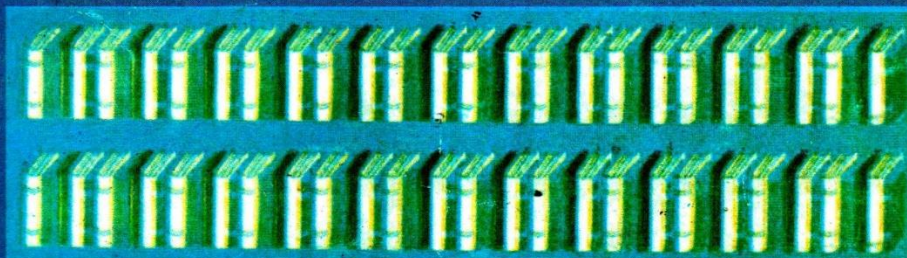
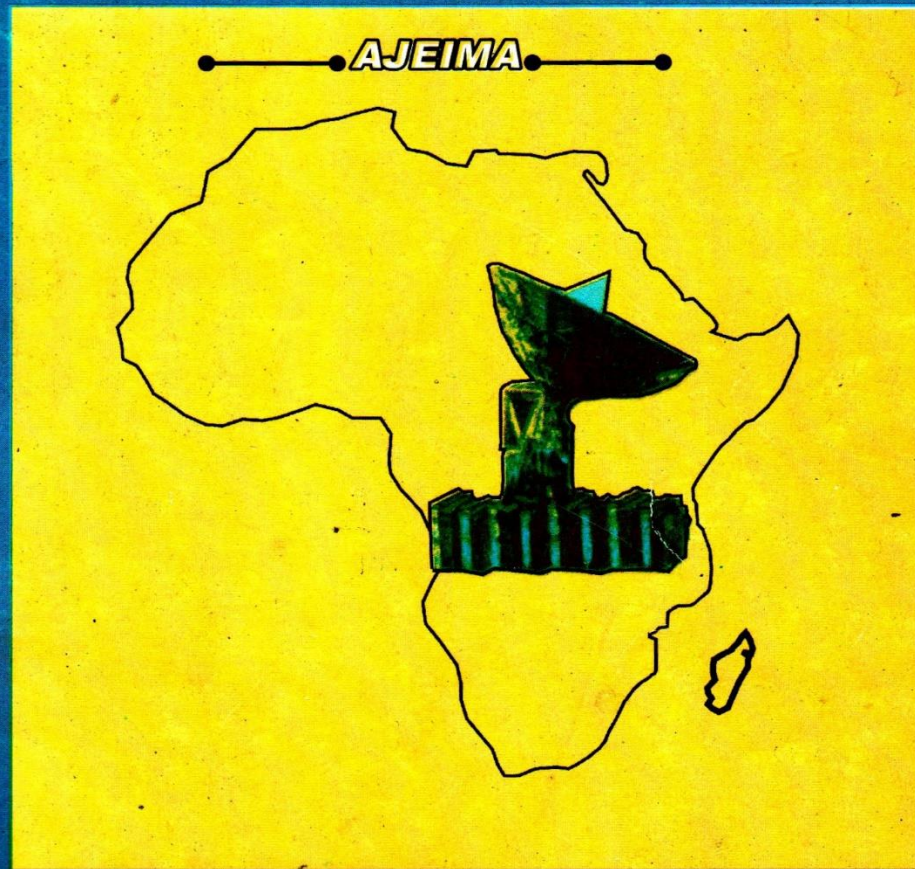


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Repositioning Legal Education in Nigeria: The Imperative

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Abstract

Information is the bedrock upon which the legal profession is built and legal education is the mother of this noble profession. Law Libraries are the disseminators of legal information to law students, law teachers, legal practitioners, Judges and members of the public. This paper examines the concept of library with specific reference to the law library, it traces the development of legal education in Nigeria and then highlights the role the law library plays in the advancement of legal education in Nigeria. Challenges faced by the law library in the execution of this task are pinpointed and solutions proffered. The paper concludes by noting that law libraries are effective tools in the advancement of legal education in Nigeria.

