

Assessment: General discussion/Questions and Answers ó 15 minutes

LESSON 7

TOPIC: Conducting Client Interviewing and Counselling

CONTENTS

Conducting Client Interviewing and Counselling

OUTCOME

At the end of this lesson, students would be able to interview and counsel a client in role.

ACTIVITIES

The activities for this lesson may be a repeat of Lesson 6 activities with another set of case studies or a competition may be organised for the students. If a competition is adopted, the students should be paired and each pair will act as a team of lawyers to conduct the interview. If a competition is organised, in addition to the criteria stated at page for assessment, the following should also count:

- i. The law students should demonstrate, as collaborating counsellor, ability to work together as a team with flexibility and an appropriate balance of participation.²⁰

²⁰ See www.brownmosten.com, last accessed on 11th January 2013

- ii. There should be post-reflection statements made by the law students. During the post-interview reflection, the lawyers should give evidence of²¹:
 - recognising their own and the client's emotional considerations;
 - acknowledging the strengths and limitations of their interviewing and counselling skills;
 - handling the substantive aspects of the client's problems (both legal and non-legal);
 - identifying the ethical or moral issues and the proper handling of them; and
 - providing for an effective follow up.

Teachers from any department of the University particularly psychology teachers, legal practitioners, counsellors, final year law students and students from other disciplines may be used as judges for the competition. Drama students and other students may be recruited to act as clients. At the end of the competition, the best team and runner-up may be asked to compete against each other for all other students to watch during lesson 7.

Each set of competition may be for duration of 30 minutes but the total time to be spent should not exceed 1 hour 30 minutes while

²¹ See www.brownmosten.com, last accessed on 11th January 2013

the remainder 30 minutes should be used for a post competition reflective discussion at the plenary session.

LESSON 8

TOPIC:

- a. Conducting Client Interviewing and Counselling**
- b. Conducting Witness Interview**

CONTENTS

- i. Conducting Client Interviewing and Counselling
- ii. Conducting Witness Interview and write witness statements for High Court trial

OUTCOME

At the end of this lesson, students would be able to:

- i. Conduct witness interview and write witness statements for High Court trial
- ii. Conduct client interviewing and counselling sessions in role

ACTIVITIES

- a. **PRE-CLASS ACTIVITIES**
 - i. Students should be given in groups guidelines on interviewing witnesses and preparing witness statements for trial in the High Court, precedents of standard witness statements, and case

studies to conduct witness interview and write witness statements for High Court trial

- ii. Students should write notes highlighting Rules of Professional Conduct that must be complied with when interviewing a witness and writing witness statements.

b. IN-CLASS ACTIVITIES

- i. Students present the 2 pre-class assignments/discussions- 30 minutes
- ii. Client interviewing and Counselling Competition: Team A ó 30 minutes
- iii. Client interviewing and Counselling Competition: Team B ó 30 minutes
- iv. Discussions and Assessment ó 30 minutes

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CHAPTER 8

Alternative Dispute Resolution

OBJECTIVES

The aim of the lessons on Alternative Dispute Resolution (ADR ó now sometimes referred to as Appropriate Dispute Resolution) is to familiarise the students with the availability of other methods of resolving disputes other than litigation or in connection with litigation; and to introduce to the students the skills and techniques needed for engaging in an Alternative Dispute Resolution process, particularly the negotiation and mediation processes.

Students working in a law clinic should be able to explain to and advise a client (depending on the client's needs) ADR processes and assist such a client in any such process and particularly be able to conduct a negotiation on behalf of a client.

LESSON 1**TOPIC: Dispute Resolution****CONTENTS**

- i. Meaning/nature of conflicts/disputes;
- ii. Types of dispute resolution methods and processes;
- iii. Advantages of disadvantages/limitations of different dispute resolution methods.

OUTCOME

At the end of this lesson students would be able to:

- i. Explain the meaning/nature of conflicts/disputes and types of dispute resolution methods and processes;
- ii. Explain and discuss the advantages and disadvantages/limitations of different dispute resolution methods.

ACTIVITIES**a. PRE-CLASS ACTIVITIES**

Students should write essay on the advantages and disadvantages/limitations of different dispute resolution methods.

b. IN-CLASS ACTIVITIES

- i. Brainstorming on meaning/nature of conflicts/disputes ó 15 minutes
- ii. General listing of types of dispute resolution methods and processes ó 20 minutes
- iii. Studentsø Presentations on the advantages and disadvantages/limitations of different dispute resolution methods/feedback/discussions ó 25 minutes
- iv. Group work based on case studies on when to chose certain type (s) of resolution method (s) and why/presentations/feedback/discussions ó 50 minutes
- v. Assessment ó 10 minutes

LESSON 2

TOPIC: Negotiation Principles

CONTENTS

Negotiation: meaning, importance, process, guidelines for conducting negotiation, negotiation techniques and strategies.

OUTCOME

At the end of this lesson, students would be able to explain and discuss the meaning, importance and process of negotiation; and

guidelines for conducting negotiation, negotiation techniques and strategies.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

- i. Students should watch negotiation videos to be provided;
- ii. Students should be given checklist of negotiation guidelines, the process, techniques and strategies. Students should conduct negotiation in pairs based on a case study to be provided and report during the lesson. A template for the structure and contents of the report should also be provided.

b. IN-CLASS ACTIVITIES

- i. General discussion on the meaning, importance and process; guidelines, techniques and strategies for effective negotiation ó 50 minutes
- ii. Students report on the pre-class negotiation assignment/feedback/discussions ó 50 minutes
- iii. Assessment: Quizzes and feedback ó 20 minutes

LESSON 3

TOPIC: Negotiation: Planning, Opening Statements, Positions and Interests

CONTENTS

Negotiation: Planning, Opening Statements, Positions and Interests

OUTCOME

At the end of this lesson, students would be able to:

- i. Discuss the techniques for planning and preparation for a negotiation;
- ii. Explain and make opening statements and discuss the importance of making appropriate opening statements;
- iii. Examine and distinguish between positions and interests.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students watch additional video clips relating to opening statements and positions and interests situations.

b. IN-CLASS ACTIVITIES

- i. Teacher leads an interactive discussion on planning and preparation for a negotiation ó 20 minutes

- ii. Video clips on negotiation opening statements/scripted role plays on negotiation opening statements/students practise making opening statements/discussions ó 30 minutes
- iii. Group work/report/feedback/discussions- Matching some negotiation key words with illustrative statements. Examples of such key words are position, interest, variable, opening point, target point, dead luck, etc ó 25 minutes
- iv. Case studies on distinguishing between position and interest in negotiation ó 40 minutes
- v. Assessment ó 5 minutes

LESSON 4

TOPIC: Conducting a Negotiation 1

CONTENTS

Conducting a negotiation

OUTCOME

At the end of this lesson, students will be able to conduct negotiation based on case studies.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students watch negotiation video clips.

b. IN-CLASS ACTIVITIES

- i. Discussion of the pre-class negotiation video exercise ó 30 minutes;
- ii. Negotiation video or scripted role play on negotiation/discussions ó 30 minutes
- iii. Negotiation by students based on case study/report/feedback/discussions - 50 minutes
- iv. Assessment: Questions and Answers - 10 minutes

LESSON 5

TOPIC: Conducting a Negotiation 2

CONTENTS

Conducting a negotiation

OUTCOME

At the end of this lesson, students will be able to conduct negotiation based on case studies.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students are grouped to prepare for negotiation competition.

b. IN-CLASS ACTIVITIES

Negotiation competition by students/feedback/discussions - 2 hours.

LESSON 6**TOPIC: Mediation****CONTENTS**

Principles, characteristics (distinguishing it from other forms of dispute settlement), steps and the mediation process; when mediation works, the values of mediation and ethical standards required of mediators;

OUTCOME

At the end of this lesson students would be able to:

Explain, discuss and describe the principles, characteristics (distinguishing it from other forms of dispute settlement), steps and the mediation process; when mediation works, the values of mediation and ethical standards required of mediators;

ACTIVITIES**a. PRE-CLASS ACTIVITIES**

i. Students write notes on Principles, characteristics (distinguishing it from other forms of dispute settlement), steps and the mediation process;

when mediation works, the values of mediation and ethical standards required of mediators;

ii. Students watch mediation video given to them.

b. IN-CLASS ACTIVITIES

i. Students' presentations and general discussions on Principles, characteristics (distinguishing it from other forms of dispute settlement), steps and the mediation process; when mediation works, the values of mediation and ethical standards required of mediators- 35 minutes

ii. Teacher presents guidelines for mediation and the process and a scripted role play on *what mediators do*. This role play illustrates the difference between how lawyers tend to approach clients during interviews and what mediators do. The role play is debriefed ó 30 minutes

iii. Mediation video clip or mediation role play showing from the opening statement of the mediator, the stages, to the conclusion of the mediation/discussions ó 50 minutes

iv. Assessment: Questions and Answers ó 5 minutes.

