

The Unique Role of Law Library in the Training of Legal Practitioners in Nigeria.

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ABSTRACT: The Law library has been playing an indispensable role in the training of legal practitioners in Nigeria, Law library provides the resources necessary for the training of legal practitioners, these resources include the primary sources of law, secondary sources of law and other legal information resources like electronic resources, all these are tools for the training of would be lawyers. Legal education dates back to the period of colonization of Nigeria by the British. The law library is as old as the legal profession itself. The contribution of law library to the training of lawyers have produced successful lawyers in the country. This paper has highlighted the history of legal education in Nigeria, the history of law library, the input of regulatory bodies to the training of lawyers, the role of legal practitioners to the society and the role of law library and law librarian in the training of legal practitioners.

KEYWORDS –LEGAL EDUCATION, LAW LIBRARY, ROLE OF LAW LIBRARIAN, LEGAL PRACTITIONER

I. INTRODUCTION

A law library is more than a collection of books managed by librarians, it is a collection built and organized with a purpose, to facilitate the learning, research and practice of law. (American Bar Association [ABA], 2011, p.44).¹historically, the common phrase used to describe the academic law library is “the laboratory of the law school”. The law library has always been a core part of the law faculty with the primary mission to serve the legal research needs of law teachers and students. The law library holds the law students to the law faculty. They spend more time in the libraries than they do in the classrooms. To show how important law libraries are, Dada (2007), said that law is a profession which is literally unable to exercise its work without the use of books.

He said that it is important to conclude that as an operating theatre is important to a Surgeon, a workshop to an Engineer and a laboratory to a Scientist, so is a law library central to the work of a lawyer or a legal researcher. It is an indispensable organ of the faculty of law and the Nigerian law school for the training of aspirant to the Nigerian Bar.

II. Brief History of Legal Education in Nigeria

The history of the legal profession in Nigeria derives its origin from the English Legal system and legal profession, which were introduced into the country in the second half of the nineteenth century. The first part of Nigeria to come under British administration was Lagos, which became a British Colony on August 1, 1861. With the establishment of the British administration following the cessation of Lagos, it became necessary to introduce some workable system of law and legal institutions, the first court was Police Court set up Lagos in January 1862, quickly followed by the Supreme Court Ordinance 1863 which constituted the Supreme Court of Her Majesty's Settlement of Lagos, the Ordinance provided that “the laws of England shall have the same force and be administered in this Settlement as in England so far as such laws and such administration thereof can be rendered applicable to the circumstances of this Settlement.” Between 1863 and 1874, some nine other courts were constituted. Among these were the Petty Debt Court, The Court of Civil Criminal Justice and the West African Court of Appeal. The Supreme Court Ordinance 1863 established the Supreme Court of her Majesty's settlement of Lagos and provided that the laws of England should have the same force and be administered in the settlement as in England, so far as such laws and such administration could be rendered applicable to the circumstances of the settlement. Shortage of legal personnel made the application of the Ordinance and running of the Courts almost impossible. The establishment of the

English type legal profession in Nigeria therefore became inevitable. The urgent need for qualified legal practitioners necessitated the promulgation of the Supreme Court Ordinance 1876.

There are three major phases of the history of legal profession in Nigeria:

1. The period between 1876 – 1914
2. The period between 1914-1962
3. The period between 1962-date

In 1876 the Supreme Court Ordinance was enacted to regulate the legal profession and to define those who could engage in the practice of law in the colony. The Ordinance provided that those who had already been admitted as barristers or advocates in Great Britain or Ireland, or as solicitors or writers to the signet, in any of the courts at London, Dublin, or Edinburgh were to be allowed by the Chief Justice to practice as barristers and solicitors in the Lagos colony. Educated Africans deemed sufficiently knowledgeable in the law by virtue of their close contact with practitioners were also allowed to practice as attorneys.³

Adewoye wrote that “there was not a qualified legal practitioner until August 1888 when Christopher Alexander Sapara Williams made his first appearance at the Supreme Court”. Sapara Williams was called to the Bar at the Inner Temple in 1879. He had the best and largest law library along the West Coast.⁴

