

YOUR LEGAL PATH

Confused and unsure about your next step towards a legal profession? Let the CILSS help you! The Cayman Islands Law School Society has compiled a comprehensive and concise manual for students studying at the Cayman Islands Law School.

Before embarking on a course of study for any professional practice exam, it is vital that you research not only the course and the institution providing the course, but also any further requirements of qualification such as membership of an association and, very importantly, periods of training to be taken after the course to be fully certified as a lawyer.

You should also enquire with the appropriate governing bodies of the jurisdiction in which you are to study, and the jurisdiction where you may wish to eventually practice, about the compatibility of that course/qualification with the rules of admission to the bar in the jurisdiction in which you wish to practice. I.e. some courses are not recognised by some jurisdictions and may require further periods of study/training. The CILSS has attempted to furnish you with the necessary information in order to make an informed decision; however, additional research may be required to understand it all. Hopefully this manual will help you not only on your path towards practicing in The Cayman Islands, United Kingdom, United States of America, Canada, or Jamaica, but help you with the legal jargon that may throw you off this path from time to time.

Part 1: Study and Practice in the UK

BARRISTER V SOLICITORS

The UK has a „split profession – Solicitors on the one hand and Barristers on the other. Post law degree, the training for each branch of the profession is different.

PART A: BARRISTERS

BARRISTERS are individual specialist legal advisers and courtroom advocates. They are self-employed and work in groups of offices known as chambers where they are known as a 'tenant' of the chambers. Each tenant is expected to contribute towards the cost of the chambers. Each set of chambers will have an experienced barrister as its head who will manage the work for the tenants. However each barrister is independent of the other tenants, you are required to build your own client base and you'll rise or fall on your own merits.

The main difference between a Barrister and a Solicitor is that a barrister is mainly trained in advocacy, in other words they are trained to represent their clients in the higher courts. However advocacy is not the only thing a barrister spends their time doing, in fact it will vary enormously depending on the area of law in which they specialize. So when they are not in court, the barrister, much like a solicitor, will spend a lot of their time advising clients and researching cases as well as researching and keeping up to date within their chosen field. Nowadays the role of the barrister is moving more and more towards that of an expert in their field. A barrister will have specialist knowledge and expertise in a particular area of the law and as such they will often be called upon to advise solicitors and provide expert opinion on complex cases.

SKILLS NEEDED to be a barrister: one must be confident and comfortable with speaking in public, be able to think quickly on your feet, and be driven to succeed. The Bar Council's prerequisites:

- Academic ability (good A Level results as well as a 2:1 Hons Degree)
- Good written and oral communication skills
- Numeracy skills (you'll need these to work out your own tax returns!)

Interpersonal skills
 Personal effectiveness (You must be driven to succeed)
 IT skills
 Professional responsibility
 A commitment to continuing professional development

BECOMING A BARRISTER

The vocational stage is the next part of training after the academic stage. It will usually take the form of the BVC (Bar Vocational Course). This stage ensures that students intending to become barristers acquire the skills, knowledge of procedure and evidence, attitudes and competence to prepare them for the **more specialised training in the twelve months of pupillage which follow.** (See Page 13)

The full-time Bar Vocational Course (BVC) runs for one academic year; the part-time course for two years. However, all students are required to be admitted to an **INN OF COURT** before registration on the Bar Vocational Course. (See page 9)

BVC COURSE CONTENT

The **main skills** taught on the BVC are:

Case Work Skills

- Case Preparation
- Legal Research

Written Skills

- General written skills
- Opinion-writing (that is giving written advice)
- Drafting (of various types of documents)

Interpersonal Skills

- Conference Skills (interviewing clients)
- Negotiation
- Advocacy (court or tribunal appearances)

The **main areas of knowledge** taught on the BVC are:

Civil Litigation & remedies
 Criminal Litigation & sentencing
 Evidence
 Professional Ethics
 Two optional subjects, selected from a choice of at least six.

BVC Assessment

Assessment takes several forms and may differ from institution to institution. Key areas of knowledge are often assessed through multiple choice tests. Written skills are evaluated by means of written papers, while advocacy, negotiation and conference skills may be appraised by videoed performance of practical exercises.

