

APPLICATION OF THE HARVARD LAW SCHOOL (HLS) TEACHING AND LEARNING METHODS IN THE NIGERIA LEGAL EDUCATION SYSTEM*

Abstract

Teaching methodology is a viable way of enhancing teaching and learning across all courses and subjects in the Nigeria higher educational system. The legal education being a unique of a kind in its content and ramifications requires a comprehensive method of teaching and learning to cope with current changes and challenges in the Nigerian cultural milieu, manifest in the curriculum of law itself and its delivery system. The aim of this work is to x-ray the Harvard Law School Teaching and Learning Method to see how it can be applied in the Nigeria Legal Educational System. The methodology of this work is doctrinal. The findings of this work are that the HLS is a comprehensive package of teaching and learning law and can be used effectively in Nigeria. It is recommended that more work be done in this HLS especially in law clinics and practicum of all the Law Faculties in Nigeria.

Keywords: Harvard Law School, Teaching and Learning Methods, Legal Education, Nigeria

1. Introduction

Harvard Law School provides a lively, full-time in-person rigorous educational environment. The HLS class room is characterized by active, inductive and sometimes experimental teaching that requires in person and real time processing and response to information and discussion. Students are expected to be engaged in vigorous discussion and debate as part of the education process in the law training program and to engage constructively with colleagues in and out of the class room. HLS provides unparalleled opportunities to study law with extraordinary colleagues in a rigorous, vibrant and collaborative environment. Regular and consistent attendance is essential in ensuring an appropriate level of engagement in the court. By attendance, students are expected to be physically present in the classroom¹.

2. The HLS Teaching Methods

Socratic Method: HLS is renowned for its use of Socratic Method which involves professors asking students questions to stimulate critical thinking and engage them in a dialogue about legal principles. This method encourages active participation and deepens understanding. These questioning skills can be modified in the Nigerian Legal System to include lower order or higher order questioning skills. In teaching methodology, questioning skills are used for varied reasons but more in the teaching process to arouse critical thinking and at evaluation stage to ascertain the level of understanding of the students. These two methods of questioning can further be divided into closed, open and probing questions. Closed questions often lead to a simple yes or No answer that do not necessarily involve a recall or critical thinking. Open questions lead to more complex and extended in-depth thinking and answer. Probing questions are similar to open questions, but they seek to build on what has been earlier answered and probing to get more precise answers. Leading questions are questions that suggest a likely or probable answer and does not very often involve critical thinking. Leading questions are not generally allowed in examination in chief but can be entertained under cross-examination. Section 221 of the Nigeria Evidence Act² states that:

221(ii) 'Any question suggesting the answer which the person putting it wishes or expects to receive is called a leading question.

221 (2) Leading questions shall not be asked in examination in chief or in re-examination except with the permission of the court.

221(3) The court shall permit leading questions as to matters which are introductory or undisputed or which have in its opinion, been already sufficiently proved.

221(4) Leading questions may be asked in cross-examination

Case Method

The case method allows students to study actual court cases to understand legal reasoning, apply the law and analyze judicial decisions. This method helps students develop practical skills in legal analysis. This method is a kind of group/corroborative reading amongst peers and is very useful in their shared ideas and free access to each other to ask questions, get clarifications, analyses judgments of courts and see how law, judicial precedents and equity are applied in courts judgment. It also enables the students to explain and apply the logic and logistics of courts judgment in

*By **Jude Uchenna OKOYE, PhD (Law), PhD (G/C), Crit. (Cert) Toronto**, Lecturer, Faculty of Law, Nnamdi Azikiwe University, Awka., Anambra State, Nigeria

***Chinazor Queen UMEOBICA, PhD**, Reader, Faculty of Law, Nnamdi Azikiwe University Awka, Anambra State, Nigeria, Email: cq.umeobika@unizik.edu.ng

¹ Harvard.edu 'What to Expect from the Educational Experience at Harvard Law School' 2022. The president and fellows of Harvard College. Accessed 9/12/2024.

² 2011

distinguishing cases and precedents and the applications of substantial justice over technicalities and vice-versa. In the Nigeria context, most universities nearest attempt to this case method dwells in giving students assignments to report cases in the library on their own. There are rarely the application of the Harvard case method model in official capacity wherein such case study method forms part of the curriculum or teaching option in most universities across the Nigeria. Cases are narratives, situations, select data samplings or statements that present unresolved and provocative issues, situations or questions³. The case method is a participatory, discussion-based way of learning when students gain skills in critical, communication and group dynamics. It is a problem-based learning. Case method is a partnership between students and teacher as well as among students. It promotes more effective contextual learning and long term retention. It involves trust that students will find the answers. It answers questions not only 'how' but 'why'. It provides students the opportunity to 'walk around the problem' and to see varied perspectives^{4, 5}.

Seminars and Small Class

The general format of teaching in most universities across the world is the general large lecture model. The Harvard Law School offers Seminars and small classes in addition to the large lectures. The idea is for students to engage in an in-dept discussions and collaborative learning. These settings foster closer relationship between students and faculty. According to EF Academy⁶, the benefits of small class size include: each student gets noticed, better results, learning is enhanced, teachers can teach, classes become community; opportunities to participate, focus on learning, more feedback, students and teachers can work one-on-one, ideas are shared. A seminar is a form of academic instruction either at an academic institution or offered by a commercial or professional organization. It has the function of bringing together small groups for recurring meetings, focusing each time on some particular subject in which everyone present is requested to participate. This is often achieved through an ongoing Socratic dialogue⁷ with a seminar leader or instructor through a more formal presentation of research. It is essentially a place where assigned readings are discussed, questions can be raised and debates can be conducted.⁸

Clinics and Practicums

Harvard Law School provides numerous law clinical opportunities where students can represent clients, work on real legal issues and gain practical experience. Clinic covers various fields including criminal law, immigration, civil litigation, human rights etc. The popularity of clinics and practicums in the Nigerian Universities and the Nigerian Law School is gaining wide spread popularity and benefits. Clinical legal education is spreading like a wild fire in the harmattan in the Nigerian Universities and are being sustained by faculties of law with more funding and interest.