The period between 1914- 1945 marked the amalgamation of Northern and Southern Protectorate to form the country Nigeria. The only categories of legal practitioners who practiced in this era are the professionally qualified practitioners and the local attorneys already licensed. However the Supreme Court Ordinance of 1876 was repealed by the Supreme Court Ordinance of 1943 and pursuant to this Ordinance the Supreme Court (Civil Procedure) Rules 1945 ended the era of self-taught attorneys’ who, although not professionally qualified, were allowed to function as barristers and solicitors.” From that time, only those “entitled to practice as barristers in England or Ireland or as advocates in Scotland could be admitted to practice in Nigeria. Accordingly, formal legal education became an essential enterprise. Moreover, the lack of qualified persons in the colonies compelled the fusion of barristers those who appear in court and solicitors those who are confined to office work and marked the beginning of a fused legal profession in Nigeria. In April 1959, the Federal government of Nigeria set up a Committee named as Unsworth Committee under the Chairmanship of the Honorable E.I.G. Unsworth to look into the future of Nigerian Legal profession and remedy the deficiencies in the training of legal practitioners in Nigeria. Other Members of the Committee included the Legal Secretary of the Southern Cameroons, Attorneys- General of the Regions, Solicitor - General of the Federation, six distinguished legal practitioners and the then Attorney – General of the Federation. The Committee consisted of eleven members. The terms of reference of the Committee were among others to consider and make recommendations for the future of legal profession in Nigeria with particular regard to legal education and admission to practice. After sitting for six months; the Committee recommendations included the following:

- Nigeria should establish its own system of legal education
- A Faculty of Law should be established, first at the University College, Ibadan, and subsequently at any other University to be established in future in Nigeria
- A Law school known as the Nigerian Law School should be established in Lagos to provide vocational training of legal practitioners in the work of a Barrister and Solicitor.
- The qualification for admission to legal practice in Nigeria should be a degree in law of any University which had not accepted the syllabus recommended by the Council of Legal Education should be required to take such further examination as the Council may prescribe.
- A Council of Legal Education should be established.⁵

The Federal Government accepted most of the recommendations of the Committee which culminated in the promulgation of the Legal Education Act and the Legal Practitioner Act in 1962. In pursuance of these statutes, the Nigerian Law School was established in late 1962 by the Council of Legal Education to provide vocational training to aspirants to the legal profession in Nigeria. A person can no longer become a legal practitioner in Nigeria presently unless he first acquired a law degree from a recognized university in Nigeria or overseas before attending the Nigerian Law School physically. The Unsworth Committee recommendation on University education was that the existing University College Ibadan should produce the first Faculty of Law; the Committee proposed that more faculties of law be established in other universities. Government did not accept the establishment of the first faculty of Law at the University College, Ibadan. The first faculty of law in a

Federal university was University of Lagos in 1962. The Ahmadu Bello University Zaria and the University of Ife, regional Universities also established Faculties of Law in 1962. However it is on record that the first faculty of Law in a Nigerian university was established at the University of Nigeria, Nsukka in 1961, it was then a regional University. And so about three years after the Unsworth Committee Report, four Nigerian Universities established Faculties of Law.

III. THE ROLE OF LEGAL PRACTITIONERS IN NIGERIA

The Legal Practitioner Act ⁶ defines a legal practitioner “as a person entitled in accordance with the provisions of this Act to practice as a barrister or as a barrister and solicitor, either generally or for the purposes of any particular office or proceedings” The inevitable question arising from the above definition is who is the person entitled to practice law in Nigeria as barrister and solicitor? The answer is not far-fetched. The Act provides ⁶“Subject to the provision of this Act, a person shall be entitled to practice as a barrister and solicitor if, his name is on roll.” Upon being called to the Nigerian Bar, a legal practitioner is mandated to have his name enrolled in the register of legal practitioners kept by the Registrar of the Supreme Court at the Supreme Court Complex. The Act stipulates the condition precedent for enrolment where it provides “ subject to the provisions of this section , a person shall be entitled to have his name enrolled if , and only if – he has been called to the Bar by the Benchers and he produces a certificate of his call to the Bar to the registrar .” The lawyers are those professionals whose jobs are to conduct law suits for clients and to advise clients about their legal rights and obligations in all matters relating to law (Merriam-Webster Unabridged Dictionary, 2013). Lawyers are trained and licensed to prepare, manage, prosecute or defend clients in the law courts; the lawyers serve as agents to people and give advice on legal matters that may not necessarily require court action. A lawyer is primarily responsible for advising people about laws, writing formal agreements, and/or representing people in court and to generally carry out the practical application of legal theory and knowledge. According to the Hornby Oxford Advanced Learner’s Dictionary of English (2011),⁷ whether in private or corporate practice, in academia or in government, lawyers shape peoples’ lives and that of the society as a whole. By virtue of their position in society, legal practitioners require the right of access to legal information which can only be accessed through the law library. The role of lawyers generally includes the enforcement of fundamental human rights.