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CHAPTER 9

Social Justice and Access to Justice

OBJECTIVES

It is widely accepted that lawyers should be trained to be social engineers. The basic issues of social engineering lie in social justice and access to justice.

RSA- Action and Research Centre states that "The term 'social justice' implies fairness and mutual obligation in society: that we are responsible for one another, and that we should ensure that all have equal chances to succeed in life."²² Dr. Matthew Robinson explains the term "social justice" thus:

Social justice is defined as "... promoting a just society by challenging injustice and valuing diversity." It exists when "all people share a common humanity and therefore have a right to

²² See <http://www.thersa.org/action-research-centre/learning,-cognition-and-creativity/education/social-justice/what-social-justice-means> last accessed on 8th February 2013.

equitable treatment, support for their human rights, and a fair allocation of community resources." In conditions of social justice, people are "not be discriminated against, nor their welfare and well-being constrained or prejudiced on the basis of gender, sexuality, religion, political affiliations, age, race, belief, disability, location, social class, socioeconomic circumstances, or other characteristic of background or group membership" (Toowoomba Catholic Education, 2006).²³

Clinical legal educators are "committed to achieving justice through education."²⁴ Clinics ought to "expose students to the impact that the practice of law has on people"²⁵ and so we agree with Prof. Margaret Barry that:

²³ See Department of Government and Justice Studies, Appalachian State University, <http://gjs.appstate.edu/social-justice-and-human-rights/what-social-justice>, last accessed on 9th February 2013.

²⁴ See Global Alliance For Justice Education, <http://www.gaje.org/> last accessed on 6th January 2013; Bloch, F.S., ed. *The Global Clinic Movement: Educating Lawyers for Social Justice*, 2011, Oxford University Press; Giddings, J., *Promoting Justice through Clinical Legal Education*, 2013, Justice Press; Barry, M., et al, "Teaching Social Justice Lawyering: systematically including Community Legal Education in Clinical Legal Education", *18 Clinical L. Rev.* 401 (2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1924393 last accessed on 10th February 2013.

²⁵ Barry, M., "Clinical Legal Education in the Law University: Goals and Challenges", *International Journal of Legal Education*, pp.27-50 (July 2007), see <http://ssrn.com/abstract=1133551>, last accessed on 9th February 2013.

í clinical courses expose students to opportunities to use legal expertise to address issues of social concern, particularly the needs of the poor. Regardless of whether students intend to work in public interest law, they need to be aware of their obligations to contribute to their communities and of the special role they are becoming equipped to play in addressing a range of social problems. While the classroom can raise theoretical issues about social justice, access to legal interventions and reform, understanding the problems in terms of access, application, and sufficiency comes from well-supervised work with poor people. Thus, these issues are best raised through direct service to disadvantaged clients, either through representation or some other opportunity to work closely with them in order to understand the problems and the attorney's special ability to provide effective assistance.²⁶

Law students in the Law Clinic would be undertaking many community and social justice projects and would also be meeting

²⁶ Barry, M. M., "Clinical Legal Education in the Law University: Goals and Challenges," *International Journal of Legal Education*, p35 (July 2007), see <http://ssrn.com/abstract=1133551>, last accessed on 9th February 2013.

clients from diverse backgrounds, particularly poor people and clients deprived of basic human rights. It is therefore imperative that the law student should understand social justice issues to be able to appreciate it and develop the character to address them not only while working as a student but also as a fully-fledged professional or citizen.

LESSON 1

TOPIC: Meaning, Scope and Importance of Social Justice and Access to Justice

CONTENTS

Meaning, Scope and Importance of Social Justice and Access to Justice

OUTCOME

At the end of this lesson, students would be able to:

Explain and discuss the meaning, scope and importance of social justice and access to justice.

ACTIVITIES

IN-CLASS ACTIVITIES

- i. Students watch video clips on social justice issues like poverty, education, sanitation, environmental degradation, access to

- justice, housing, health, discrimination, domination, vulnerable groups, disability, trafficking in persons, modern day slavery, child abuse and neglect, domestic violence, inequality, promoting peace in communities, drug addiction, etc. ó 40 minutes
- ii. Group work/presentations and discussions on the meaning, scope and importance of social justice and access to justice- 1 hour
 - iii. Assessment ó 20 minutes

LESSON 2

TOPIC: Challenges to Social Justice and Access to Justice

CONTENTS

Challenges to Social Justice and Access to Justice

OUTCOME

At the end of this lesson, students would be able to explain and discuss the challenges to social justice and access to justice.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students should write a list of challenges and obstacles to social justice and access to justice. During the presentation in the class,

students would be required to suggest possible solutions to the challenges and obstacles and ways/strategies of enhancing social justice and access to justice in Nigeria.

b. IN-CLASS ACTIVITIES

- i. Focuser - A scripted short drama or video clip on any aspect of challenges to social justice and access to justice ó 20 minutes
- ii. Group work to harmonise the pre-class assignment ó 20 minutes
- iii. Group presentations/discussions ó 1 hour
- iv. Assessment: Questions and Answers ó 20 minutes

LESSON 3

TOPIC: Operation of Legal Aid in Nigeria

CONTENTS

Operation of Legal Aid in Nigeria

OUTCOMES

At the end of this lesson, students would be able to explain and discuss the operation of legal aid in Nigeria.

ACTIVITIES

- a. **PRE-CLASS ACTIVITIES**
 - b. Students should write a list of identified elements of the Legal Aid Act and the anticipated impact or set back on legal aid and access to justice if the provisions of the Act are implemented. This may be presented on a table or by mere listing. This assignment should be turned in before the lesson, possibly by electronic means.
-
- b. **IN-CLASS ACTIVITIES**
 - i. Presentation/discussion of the Pre-class assignment ó 45 minutes
 - ii. Group work on the role and limitations of other persons, agencies and organisation in legal aid in Nigeria ó 30 minutes
 - iii. Group presentation/discussions ó 35 minutes
 - iv. Assessment ó 10 minutes

LESSON 4

TOPIC: Social Justice Project/Community Service Programme

CONTENTS

Social Justice Projects/Community Service Programme

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain and discuss social justice projects and activities and community service programmes that may be undertaken by law students;
- ii. Discuss how to design a social justice project;
- iii. Plan a community service programme/project.

ACTIVITIES**a. PRE-CLASS ACTIVITIES**

Each Student should identify one social justice project that has been carried out anywhere in the World and be in a position to make a presentation during the lesson of the project title, project goal, and project summary. The teacher should provide a platform (preferably electronically) where students' identified title will be posted on a first come- first served basis so that no two students would submit the same title. The platform would be open on a read only basis to the students.

b. IN-CLASS ACTIVITIES

- i. Students present the pre-class assignment/discussions ó 1 hour
- ii. Group work to discuss design a social justice project and plan a community service programme or project. The teacher should provide guidelines for designing such projects and

programmes/Presentation of the group report/discussions ó 1 hour.

LESSON 4

TOPIC: Designing a Social Justice Project/Planning a Community Service Programme

ACTIVITIES

This lesson should be a free time for students to design social justice projects or plan community service programmes for presentation during lessons 5 and 6

LESSONS 5

TOPIC: Designing a Social Justice Project/Planning a Community Service Programme

CONTENTS

Designing a Social Justice Project/Planning a Community Service Programme

OUTCOMES

At the end of this lesson, students would be able to discuss their proposed social justice project or community service programme and fine-tune their designs and plan.

ACTIVITIES

Students present their designs and plans/feedback/discussions ó 2 hours

LESSONS 6**TOPIC: Designing a Social Justice Project/Planning a Community Service Programme****CONTENTS**

Designing a Social Justice Project/Planning a Community Service Programme

OUTCOMES

At the end of this lesson, students would be able to discuss their proposed social justice project or community service programme and fine-tune their designs and plan.

ACTIVITIES**IN-CLASS ACTIVITIES**

Students who did not present during lesson 5 will present their designs and plans./feedback/discussions ó 2 hours.

NOTES

The Clinic will decide how and what social justice and public interest lawyering projects to engage the students (or some of them) with during the remainder 6 weeks of the 500 Level first semester course and the 12 weeks second semester 500 level course on clinic/community service. Students that engage in social justice, public interest projects and community service should have the opportunity during the course period to present their final reports (or interim reports) (and reflections) before the entire class.

