



NATIONAL ASSOCIATION OF LAW STUDENTS

October 20, 2021.

The President

Republic of Ghana

Jubilee House

Accra

Dear Sir,

PETITION: UNJUSTIFIABLE DENIAL OF ADMISSION OF 499 LAW STUDENTS AT THE GHANA SCHOOL OF LAW AND PERSISTENT CHALLENGES WITH LEGAL EDUCATION IN GHANA

Introduction

We write to respectfully seek your intervention in the matter of 499 LLB students who obtained an aggregate score of 50+ marks at the 2021 Ghana School of Law ('the School' or 'GSL') entrance examination but have been unjustifiably denied admission to pursue the Professional Law Course for the 2021/2022 academic year. We also wish to seek the intervention of your good offices in respect of the poor handling of professional legal education in Ghana by the General Legal Council (GLC).

Background-The 2021 Ghana School of Law entrance exam

By a notice dated May 14, 2021, published on the Ghana School of Law's ('the school') website and in the Daily Graphic newspaper, the school invited eligible law students with the requisite qualification to apply to sit the entrance exam towards admission into the Professional Law Course.

Sir, as you may be aware, the current approach to training lawyers relies on a bifurcated model that comprises an academic component at the Faculties followed by a professional component at the School. For students to be enrolled at the School for the professional law course, we are required to sit an entrance exam. Successful candidates are then admitted into the school upon satisfying other admission requirements such as production of LLB certificates, LLB transcripts, amongst others.

According to the school's notice, the entrance exam was to be a two-hour paper consisting of 2 sections. Section 'A' comprising 20 multiple choice questions covering six

(6) out of the ten (10) basic subjects required prior to admission to the School, namely; Law of Contract, Law of Torts, Criminal Law, Law of Immovable Property, Ghana Constitutional Law and Ghana Legal System and Methods.

Section 'B' consisting of two (2) essay or problem questions based on any of the six (6) subjects above-mentioned. Candidates were required to answer both of the two questions.

As part of the application forms, students who sought to sit the entrance exam **were made** to sign an undertaking to NOT challenge the results of the exam. The notice indicated that 'The decision of the General Legal Council in respect of the published results **SHALL BE FINAL**' (emphasis added). **2,824** sat for the entrance exam on Tuesday, August 24, 2021.

Inconsistencies in results of the 2021 entrance exam

Initial results for the exam were published by the school on Tuesday, September 28, 2021. **According to the initial results published by the school, out of the 2,824 candidates, 790 (representing 28%) were said to have obtained 50% or more, and therefore passed. These initial results meant that over 2000 students had purportedly failed the exam.**

Following public pressure and perhaps pursuant to a Right to Information ('RTI') request filed by Prof. Stephen Kwaku Asare, for the school to release the entrance exams raw scores, the school released the said raw scores. **According to these raw scores, 499 more candidates obtained the 50% pass mark and more. These students are, therefore, to be deemed to have passed the exam and deserving of admission to the school to pursue the Professional Law Course starting this 2021/2022 academic year.**

In an attempt to explain away this inconsistency between the initial results published by the school and the raw scores – also published by the school – the School by a notice published on October 5, 2021, and signed by the Director of Legal Education, Mr. Kwasi Prempeh-Eck, said:

'Candidates or applicants who obtained the minimum threshold mark of 50% each in the two sections for A & B (Part A & Part B) of the exam are eligible to be considered for admission by the General Legal Council for the 2021/2022 academic year to pursue the professional law course.'

The decision of the General Legal Council in respect of the published results of the entrance examination is final. Please be informed accordingly.'

It is curious how an originally-announced 50% pass mark morphed into '50% each in the two sections' when the people of Ghana demanded transparency into the process.

499 bright, talented and hardworking law students whose only crime is to seek professional legal education have as a result of this arbitrary and capricious exercise of discretionary power been unjustifiably denied admission to the school's professional law course.

LONG HISTORY OF CHALLENGES WITH ACCESS TO PROFESSIONAL LEGAL EDUCATION

Legal education has been embroiled in controversy since 2012 when the GLC issued an administrative fiat that varied the entry requirement to the Ghana School of Law to include entrance exams and an interview process.

This fiat culminated in a lawsuit—*Stephen Kwaku Asare v Attorney-General and General Legal Council* (2017)—in which the Supreme Court of Ghana declared the fiat warranting the entrance exam and interview to the school unconstitutional.