APPLYING FOR BVC

Applications for a place on the BVC must be made through the Bar Council's central applications system, **BVConline**. As the name suggests BVConline is an internet based system. To make an application visit the BVConline website at www.bvconline.co.uk.

Traditionally the BVC has been available at only one institution, the Inns of Court School of Law in London. However since September 1997, it has been offered by a few, carefully selected institutions (**See Page 7**). Applications will be made through a centralized-clearing system known as CACH (Centralized Applications and Clearing House).

The timetable for the 2006/2007 application process has not yet been posted. However, in recent years the application pool has opened during the month of October of the year before you wish to enroll. There are various pools in which to enter, but it is recommended that you attempt to apply during this first pool. Keep checking BVConline as well as www.legaleducation.org.uk for more information.

There is strong competition for places on the BVC. Approximately 2500 candidates apply for 1500 places. Candidates are advised to submit their application as early as in the system as possible. NB. All applications submitted in the first round will be considered at the same time, after the closing date. Check the website for the current timetables.

Course fees for the 2004/5 intake range from £7285 to £11,185 including all fees/deposits. The three courses in London are the most expensive.

You should aim to gain as much relevant experience and knowledge as you can during the vocational stage. This might include: debating, mooting (holding mock trials), work for a Citizen's Advice Bureau or the Free Representation Unit, attending court, marshalling (shadowing a judge), further mini-pupillages or, at the very least, reading the legal pages in the newspapers. Any of these activities should assist you in the search for a pupillage.

Frequently Asked Questions:**1. Can I study for the Bar Vocational Course by Distance Learning or Part-time?**

There is no provision for Distance Learning. There are two Part-time courses: for 75 students at the Inns of Court School of Law, and for 48 students at BPP Law School. Courses take 2 years to complete.

2. May I make an application if I am an overseas student?

Yes. Applications are judged on merit. Overseas students wishing to apply for a place on the Bar Vocational Course should check with the jurisdiction where they wish to practice that the Bar Vocational Course is recognized in that jurisdiction. A place on the Bar Vocational Course does not mean that overseas students may practice in England & Wales. The Bar Vocational Course confers the qualification of Barrister but without rights of audience. Students without rights of employment and residency in the UK may not practice in the UK. Some institutions do have different fees for home and overseas students, so check the prospectus of the institution where you wish to study.

3. Can I make an application on paper rather than online?

There will be alternate application procedures for applicants with disabilities, if their disability prevents use of computers and email. Please contact the Education and Training Department for further details before the application period starts.

4. May I apply directly to the Bar Vocational Course institutions?

No.

5. What are the selection criteria?

To be even considered for a place on the Bar Vocational Course, applicants should have gained (or be predicted) a minimum of a 2:1 in their Qualifying Law Degree or a 2:1 in a non-law degree and a Pass in the Common Professional Exam or Post Graduate Diploma in Law. These qualifications are the minimum requirement and do not guarantee you a place on the course. If your qualifications do not fit these criteria then contact the Quality Assurance Officer (Academic Stage) at the Bar Council, 2/3 Cursitor Street, in writing setting out your qualifications clearly. You should also check the criteria in each individual institution's prospectus.

6. Do I have to be a member of an Inn of Court?

You must be a member of an Inn to take up your place on the Bar Vocational Course. You should have joined by 31st May of the year your BVC is due to commence, as there are often delays in processing applications during August/September. If you are not a member of an Inn when BVC registration starts, you will not be able to register on the course.

7. What sources of financial support are available to Bar Vocational Course students?

The Inns offer a wide range of scholarships. You should contact the Inns for a list of their awards. The closing date for such awards is usually November in the year before the BVC starts. Some chambers give awards towards the Bar Vocational Course or allow students to draw on pupillage awards during the Bar Vocational Course. The majority of students have to depend on bank loans and/or parental support. Many banks offer loans for vocational courses but their terms and repayment rates vary, so you should shop around before making any commitment.

8. How much are the fees for the Bar Vocational Course?

2004/5 fees are between £7345 and £11,185 for the year. The BVC Institutions require a non-refundable deposit upon acceptance of a BVC place, which will be deducted from your course fees upon enrolment. Applying for the BVC through BVC-Online costs £40.