Introduction

Information the world over has been acclaimed as an agent of change and libraries are increasingly being acknowledged as information centres. They are the gateways of information and ideas that rule the world (Anasi & Ali 2011). However this paper will focus on the dissemination of legal information for the promotion of legal education. According to Anaeme (2011), the study and practice of law is essentially library-based thus it can be surmised that the law library is to the law students what the science laboratory is to the science inclined students. Campbell (1988) observed that law books are the lawyers tools of trade and facility in their use is a measure of their professional competence.

In line with the above premise, Utor (2004) notes that to the legal practitioner or law student, information is sine qua non to his profession as he or she cannot operate without it. This position has been recognised as far back as when Bernard (1976) postulated that there is no class of persons professional or otherwise so dependent upon books as the lawyer. The dependence of legal professionals on recorded knowledge perhaps stems from the nature of the profession itself which is book oriented. It is a truism that a good lawyer is not really one who knows the Law but one who knows where to find the law and I dare to add that a good lawyer is one who knows how to access and retrieve information from the information resources whether print or non-print.

Concept of the Library

A Library has been variously defined by many authors but it can simply be said to be an organised collection of items which may be in the form of books, journals, videos, CD-Roms, etc. along with the services required to make them available to a given user group or groups. It can also be referred to as 'a place' to get information and to get help finding information. The 'place' can be physical or virtual or a combination of both (Fabunmi, 2009). However, this paper will focus on Law Libraries. Igwebuike (1998) defined a law library to be a sizeable collection of reference law books, text books, journals on law, Law reports, documents and non-book materials on legal education and allied disciplines, housed, organised and documented with an easy retrieval system to serve the varying information needs of its clientele. Similarly, Utor (2004) gives a workable definition of a law library to be a collection of legal materials wholly or partly consisting of legal information organised for the use of those enacting, executing or administering the Law. Finally, Ajidahun (2010) postulates that Law Libraries are special libraries who provide legal information through relevant law books and periodicals for their clientele, most of whom come from the legal profession: Law students, Law teachers, Law practitioners and others in related disciplines.

From the foregoing definitions, it is obvious that law libraries are of different types and they are established basically to cater for the diverse information needs of their clientele and arising from this, coherence in law

making and practice of law will be achieved as well as certainty and consistency in the dispensation of justice (Utor, 2004). This can only be achieved by stocking the law library with up-to-date relevant collections, current law reports, current statute books etc and complimenting the print collection with its E-counterpart such as subscribing to online legal databases such as lexis-nexis academic, hein-online, west –law international, just to mention a few. In other words, the law library is a custodian and repository of primary as well as secondary legal information resources.

Types of Law Libraries and their clientele

Jegede (1985) in Ajidahun (2010) classified law Libraries into seven categories and they are:

- Federal Court
- State Court
- Law School
- Practitioners
- Federal and State Departments
- Faculty Libraries
- Libraries of Legislatures

Ifebuzor (1994) goes ahead to list types of law libraries to include:

- Specialist library: The oldest type of law Library including libraries of commercial firms, courts of Justice and Government departments.
- Legal Practitioners Library: Practicing barristers and solicitors.
- Academic Law Library: This includes university law libraries, college law libraries, the law library of the Nigerian Institute of Advanced Legal

Studies and the library of the Nigerian Council of Legal Education at the Nigerian Law School.

Utor (2004) also classified Law Libraries in Nigeria into five groups:

- Academic and Research Law Libraries: According to Akporhonor (2005), an academic library is a library that is attached to an academic institution whether it be University, Polytechnic, College of Education, College of Agriculture, College of Technology and research institutes. These types of libraries serve two complimentary purposes which are: serving the teaching and research needs of students and staff. The foregoing statement is particularly true of academic law libraries while research institute law libraries are established to serve research institutes.
- Federal and State(s) Ministries of Justice /Court Libraries: The legal collections of the various ministries of Justice in Nigeria predates the inception of the law schools (that is Universities offering law degrees and their libraries (Utor, 2004). These libraries have served and are still serving members of the legal profession and other members of the public who are interested in researching on specific areas in law. These libraries provide materials to support the Ministry of Justice staff in litigation, drafting and decision making.