Using other legal mechanisms, in 2018, the GLC pushed for the passage of LI 2235 which brought back the law school entrance exam. It is important to note that, in the passage of LI 2355, the GLC pushed and was granted the power to allocate quotas for LLB admissions at the law faculties approved by the GLC (to run the LLB program). The GLC represented to Parliament that, if Parliament allow the LI 2355 to pass, the GLC was going to table regulations in Parliament to allow other institutions to provide the Professional law course. Accordingly, the entrance exam was a stop gap or interim measure for the 2018 admission, instead of immediately allowing law faculties to provide the tuition for the professional law course. It was expected that through this quota allocation, the school's entrance exam would be a thing of the past as all approved universities, with allocated LLB quotas, based on the determined number of LLBs for automatic admission to the Professional law course after the LLB, will resolve the year-on-year backlog of law students seeking to undertake the professional law course (See Regulations 1 of LI 2355).

Three years have gone by and neither this quota system nor the introduction of the regulation has been implemented by GLC. Sadly, the GLC is religiously implementing the entrance exam till date, with the number of applicants escalating every year.

There have been massive failures at these entrance exams in recent years. In 2019, only a meagre 128 (7%) out of the 1,820 candidates who sat the entrance exam were said to have passed. We were all witnesses to the national outrage following those statistically ridiculous results. Law students hit the streets and protested. The Greater Accra Regional Police Command used brutal force on students right in front of the seat of government, the Jubilee house, resulting in injuries. Others were arrested without cause, detained for hours and then released without any charges.

Following the 2019 results, students sued the GLC at the High Court asking for the undertaking students are compelled to sign before taking the entrance exam to be struck down as arbitrary and unlawful. The Court in the case of *Prince Ganaku and Others v General Legal Council* (2020) so ordered. *The Court also declared that the failure of the GLC to publish a procedure for remarking the examination papers of students is arbitrary, unlawful and void. The Court ordered the GLC to give aggrieved students the opportunity to have their exam results reviewed or remarked. The Court also ordered*

the GLC to within 14 days of the court's judgment, publish a procedure for remarking and reviewing exam scripts. Several months have gone by since the Court's decision in the Ganaku case but the GLC has failed to comply with the Court's orders. This is clearly not a good account to render about an institution charged with the mandate to train lawyers for the country.

Thousands of LLB holders in this country who are unsuccessful at this entrance exam are compelled to travel to places such as Gambia and other common law jurisdictions to undertake the professional law component of their legal training. Many others who cannot find the financial resources to do so remain hopeless, jobless and some even develop mental health complications.

Challenges at the Ghana School of Law

The challenges with legal education in Ghana are not only at the entry stage. The problems with legal education in Ghana extend beyond the entrance exams. They are also reflected in the institutional practices at the Ghana School of Law which further compound the plight of law students.

The repeat policy at the school is incongruent with educational best practices around the world. This policy serves no well-identified educational objectives. These policies are designed to make legal education unnecessarily frustrating and defective.

Our colleague students at the Ghana School of Law have for many years consistently complained about the repeat policy at the school which requires students who fail 3 or more of their papers to repeat the entire course. They have also complained about the exorbitant fees they are made to pay to have their scripts remarked. They have petitioned the Office of the President, Parliament, Chief Justice and almost every person of influence in this country in a bid to have these issues addressed. Yet here we are.

CONCLUSION

OUR DEMANDS

Sir, we respectfully ask for your support and intervention as we seek to actualise our constitutional right to education in the country of our birth, Ghana.

Our demands as a student body are as follows

1. In the short-term, we demand that the Chief Justice who chairs the GLC, the GLC itself and the Board of Legal Education, do right by these 499 candidates who passed the 2021 entrance exam and admit them **IMMEDIATELY** into the professional law course at the school;

2. We demand that the Attorney-General, Mr. Godfred Dame, the President's representative on the GLC who is clothed with powers under **Section 1(5) of the Legal Profession Act, 1960 (Act 32)**, to order the GLC within 7 days to present (a) procedures for remarking of entrance exam scripts and (b) regulations specifying how qualified Law faculties can be designated for students to have tuition for the professional law course in accordance with Articles 23, 25 and 38 of the 1992 constitution and Sections 13(2) and 14 of Act 32.
3. We demand that the repeat policy at the Ghana School of Law be scrapped;
4. We demand that the remarking fee at the Ghana School of Law be reduced and pegged at GHC300 per paper;
5. In compliance with the High Court order in the *Ganaku case*, we demand that the GLC abolishes the undertaking students are compelled to sign annually to NOT challenge the results of the the School's entrance exam. **An undertaking declared by the Court to be illegal and arbitrary cannot continue to be administered.**
6. We demand that the GLC and the Independent Exam Committee (IEC) publish **IMMEDIATELY** the marking scheme for the 2021 entrance exam.

Thank you.

SIGNED

THE LEADERSHIP

NATIONAL ASSOCIATION OF LAW STUDENTS (NALS)