

**REGURGITATING GLOBAL BEST PRACTICES FOR CLINICAL LEGAL  
EDUCATION IN THE VOCATIONAL TRAINING OF 21ST CENTURY LAWYERS IN  
NIGERIA**

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**Abstract**

The major aim of establishing the Council of Legal Education is the provision of vocational legal education to aspirants seeking to be called to the Bar in Nigeria. The Council of Legal Education performs this important role through its administration of the Nigerian Law School. A major content of the methodology adopted by the Nigerian Law School in recent times is Clinical Legal Education. This paper examines the concept of clinical legal education, the importance of networking in clinical legal education movements, challenges and prospects in executing the mandate of the Council of Legal Education for global best practices through new innovations in Clinical Legal Education towards meeting the needs of a 21st century legal market.

**Keywords:** Clinical Legal Education, Best Practices in Legal Training, Vocational Training of Lawyers, Legal Education in Nigeria

**1.1 Introduction**

The need to strengthen the teaching component of vocational legal education in the world as a global village cannot be over emphasised. In the year 2008, the Council of Legal Education took the bold step of reviewing and out rightly overhauling its curriculum in line with contemporary global standards in the teaching of aspirants to the Bar. One of the aims of introducing the use of law clinics in the teaching of law is to improve the quality of legal education. According to Martinez, Clinical Legal Education may be thought of as an attempt to put legal theory into practice.<sup>1</sup> Writers have postulated that expanded practice-based, experiential education will provide foundational learning for the successful transition from law student to law practitioner, and that clinical education (in-house clinics, hybrid clinics, and externships) is crucial to the preparation of competent, ethical law graduates who are ready to become professionals.<sup>2</sup> This

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<sup>1</sup> Martinez, G. A., Foreword: Theory, Practice, and Clinical Legal Education. (1997-1998) *SMU Law Review*, 51, 1419-1421

<sup>2</sup>Karen Tokarz, et al. Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required! *Washington University Journal of Law & Policy* (2014) Volume 43, pp. 14 - 15

paper will examine the concept of Clinical Legal Education as well as its importance to vocational legal education in Nigeria. The paper will address the essence of networking by various jurisdictions practicing clinical legal education and the challenges towards a full blown practical implementation of clinical legal education by the Nigerian Law School *vis-a-vis* the prospects of bypassing these barriers in the impartation of clinical legal education to 21st century aspirants to the bar.

## 2.1 The Concept of Clinical Legal Education

Clinical legal education is a legal teaching method based on experiential learning, which fosters the growth of knowledge, personal skills and values as well as promoting social justice at the same time. Alper and Erdogan explains that the essence of Legal Clinic is to teach law students how they can use their abstract and theoretical information in solving juridical disputes.<sup>3</sup> As a broad term, Clinical Legal Education encompasses varieties of formal, non-formal and informal educational programmes and projects, which use practical-oriented, student-centered, problem-based, interactive learning methods, including, but not limited to, the practical work of students on real cases and social issues supervised by academics and professionals.<sup>4</sup> A legal clinic or law clinic is a term used for defining the putting of law school students' theoretical information to practice.<sup>5</sup> In other words, legal clinics are defined in the Anglo-Saxon law as a method of practical teaching which allows students to actively work on real cases and involving them in legal aid projects.<sup>6</sup> Legal clinics offer free or reduced-rate legal advice and services to indigent clients in the society with the aim of obtaining social justice. Clinical Legal Education programmes are established by law schools, where law students gain real-world and practical experience working for clients who do not have to pay attorney fees.<sup>7</sup> A law school legal clinic is often staffed by law students supervised by a law lecturer. In essence, law students gain through experiential learning while clients gain legal free services.

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<sup>3</sup>AlperUyumaza and Kemal Erdoğan, The theory of legal clinic in education of law. *Procedia - Social and Behavioral Sciences* 174 ( 2015 ) 2116 – 2122. Available at <https://pdf.sciencedirectassets.com/277811/1-s2>. Last accessed on 23 November 2024

<sup>4</sup>Definition by European Network of Clinical Legal Education (ENCLE) accessed via <http://encle.eu/about-encle/definition-of-a-legal-clinic> Last accessed 15 November 2024

<sup>5</sup> Martinez, G. A., Foreword: Theory, Practice, and Clinical Legal Education. *SMU Law Review* (1997-1998) 51, 1419-1421.