9. What will deferral of Call mean for BVC graduates?

Deferral of Call is a policy which the Bar Council agreed in principle over 10 years ago, and which in 2004 it agreed to implement from September 2008. What it means in practice is that anyone commencing the BVC after 1st September 2008 will not be Called to the Bar after successful completion of the BVC, as happens at present. Instead, students will receive "provisional" Call after successful completion of the first six months of pupillage. This will entitle them to appear in court during the second six. Upon satisfaction of the full twelve months of pupillage the student will be Called to the Bar in the usual way. At present the details of how to implement the policy are being discussed, but it is currently envisaged that the rule will apply to all students, whether intending "Home" practitioners or overseas practitioners.

INSTITUTIONS VALIDATED TO RUN THE BVC**BPP Law School**

68-70 Red Lion Street
London WC1R 4NY
Tel: 020 7430 2304
<http://bpp.com/law/>

The College of Law

14 Store Street
London
WC1E 7DE
Tel: 0800 289997
<http://www.college-of-law.co.uk/>

Inns of Court School of Law/City University

4 Gray's Inn Place
Gray's Inn
London WC1R 5DX
Tel: 020 7404 5787
http://www.city.ac.uk/icsl/prospective_students/bvc/index.html

The University of Northumbria at Newcastle

School of Law
Sutherland Building
Northumberland Road
Newcastle Upon Tyne NE1 8ST
Tel: 0191 227 3939
<http://law.unn.ac.uk/>

Cardiff Law School

Centre for Professional Legal Studies
PO Box 294
Cardiff CF1 3UX
Tel: 029 20874964
<http://www.cf.ac.uk/claws/cpls/>

University of the West of England at Bristol

Faculty of Law
Frenchay Campus
Coldharbour Lane
Bristol BS16 1QY
Tel: 0117 965 6261 x3769
<http://www.uwe.ac.uk/law.bilp/bvc.shtml>

Manchester Metropolitan University

School of Law, All Saints West, Lower Ormond Street, Manchester M15 6HB

Telephone: 0161 247 3053

<http://www.mmu.ac.uk/bvc>

Nottingham Law School

Belgrave Centre

Chaucer Street

Nottingham NG1 5LP

Telephone 0115 848 2888

<http://www.nls.ntu.ac.uk/Postgrad/BVC/BVC.htm>

THE INNS OF COURT

There are four Inns of Court (**Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn**). Anyone wishing to train for the Bar must join one of the Inns, and the Inns alone have the power to call a student to the Bar. Only those called are able to exercise rights of audience in the superior courts of England and Wales as barristers.

The Inns are principally non-academic societies that provide collegiate and educational activities and support for barristers and student barristers. These include a library, lunching and dining facilities, common rooms and gardens. They also provide a number of grants and scholarships for the various stages along the way to becoming a barrister

Admission to an Inn is required before registration on the Bar Vocational Course, although many undergraduates join before this stage in order to participate in the activities, use the library, or start dining. A student's choice of Inn does not affect the area of law in which they wish to practice or their choice of pupillage or tenancy. It is usually a matter of personal choice - visit the Inns and talk to current members and to student officers to help you make the decision on which Inn to join. **Students are reminded that they must join an Inn by 31st May of the year their Bar Vocational Course is due to commence.**

As well as awards and scholarships, the Inns are able to offer advice to their student members. (For example, assistance completing CVs and application forms for the BVC and for pupillage) Mock interviews are also available, as are the arrangement of marshalling schemes.

From the beginning of the 1997/98 academic year the dining requirement forming part of the criteria for call to the Bar was changed. Students are now required to complete 12 **qualifying units** in order to be called to the Bar. This can be achieved through a number of different ways:

Attendance at:

- Weekends either in the Inn or at a residential centre such as Cumberland Lodge.
- Education Days (primarily for out of London students).
- Education Dinners (with lectures or talks).
- Domus Dinners (when students and seniors dine together).
- Social Dinners (such as Grand Night or student guest nights or dinners at the providers).

The weekends count as 3 units, the days count as 2 units and dinners and Call Night count as 1 unit.

BVC Students are reminded that qualifying session dinners are held both in London and in the provinces, as well as various guest lectures throughout the year.