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National Service-Learning Clearinghouse:
www.servicelearning.org

CHAPTER 10

Public Interest Lawyering

OBJECTIVES

The objectives for presenting to our clinic students the lessons on Public Interest Lawyering are the same objectives stated for teaching Social Justice and Access to Justice. See Chapter 8 (infra). In addition, we hope that the students would be able to reflect critically on the nature of lawyers' ethical and professional responsibilities in public interest law practice; evaluate critically theories and models of legal service delivery; Identify and develop strategies to respond to and to address legal issues in a public interest context; and advocate effectively in the public interest²⁷.

LESSON 1

TOPIC: Nature and Core Values of Public Interest Issues

²⁷ For these objectives see, <https://handbook.unimelb.edu.au/view/2012/LAWS40065?output=PDF>, last accessed on 3rd January 2013.

CONTENTS

Nature, types and Core values of public interest issues; importance of and goal for engaging in public interest lawyering.

OUTCOME

At the end of the lesson, students would be able to:

- i. Explain and discuss the nature, types and core values of public interest issues;
- ii. Explain and discuss the importance of and goal in engaging in public interest lawyering.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students should write a list of public interest issues with examples and stating the core values for each. The list should be produced in a table format as shown below:

S/n	Public Interest Issues	Examples	Values
1	Pollution	Sachet- bagged water menace	Public health
2	Consumer	Fuel pricing	Consumer protection
3	Human Right	Prison Reform	Access to Justice

b. **IN-CLASS ACTIVITIES**

- i. Focuser: Video clips/drama/slides on public interest issues ó 10 minutes
- ii. Teacherø overview ó 10 minutes
- iii. Group work by students to discuss the nature, types and core values of public interest issues; importance of and goal for engaging in public interest lawyering. The groups should also harmonise the tables of public interest issues prepared by each student ó 40 minutes
- iv. Groups Report/discussions- 50 minutes
- v. Assessment ó 10 minutes

LESSON 2

TOPIC:

- i. Ethical and Professional Responsibilities of Public Interest Lawyers;**
- ii. Public Interest Law Organizations**

CONTENTS

- i. Ethical and Professional Responsibilities of Public Interest Lawyers;
- ii. Public Interest Law Organizations

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain and discuss the ethical and professional responsibilities of public interest lawyers;
- ii. Identify public interest law organisations and discuss their functions and challenges.

ACTIVITIES**a. PRE-CLASS ACTIVITIES**

- i. Students should make a list of Public Interest Law Organizations and their functions.
- ii. Students should identify and study at least one public interest organization and its work and challenges.

b. IN-CLASS ACTIVITIES

- i. Brainstorm/discussions on the ethical and professional responsibilities of public interest lawyers ó 20 minutes
- ii. Group work on Case studies on ethical and professional responsibilities of public interest lawyers/presentation/discussions ó 50 minutes
- iii. Students present the pre-class assignment/discussions ó 40 minutes
- iv. Assessment ó 10 minutes

LESSON 3

TOPIC: Public Interest Lawyering Strategies

CONTENTS

Public Interest Lawyering Strategies

OUTCOMES

At the end of the lesson, the students would be able to:

- i. Identify and list public interest lawyering strategies;
- ii. Explain and discuss the use, importance, advantages and disadvantages/limitations of the strategies.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students should list and write notes on public interest lawyering strategies, their use, importance, advantages and disadvantages or limitations.

b. IN-CLASS ACTIVITIES

- i. Group work to harmonise the list of public interest lawyering strategies, their use, importance, advantages and disadvantages or limitations/Group report/discussions ó 50 minutes

- ii. Group work on case study on public interest lawyering strategies/presentations/discussions ó 1 hour
- iii. Assessment ó 10 minutes

LESSON 4

TOPIC: Public Interest Lawyering Strategies: Litigation

CONTENTS

Public Interest Lawyering Strategies: Litigation

OUTCOME

At the end of this lesson, students would be able to:

- i. Explain the nature and types of public interest litigation
- ii. Explain the use, efficacy and importance of impact litigation as a public interest strategy
- iii. Discuss the process of impact litigation as a public interest strategy.

ACTIVITIES

a. PRE-CLASS ACTIVITIES

Students should (i) identify, summarize the facts/report any case of impact litigation in Nigeria or any other jurisdiction; and (ii)

provide a list of sources of direct service litigation or free legal representation in Nigeria.

b. IN-CLASS ACTIVITIES

- i. Brainstorming/discussion on the nature and types of public interest litigation-15 minutes
- ii. Presentation of pre-class assignment/General class discussion of the cases and sources of direct services -35 minutes
- iii. Group work, presentation and discussion of the use, efficacy, importance, challenges of impact litigation as a public interest strategy and the proposed strategy of the Clinic in using public interest litigation strategy ó 1 hour
- iv. Assessment ó 10 minutes

LESSON 5

At the end of Lesson 4, Students should be grouped to use some of the social justice projects identified in the Social Justice lessons as public interest lawyering project. Students will use Lesson 5 period to complete their group proposal. The groups will be required to present their plans and strategies for executing these projects as public interest projects in Lesson 6.

LESSON 6**TOPICS: Public Interest Lawyering Proposals****CONTENTS**

Public Interest Lawyering Proposals

OUTCOMES

At the end of this lesson, students would be able to explain and discuss proposals to engage in public interest projects.

ACTIVITIES**IN-CLASS ACTIVITIES**

Groups present their proposed public interest projects and discussions follow ó 2 hours.

NOTES

The Clinic will decide how and what social justice and public interest lawyering projects to engage the students (or some of them) with during the remainder 6 weeks of the 500 Level first semester course and the 12 weeks second semester 500 level course on clinic/community service. Students that engage in social justice, public interest projects and community service should have the opportunity during the course period to present their final reports (or interim reports) (and reflections) before the entire class.

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CHAPTER 11

Case Studies

NOTES

The following are case studies used by the Network of University Legal Aid Institutions (NULAI Nigeria) during the National Client Interviewing and Counselling Skills Competitions for Law Students. A few of the case studies were those developed by the Abia State University (ABSU) Law Clinic for their local use.

These case studies, though primarily developed for interviewing and counselling skills lessons, may be modified for use in any lesson or any subject.

Case Study I

You are Yusuf Mohammed. You told the lawyer's secretary that you are terribly disturbed and that you have not been able to eat for the past four days. You work for Go Company Plc (Be prepared to but do not unless asked) provide an address, contact information

and description of your company's products or business (which is Gold Trading).

You have worked for the Company for many years (You have worked for 25 years but do not say unless asked). Be ready to state too, that your current position in the company is Marketing Manager.

You have an employment letter stating the terms of your employment. One of the terms is that a person who worked for not less than 20 years would, on voluntary retirement or withdrawal of service, receive a 50 million Naira gratuity but if terminated summarily or dismissed from employment would receive nothing. Be prepared to talk about these conditions of service without mentioning that there is a written contract unless asked.

Describe your role as a Marketing Manager of the company, including the fact that you are the person that knows over 60% of the sources of the gold you purchase and sell, and that most of your customers would deal directly with the company only if you would introduce the company to them. Be prepared to state that the company would be in great difficulty if you refuse to introduce the customers to the company.

In the 25 years you have worked for the company, you have received three merit awards and not once have you been queried or found wanting relating to the business or your integrity.

Last week the company suspended you from duty indefinitely without any pay. The company suddenly noticed the loss of gold plates worth 100million Naira. The company also suspended one of your staff who is being detained by the Police. But in your own case, the Police just took a statement from you and released you on bail. The Managing Director is threatening to prosecute and jail any person connected to the theft. Though there is no trace of the theft to you yet, over half of the Gold plates were recovered and your staff who is being detained was heavily implicated as the thief. In spite of this you are terribly worried (continue to express worry, anxiety and fear over the matter and only tell what your fears are if asked and reassured of confidentiality).

If reassured of confidentiality, you can then open up and tell that your staff being detained had, a few months earlier, confessed to you that he sold one piece of the company's gold at N650,000 and you warned him to desist from such an act in the future; you did not report or discipline him.

You are now afraid that if the Police put more pressure of the staff, he could reveal this fact. You don't wish to be prosecuted, you don't want to lose your job, you don't want to lose your gratuity.

Client Instructions

This is your basic story. You are free to fill in any gap in the facts or in your personal history in any way that seems appropriate. But you may not change any of the facts in this account nor may you say anything directly contradictory to these facts. Based on the advice that you receive you may choose a cause of action that seem appropriate to you. (Playing the role of this client)

Case Study 2

You are Jacob Song. You told the lawyer's secretary that you have a problem with your employer. You work for Protemi Light Ltd. (Be prepared to but do not unless asked) provide an address, contact information and description of your company's business (which is public relations, research, audit and assessment of businesses). Your Company's clients are mainly multinational companies doing business in Nigeria who pay huge sums of money for the services. You have worked for the company for many years (You have worked for six years but do not disclose unless asked).