<sup>6</sup>*Ibid.*

<sup>7</sup> Definition by Justipedia accessed via <https://www.justipedia.com/definition/2022/legal-clinic>. Last accessed 18 November 2024

Robert Condlin, took it further, when he defined Clinical legal education typically as, “instruction in interpersonal skills (e.g., interviewing, counseling, negotiation) and professional ethics (the moral principles that regulate the behavior of lawyers in role) in the context of student fieldwork (representation of actual clients with live cases in law offices created by law schools for this purpose) under the supervision (systematic, critical analysis of student work) of a lawyer law teacher”.<sup>8</sup>

Clinical education differs in two ways from apprenticeship training, the form of lawyer education replaced at the end of the nineteenth century by the university law school.<sup>9</sup> It looks for content more to the interpersonal dimension of law practice - its psychology and ethics - than to its administrative tasks (e.g., finding the courthouse); and it gives critical self-analysis of student work priority over the absolute quality of that work.<sup>10</sup>

### **3.1 Law Clinic Networking**

It is important for Law Clinics to network for many beneficial reasons. This is because it acts as a synergy between legal clinics for the purpose of promoting, supporting and facilitating the creation of Clinical Legal Education programmes across the globe. Networking by legal clinical movements helps to facilitate transnational information sharing and collaboration with regard to Clinical Legal Education by providing in particular tools for sharing information on teaching methods, effective practices and materials among teachers, such as websites and databases. The essence of networking by legal clinics among others is to foster research on Clinical Legal Education and creating platforms for the sharing and exchange of relevant research products. Networking supports the execution of advocacy projects at regional, national or at global level such as Global Alliance for Justice Education (GAJE) among others. Such movements as GAJE help to create greater awareness in the world about the merits or advantages of Clinical Legal

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<sup>8</sup> Robert Condlin, *The Moral Failure of Clinical Legal Education*. (1983) p. 2. Available at <https://digitalcommons.law.umaryland.edu> and <https://core.ac.uk> both websites were last accessed on 23 November 2024

<sup>9</sup>*Ibid.* For further description of apprenticeship training, see Gee and Jackson, "Bridging the Gap," pp. 722 -27, 731 43. For the history of the takeover by university legal instruction, see Robert Stevens, "Two Cheers for 1870: The American Law School" in *Law and American History*, edited by Bernard Bailyn and Donald Fleming (Boston: Little, Brown, 1971), pp. 410-35

<sup>10</sup>*Ibid.*

Education. This is because, biennially, organisations such as GAJE organise conferences, workshops and training sessions across regional and university levels.

In addition, networking of law clinics facilitates training of trainers in order to promote the creation of a pool of professional clinical trainers in the world. Examples of such law clinic networking organisations are European Network of Clinical Legal Education (ENCLE), Association of Legal Aid Institutions (AULAI), Network of University Legal Aid Institutions (NULAI – Nigeria) among others. These networks and many others promote transnational study visits and exchange programs. The Networks enjoy collaboration among clinical legal education programs and legal professionals. This includes, among others, promoting initiatives that might improve the community understanding of the benefits of Clinical Legal Education, and establishing connections with professionals and legal professional associations in the world.<sup>11</sup>In terms of deepening research to foster the course of clinical legal education, there are scholarly journals published by reputable scholars in this field of legal education. Examples of such scholarly journals are International Journal of Clinical Legal Education, African Journal of Clinical Legal Education and Access to Justice.<sup>12</sup>

In terms of student exchange programmes, the "Student Exchange Program" and "Clinical Legal Education Exchange Program" between Universitas Indonesia and Universiti Malaya was discovered. These exchange programs are organized by the Universitas Indonesia Legal Clinic and Community Outreach Program (COP) in cooperation with the Asian Law Student Association (ALSA) of the Universiti Malaya. Through these programs, students attend legal counseling activities and learn to apply legal education to social justice and human rights causes.<sup>13</sup> This experience is vital for the success of law students and should be encouraged and supported through any means possible.