- Parliamentary or legislative libraries: These Libraries are also known as congress libraries and they serve members of the legislative arm of government. They contain materials to aid the legislature in legal drafting and debate. (Anaeme, 2011). However compared with most other libraries (like academic and public), the clientele served by the legislative library is small unless the library extends its services to non-legislators. The Legislative Library stocks collections that are numerous and varied in content and they include hansards, gazettes, stautory instruments, laws etc.
- Private Law Libraries: According to Brock (1976) in Utor (2004) the first law Libraries in America were the private collections of law books owned by men who administered justice and practised law in the colonies. "These Private Law Libraries were surprisingly abundant and widespread for the attorneys and judges had to own or have access to law books". Thus from the foregoing, it can be ascertained that private law libraries are found in law offices and chambers. They serve the needs of the legal practitioners in the preparation of briefs to be argued before the court. A good law library is a sine qua non to efficient legal practices and in recognition of this fact, the Legal Practitioners Privileges Committee has included a standard law library

among the requirements that must be met by a legal practitioner who is applying to become a Senior Advocate of Nigeria (SAN).

- Other Libraries with Collections of Law Materials: Some Law Materials are also acquired in other library collections which do not fall within the four previously mentioned groups such as the Africana sections of Ahmadu Bello University, Zaria and the University of Ibadan which also have substantial law collections in their holdings (Utor,2004).

There are however other libraries that could be described as para-legal in nature. These libraries are known as quasi-law libraries. They include Libraries of the Economic and Financial Crimes Commission (EFCC), Nigerian Drug Law Enforcement Agency (NDLEA), National Human Rights Commission, (NHRC), Army etc. These libraries, according to Anaeme (2011), contain specialised materials serving the needs of the establishing bodies.

Functions of Law Libraries

Libraries basically are established to provide information related to their areas of specialisation. The International Federation of Library Associations and Institutions (IFLA) Council in August 2002 laid out the general functions of libraries of which law libraries are inclusive to:

- Provide access to information, ideas and works of imagination in any medium and regardless

of frontiers. They serve as gateways to knowledge, thought and culture, offering essential support for independent decision making, cultural development, research and life-long learning by both individuals and groups.

- Contribute to the development and maintenance of intellectual freedom and help to safeguard democratic values and universal civil rights. Consequently they are committed to offering their clients access to relevant resources and services without restriction and to opposing any form of censorship.
- Acquire, preserve and make available the widest variety of materials, reflecting the plurality and diversity of society. The selection and availability of library materials and services shall be governed by professional considerations and not by political, moral and religious views.
- Make materials, facilities and services equally accessible to all users. There shall be no discrimination for any reason including race, national or ethnic origin, gender or sexual preference, age, disability, religion or political beliefs.
- Protect each user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

The Specific functions of law libraries include:

- To provide information materials required for the

academic programmes of the law faculty.

- To provide information materials and resources relevant to the needs of the law institutions, their staff and legal researchers.
- To provide information resources for recreation and personal self development of users.
- To provide conducive environment for study and research.
- To provide and ensure security and materials, resources and staff.
- To maintain inter-library and institutional co-operation for improved resource-base and information service delivery.

Development of Legal Education

The various pre-colonial communities in what later became Nigeria were based on simple social, political and economic structures. There was no legal education then because there was no need for any (Doherty, 1998). However, the advent of colonial rule in the 1860's brought with it economic, socio-economic and political changes. The colonial administration had to establish native and English type of courts for adjudication of disputes. These developments created the need for lawyers. However, there were very few legally qualified persons and throughout the colonial period, there was no institution for the formal training of lawyers in Nigeria.

To fill the Vacuum, the Chief Justice was empowered to appoint fit and proper persons with basic education and some knowledge of

English law to practice as Attorneys (Section 74 of Supreme Court Ordinance No.4 of 1876; Order xvi r.1 The Supreme Court (Civil Procedure Rules 1948). From the foregoing, it is evident that prior to the attainment of political Independence in 1960, the training of Nigerian lawyers was undertaken in the United Kingdom (Obilade 1979), so that a call to the English, Scottish or Irish Bar or enrolment as a solicitor in either England, Scotland or Northern Ireland qualified a Nigerian to practice law in Nigeria (Order xvi Rule 6 of the Supreme Court (Civil Procedure) Rules 1948. However though the content and quality of such training was high yet it proved to be inadequate for the practice of law in Nigeria. The Major lapses inherent therein were:

- Lack of knowledge of Nigerian Statutes since they did not learn Nigerian laws.
- Lack of knowledge of Nigerian Customary Law System and the bi-cameral structure of legal education in England which trained and qualified students only practiced either as a solicitor or an advocate. This made them in-sufficiently equipped for the practice of law in Nigeria where lawyers are both solicitors and advocates at once (Nwogugu 1995 in Wokocha, 2008). Thereafter following the report of the Unsworth Committee which was mandated to look at the future of the Nigerian Profession, this report recommended the training of lawyers locally at professional level, as well as the establishment of law faculties

in Nigerian Universities, The legal education Act of 1962 was enacted, under which the Nigerian Law School was established with an Englishman, Mr. G. Rudd who served as pioneer director from 1962-1967. The Council of Legal Education was also established to co-ordinate legal education in Nigeria. The University of Lagos was founded the same year that is 1962 and it became the first university to have a law programme in a law faculty and some first generation universities followed suit. Thus, by the end of 1963, four universities (UNN, IFE LAGOS and ABU) were running law programmes leading to the award of Bachelors degrees in Law and presently over 39 universities including Federal, State and Private Universities now run law programmes leading to the award of first and in many cases post graduate degrees in law.

Legal Training in Nigerian Universities

In Nigeria, legal Training is undertaken in two phases. The First phase is the teaching of substantive law courses and this is handled by the law faculties in the universities while the second phase (which is dependent upon the successful completion of the first phase) is the teaching of procedural law, that is the practice or practical use or process by which the rights, interests and liabilities of substantive law are pursued, realised

and established in the legal process (Wokocha, 2008).

This vocational training is undertaken by the Nigerian Law School which has its headquarters at Abuja, with campuses at Enugu, Kano and Lagos and presently other campuses have sprung up at Kaduna, Yenagoa and Yola.

The Current Curriculum includes the study of some eight compulsory courses and some elective courses. For the first category we have: Law of Contract, Constitutional law, Commercial Law, Criminal Law, Equity and Trust, Evidence, Land Law and Law of Torts.

In addition to the above listed compulsory courses, the University of Uyo Faculty of law has included the following: Legal methods, Legal System, Company Law, Jurisprudence and Final year research project.

It is mandatory that these compulsory courses listed above must be registered for and passed by a student to obtain his degree. The second category includes other courses which have been approved by the respective universities to be undertaken by their law faculties. These include International Law, International Humanitarian Law, Administrative law, Environmental Law, Human Rights Law, Oil and Gas Law and Conflict of Laws in addition to a variety of non-law courses designed to broaden a lawyer's knowledge of the society.

When a student has passed through the university training and gained a Bachelor of Laws degree, he then proceeds to the Nigerian Law School where, in one year, he is expected to grasp the rudiments of the practice of law in Nigeria. Today,

persons educated in foreign countries can only practice law after being trained at the Nigerian Law School. For this Purpose, the course is broken into two parts: The First part (Bar part 1) is designed for persons educated in foreign countries wherein courses taken are: Constitutional Law, Criminal Law, Nigerian Legal System and Nigerian Land law while Second Part (Bar Part 11) is for all the law Students whether or not they were trained in Nigeria. The courses undertaken include: Civil Procedure, Criminal Procedure, Company Law and Commercial Practice, Law of Evidence, Legal Drafting and Conveyancing and General Paper which comprises of Legal Practitioners Accounts, Income Tax Law, Office Management and Professional Ethics.

It is a pre-requisite that students trained outside Nigeria must first take and pass Bar Part 1 examinations before they can join the students trained in Nigeria for the Bar Part 11. Within this period, the student-lawyer is also exposed to law office practice and the court process through a four weeks court attachment and a six weeks law office attachment exercise. He is also enlightened on the social etiquette of the profession by attending the three dinners and cocktails organised by the institution.