Be prepared to say that your current position in the company is Product Auditor.

Recently, you had problems with your Supervising Manager over allowances due to you for field work. He underpaid you on several occasions. Your complaints fell on deaf ears. Three months ago, he stopped your salary and directed the security to stop you from entering the company's premises because you refused to submit your report of a field work unless the Manager promised to pay the full allowances for all the field work you had turned in before.

After two months without salary, you wrote a petition to the Managing Director of your company in Lagos requesting that your supervising Manager be sacked for breach of ethical rules of the company, and that all your salaries and allowances be paid and you be allowed to return to work. (Do not say what the ethical rules or what the manager did to breach the rules unless asked) Note that the rule is that for any assessment of a company's business or product line, your company must actually visit the field, markets, etc where the goods are sold or consumed.

In this case your Supervising Manager in some cases usually wrote reports of assessment from his office without any staff or officer going to the field.

In your petition to the Managing Director, you also threatened to make your company's clients aware of the breach of the

Company's duties by using only reports for assessment reports without visiting the field.

Instead of reabsorbing you the Managing Director terminated your employment summarily by a letter. He later telephoned you and requested that you accept one year salary as full and final settlement. You are angry and confused. You think you are entitled to your work. Your greatest challenge now is that you have no money.

Client Instructions

This is your basic story. You are free to fill in any gap in the facts or in your personal history in any way that seems appropriate. But you may not change any of the facts in this account nor may you say anything directly contradictory to these facts. Based on the advise that you receive you may choose a cause of action that seems to be appropriate to you. (Playing the role of this client)

Case Study 3

Mrs. Rose Gwandi and Mrs Juliet Risa are sisters. They have three brothers, Julius, Jude and Ejiye Edem. All five are siblings from the same parents. The children were born in the following order- Julius, Rose, Jude, Juliet, and Ejiye. Both parents are deceased, their mother having died first. Their father, Eugene Edem did not remarry and later died intestate in February 2001. Letters of administration were obtained by Julius and Rose. At the time of his death he was the owner of two adjacent 3-storey buildings, each comprising six flats. The properties are located at Nos. 10 and 12 Mar Slessor Road, Calabar respectively. None of the children resides in Calabar and the caretaker of the property has been finding it difficult to get the tenants to pay rents. At a family meeting held on January 2, 2006, the family decided to sell the two properties. They were purchased by the Aristotle Institute, a new private university based in Calabar, which wants to use it as staff quarters. The transaction was completed by Julius in consultation with his two brothers.

Following the purchase, Julius called a family meeting, which was attended by all siblings. He further informed them at the meeting of the decision he arrived with Jude and Ejiye, that the women should each be given a sum equivalent to 5% of the proceeds of the sale, while the three brothers divide the rest of the money.

The sisters were not happy with this decision and raised three objections in relation to the property sale. The first objection was that they were not informed when a purchaser was found for the properties and so did not even realise that the properties had been sold. Secondly, they did not think that the price of N8million naira each paid for the buildings was fair price. Thirdly, they completely disagreed with proportion in which the brothers had decided to divide the proceeds of the sale. Feeling aggrieved, Juliet decided to consult a lawyer on the issues in contention.

Unless asked, the client should not disclose:

1. Whether Eugene died testate or intestate;
2. Whether letters of administration were obtained and if so, in whose name;
3. Whether Eugene Edem was in a monogamous marriage and whether all siblings were from the same parents;
4. The chronological position of the siblings in the family.

Case Study 4

Gladys and Pedro were married for four years, from 1994 to 1998, during which time they had one son, Jimi. Jimi was two years old when his parents divorced. Gladys was given custody of the child and in compliance with a court order, Pedro has been paying child maintenance cost of N5000 a month, to be reviewed whenever necessitated by the child's needs. In February 2002, Gladys remarried and moved into the house of her new husband, Martin Ndua, who generally had a good relationship with Jimi. However, one occasion when Jimi threw a big tantrum over going to school, an exasperated Martin slapped him on his left cheek to bring him back to his senses. About two days after, Jimi's mother noticed an ear discharge from Jimi's left ear, and when they went to see the doctor the next day, a severe ear damage was diagnosed. Some treatment was administered, but Jimi's hearing progressively degenerated, affecting his school work. Now it has become obvious that Jimi would have to attend school for children with a hearing impediment. The only such school in the part of the country- Rejoice Academy- charges N200, 000.00 per term as fees. Gladys and Martin, who are both civil servants, cannot afford the fees. Gladys and Martin have decided to consult a lawyer to see if there is a legally binding way of building the Rejoice Academy fees into Pedro's child maintenance costs.

Unless asked, the client should not disclose the followings:

1. How Jimi sustained the ear damage;
2. Current maintenance sum paid by Pedro;
3. Other terms of divorce settlement;
4. Gladysø and Martinø occupation

Case Study 5

Ebedi Jones was born in April 1965 to a single mother, Davina Ibe, following a short-lived relationship with Ivor Jones, a medical doctor who was unmarried at the time. Dr. Jones was aware that Davina had a child for him and did not at any time dispute the paternity of Ebedi. He provided for Ebedi's upkeep and when Ebedi turned 7, he took him into his own home. By this time, Ivor was married to Janet. The marriage between Ivor and Janet took place on May 14, 1966, and had one son, Vincent, and two daughters, Sally and Jenny, born in August 1967, September 1969 and January 1971 respectively. On June 17, 2005, Dr. Jones died testate at the age of 72. In his will, he left his country home to Ebedi and his house in the city to Vincent. Vincent feels that he should have inherited the country home as first son of the marriage between Dr. and Mrs. Jones. He now seeks the advice of a lawyer on the legal steps open to him to recover what he believes to be rightly his.

Unless asked, the client should not disclose:

1. Ebedi's date of birth;

2. The date of Dr. Jones's marriage to Rose;
3. Ivor Jones' age at the time of his death;
4. the dates of birth of the other children;
5. The date of Ivor Jones's will;
6. A copy of Ivor Jones's will;
7. Dr. Jones's hometown and the customary law that would ordinarily govern his country home;
8. Dr. Jones's disposition to customary practices in his lifetime.

Case Study 6

Mofe and Odafe are leaders of a rural community in Nigeria's Niger Delta region. The community enjoys the presence of DAV Oil, a multinational oil company. It is alleged that DAV oil is responsible for large scale air and water pollution in the community. Drinking from polluted water sources has led to a cholera epidemic with several deaths resulting. The people have also suffered severe bronchial tract infections from the polluted air. Additionally, many have lost their only source of livelihood, namely fishing. The young of the community do not have schools to attend. There are no health centres in the community and the sick have to contend with a 50km journey to the nearest health centre in the state capital.

Community leaders have met with representatives of DAV Oil to resolve the issue of corporate social responsibility. The Oil company contends that it is government's primary responsibility to provide for the peace and welfare of its people. For their part, the leaders argue that good corporate citizens must augment government's modest efforts by providing base amenities in their areas of operation. No agreements have been reached.

The youths have lost confidence in their leaders. They have chosen the course of self determination. Militia groups have therefore arisen from the community. These groups kidnap foreign oil workers and demand huge sums as ransom. They are also involved in illegal oil bunkering as if to get their share of the national cake. Not satisfied with the modus operandi of these militia groups and the resulting bad reputation they have earned for the community, Mofe and Odafe, as representatives of the people have resolved to consult a lawyer on alleged violations of their rights by the company.

Unless asked, the client should not disclose:

1. That the oil company paid huge sums as bribes to relevant government agencies to circumvent the laws on compensation;
2. That the oil company employs the services of the force team to arrest, detain and torture community leaders and

youth at will. For this purpose, the company maintains a detention facility;

3. That the team also enforces an in-house regulation that no member of the community may be found within 20km radius of the company's facilities after 7pm;
4. That the company maintains a "shoot at sight" policy towards community members who flout the 20km rule;
5. That the company maintains a "no job for indigenes" policy;
6. That the company's sewage systems are directly linked to the community's water bodies.

Case Study 7

Joseph Adedugu was picked up at the scene of a robbery incident. He was detained without charge for two weeks. Joseph's friend, Uche Oti, reported at the Police detention facility to demand his release upon which a charge of accessory to the fact of murder was leveled against him. Joseph was subsequently released. Uche was detained and made to confess to killing the policeman. He was taken before a magistrate on account of murder and remanded in prison custody. He now seeks to enforce his fundamental rights.