IV. BRIEF HISTORY OF LAW LIBRARIES IN NIGERIA

According to Ogbeide, ⁸Law librarianship in Nigeria is as old as the legal profession but certainly older than public librarianship or any other brand of librarianship. The oldest libraries those of the Lagos High Court and Federal Ministry of Justice are law libraries and they dated as far back as 1900⁹. At that time, the highest Court in West African was the “Full Court” a name later changed to West African Court of Appeal (WACA). The highest Court in Nigeria, but both the West African Court of appeal and the old Supreme Court of Nigeria were situated side by side at the Tinubu Square Lagos and indeed were occupying the same building serving the two Courts, their judges and practicing Magistrates and Lawyers, at the time was a one room library in the old Supreme Court building. The library contained cupboards and a few bookshelves in which were legal reference books, local cyclostyled courts decisions of both the West African Court of Appeal and the Supreme Court. It was not what in the modern sense, one would described as an organized library. Clerks were posted from the main registry of the Court to supervise the miscellaneous collection. As clerks they were neither trained nor qualified librarians, they sit in the library and story has it that they acquired their inspiration to read for the law exams from the library. As West African Court of Appeal ceased to be, the Supreme Court of Nigeria became the highest court in Nigeria in which all cases on appeal terminated, what is now known as High Court took the jurisdiction and status of the Supreme Court.

V. IMPORTANCE PLACED ON THE LAW LIBRARY BY THE REGULATORY BODIES RESPONSIBLE FOR THE TRAINING OF LEGAL PRACTITIONER IN NIGERIA

Section 10(1) of the Education (National Minimum standards and Establishment of Institutions) Act, Cap E3, Laws of the Federation of Nigeria 2010.⁹ empowers the National Universities Commission to lay down minimum standards for law programme in Nigerian universities. The commission has reviewed the standard by coming up with a new standard known as Benchmark Minimum Academic Standards (BMAS). The Council of Legal Education is another body created under the current Act known as Legal Education (Consolidated ETC) Act. Cap. 206, Laws of the Federation 2010. These two bodies give requirements for the accreditation of law programme in Nigerian universities with much emphasis on the law libraries and checklists of resources that must be acquired to meet accreditation standard. Accreditation of degree and other academic programme by the National Universities Commission means a system for recognizing tertiary educational institutions (universities and programme offered in these institutions) for a level of performance, integrity and quality which entitles them to the

confidence of the educational community, the public they serve and the employers of labour. Accreditation is usually based on minimum acceptable standards. Some institutions in the past have failed accreditations because of their inability in meeting the accreditation requirements with regards to the law libraries collections. The failure of accreditation by any institution or faculty means loss of confidence by students, parents and the general public in the university concerned. The National Universities Commission has reiterated that in any faculty of law accreditation exercise, if all the facilities, equipment and personnel are put in place and are adequate, but the law library collections are inadequate; the academic programme must fail accreditation.

Legal education in Nigeria is patterned after the system in England. It is in two ways, there is a university education leading to the award of degree in law, there is also the law school, which is involved in the professional training of the Nigerian lawyers, while the law school provides the vocational education leading to the practice of the law. Legal education in Nigeria consists of academic study for 4 to 5 years (depending on the mode of entry) in a law faculty and a year in the law school followed by call to the Nigerian Bar and enrollment at the Supreme Court of Nigeria as a Legal practitioner.¹⁰

During accreditation exercise of any faculty of law programme, the law library plays significant and prominent role in assessing and judging the faculty. In building a law library collection, efforts should be made to expose collection gaps which in some cases may or may not be totally filled during such accreditation visits which usually come up every five years. For the faculty of law libraries to maintain a balanced collection, meet the demands of students, lecturers and law professionals and pass accreditations conducted by the regulatory bodies, the National Universities Commission and the Council of Legal Education, there must be adequate collections and other law programme requirements put in place.