Each Inn runs advocacy training courses for their pupils. These vary in format and length and combine advocacy training with lecturers on particular areas of law or forensic skills.

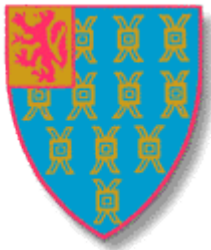
Additionally, each Inn has student societies and supports involvement in debating activities that range from internal events to inter-Inn, national and international competitions. The students organize their own social events through their Inns' student association and some Inns also support sporting societies.

Reminder for new London Students

London students starting the BVC are invited to attend the Introductory Party for London Students (held by all four Inns jointly). The introductory weekend for out of London students takes place on different dates, check with your Inn.

These all count towards your qualifying sessions. See the Inns' websites for full details and to book places. Details of other events counting towards qualifying sessions are also available from their websites.

CONTACTING THE INNS (Pictures hyperlinked)



LINCOLN'S
INN Students' Department
Treasury Office
Lincoln's Inn
London WC2A 3TL
Tel: 0207 405 1393



INNER
TEMPLE Education & Training Department
Treasurer's Office
Inner Temple
London EC4Y 7HL
Tel: 0207 797 8208



MIDDLE
TEMPLE Students' Department
Treasury Office
Middle Temple

London EC4Y 9AT
Tel: 0207 427 4800



GRAY'S
INN Education Department
8 South Square
Gray's Inn
London WC1R 5EU
Tel: 0207 458 7900

PUPILLAGE

Barristers called to the Bar may practice as employed barristers (provided they notify the Bar Council) but are not entitled to exercise a right of audience.

Structure:

Pupillage generally takes one year, although it is split into six-month periods or "sixes". You can choose to do your first and second sixes at two different sets of chambers rather than one if you wish. Neither route guarantees that you will obtain a tenancy (a permanent place in chambers). In fact, "third sixes", undertaken by those who fail to become tenants at the first attempt, are becoming increasingly commonplace. At present, there are a small number of pupillages at the employed Bar (that is, work as a legal adviser for an employer; rather than in independent practice).

Training and experience

All pupils are assigned to one or more pupilmasters or pupilmistresses, experienced barristers who organize training, allocate work and assess performance. Pupillages also give chambers the opportunity to assess pupils with a view to ensuring that they become effective practitioners.

Pupillage is hard work. The first six generally consists of observing and assisting your pupilmaster or pupilmistress and other barristers from chambers. There will be a great deal of research, together with document writing and document-reading. At the end of a satisfactory first six, you receive a certificate enabling you to take on work of your own. The transition to the second six is therefore significant. This is where you start to build your own reputation. You have cases of your own, clients of your own, court appearances on your own resulting in cases won or cases lost.

A certain amount of training takes place outside the environment of chambers. The Bar Council requires all pupils to attend two compulsory courses. The first gives further training in advocacy and the second practical help with managing a practice, including advice on financial issues. There are also voluntary, but highly recommended, courses in accountancy and EU law.

Where to find Pupillage information

Chambers offered 711 pupillages in 2002/2003 (766 the previous year) and, although more places may be available in pupillage training organizations in the forthcoming years, competition for places is still likely to be intense. With such a level of competition, applicants are advised to make sure that they are suited to a career at the Bar by visiting court, talking to people in the legal profession and undertaking work experience in solicitors' offices or barristers' chambers (see also Mini Pupillage).

Applicants should also ensure that they have thoroughly researched the chambers/pupillage training organisations to which they have applied.

The Pupillages Handbook is an indispensable guide containing details of all organisations offering pupillage in the forthcoming year and comprehensive information about pupillage awards. The handbook is automatically distributed to all current BVC students and is also available from the annual National Pupillage Fair at the start of each March.

Applying for Pupillage

Pupillage providers advertise all pupillage vacancies on the designated website www.pupillages.com. The vacancies are divided into two types: OLPAS and non-OLPAS. All planned vacancies are advertised on the Pupillages Handbook. As the Handbook is compiled from information gathered between November and January of each year, any amended OLPAS vacancies will be advertised on the Newsflash section. New non-OLPAS vacancies will appear on the website within the A-Z database of listings. .