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<sup>11</sup>Aims of European Network of Clinical Legal Education (ENCLE) accessed via <http://encle.eu/about-encle/definition-of-a-legal-clinic> Last accessed 15 November 2024

<sup>12</sup> Founded by Network of University Legal Aid (NULAI, Nigeria)

<sup>13</sup> Hamzah, Curriculum and Instructional Challenges in Clinical Legal Education of Indonesian Law Schools: Breaking The Legacy. *Journal of Social Studies Education Research* 2018:9 (3) p. 8

#### 4.1 The Importance of Clinical Legal Education in the Training of 21st Century Lawyers

The 21st century lawyer should not be a champion in his clime and a novice in the globe in terms of proper practical lawyering skills impartation and mastery of global best practices. In emphasizing the importance of clinical legal education to modern day law teaching realities, the United States recently sought to convince the legal academy of the value of integrating the learning of legal rules with the learning of legal realities.<sup>14</sup> The Carnegie Report asked the question “How then can we best combine the elements of legal professionalism, conceptual knowledge, legal skills, and moral discernment – into the capacity for judgment guided by a sense of professional responsibility? We are convinced that clinical legal education is a propitious moment for uniting, in a single educational framework, the two sides of legal knowledge: formal knowledge and the experience of practice.<sup>15</sup>

Although, clinical legal education often thrives in law schools, it does so with a distinct identity, purpose and values so that a psychological (and sometimes physical) barrier is erected between regular learning and clinical learning.<sup>16</sup> In most institutions, clinic is seen as an optional course or extra-curricular activity rather than a core vehicle for delivering knowledge and skills. A more forceful argument is to canvass that the nearest analogy is the medical school attached to a teaching hospital which, inter alia, gives a high priority to clinical experience with live patients as part of an integrated process of professional formation and development.<sup>17</sup>

According to Alper and Kemal, Clinic enables students to face with real life disputes and thereby offers a variety of benefits for higher education institutions.<sup>18</sup> It allows students and graduates to provide a valuable experience and to demonstrate a concern with the future employment prospects.<sup>19</sup> Law Clinics enable students to put their theoretical information that they acquired

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<sup>14</sup> Educating Lawyers – Preparation for the Profession of Law, William M. Sullivan et al, The Carnegie Foundation for the Advancement of Teaching, Jossey-Bass, 2007.

<sup>15</sup> *Ibid.*

<sup>16</sup> Jonny Hall and Kevin Kerrigan, Clinic and the Wider Lesson curriculum”. Available <https://www.northumbriajournals.co.uk/index.php/ijcle/article/view/54>. Accessed 22 November 2024

<sup>17</sup> Twining, Blackstone’s Tower: the English Law School (Sweet and Maxwell, London, 1994) at p.52

<sup>18</sup> AlperUyumaza and Kemal Erdoğan, The Theory of Legal Clinic in Education of Law. *Procedia - Social and Behavioral Sciences* 174 ( 2015 ) 2116 – 2122. Available at <https://pdf.sciencedirectassets.com/277811/1-s2>. Last accessed on 23 November 2024

<sup>19</sup> In the Physical Legal Clinics, clinic also allows students to potentially work alongside local service providers,

through classes into practice and so to learn legal practice activities conducted under the supervision of experienced legal practitioners.<sup>20</sup> Nearly all of educational experts believe that, like medical students, law students may learn better when given opportunities to put their skills into practical use and may gain professional ethics.<sup>21</sup>

Clinical legal education helps the learner to build resilience in solving emerging legal problems. It demystifies legal practice from the cradle of studentship. This method of legal education helps the new wig to see his colleagues in practice as partners in the business of legal practice and not to revere them as emperors to which he has come for a new learning experience. This is because, the learner through various clinical exposure has developed capacity in relating with live clients and solving live legal problems he has confronted as a clinician. This is not to whittle down the essence of pupillage but to present the new wig as a problem solver and not another problem himself, to be solved by the senior colleagues he met in the field of legal practice. It is our further view that it is of no use to train a pilot with the traditional method of teaching and expect him to learn the practice of flying an aircraft while he is newly recruited. The essence of his training in the aviation school is to present to the aviation market, a value-added finished product and not a new learner for the employer to train in order to be useful to the labour market. The essence of vocational legal education is to birth a fully-baked legal practitioner and not a novice in the art of advocacy and other lawyering skills. The labour market is moving away from grades and certificate-trained employees to problem-solving employees who can fast track the turnover of the business enterprise. The question has been asked: So what is the result when the clinical law student enters the world of real legal practice? The answer was provided by a student – clinician, a Catholic University of America graduate, who remembers clinic as an “oasis of practical work in a desert of textbooks”.<sup>22</sup> The clinical graduate has something to discuss at the job interview, he brings in his practical experience at the clinic by way of interviewing of clients or witnesses, drafting of