At the end of these lectures and exercises, the student sits for an examination which he must pass as condition for call to the Bar (Wokocha, 2008). However, this paper is focused on Legal Education as it is obtained in the Nigerian universities and it is in the universities that academic law is taught ; this aspect of the law is best suited to equip the lawyer with the means of finding out

what the law is whenever he needs to. In other words, at the academic stage, legal education must focus sharply on the search for principles (Alimi, 2008) and the Law Library stands in central position to shine as a beacon of light pointing the user in the right direction.

Goals of Legal Education

According to Anaeme (2011), law institutions are basically established to achieve certain goals, some of which are:

- Impact on the student an understanding of the fundamental principles and concepts of law and also to develop the skills needed to solve legal problems.
- Provide a rigorous analytical and theoretical education to assist the students in developing constructive and critical approach to the processes of law.
- Assist the students in seeing law within its social, economic, political, historical, ethical and cultural context and also
- Be well informed to do a comparative analyses of other legal systems, especially civil law systems and relevant international law (Daintith, 1997; Tuyo, 2007).

Role of the Law Library in Advancement of Legal Education

Several authors hold the view that the library is an indispensable component of a faculty that must teach law as it is the powerhouse of the law faculty in the same way that the Kitchen is the powerhouse of any home. Good and up to date law reports and textbooks are indispensable

materials for the training of lawyers. Jegede (1992) and Dada (2011) are in complete agreement that the ability to perform legal research is one of the basic skills of a lawyer. This means that the use of the law library/Information Resource centre should be part of his training right from his undergraduate days at the faculty of law and subsequently at the law school.

A lawyer must be widely read, hence the saying that lawyers are learned gentlemen. It can be deduced from the above premise that the primary tool of the legal profession is the book of which the law library is the repository. This is a very important aspect of our legal education. As observed by Gilbert in far back 1908. "there is no class of men professional or otherwise, as dependent upon books as the lawyers. There is no library of whatever kind or nature which so directly pertains to the interests which it is designed to serve as the law library. I am speaking with authority when I say that the lawyers' books are his tools without which he would be unable to provide for his family".

Anigilaye (1996) posits that without prejudice to any other profession, the law profession is solely based on law books. The law library is the workshop or laboratory of the legal profession. The Importance of the law library to legal education and indeed the profession continue to be stressed by different authorities. Ademola (1994) observed that the legal profession makes great use of books and texts while Obilade (1979) had earlier said that law libraries are ... essential to the proper study of law. This then goes to show without saying that without a law library, lawyers and

law professors cannot do their jobs (Ajidahun 2010).

In support therefore, Ukpanah and Ebong (2011) opined that no law faculty can successfully train law graduates without having in place an efficient and well-managed library and also stressed that the law library is the pivot on which legal research revolves and this probably explains why the Nigerian Council of Legal Education, National Universities Commission as well as other professional bodies insist that one of the criteria for evaluating the accreditation of courses in our tertiary institutions is the provision of adequate library facilities, to stock in its collection, relevant, current, adequate books and periodicals, internet facilities, reprographic services, bindery services, good ventilation and adequate staff and student capacity before it can pass accreditation. Ajibero (2003) amplifies this position when he noted that the objectives of establishing any university, one of which is to encourage research and scholarship, can only be achieved through the provision of library services.

The law library helps in sharpening the intellect of budding lawyers by provision of relevant primary and secondary information resources in both print and non-print formats. The importance of the information services to the advancement of legal education cannot be over-stressed as law students, law teachers and legal researchers rely on and consult on daily basis law reports, law dictionaries, indexes, statutes, gazettes, law journals, textbooks and many others, both of Nigerian and foreign origins, to compare legal principles, corroborate or invalidate

facts and figures, to clarify statements and opinions, so as to gain a better understanding of puzzling legal theories, thus it is evident that no legal practitioner, law student, law teachers or any legal institution can achieve much success without having access to library facilities.

The University of Uyo Situation

The Law Library is situated on the second floor of the Udo Udoma law building. It has a seating capacity of 155 users. The Law Library with its reserved room is fully stocked with current legal materials, both foreign and local in origin, on all subject areas taught in the Faculty and also on related disciplines as these aids the users in comparative analyses. It currently boasts of current foreign and local periodicals and has subscribed to two legal databases namely lexis-nexis academic and west-law international to complement the print resources.