Applying through OLPAS

OLPAS allows applicants to search and apply for pupillage using an on-line form, and for pupillage providers to communicate with applicants using email/on-line messages. This has the advantage of allowing direct communication between applicants and chambers in a controlled and equal way. The aim is to create a level playing field for all applicants, as the same application form is completed by all applicants and distributed in the same way to the providers.

A particular advantage of OLPAS is that applicants can search for pupillage on the website, using a number of search criteria (eg location, areas of specialisation). Any changes to the originally advertised pupillage vacancies are posted on the site, so all information is current. Pupillage providers not participating in the OLPAS System also display details of how to apply in the non-OLPAS version of the online Handbook, accessible through the www.pupillages.com website. The Pupillage and Awards Handbook will continue to be published by GTI, and will remain the companion to the pupillage website. This has the advantage of allowing applicants to browse the pupillage vacancies off-line.

There is no charge to applicants using OLPAS. The scheme is split into two seasons, Summer and Autumn, and 12 applications will be allowed per person per season. Summer Season commences March, with recruitment taking place early August; Autumn Season takes place from September to November. Pupillage Providers must state whether they wish to participate in the Summer or Autumn season, or both. Applicants have up to 24 choices, 12 through each Season. In addition, there is of course no limit to the number of applications allowed through non-OLPAS providers.

Mini Pupillage:

Mini-pupillage is a short period of work experience (usually one or two weeks) in a set of chambers. Some chambers require applicants to undertake an assessed mini-pupillage as part of the recruitment process, and others use it as one of their selection criteria. All applicants to the Bar are advised to undertake at least one mini-pupillage as spending time in this way within chambers will provide an invaluable insight into life at the Bar and may provide some useful contacts to assist in finding pupillage. The Pupillages and Awards Handbook provides details of which chambers offer mini-pupillages, as does the chambers entry on the OLPAS website. You should apply direct to chambers enclosing a copy of your CV and specifying the dates you are available. The Inns' Student Officers can provide advice on obtaining a mini-pupillage. The African Caribbean Asian (ACA) Lawyers Group runs a scheme to place ethnic minority students in mini-pupillage. Interested students should write to Elpha Lecointe, 1 Pump Court, Temple, London, EC4Y 7AB, enclosing a copy of their CV.

A life at the Bar can be an expensive and risky business, with increasing tuition fees and more importantly increased competition within law as a whole. For every three graduates who commence the BVC, only one will find a lasting career at the Bar. Be prepared to spend a couple of years attempting to secure a pupillage but do not be discouraged!

Transferring to England & Wales...

Qualified solicitors and barristers often want the option of being able to practice law in a country other than the one in which they qualified. The law professional bodies in England & Wales have therefore set up a process to make this transition as smooth as possible.

The following categories of qualified lawyers can be eligible to apply for Call to the Bar of England & Wales.

European Lawyers

Solicitors admitted in England and Wales or Northern Ireland

Members of the Bar of Northern Ireland or Faculty of Advocates in Scotland

Qualified Legal Practitioners in other common law jurisdictions

Legal Academics (a teacher of law in England and Wales)

Due to the introduction of the 'European Lawyers Establishment Directive' any lawyer (solicitor or barrister) who qualified in a EU member state (and is a national of that state) can apply to become registered with the Bar Council of England & Wales for call to the Bar. Applicants must provide several pieces of evidence with their application such as evidence of practice within their home state, evidence of registration with the local professional body and the judicial authority (rights of audience) in which they are entitled to practice. There is also a cost for membership.

Depending on the experience of the applicant, they may be required to complete part or all of the 'Aptitude Test' set by the Bar Council and run by BPP Law school. The test consists of three written papers and an oral assessment. The written papers test the Law of Contract, Tort and Property, the English Legal System, Administrative Law and Criminal Law. The oral test can consist of assessment of case presentation and cross-examination as well as a test on the Professional Rules of Conduct. Applicants may also be required to complete a period of pupillage at the discretion of the Bar Council.

Common Law Practitioners will be expected to have regularly exercised rights of audience in the superior courts of a common law jurisdiction for at least 3 years and must provide evidence of this as well as a work permit, and show reasonable grounds that they will be able to find a chambers within which to practice.

In all cases it is advised that all applicants should try to attend a period of pupillage on a voluntary basis and the associated pupillage courses in order to become more accustomed to practices within the courts of England & Wales.