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including businesses (some of which might be potential graduate employers, or sponsors of other school activities). See Hill, E. R., Clinical Legal Education in a Developing Island Jurisdiction - A Unique Environment. 11 *Legal Education Review* (2000) 253-265, p.258

<sup>20</sup> See for Interdisciplinary Clinic, Galowitz, P., The Opportunities and Challenges of an Interdisciplinary Clinic. *International Journal of Clinical Legal Education*, (2012) 165-180.

<sup>21</sup> Joy, P. A., The Law School Clinic as a Model Ethical Law Office. *William Mitchell Law Review*, (2003-2004) 30 (1), 35-50.

<sup>22</sup>Conversation with Laila Leigh, former Families & the Law Clinic Student and 2010 Graduate of Catholic University Law School, in Washington, DC (March 17, 2012)

processes, and preparation for trial, negotiation and other skills. He is not a novice to be retrained by a potential employer.

### 5.1 Criticisms of Clinical Legal Education

Critique is the most important clinical objective for several reasons. To begin with, it is the objective most adapted to the university setting in which legal instruction occurs.<sup>23</sup> Critique is a university's reason for being, its identifying characteristic, and the only one of its multiple functions it fails to perform at the price of being a university.<sup>24</sup> Stripped of its critical role, the university is a mere socializing agent, an instrument of prevailing orthodoxy, engaged only in legitimation and control.<sup>25</sup> Critics of clinical legal education has cited over – zealously on the part of the student clinician as one of the banes of the concept under discourse. This school of thought believes that, students in order to impress themselves and clinical instructors may step out of the boundary of professional ethics in solving a legal problem.<sup>26</sup>

Steven Pepe reveals that law students began questioning the relevance of their courses that aimed primarily toward the service of the existing social and economic order and ignored the most pressing problems of the day.<sup>27</sup> Many students wanted legal careers more directly linked to their values and idealism.<sup>28</sup> This criticism can be debunked because clinics are adaptable to the social needs of a particular society for social justice without prejudice to lawyering skills impartation as a constant factor in clinical practices. There are prison clinics, women rights clinics, human rights clinics, Legal Advice clinics only to mention a few.

Tyler and Catz are of the view that there is a raging battle between the experiential level of the clinical teacher and the lawyer in practice.<sup>29</sup> The writers postulate that lawyers motivated to join law school faculties do not do so because they want to practice law, but rather because they want

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<sup>23</sup> Robert J. Condlin, "Tastes Great, Less Filling": The Law School Clinic and Political Critique. *Journal of Legal Education* (1986) Vol. 36, p. 45 at 50

<sup>24</sup>*Ibid.*

<sup>25</sup>*Ibid.*

<sup>26</sup> Richard Wasserstrom, "Lawyers as Professionals: Some Moral Issues," *Human Rights* 5 (1975) 1

<sup>27</sup> Steven D. Pepe, Clinical Legal Education: Is Taking Rites Seriously a Fantasy, Folly, or Failure? *University of Michigan Journal of Law Reform* (1985) Volume 18, p. 307

<sup>28</sup>*Ibid.*

<sup>29</sup> Tyler R. S. and Catz R. S., The Contradictions Of Clinical Legal Education. *Cleveland State Law Review* (1980)

the life of teaching in the traditional sense.<sup>30</sup> According to them, from the standpoint of realizing the potential of clinical education, the problem is that there are few people who actually want to be clinicians. They argue further that there are however people willing to be clinicians because they want to join law school faculties and who perceive clinical education as a means to that end.<sup>31</sup> There is an inverse relationship between a case's complexity" and its suitability as a vehicle for clinical education: the greater the case's complexity the less actual responsibility for it can be taken by a student. A corresponding increase in complexity may make the case of greater interest to the experienced faculty supervisor but render it less suitable for instructional purposes.<sup>32</sup> The dimensions of this particular dilemma are appreciated by reference back to the first qualification of a clinical teacher, namely, some depth of experience as a lawyer.