VI. IMPORTANCE OF LAW LIBRARY TO THE TRAINING OF LEGAL PRACTITIONERS IN NIGERIA

According to Langdell, the law library served as the primary environment within the University for Learning Law.¹¹ The law library is to us all that the laboratories of the university are to the chemists and the physicists, the museum of natural history to the zoologists, the botanical garden to the botanists. Unlike his peers of the day, Langdell saw the law library as playing an active role of central importance in the process of legal education. To Langdell, the law library served as the primary environment within the University for Learning Law, an active role of central importance in the process of legal education.

Charles Eliot, president of Harvard University from 1869 to 1909, proclaimed in his annual report of 1872-73 that "the library is the very heart of the law faculty.

Law library as the nucleus of the law school enterprise insinuated itself into the collective consciousness of the American legal academy over the ensuing century.

It is a basic principle of legal education that the library is the heart of a law school and is a most important factor in training law students and in providing access to a significant law library was always recognized as essential for a functional law school.

Joseph Story of Harvard wrote in 1829¹¹, it is indispensable that the students have ready access to an ample law library which shall of itself afford a complete apparatus for study and consultation for faculty members with materials for research and study.

"The Australian Universities commission in 1966¹² reiterated that unlike almost all other libraries, a law library while it serves the purpose of all other libraries, is not merely a collection of books and other writings containing information, reason, argument and opinion to be organized by skilled librarians for convenient use by readers, it is such a collection, but, more important, it is a repository of living systems of authority as well as reason - systems, which change and grow from day to day, most law books, once shelves are not left unchanged and merely made available for use. They are affected by new materials added to the library from day to day, and the effect of these new materials must be entered on the old. The Pearce Committee posited that on the importance of sufficient standard law library for Law schools 'it is essential to the work of teaching and researching law that students and staff have access to the materials of the law, without it they cannot undertake their work. Law Libraries collection include legislation, treaties, reports of decided cases, administrative rulings and other materials which constitute the primary authoritative statements where the law is to be found as well as secondary material where commentary and discussion is found which may be persuasive or relevant to the process of establishing the law or the working out policy and appropriate lines of law's development. They are often compared to the laboratories in science-based disciplines, because so much of the daily work of the Faculty of law takes place in the law library.¹³

According to Ukpanah and Afolabi (2011),¹⁴ law library is a collection of legal information

Organized for use of those seeking to qualify as, or who have qualified as, lawyers and those enacting or administering law. It is the pivot on which the faculties of law revolve for attainment of their educational excellence, goals and objectives. It is imperative that law libraries must strive to build adequate law collections that are adequate in both quality and quantity.

The law libraries play a unique and integral role in shaping the quality of the legal system at all levels by the virtue of their unique collection and services. They are a part of the process from the very start. They participate in legal education, and now play an increasing role in helping the public protect its legal rights. They are also a part of the legal effort at the other end of the process, protecting the availability and quality of legal information at reasonable cost, and ensuring open and equal access to legal information for everyone.

Nigerian legal education has developed around the model of the law library as the core of the students' legal study experience. Still heavily reliant on developing legal reasoning skills through the Socratic method, legal education renders the law library a research laboratory where students must perform the "experiments" of identifying the building blocks of successful legal analogies. From the first year on, students must be trained in navigating the law library.

To graduate truly marketable professionals, the law school must develop within each and every student the capacity to use law library resources with skill and competence, so that they will be fully prepared to defend the property, life, and liberty of their clients. To this end, there must be a complete, well-organized, and well-maintained collection at hand, as well as expert, articulate, and approachable professionals to guide the students in the use of the collection.