Part B: SOLICITORS

SOLICITORS give specialist legal advice and help on all matters of the law to their clients, who may be members of the public, businesses or voluntary bodies etc. This can include representing them in court, but often in complex cases this role is given to a barrister and the role of the solicitor becomes one of research and advice to the client on their case.

There are over 60,000 solicitors practicing in England and Wales and their work varies enormously. Most solicitors are employed by a private practice, which is a firm of solicitors run by the 'partners' of the firm who regulate the flow of work to the solicitors. The size of the firm can vary from a huge International firm with many offices and hundreds of partners to a small practice with one or two partners. It is also possible for solicitors to work for Central and Local Government, the Crown Prosecution Service or the Magistrate's Courts Service, as well as 'in-house' with a commercial or industrial organization.

Firms can also vary in the type of work they offer to their clients. Private practice firms are usually general practice where work will involve matters such as conveyancing (the buying and selling of houses and land), personal injury claims, representing clients in court in divorce cases or making wills, as well as offering services to businesses such as advice on contracts and partnerships. Firms can also become specialists in a particular niche field such as shipping or aviation and tailor all their services to businesses in that industry. Alternatively they can concentrate on clients who are legally aided, where they will advise their clients who are unable to afford solicitors fees.

SKILLS NEEDED

A career as a solicitor offers the chance to combine intellectual challenges and variety of interesting work, with the opportunity to work closely with and for many different types of people. Training is very competitive, and anyone intending to become a solicitor should be aware of the commitment that is required. Currently there are many more students with the LPC qualification than there are training contracts and the big firms can take their pick from the very best candidates.

As prerequisites go, solicitors require good all round communication skills, written, verbal and interpersonal. You will benefit from being a logical thinker who is able to research topics carefully and present information in a clear and structured manner.

BECOMING A SOLICITOR

THE LPC

After successful completion of the law degree, or CPE, or Diploma in Law, you will have to undertake the Legal Practice Course (LPC), which is the professional training for solicitors. This course takes one academic year, or two years if studied part-time. Again, competition for a place on the LPC is very tough. Good academic grades are essential. The course teaches the practical application of the law to the needs of clients, and is offered by a number of different colleges and universities.

Having successfully completed the Legal Practice Course, the would-be solicitor has to enter a two year training contract with a firm of solicitors or other approved organisation (such as a local authority or the Crown Prosecution Service), gaining practical experience in a variety of areas of law. At this stage, you will be paid a salary and will be a trainee solicitor. It is important that you arrange a training contract as early as possible. You can begin to apply in the final year of your degree (**See Page 24**).

The LPC provides the bridge between the knowledge students have gained during the academic stage, and the skills required applying the knowledge to real clients and situations during a training contract. The course focuses on teaching students how to apply their knowledge in a practical context by teaching all of the skills used by solicitors in practice. Some of the skills taught include drafting of letters and legal documents, advocacy, how to interview clients and methods of legal research. The LPC also allows students a certain amount of specialisation through a range of optional subjects that allow students to increase their knowledge in their chosen areas of law.

Content and Assessment

Teaching methods for the LPC will vary from institution to institution, and from subject to subject. However, most will use a combination of lectures, seminars and tutorials as the basis of the course. Students will be assessed on their written, oral and research skills by a range of assessment methods such as discussion groups, mock proceedings before qualified judges, videotaping and written exams.

Course content will vary at each institution so please contact the institution for their specific syllabus. However, below is a brief outline of the subjects that are usually taught either as a compulsory subject or as an elective.

Compulsory Subjects

The Law Society deems these areas as so important that all trainee solicitors should study them. They refer to these areas as 'Pervasive' topics. They are:-

- Business Law and Practice
- Litigation and Advocacy
- Conveyancing and Property
- Professional Conduct and client care
- Tax law
- European Community law
- Business and Solicitor Accounts
- Interviews and advising
- Writing and Drafting
- Advocacy

Optional Subjects

The optional subjects below allow students to begin increasing their knowledge in specific areas of law that they have a particular interest in or that have been stipulated as requirements by the firm with which they have accepted a training contract.