Robert Condlin argued further that law clinics purport to be both law school and law office, and its supervising attorneys both law teachers and lawyers, who both produce data and evaluate it.<sup>33</sup> These dimensions cross-pollinate clinicians' claim to create in the clinic the best of worlds, a critical practice and an informed and relevant critique. Perhaps this is correct and certainly it is worth exploring, but there are reasons for dividing the labor of lawyering from the labor of critique that arguments for the conventional clinic do not consider.<sup>34</sup> We hereby puncture Condlin's argument by replying, whether University-based Teaching Hospitals should close down because the medical doctors who conduct clinical trials are also teachers of medicine. This criticism should rather be seen as a merit than a demerit of clinical legal education.

### **6.1 Challenges of Regurgitating Clinical Legal Education in the Vocational Training of 21st Century Lawyers**

More radical critics of legal education may argue that law schools which share many of the characteristics described above serve as obstacles to development because, they tend to maintain and perhaps nurture a profession and legal culture which are fundamentally arrayed against

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<sup>30</sup>*Ibid.*

<sup>31</sup>*Ibid.*

<sup>32</sup>Meltsner, Clinical Education at Columbia: The Columbia Legal Assistance Resource, *Journal of Legal Education*, Vol 24 (1972) 237

<sup>33</sup> Robert J. Condlin, "Tastes Great, Less Filling": The Law School Clinic and Political Critique. *Journal of Legal Education* (1986) Vol. 36, p. 45 at 53

<sup>34</sup>*Ibid.*

progressive reforms in society. It may be argued that legal education fails to expose contradictions between avowed development policies and the reality of the laws in action. They argue further that clinical legal education has failed to concern itself with fundamental reforms in society. These arguments may gain credence to the extent it appears that university legal educators are incapable of changing the character of law schools, or are unwilling to do so.<sup>35</sup>

A major challenge to regurgitating clinical legal education in the vocational training of 21st century lawyers is funding. Total infrastructural overhaul for the vocational legal education service provider is inevitable in order to develop the capacity of the learners of vocational legal education. The role of alumni associations in this respect though minimal at the moment should be encouraged. Staff welfare requires proper funding to be effective.

In this age of Information and Communication Technology, funding cannot be overlooked. There is an urgent need to procure and install teleconferencing facilities across the various classrooms for provision of vocational training of aspirants to the bar. There is need for further capacity development in terms of exposure to use of technology in the teaching of law to suit contemporary global challenges of the global legal market.

### **7.1 Regurgitating Global Best Practices for Clinical Legal Education in the Vocational Training of 21st Century Lawyers**

One of the recent emphasis of clinical legal education is the use of reflective method of teaching law to students. This is because reflection is critical to solving complex legal problems for the client. This practice has gained enough grounds across different university-based law clinics. The focus of a vocational training law teacher is to ensure that law students graduate from the law school to solve practical client issues as they arise either in the courtroom or through counseling and offering professional legal advice. The reflective method notes that “Mindful learning” involves the active consideration of different points of view, being sensitive to context, welcoming new experience and making distinctions in resorting our understanding of information.<sup>36</sup> The

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<sup>35</sup> Legal Education in a Changing World. Report of the Committee on Legal Education in the Developing Countries. Report compiled by International Legal Center, New York. First published in 1975, p. 21

<sup>36</sup> Ellen J. Langer, *The Power of Mindful Learning*. Hachette Books (2016) 4

capacity to both broaden and deepen student learning is central to clinical legal education. Students can benefit from a sustained experience enabling them to develop understandings and approaches that foster ethical and reflective practice.<sup>37</sup> A view which disagreed with that of Giddings is Bradways'. Bradway's description of the purpose of the clinic and its role in the education of lawyers reflected his view that clinical work should be a part of, and not separate from, the law school curriculum. He argued further that the law clinics are under the watchful care of attorneys who are connected with the Clinic and members of the Law School Faculty. The student sees the case in action rather than as a dead thing lying in the Case Books and, in addition to gathering the extremely valuable knowledge which he needs as to the fundamental structure of the law and its scientific development, he comes to appreciate the fact that the task of a lawyer deals with elements of human nature which are not found in the scientific development of Case Book law, but which can only be learned by experiencing a series of cases.<sup>38</sup>