Interdisciplinary Approach

Under Harvard Law School Teaching and Learning Methods, it encourages students to integrate knowledge from other disciplines such as economics, sociology, psychology and political science into their legal education. In Nigeria, interdisciplinary approach is common and part of the legal education and very veritable in the students training and experience. Courses are borrowed from the 1st year of study to the final year such as the Use of English, Mass Communication, Political Science, Psychology, General Studies courses etc.

3. The Philosophy and Rationale behind the Harvard Law School Teaching and Learning

The basic Philosophy and idea of HLS is to inculcate practice skills to the students. According to Shreve⁹, the main rationale, objective and philosophy of the Harvard Law School Teaching and Learning can be summoned thus:

- i) To assist students in understanding the law-fact relationship in legal problem-solving.
- ii) To provide students with a sense of litigation.
- iii) To aid students in perceiving themselves a law students and lawyers to be.

To make the students understand the law fact relationship in legal solving, students are told that they cannot truly conceptualize the facts of a problem without knowledge of the legal rules and that they cannot conceptualized the use and purpose of these legal rules without appreciating a particular setting. This the HLS teaching and learning strength makes the students to gain entry into the process of legal reasoning and the search for the applicable rules. It is tough

³ Indiana University Teaching Hand Book 2005

⁴ Bruner, R. *Socrates muse: Reflection on effective case discussion leadership*. New-York. McGraw Hill. 2002

⁵ Christensen, C. R. Garvin, D. A; & Sweet, A. (Eds) *Education for judgment: The artistry of discussion leadership*. Boston. Harvard Business School Press. 1991

⁶ E.F Academy. 10 benefits of small class. <https://www.ef.com> accessed 01/02/2025

⁷ Method-Problem Method Dichotomy: the Debate over Teaching Method Continues' BYU Educ. & LJ 1998

⁸ Billing L and Fitzgerald, J. Dialogic Discussion and the Siddhartha Seminar. 'American Educational Research Journal' 2002.

⁹ Shreve, G. r. 'Classroom litigation in the first semester of law school. An Approach to Teaching Legal Method at Harvard' Indiana University Maurer School of Law Faculty o 1031 Shreve@indiana.edu.<https://www.repository.law.indiana.edu/facpub/1031>

though to students, especially the first-year students and that is why in the HLS, the teachers devote a lot of energy to the development of intellectual toughness and resilience sufficient to cope with the process. It therefore means that the different case presentations to the students provide a setting for students to participate in an evolving process of determining legally significant facts within the framework of the case. According to Shreve¹⁰ as the students move toward trial, they travel back and forth from the realm of legal analysis to the realm of fact investigation appraisal. During this process, students will engage in a simultaneous narrowing of possible, useful facts and applicable legal rules. In all these, the students work under laboratory conditions very small, closely supervised setting demonstrating for themselves how the process of legal reasoning apply to problem solving.

Litigation is primarily rooted in cases hence the case method is used right away from the first year of study to convey to the students a sense of litigation. When a case is presented to the students, it embodies amongst others a complaint, interlocutory relief, discovery, motions, trial and judgment hence the case presented offers to the students a three-dimensional perspective in litigation. The end result is that at the end of trial of each case, the students have a firsthand understanding of the nature and significance of a record of decision by understanding why particular evidence was in the record and how the judge related to it. They also see the helpfulness of the development of a case file and model court paper in the file becomes subject of analysis and criticism in the class room making them to learn how to manage and understand the significance of an increasing amount of court papers, memoranda and investigatory notes. The teaching case required three written assignment (complaints, discovery, and brief on motion to dismiss) and two oral assignments (a pre-trial arrangement and a trial role) from each student. These assignments according to Shreve¹¹ provide ongoing means by the lecturers to monitor the students' comprehension of the course. The assignments also serve the broader purpose of enabling students to express to some extent intellectual growth and identify during the first semester of law school¹². Even modest success during this period had quite a salutary effect on students' confidence and self-respect¹³.

4. Conclusion

Reputation and resources, diverse curriculum, access to influential alumni, cutting-edge research, global perspective, combination of rigorous academic training, practical experience and a strong professional network makes prestigious Law School teaching and learning method uniquely valuable in legal education across the world. Although some of the contents in the Harvard Law School is applicable in the Nigerian legal education, this paper is a call to duty to Nigerian legal educators, curriculum planners and administrators to realize that nothing spectacular in the Harvard Law School. This can be achievable in our legal education but calls for commitment, and insistence that the contents of the Harvard Law School be fully implemented and evaluated on monthly basis to ensure compliance and results.

¹⁰ *Ibid*

¹¹ *Ibid*

¹² Johnstone 'Students Discontent and Educational Reform in the Law Schools' 23. *J. leg. Ed.* 255-278. 1970.

¹³ Sarason, Sarson and Cowden 'For some students Dying Begins with Graduation' *Law and Learning* 44 (fall, 1974)