Unless asked, the client should not disclose:

1. That Uche was neither informed of the privilege against self-incrimination nor the nature of his offence at the time of arrest;
2. That Uche was detained for seven weeks before appearing in court;
3. That Uche's confessional statement was extracted under duress;
4. That Uche's plea was never taken at the Magistrate Court;
5. That Uche has spent seven years awaiting trial;
6. That Uche was denied access to counsel throughout.

Case Study 8

Centre for the Advancement of Democracy (CAD) is a non-governmental organization committed to promoting democracy and good governance in Nigeria. Since the advent of democratic rule, the group has been *a thorn in the flesh* of the federal government. The group has recently directed its members and supporters nationwide to embark on seven days strike to protest government's recent hike in the prices of petroleum products. The government takes the view that the proposed action is tantamount to sabotage and has resolved to quash any opposition. As the rallies preceding the strikes commenced, several members of the group were arrested and detained. The group thinks government cannot stop their rallies and therefore seek legal opinion on the subject.

Unless asked, the client should not disclose:

1. That the rallies were peaceful and without any major incidence;
2. That law enforcement agencies used maximum force to dislodge the rallies;
3. That several members of CAD were beaten and flogged at the time of arrest;
4. That detained members of CAD were held in the private residence of the state security chief;
5. That they have been denied access to their families, lawyers and doctors;
6. That the homes and offices of all detainees were ransacked and several documents confiscated.

Case Study 9

You are Chinenye, a graduate but unemployed and resident at Aba. You are married and you have three children. (Be prepared to but do not disclose the name of your spouse). On the 5th day of December 2007 your spouse who is also unemployed travelled to Yenegoa, Bayelsa State to attend an interview with an oil company. The interview ended at about 5pm. Don't supply this date unless asked.

On the way back to Aba after the interview at about 8 pm, some police men intercepted your spouse's taxi and demanded money

from the passengers. Your spouse could not pay and the policemen physically assaulted your spouse and took your spouse to their station where your spouse is being detained. (Do not supply name of police station unless asked)

You have attempted to bail your spouse several times but the policemen are requesting for N10,000. One of the policemen told you in confidence that if you do not pay soon that your spouse would be charged in court for armed robbery.

You cannot afford the money and you need advice on how to get your husband out of the police station and not be charged with armed robbery.

Case Study 10

You are Ogo and own a commercial motor lorry. Your lorry is out on hire. The driver telephoned you to inform you that he had an accident with the lorry at Kano.

He told you that he had in the lorry more than 40 Cows and that the lorry was over-loaded. At the outskirts of Kano, the driver complained that he ran into a pot hole and the lorry fell. One of the cows in the lorry fell on an oncoming car and crushed 2 children in the car to death.

Four days ago you received a letter from a lawyer to the family of the deceased children requesting that you pay the family of the deceased the sum of N50 million for the loss of the deceased children and damage to the car.

Yesterday, a group of market women besieged your office in an attempt to see you but you left the office through the back door because your secretary had told you that they were more than 15 in number and were looking very angry and shouting at the top of their voices.

Your secretary told you they were saying that they paid your driver to convey cows for them from Kano and they just heard that the cows were lost on the way as a result of the accident.

You are afraid and don't know what to do.

NOTES:

Facts to be stated only on demand:

1. You don't pay the driver salary but he rather pays you a lump sum of money every month;
2. The driver maintains the lorry on a monthly basis;
3. The lorry is at the central police station, Kano;
4. The driver cannot be found up till now.

Case Study 11

Miss Fyne Face, a resident of Bwari, Abuja owns a Honda Civic Saloon car. On 15th September, 2008, on her way to the market, the car developed a mechanical fault; she took the car to Olu her longstanding mechanic for service. He told her the problem was with the brake pads and fluid which had to be changed. She then instructed him to change it with new and original ones. He then charged Fifty thousand Naira (N50,000) and promised to finish the work before nightfall.

The following day, Miss Fyne Face received an urgent call to attend an interview in Lokoja, Kogi State. She hurriedly packed and set out for the journey. On her way between Gwagwalada and Abaji, a stray goat ran into the road and in a bid to avoid running into it, she applied the brakes which to her utmost shock, did not respond, causing her to swerve off the road and run into a ditch, severely damaging the car. She also suffered some injuries.

She has been able to identify the owner of the goat in that village. The Federal Road Safety officers who came around helped her tow the vehicle to the FRSC office.

A young apprentice mechanic in Mechanic Olu's office told Miss Face that his Oga did not change the brake pads but only added brake fluid but begged that she keep the information confidential.

She wants to know what to do. Her injuries have even yet to heal completely

Unless asked, the client should not disclose the owner of the goat is Mama Kwali and she is very poor;

Case Study 12

You are Uche Okoro, a legal practitioner. You have been qualified and have practiced for 5 years (but do not disclose this unless asked). A petition was recently written against you to EFCC. Do not disclose the name of EFCC as the recipient of the petition unless asked.

The allegation against you is that you have been conspiring with a local government chairman to defraud the local government of huge sums of money. Do not disclose the name of the chairman or the local government unless asked.

You have actually done about 5 matters for the local government in the last one year for which you were paid a total sum of N 1 Billion. Do not state the matters unless asked. The matters are:

1. Writing a legal opinion on a proposed bill to amend the local government law for which you were paid N200m;
2. Drafting the local government sanitation bye law- you were paid N200m;

3. Accompanying the chairman to the police station when he was invited to make a statement on some security problems in the local government area- N150m;
4. Filing a suit against the state House of Assembly for the local government- N300m;
5. Negotiating the purchase of a house for the local government at Abuja-N 150m

You agreed with the chairman to pay back to him the sum of N500m. You have given him N200m, leaving a balance of N300m. The chairman has been under detention and you have no idea why he is under detention. You have been invited to make a statement concerning your role in the alleged fraud. If the lawyers advise you to say the truth during any interrogation or tell you that you may be prosecuted for fraud, ask them the implication in relation to your continued legal practice

You need advice.

Case Study 13

You are Eme Oni. You told your lawyer's secretary that you are terribly disturbed and that you have not been able to eat for the past four days.

You work for Go Bank Plc (but do not supply the name of the bank or its location unless asked by your lawyers.

You have worked for the company for many years and you are the Chief Accountant. Do not disclose your position unless asked.

In the 25 years you have worked for the company, you have received three merit awards and not once have you been queried or found wanting relating to the business of the company or your integrity.

Last week the company suspended you from duty indefinitely without any pay. The Company suddenly noticed that a number of the company's customers lost a total of over N2M The company suspended you because they think that as Chief Accountant that you failed in your responsibilities and that was why fraud happened in the bank. The Board has also set up a full audit of the company's account. The company also suspended one of your staff who is being detained by the police and who is also implicated in the loss of the funds from customers' accounts. In your own case the Police just took statements from you and there is nothing in your statement that implicates you.

In spite of this you are terribly worried (Continue to express worry, anxiety and fear over the matter and only tell what your fears are if asked and reassured of confidentiality).

If reassured of confidentiality, you can then open up and tell that you have nothing to do with the loss of customers' funds but that some years ago, you had inflated prices of contracts for the construction of branch headquarters and received the kick backs from the contractors. With the kickbacks you were able to buy two big residential buildings and you opened an account in the US where you deposited part of the kick back.

The staff under police custody knows about the money you made from the kickbacks because he worked under you at that time and was the person that received the money from the contractors. You are afraid that if the police put more pressure on the staff, he could reveal this fact.

You don't know if you committed any crime; you don't wish to be prosecuted, you don't want to lose your job or your houses: you don't want these facts about the kick backs to become public knowledge. You don't know what to do.

Case Study 14

You are the DPP of Enugu State and you have been prosecuting in court for many years. You have this case file that was recently sent to you and you have issues with the matter and want lawyers' advice. The file contains lots of documents including witness statements. The file is in your office.

Your story is that there is this defendant (don't give any name even if the lawyers ask you; tell them you want to keep the name confidential for now) who is alleged to have carried out several criminal actions and you have been asked to prosecute him.

The defendant is alleged to have issued a false cheque drawn in the bank's name to Mercury Motor Company and the check was later returned as a fraudulent cheque. The cheque was not issued in the name of the defendant but based on the cheque the company released 6 SUV vehicles to the defendant. The defendant sold 4 of the vehicles and shipped the other 2 to Nigeria.

The defendant also issued another fraudulent cheque in the same name as for the vehicles to the same company who released 5 SUV injectors to him. He also sold 3 of them and sent to Nigeria via DHL the remaining 2 injectors.