The student clinician has learned how to interact with real clients, with real problems, and how to cope with clients sometimes breaking down in front of her because of those problems. Also, student clinician has learned how to collaborate with colleagues and supervisors on legal issues. He is not completely new and inexperienced, and that is a huge advantage when transitioning to actual practice. Though the art of learning is a continuous one, the 21st century lawyer must be trained to exercise basic mastery of lawyering skills such as advocacy, interviewing and counseling, research, drafting, and others. This method of teaching is in our view a bold attempt at supplementing pupillage and reducing the duration of learning by practice. In actual fact, there is no end to law practice due to the dynamic nature of law as a field of study.

Another emphasis of clinical legal education in deepening vocation legal education is mentoring. Mentoring demystifies the traditional teaching method which confines the teacher to the podium and the student as the audience. Clinical Legal Education encourages the students to interact within permissible ethical limits with their teachers. A major advantage is that the student sees the clinical teacher as a partner in progress in inculcating practical lawyering skills and attaining social justice.

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<sup>37</sup> Jeff Giddings et al, Clinics and Australian law schools approaching 2020. In: Australian Clinical Legal Education. ANU Press (2017) p. 3. Further reading: <https://www.jstor.org/stable/j.ctt1q1crv4.7> Accessed 12 November 2019

<sup>38</sup> Stephen Wizner and Dennis Curtis, Here's What We Do: Some Notes about Clinical Legal Education. *Cleveland State Law Review* (1980) p. 2

Mentoring is strengthened with students' access to their teachers and encourages feedback mechanism within the vocational legal education community.

In regurgitating global best practices in the vocational training of the 21st century lawyers in Nigeria, emphasis needs be laid on the challenges earlier pointed out in order to address them. Law teachers need to be updated with current happenings in the legal education. This can be done through provision of training and retraining either locally or internationally. Being exposed to other climes and their practices engender confidence and beneficial networking among colleagues all over the world. The law teacher who is globally exposed is therefore more prepared and equipped to tackle the concerns of students in their bid to graduate as global lawyers.

The need for funding has been stated above. The current situation where the educational budget of the government is far below the UN prescription of at least 25% of the national budget leaves much to be desired. The situation does not leave room for meaningful infrastructural developments that are *sine qua non* for the acquisition of global best practices in the delivery of quality legal education. It is a truism that good and functional legal clinics are a giant step to training practice-ready lawyers and the establishment of same needs funds.

Equally, there is the unmistakable benefit to be reaped from the use of information technology in teaching of law. The current COVID 19 experience has opened our eyes to the various possibilities and capabilities of the employment of information technology as a teaching tool. Online classes and instructions, including webinars are now the new normal. Law schools can only fail to provide the necessary facilities for this new normal at the peril of their global ranking and that of their innocent students. We hope that administrators and providers will heed our suggestions and give a facelift to legal education in Nigeria in this 21st century.

### **8.1 Conclusion and Recommendations**

The concept of clinical legal education in our view has not come to abolish legal education or traditional method of teaching, rather, it has sought to modify by way of practice, the pedagogy of bringing the field into the classroom for law students. It has taken it further from the skills acquired in the moot courts and mock trials by students into further solicitor work experiences and skills impartation while inculcating professional ethics in student clinicians. This accepts the reality of

the many benefits clinical legal education has on vocational training of lawyers in Nigeria and seeks to develop further capacity of the new wig for a better legal market by consumers of legal services in Nigeria and outside the shores of the country. Clinical practices such as reflective thinking, mentoring, success in law teaching is understood generally to mean excellence in classroom presentation, research, publishing and community service.<sup>39</sup> In the same vein, success in the practice of law is equated with excellence in client representation as indicated by achieving clients' objectives through the use of lawyering skills.<sup>40</sup> All this is achievable in our opinion, if appropriate attention and funding is given to the Nigerian Law School and Faculties by the appropriate authorities.

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<sup>39</sup>Barnhizer, Clinical Education at the Crossroads: The Need for Direction, 1977 *B.Y.U. Law Review* 1025, 1032- 34; Leleiko, Clinical Education, Empirical Study and Legal Scholarship, 30 *J. LEGAL EDUC.* 149 (1979).

<sup>40</sup>*Ibid.*