The Law Library is professionally engaged to make scholarly contributions to its field, provide solicited or unsolicited assistance to library users, liaise with faculty staff in the recommendation of new titles for acquisition, receive, catalogue and classify new materials, review shelves regularly for missing or mis-shelved books, documents or other materials. The law library is poised to accomplish its primary goal, which is to provide the best possible service to her users and this it does by making information available to the faculty, staff, students, legal researchers etc.

Challenges

- **Poor Funding**

Libraries in Nigeria, including the academic law libraries, are

operating in an era of dwindling finances where resources (both financial and material) are not forthcoming. Nigerian academic libraries derive the greater part of their funds from the government (both federal and state) (Abubakar 2011) It is heartening to note that of all the different types of libraries in Nigeria, only university libraries have a clearly defined policy of funding because they are allocated 10% of the recurrent annual budget of their parent institutions. However, it is regrettable that such monies are not forthcoming as most university administrators flout that decision (Okiy, 2005; Yetunde, 2008) and the story is not much different in private universities as Yetunde (2008), observed that in most private universities in Nigeria, the board of trustees usually determine the share of the university's library budget which in most cases is inadequate. This is the appalling situation in Nigeria which equally affects the law libraries adversely, especially as the law library will have to compete for increased funding with other units of the library.

- **Apathy by the University Administrators**

The university administrators generally exhibit total indifference to the law library and its demands and their interest is only aroused when accreditation is around the corner.

- **Lack of Current Information Resources**

The prohibitive cost of local textbooks and the near – impossibility of importing their foreign counterparts is one of the major reasons why law students and law teachers cannot acquire these information resources for their personal use which explains why they all resort to the library which is equally grappling with a single or few copies of a textbook. This normally results in theft and mutilation of library materials.

- **Inadequate Power Supply**

Everybody living or doing business in Nigeria is acquainted with the epileptic power supply dished out by the Power Holding Company of Nigeria (PHCN). This has adversely affected the productivity ratio of law libraries as the reading rooms become hot, stuffy and uncomfortable. Even where there is a stand-by power generating set or inverters funds will be required regularly to purchase diesel or fuel and/or replace the inverter batteries.

- **Inadequate ICT facilities**

Inadequate ICT facilities in our law libraries today is the bane of legal education as advances in Information and Communication Technology present a fundamental challenge to various aspects of legal research.

- **Manpower**

There are still in active service those generations of librarians

who are used to performing the roles of the library in the traditional way. They resist change and refuse to evolve in this era of the application of Information and Communication Technology to all library operations.

- **Hostile attitude of the Library Staff**

The unfriendly and unwelcoming attitude of most Library staff has become a recurring decimal over the years and has been cited as one of the reasons for poor patronage of the library.

- **No Inter-Library Cooperation scheme**

Recommendations

- **Adequate funding of the library**

Law library should be adequately funded so as to equip them fully for the task of gathering, organising and disseminating information to the end users. In fact, it is recommended that the law library have a separate sub head in the recurrent annual budget so as to avoid the struggle for funds with other library units.

- **Increased Interest in the affairs of the law library**

University administrators need to exhibit a sustained interest in the affairs of the law library and also accede to her demands at all times and not only when the accreditation team is expected.

- **Multiple copies preferably Six (6) copies of current and up to date legal information resources should be acquired.**

- Power Supply has to be improved by negotiating with the Officials of PHCN to give the university a dedicated line which will supply consistent flow of electrical energy.

- The library should have a dedicated server which would ensure that the library has strong internet connection at all times so that the users, once armed with a user name and password, can access the resources of the library without having to be physically present in the library premises.

- There should be continuous training and re-training of staff to bring them up to par with their colleagues on innovations, advances in knowledge and on the acquisition of new skill set and technologies.

- Attitudinal re-orientation of the staff towards the users.

- An Inter-library co-operation scheme should be formed as no one library is self sufficient. This scheme would open up the resources of a participating library to others in the network.

Conclusions

The requirement for a vibrant system of legal education that can be certain of producing lawyers with the necessary skills and capacity to contribute their quota to the society in this present age cannot be accomplished without the provision of a well-stocked law library as the law library is an effective tool in the advancement of Legal Education.

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