There are 2 statements of the defendant in the case file. (If asked what the statements were on, tell them one denied the allegations but in the second one the defendant confessed to the fact that he issued the cheques and shipped the vehicle and parts but that you intend removing the statement of denial from the file). State that you have never lost a case you prosecuted and that you want to win this one at all cost. You want advice on what offence(s) to charge the defendant with and where to bring the charges.

Unless asked do not state the following:

1. The location of the Company - Maryland USA;
2. The name and location of the bank - Nexim Bank Maryland USA;
3. That the vehicles were landed in Lagos and the defendant claimed them;
4. That the Defendant lives in Enugu and was arrested with the vehicles in Enugu;
5. That the DHL parcel was landed in Calabar and the defendant claimed it from the DHL office in Calabar;
6. The cheque was issued in the US

Case Study 15

You are a foreigner who is on a visit to the country. You have been in the country for the past 2 weeks in a hotel and you are not yet close to solving the problem which is the reason you came. Your fund for the trip is running out and you are worried and terribly depressed. You are resident in the US but don't say until asked. You work full-time in a transport company. This is the second time you are visiting this country.

Now you are on this trip with some sort of leave without pay and if you don't return to work at the end of one month you would lose your job- and now is the period of economic depression and there are no jobs. You have 2 kids you are supporting.

You have been referred to the lawyers by a kind policeman you ran into during this trip. You had earlier consulted another law firm (keep names and address until asked) but they advised you to pay \$10,000 to them in addition to their fees to enable them pay the Commissioner of police to torture your duper to get him to cooperate and tell them where he kept the money he took from you.

When asked to talk about the money you were duped of, hesitate before telling.

Your grandmother who died some years ago left over \$1M for you in her WILL. You had planned to invest the money for some time so that you would use the yield to invest in charity work in Haiti. While you were contemplating what to do you received an email from one Chief Tom from Nigeria asking you to provide your account details for him to transfer some money about \$200,000M looted by the Late President which he kept for the President under a Ministry's name in the Central Bank but which he cannot use because of new financial rules regulating public servants in Nigeria. The money was purported for the payment of a contract for the supply of generators to the Ministry and that had earlier been certified done. But before the money could be transferred the President died.

Chief Tom introduced himself as the Senior Special Assistant to the Governor of Central Bank of Nigeria. After some exchange of emails, Chief Tom agreed that you will keep half of the money if you took custody of the fund. He invited you to visit Nigeria on his account. You did visit Nigeria early last year. He took care of all your expenses in the hotel and you visited him in his office at the Central Bank Abuja where he introduced you to somebody that was introduced as the Governor of the Central Bank and other officials. You were then convinced that the transaction was genuine (because you actually saw large signs of the Central Bank in the Building and offices) and you thought of all you could do

with \$100M for the poor in Haiti. So you provided him with all your bank details.

Instead of transferring the money, he began to ask for one tax payment or the other to enable him retrieve the fund from the Ministry's account. On the whole you transferred over \$900,000 to an account Chief Tom provided in Nigeria. He then suddenly stopped communicating with you.

You lodged a report with the Police in the US and after some series of letters you were advised that the Police in Abuja had taken over the matter. A friend in the US put you through to a law firm and when you contacted the firm, they advised you to come to Nigeria. That is why you came.

You have also visited the Commissioner of Police who handed you over to some other officers. The officers told you that they had arrested Chief Tom but released him on bail because they found no evidence to prosecute him.

Don't say unless asked - The Police have taken a statement from you but they don't seem to be doing anything further with the matter.

You don't know what to do; You don't know what to suggest to the police to assist the police in concluding the investigation; If the lawyers ask you if you have been made to identify Chief Tom say No!; You are interested in getting back your money and soon and you have contemplated committing suicide if you don't get it back; You need to return to the US in less than one week.

Case Study 16

You are (Name) a staff of Wellbeing Nigeria whose office is located at Cherry plaza (do not supply address unless asked). In June 2010, the property managers decided to renovate the plaza (unless asked, do not disclose the name of the firm or the fact that there was no prior notice of the renovation to tenants). You know that the present lawyers are lawyers to the owner of the plaza i.e Chief Baba Saleh.

While coming out of your office during the renovation, an iron rod dropped from a loose scaffold erected by the contractors and seriously injured you as a result.

You contacted Peter, a lawyer, to seek compensation from the property managers and you want the matter settled out of court. Peter insists it must go to trial and you will both share the compensation amount equally

In the course of the trial, Peter failed to tender some material evidence you supplied him to support your claim (unless asked do not state nature of evidence (which is the Medical Doctor's report) and refused to accept an offer for settlement by the company on the grounds that you would probably get more after a full trial.

On the next adjourned date, Peter did not show up and the Judge dismissed the matter for lack of diligent prosecution and awarded N20,000 Cost against you. Peter insists you must pay his legal fees as agreed or he will deal with you decisively.

You don't know what to do; You have some outstanding bills to settle with General Hospital for the treatment you received; You don't have money to even file fresh papers in court.

To: Lawyer

From: Secretary

Subject: Appointment with client

There is one man who is a tenant at Cherry Plaza ó that building owned by our client Chief Baba Saleh. The man wants to see you today. He came yesterday and he looked very sick and very worried

Case Study 17

You are (Name). You told the lawyer's secretary that you are terribly disturbed and that you have not been able to eat for the past four days. You work for Go Company Plc (Be prepared to but do not unless asked) provide an address, contact information and description of your company's products or business (which is gold trading)

You have worked in the company for many years (you have worked for 25 years but do not say unless asked). Be ready to state too that your current position in the company is Marketing Manager.

You have an employment letter stating the terms of your employment. One of the terms is that a person who worked for not less than 20 years would on voluntary retirement or withdrawal of service receive a 50 million Naira gratuity but if terminated summarily or dismissed from employment would receive nothing. Be prepared to talk about these conditions of service without mentioning that there is a written contract unless asked.

Describe your role as Marketing Manager of the company, including the fact that you are the person who knows over 60% of the sources of gold you purchase and sell and that most of your customers would deal directly with the company only if you

introduced the company to them. Be prepared to state that the company would be in great difficulty if you refused to introduce the customers to the company.

In 25 years you have worked for the company, you have received three merit awards and not once have you been queried or found wanting relating to the business or your integrity.

Last week, the company suspended you from duty indefinitely without any pay. The company suddenly noticed the loss of gold plates worth 100 million Naira. The company also suspended one of your staff who is being detained by the police. But in your own case, the police just took a statement from you and released you on bail. The Managing Director is threatening to prosecute and jail any person connected to the theft. Though there is no trace of the theft to you yet, over half the gold plates were recovered and your staff being detained was heavily implicated as the thief. In spite of this you are terribly worried (continue to express worry, anxiety and fear over the matter and only tell what your fears are if asked and reassured of confidentiality).

If reassured on confidentiality, you can then open up and tell that your staff being detained had a few months earlier confessed to you that he sold one of the company's gold at N650,000 and you

warned him to desist from such act in the future and you did not report or discipline him.

You are now afraid that if the police put more pressure on the staff, he could reveal this fact. You don't wish to be prosecuted, you don't want to lose your job, and you don't want to lose your gratuity.

Case Study 18

You are (name), a lawyer.

You have been in practice for many years (don't disclose number of years unless asked). You have a chamber and it is located outside Abuja (chose a city that is not Abuja as the location of your chambers).

You came to see the lawyer in Abuja because you have a problem and don't want to tell any lawyer within your city.

Your associate in chamber who is an Estate Valuer by profession is threatening to write a petition against you to the disciplinary committee of the bar.

You normally share all fees in the chamber with your associate: but in one case (one in which the fee of N5 million was paid by

your client), you don't want to share the fee. The reason is that the N5 million was paid by one Mike (your client) for you to give kick-back to some officers of the Ministry of Works to influence a contract for your client. The money was paid into your personal current account and your associate knows that you did not pay the kick-back and that you got the contract for your client without paying the money. Your associate insists that you should transfer the money into the chambers' account and later share it with him in your usual practice of sharing fees.

Your associate also knows about another matter relating to the same client Mike. Two months ago you represented Mike in the purchase of his brother's share of a piece of land which he and his brother owned as tenants in common. You bought Mike's brother's share at N2 million for Mike based on an evaluation report given to you by Mike which had your associate's signature. Mike in the same month asked you to sell the same portion of land to a third person for N10 million using another evaluation report prepared by your associate which valued the property at N10 million. The purchaser made a payment of N10 million into your personal current account and you completed the transfer agreement. You now know that your associate's signature on the earlier evaluation report of N2 million was forged by Mike your client and that the true value of the property is N10 million. You have not paid over

the N10 million to Mike but you do not know exactly what to do, now that your associate is threatening to expose these facts.