VII. SPECIAL QUALIFICATIONS AND EXPERTISE OF THE LAW LIBRARIAN.

The Accreditation standards by the Council of Legal Education and Nigerian University Commission require that the law librarians must have a bachelor degree in law (LLB) and Barrister at Law (BL) from accredited University and Nigerian Law School and a master degree in library and information science for effective management of law library in Nigeria. This dual qualification has distinguished a law librarian from other librarians, the qualification is unique, and these highly skilled and specialized library professionals offer an exceptional level of credibility and expertise. The expertise required of a law librarian are as follows:

7.1 Unique reference services: Law librarians must walk a fine line, the special nature of the legal resources has made the reference issues to be unique in nature. Law students don't come to the law library to ask for an author, title or a subject like other library users in other profession, most times the query has to do with citation of cases, full meaning of abbreviation, where to locate a particular case either foreign or local. Knowledge of law is important in answering these queries, the special nature of their resource materials and of the questions patrons bring to the Reference Desk call upon law librarians' professional expertise and judgment to avoid crossing over from providing reference assistance to engaging in the unauthorized practice of law.

7.2 Classification skills: In classifying law resources, it requires expertise knowledge of law. Almost all the faculties of law libraries in Nigeria use Elizabeth Moys classification Scheme for their resources. The Scheme is a one volume book, it is user friendly, contains every subject matters in law, both foreign and local materials. Moys Classification Scheme is named after Elizabeth Moys who devised the Scheme in 1984, she died in 2002 and the latest edition is the 5th edition.¹⁵ In addition, this specialized knowledge is essential to maintaining the currency and accuracy of materials that are continually updated by the publishers and to organizing these items logically on the shelf for researchers, thus enabling researchers to locate the latest versions of the law. To successfully catalog legal materials requires knowledge of jurisprudence, legal systems and concepts, legal literature, comparative law, and international law. This endeavor involves frequent consultation of sources such as legal dictionaries, glossaries, encyclopedias, periodical articles on recent developments in the law, and specialists in legal bibliography, particularly legal reference librarians.

7.3 Faculty support: Traditionally, highly skilled and specialized law library professionals provide law faculty with the utmost in customized research support for their teaching and scholarship, a level of research support that is unavailable in general academic libraries. Examples of personalized service that faculty may receive from law librarians include: annotated subject bibliographies in the faculty member's field of research or specialization; research guides for a professor's seminar class; guest lectures on advanced or specialized research in professors' classes; private assistance and support with electronic research and web page construction; downloading, printing, copying, and delivery of research materials from all formats according to the faculty member's specialized needs; customized electronic access to services such as the Legal Scholarship Network or the Current Index to Legal Periodicals. Many law libraries have formal or informal faculty liaison programs to provide individualized service to specific faculty members, and law librarians are particularly proactive in directing newly acquired materials and news of late breaking developments in their areas of specialization and research.

7.4 Technology leadership: Law librarians have been working with electronic legal research resources for over 30 years, most notably since Lexis emerged in the 1970s as the pioneering full-text research database.

¹⁵See Elizabeth M. Moys. *Moys Classification and Thesaurus For legal Materials* 5th edn. (Walter de Gruyter 2013).

Thus, technology has been integral to legal bibliography for so long that law libraries have naturally been at the forefront of the introduction of computer systems.

Consequently, these highly skilled and specialized professionals have a well-developed perspective on when it is appropriate to rely on online or CD-ROM legal research resources and when it is best to turn to resources in print or microform formats.

Law librarians, therefore, are the best equipped to guide students, faculty, and support staff in making choices about which formats to use in which research situations. Because of their expertise in both legal doctrine and legal bibliography, law librarians can distinguish between the factual and conceptual aspects of research problems and can assess the impact of format and resource selections in addressing these different types of issues. Law students, faculty, and staff also frequently seek law librarians' assistance on hardware and software issues and their advice about electronic research, computer purchases, and Internet connectivity.

They are also trained to assess the credibility and authority of these sources and to weigh the efficiency and costs of online research against the other information formats available to them in the library.¹⁶

7.5 Teaching roles: The law library is far more than a research center where students and faculty come to study and to find information. Highly skilled and experienced law library professionals are actively engaged in formal and informal instruction on many levels. Law librarians teach use of law library to first year students and legal research skill to all classes of law students. Librarians provide research instruction from the most elementary to the most complex and esoteric. Law librarians also conduct training to both law teachers and students on how to access electronic legal research resources and various other databases subscribed to by the law library in the e-library.