To: Lawyers

From: Secretary

One Lawyer, Mr. Emeka, telephoned from Keffi and wishes to see you today. He wishes to discuss some problems he has with his associate for your opinion.

Case Study 19

You are (supply name). You have worked as an air steward(ess) for Nigeria Airlines based in Lagos for the last three years. You do a variety of long haul and short haul flights for them but have increasingly found the long haul flights extremely tiring.

However, you love your job and cannot bear to do the Johannesburg runs, for example. You have tried taking sleeping tablets to help you get over jet lag but this did not help. Another steward then tells you about an alternative remedy which she has found helpful. You go to your local pharmacy and explain your symptoms. The pharmacist seems very knowledgeable and has recommended a homeopathic drug, Triple XXX, which he did not currently have in stock. He told you to contact HealthCare, a small

company which made the drug. You rang the company asked for the drug by name and it was posted to you.

There were no instructions with the bottle of tablets but the pharmacists had told you to take it three times a day on days when you are flying and the day afterwards. You do this on your next long haul flight to Johannesburg. You feel even more tired than usual at the end of the flight and after a quick drink go straight to the hotel to rest. You awake 36 hours later to find that you have missed the flight back to Lagos.

When you arrive back you are called into work and fired. Stunned, you contact HealthCare but are told that the company has ceased trading. Nobody there will talk to you. The pharmacist says that he only told you about the drug and assumed that HealthCare would issue necessary precautions about its use.

You visit your doctor who says that not only is there an absolute ban on drinking alcohol with the drug but that peoples sensitivity to it depends on a variety of factors, including their general state of health and that you appear to have been recommended an unusually high dose. However, he also thinks that it is possible that you had an extreme reaction to it.

You are frantic to get your job back or, failing that, compensation and have come to a solicitor for advice on what you should do. In fact, the airline fired you after three warnings about your lateness and behaviour at work ó but do not own up to this easily.

Case Study 20

You are (Name). Your father owns a business but you effectively run it (you say). The company makes polystyrene products ó containers for e.g. hamburgers, packing, drinking cups i.e. moulded products. Also it receives containers and recycles them by grinding them up into beads ó then used for packaging etc. It is a small company with 10 employees and 2 secretaries.

One of the problems is with one particular employee (Name), who is making life difficult for you. He joined the company about eight months ago. At first he seemed a good worker and got on well with everyone. In fact he still gets on well with everyone (you think he is going out with one of the secretaries) except you whom he chooses to agonise at every opportunity. His particular delight is to make negative remarks, which the other all seem to think is funny. He is also a stirrer ó he is encouraging the others to complain about their work.

You want to know the legal position about disciplining or sacking him, but at the same time you don't want to antagonise the other

workers; you do not want any of them to leave and you would rather not start again with untried or untrained labour.

The questions: what can you do with someone who is constantly trying to stir things up? The sort of employee who is always talking to others about what is wrong with the place, how he would do things differently, about how little the boss (you) seems to care, how you won't listen to complaints. He is the sort of troublemaker who can make the company lose money. If the lawyer's advice is to sack him, you hesitate; he is an OK worker, so how can you prevent him without going that far to begin with?

Secondly, suppose you've heard rumours that another employee is going to give information on how you run the business. (Wait for the lawyer to respond here before telling the lawyer the kind of issue you are afraid of. See if the lawyer would ask what is involved or if he would suggest something; also see if the lawyer would assure you of confidentiality protection). Reply that it concerns production methods, ways that you process which do not conform with the Standards Organization Rules and safety regulations; you want to find out what you can do about this employee who may divulge to an outside body e.g. Standards Organization or the police, or EFCC or a local newspaper the lack of safety at work and the fact that your company helps some

politicians to launder lots of dollars abroad. Ask if you should offer him an incentive to keep quiet.

Case Study 21

You are (Name). You told your lawyer's secretary that you have a problem with your employer. You work for Green Light Ltd. (Be prepared to but do not unless asked provide an address, contact information and description of your company's business (which is public relations, research, audit and assessment of businesses). Your company's clients are mainly multinational companies doing business in Nigeria who pay huge sums of money for the services. You have worked for the company for many years (you have worked for about six years but do not disclose unless asked).

Be prepared to say that your current position in the company is product Auditor.

Recently, you had problems with your supervising Manager over allowances due to you for field work. He underpaid you on several occasions. Your complaints fell on deaf ears. Three months ago, he stopped your salary and directed the security to stop you from entering the company's premises because you refused to submit your report of field work unless the Manager promised to pay the full allowances for all the field work you had turned in before.

After two months without salary, you wrote a petition to the Managing Director of your company in Lagos requesting that your supervising Manager be sacked for breach of ethical rules of the company and that all your salaries and allowances be paid and you be allowed to return to work.

(Do not say what ethical rules or what the manager did to breach the rules unless asked. Note that the rule is that for any assessment of a company's business or product line, your company must actually visit the field markets etc where the goods are sold or consumed. In this case, your supervising Manager in some cases usually wrote reports of assessment from his office without any staff or officer going to the field).

In your petition to the Managing Director, you also threatened to let your company's client know of the breach of the company's duties by using only reports for assessment without visiting the field.

Instead of reabsorbing you, the Managing Director terminated your employment summarily by a letter. He later telephoned you and requested that you accept one year salary as full and final settlement. You are angry and confused. You think you are entitled to your work. Your greatest challenge now is that you have no money.

Case Study 22

Your name is Joe/Josephine Kalu. You were employed as an Administrative Assistant in Somchi Engineering Co Ltd. You joined the Engineers Workers Union Enugu, immediately after your employment. About six months into your work, you attended a meeting of the Union where you informed them about the unsafe and unhealthy working atmosphere at Somchi Ltd. As a result of your report, the Union wrote to the Managing Director of your company, giving him an ultimatum to rectify the complaints or face industrial actions. Yesterday, your Managing Director sent for you. In the meeting, he informed you of the decision of the board of the company to terminate your employment, citing insubordination and indiscipline on your part. When you probed further, he said that you disobeyed company rules and regulations which prohibited the membership of trade unions by the company's senior staff employees.

This is your basic story. You are free to make up the rest of the story, provided they are not inconsistent with the basic story above. You are also permitted to reveal the following facts to the Lawyers, but only if they ask you.

You had an employment contract with Somchi Ltd though still on probation; You did not read the terms of the contract and so did not know you were a senior staff; You were not aware that the

company regulations prohibited membership of trade unions; Your monthly salary was N50,000; You did not report first to the Company about the complaints before saying it at the meeting; You had no intention of reporting the company, you simply made a casual statement during AOB in the meeting; The Managing Director offered to withdraw the termination letter if you agreed to sabotage the trade union, act as spy for management within the union and receive monthly allowance of N20,000.00 to destabilize the union; You were given a severance pay cheque of N50,000.

Your goals are as follows:

You do not want to lose your job; You do not know whether to take the money; You do not want to lose everything; You want advice on what the law says in this type of situation; Please keep your answers short and simple

Case Study 23

Your name is Berry/Barry Okafor. You were employed as a Computer Consultant by Calyx Company, Wuse II Abuja. You were given a task to restructure the Company's website. It was agreed that you would be paid Four Hundred and Fifty Thousand Naira at the end of the work. Three months into the work, you became very weak and nauseous as a result of your pregnancy. This made you miss the next two months of work. By the time you returned, you were presented with a sack letter.

This is your basic story. You are free to make up the rest of the story, provided they are not inconsistent with the basic story above.

You are also permitted to reveal the following facts to the Lawyers, but only if they ask you:

You were given an office to work from; There was no formal contract for the employment; You were told that you can work your own hours without supervision, however you were to submit a report to the board of the company every month; The work was to last for six months; The Managing Director, in delivering the letter to you, gave you a cheque of N75,000 as severance pay; You also have complaints about the use of some unwelcome innuendos and suggestive words, like sexual jokes and unwelcome comments about your body by some of your male colleagues when you were pregnant.

Your goals in approaching the Lawyers are as follows:

You do not want to lose your job; You have made serious plans for the money and not getting it would jeopardize everything; You really want to complete the job so that you can use it to boost your CV; But You do not want to lose everything; You want advice on what the law says in this type of situation.

Please keep your answers short and simple.

Case Study 24

You are 17 years old (*unless asked, do not disclose your age*). You were brought to the city to live with your Aunt after your father died, when you were about 6 years old (*unless asked do not disclose the name and details of your aunt and father*).

On 16 December 2012, along with your Aunt, you attended the regular Sunday service held by the Senior Pastor of your Church (*be prepared to but do not disclose name of Pastor and church unless asked*). Towards the end of the service, the Pastor started preaching about witches and warns the congregation against them. He turned to your Aunt and blamed the witches for her many misfortunes (*which includes barrenness, loss of job and burning of her supermarket*). After this revelation, he became agitated and aggressive and shouted *we have to fish out the witches and punish them!* He then pointed at you and started walking towards you saying; *She/He is a witch, she/he is responsible for all your misfortune! Get her/him and punish her/him!*

Your Aunt and the Pastor grabbed you and took you out of the church where your hands were cuffed and you were tied to a pole. The Pastor brought out a whip and started whipping you; collected a red hot iron rod from a member of the congregation and burned you several times on the back. Other members gathered around you shouting and hauling stones at you.

You were severely injured but rescued by a good citizen (supply name and details of the good citizen only when asked) of the Church and taken to the State Specialist Hospital for medical attention. (Supply name and details of the hospital only when asked by the lawyers)

1. You have been discharged and lost an eye and your body is badly scarred as a result of the incident;
2. You don't want to go back to your Aunt's house but you don't have anywhere to go to;
3. You don't have money to pay for the services of a lawyer;
4. You do not know what to do.

To: Lawyer

From: Secretary

Subject: Appointment with client

There is a young person who is here to see you. She/He has refused to tell me why she/he wants to see you but insists she/he has to see you. She/he seems to have some injuries.

Case Study 25

You are Miriam, and you have just gained admission at a State University (*be prepared to but do not give name of school unless asked*). During registration, you met Ugo, a 300 level student, who

assisted with the registration process. On December 2012 (supply date only if asked by the lawyers), Ugo invited you for a party at his friend's place. At first you were reluctant to attend but Ugo pleaded with you and you felt obliged to return his kindness.

On getting to the venue of the purported party, you noticed there were only four male students in the room. You did not feel comfortable and made to leave the place when Ugo and two of the men grabbed and carried you to a dark room and locked you up.

After being kept in the room for several hours, Ugo came into the room with a bottle and asked you to drink the content. You initially refused to drink but Ugo later made you drink it. *(unless asked, do not disclose that you were slapped, punched and harassed until you took the drink)*. You lost consciousness and when you regained consciousness you found your pants soaked in blood and had strong pains in your private place and round your waist.

After you regained consciousness, the men threatened to deal with you if you ever mentioned the incident to anyone. They carried you in a terrible state and dumped you by the road side where you were found and taken to the hospital, where you were examined, treated and discharged after 2 weeks. Do not disclose name of the hospital and doctor that treated you unless asked.

You don't know what to do.

You don't want your parents to know about this.

To: Lawyer

From: Secretary

Subject: Appointment with client

There is a young lady who wants to see you. She came yesterday and she looks distraught and scared.

Case Study 26

You are the Pastor of a Church. On this Sunday you were in charge of the day's service. You were moved to preach about witches and warn the congregation against them. One particular young lady in the church caught your attention and you were spiritually moved to single her out as one of the persons possessed by witches. You signalled to your church male ushers to take her away.

At the end of the preaching, you went over to the church office where the ushers had the young lady, and found that the lady was lying on the floor unconscious and the ushers were nowhere to be found. You saw blood from the lady's head and you got your security man to assist you take the lady into your car.

You drove her to a hospital and gave a fake name as yours. You even produced a fake ID card which you had on you to prove your fake name. Now you have gone underground as you have found out that the police are looking for you.

You don't know what to do.

The ushers are also on the run.

You don't know the state of the lady as at now.

To: Lawyer

From: Secretary

Subject: Appointment with Client

One man is here to see you. He is in some serious trouble and wishes to discuss with you for your opinion. He seems terribly agitated.

Case Study 27

You are a taxi driver and have been having some financial difficulties after losing your Job as an accountant in a Bank. (At this point show a lot of hesitation in continuing with the story and see if the lawyers would assure you or reassure you of confidentiality.) You picked up a passenger who asked you to convey him to Aba for an important business transaction. En-route, you discovered that the passenger had a large sum of money in his possession and you came up with a plan to rob him.

Between the Enugu ó Okigwe Expressway, you stopped the car in a deserted spot and told the passenger the car had developed minor mechanical fault which needed to be fixed. You came out of the

car and called the passenger to help you with some tools. In the process, you struck him on the head and chest with a stick and dragged him into the nearby bush where you dumped him and made away with the money.

You learned from a newspaper that the passenger was found by a Highway Patrol Team who took him to the University Of Nigeria Teaching Hospital where he was discovered to have broken several ribs and was in a coma. You later learned that the passenger recovered but became paralysed on one side of his body.

You think that your taxi number is known to the passenger as you had given him a receipt earlier but you are not sure. You are hiding your taxi and lying low too and have not been able to earn a living since the incident.

You spoke to a lawyer friend about this case hypothetically and the lawyer friend told you that the best thing for such a person was to relocate to another city.

You are confused

You are terribly afraid that the police would arrest you once you came out from hiding.

You don't know what to do.

To: Lawyer

From: Secretary

Subject: Appointment with Client

One man is here to see you. He is in some serious trouble and wishes to discuss with you for your opinion. He seems terribly agitated.

Case Study 28

You have been married for 10 years and you are blessed with 4 children together with your husband.

Your husband has a very rich lawyer who is his very good friend. (Hesitate strongly before continuing with the story and see if and how the lawyers will assure you or reassure you of confidentiality). For the past 3 years, you have been dating this lawyer secretly. This lawyer has been providing you strong financial support for a high life style. He even bought you a Camry car recently. This lawyer recently proposed marriage to you and asked you to divorce your husband or he would stop dating you. You did not want to divorce or leave your husband but did not want to stop dating the lawyer.

Recently the lawyer told you that he was going to do everything possible to remove your husband from your relationship. You did

not say anything in response. A week later, robbers entered your house and shot your husband in the head. The robbers took only some of your jewels and shot your husband even after he pleaded with them to take money from him. Your husband is still in the hospital and in coma. Doctors think that he will come out from the coma but that he will have a permanent brain damage that may impair him for life. During the robbery incident, you heard your husband call the name of one of the robbers even though the robbers were wearing face caps. The name called by your husband is the name of one of the security men at the house of the lawyer. You have also seen a text message on the lawyer's telephone where the lawyer was telling someone to "find a way to finish that thing". You think the text message is referring to an instruction to go and make sure that your husband is finally killed but you are not sure.

You are afraid that another attempt will be made to kill your husband in the hospital. You don't want your husband to die.

You are afraid that if your husband comes out from coma he may say the name of one of the suspects and investigation might implicate you somehow as a person who knew about the attempt to kill your husband.

You are afraid of going to jail.

You are afraid of losing your children.

You don't want anybody to know that you have a relationship with the lawyer.

You have not had sleep for many nights.

You are totally confused and terrified.

To: Lawyer

From: Secretary

Subject: Appointment with Client

One woman is here to see you. She is in some serious trouble and wishes to discuss with you for your opinion. She looked terrified.

APPENDIX

Suggested Clinical Law Teacher's Skills Resources

1. Barry, M., et al, "Teaching Social Justice Lawyering: systematically including Community Legal Education in Clinical Legal Education," *18 Clinical L. Rev.* 401 (2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1924393.
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4. Bloch, F.S., ed. *The Global Clinic Movement: Educating Lawyers for Social Justice*, 2011, Oxford University Press.

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9. Kate, E., & Dennick, R., *Small Group Teaching: Tutorial, Seminars, and Beyond*, RoutledgeFalmer, 2004.
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13. Stuckey, R., & Others, *Best Practices for Legal Education: A Vision and Road Map*, Clinical Legal Education Association, 2007.

14. Sullivan, W.M., et al, *Educating Lawyers: Preparation for the Profession of Law*, The Carnegie Foundation for the Advancement of Teaching, 2007.

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In 2006, the Network of University Legal Aid Institutions (NULAI Nigeria) developed a Clinical Legal Education Curriculum for Nigerian Universities' Law Faculties and Law Clinics. Many Law Clinics adopted the curriculum. After using it for many years, NULAI Nigeria with the support of MacArthur Foundation set up a committee to review the curriculum and suggest more detailed lessons to guide clinical law teachers and students in the clinics' academic and service programmes. The reviewed curriculum was further subjected to a discussion at a conference attended by many clinical law teachers to validate the review based on our shared experience.

Clinical Legal Education: Curriculum, Lessons and Materials is a product of the in-depth review. The contents are meant to serve as a model providing guidance only to any Law Faculty, Law Clinic, Law Teacher or Trainer. The user is free to modify the curriculum and lessons as much as needful.

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