7.6 Legal research: the library is the laboratory in which students learn core skills of the legal profession. Law librarians, many of whom have undergone the same rigorous training as our students, provide instruction in that laboratory. While many general librarians offer bibliographic instruction, law librarians, regardless of whether or not they are also members of the law faculty, teach courses or participate in teaching of the first-year legal research and writing program.

7.7 Critical thinking: As bibliographic educators, law librarians' challenge is to go beyond merely training students to find sources of legal information. In doing their research, students must learn to analyze and assess the relative authority and credibility of the sources that they find. Law librarians must teach students not only how legal authority is located within published electronic and print sources, but also how to select the most reliable, cost-effective, and efficient research strategies and sources. Because of the demanding nature of legal practice and the impact of legal research on life, liberty, and property, law librarians are called upon to impart these analytic skills and techniques much more than are general academic librarians in order to meet their responsibility to the legal community that their students are destined to join.

7.8 Resource for the legal community: In addition to faculty, students, alumni, staff, and the university community, the law library has a remarkable constituency unlike those of other academic libraries – the legal community, including local practitioners, law firm staff, corporate counsel, judges, and court personnel. Even if these legal professionals rely primarily on in-house, courthouse, or public law libraries, almost all turn to the law school library periodically because of the greater depth of its collection and access to the scholarship of the academy. Many law firms, even if they have their own libraries and librarians, rely on academic law librarians for their access to extensive resources and specialized expertise. Local Bar associations often tap academic law librarians as speakers in continuing legal education programs. The abiding respect of the legal community for the law school depends in great part on the ongoing ability of the law library to provide the specialized resources and expertise not available in the more practice-oriented collections found elsewhere in the local community.

7.9 Library web services as marketing tools: In addition to turning to the physical library, law libraries have capitalized on the power of the Internet by using their web sites to publicize their services to the campus community, to colleagues, and to the community at large. Without even visiting the physical library, the community can take a virtual tour of the facility; browse special library collections; search the library catalog, initiate borrowing and delivery of materials; get information any time of day or night from a virtual reference service; acquire bibliographies,¹⁷

research guides, and interactive tutorials; and discover previously unimagined library features and services. Much has not been done in Nigeria because of various challenges facing the usage of electronic resources.

7.10 Advocacy and partnering with legal publishers and vendors to control costs and improve access to legal information:

Law librarians lobby and negotiate with purveyors of legal information to give feedback that will encourage these entities to improve the quality and control the costs of legal materials and databases. Negotiation and publication of these guidelines has benefited the entire legal community. By their participation in these joint efforts, law faculties librarians help control the budgets of their institutions and keep publishers and vendors aware of the special information needs of the students and faculty members.

VIII. CHALLENGES FACING LAW LIBRARY AND LAW LIBRARIAN IN NIGERIA

Academic law libraries are located in Universities law faculties in Nigeria and Nigerian Law schools, there are a lot of challenges facing this section of the law faculty, the global economic recession has worsened the amount of money being budgeted for the law library. We are in the era of Information Communication Technology, there are evolving methods of legal research using online resources, lack of continuing education development for law librarians has hindered their ability to cope with the current trend and to compete with colleagues across the globe.

IX. RECOMMENDATION

There are so many disruptive technologies challenging the relevancy of law libraries and law librarians, students and law teachers rely more on virtual library rather than the physical library because their needs could not be met by this so-called law libraries. In tackling the above challenges, the law library should be adequately funded to provide reasonable legal resources in both electronic and print formats for its users. Training of law librarians in the area of Information Communication Technology to be able to keep pace with other librarians across the world.

CONCLUSION

Human beings are transient, physical surroundings change, but the institution of the law library remains, lives on, and transcends. Whether it is accessed online from a nearby coffeehouse or visited in the building itself, the academic law library is the physical and virtual manifestation of the very essence of the law faculty. As Langdell observed, "Everything else will admit of a substitute, or may be dispensed with; but without the library the School would lose its most important characteristics, indeed its identity. Simply put, the law library is – and will always remain – the heart of the law faculty."

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