- Commercial Law
- Equity finance
- Debt Finance
- Private Acquisitions
- Corporate Finance
- Commercial Litigation
- Commercial Property
- Media and Entertainment law
- Mergers and acquisitions
- Employment Law
- Personal Injury Law
- Family Law
- Private Client (wills and trusts)

The 'City LPC'

The City LPC is a particular version of the LPC course which has been specifically tailored to the requirements of the top City law firms in the UK, commonly known as the 'Magic Circle' Firms. The magic circle consists of 8 big powerful City firms as below, whose business is primarily finance and commerce related.

Clifford Chance
Linklaters
Freshfields Bruckhaus Deringer
Allen & Overy
Slaughter & May
Lovells
Herbert Smith
Norton Rose

Recently there has been a big shake up of the alliances between the firms and the LPC providers. It used to be that the big 8 had a deal with three course providers: BPP, Nottingham and OXLIP to exclusively provide their trainee's with the LPC. However, in the last year this arrangement has collapsed.

The new arrangement (likely to be available in 2006) will see Linklaters having the first ever firm-specific LPC which is to be delivered exclusively by the College of Law. It is thought that two other firms (Allen & Overy and Clifford Chance) will follow suit with their own tailored versions of the course. The remaining 5 firms will be using BPP exclusively to provide their trainee's with the LPC instead of spreading their trainee's across 3 different providers.

It is hoped that this approach will lead to a more consistent level of teaching and content as well as keeping the students closer to the firms in London rather than spread out in Oxford and Nottingham. It is also thought that partners and solicitors from the firms will participate in some of the course-related activities in order to give students the chance to hear directly from their future colleagues.

Where To Study

As with the study of the CPE/GDL, your choice of institution is very important and as the course is provided by 25 institutions, choosing one will require some research. Most students will stay on at the same school or university in which they studied for their degree or CPE/GDL, but either way, you should be looking for as much information as possible about the various schools before applying. You should try and find out not just about the academic programme but also about any links with the profession, the level of individual career guidance, the facilities available and any relevant extra-curricular activities. It would also be helpful to

get an idea of the school's reputation amongst both students and the profession by talking to as many people as possible.

Applying for LPC

Law undergraduates should apply in the autumn term of their final year, whilst non-law graduates should do so in the first term of the CPE/GDL course. Applications should be made to the LPC Applications Board (www.lawcabs.ac.uk) by **1st December**.

Students are generally advised not to start studying the LPC until they have secured a training contract purely because the fees are high and you do not have a guarantee of obtaining a training contract after you complete your LPC. Many of the larger firms may also offer to pay the tuition fees on behalf of their future trainees.

Applications forms for the LPC course can be obtained from:

The LPC Central Applications Board
PO Box 84,
Guildford,
Surrey,
GU3 1YX (telephone 01483 301282)

Before any student can commence the LPC, they must be a student member of the Law Society (www.lawsociety.co.uk) and obtain a Certificate of Completion of the Academic Stage of Training. For a composite application either go online or write to:

Regulatory Enquires,
The Law Society,
Ipsley Court,
Redditch,
B98 0TD (tel: 01527 517141).

The best time to apply is in the spring term of your law degree (or CPE) as the process can often take months to complete.

LPC Finances

Most International and City law firms will pay for tuition fees for the LPC if you secure a training contract before you apply for the LPC, some firms will also provide a maintenance grant for living expenses.

The LPC & City LPC course fees are fairly high, in the region of £7,000 to £9,000. Local Education Authority grants are discretionary for the LPC, which in practice means that they can be very difficult to get.

Other possible sources of income you may apply for: The Law Society has a bursary scheme that provides a range of grants, but only for the very best and most needy candidates. You can apply for LPC-related grants from 1st March and no later than 10th May. All students can obviously consider the option of a preferential bank loan for professional studies which most high street banks provide.

There are also a limited number of scholarships available for the LPC for ethnic minority students. For further information contact:

Ethnic Minorities Officer,
114 Chancery Lane,
London,
WC2A 1PQ.

The Training Contract

The training contract (**previously known as 'articles'**) is the final stage on the path to qualifying as a solicitor. It is a two-year period spent working at a law firm where you will put into practice all the knowledge and skills you have learnt so far in a working environment. Trainee's will usually spend blocks of six months in different departments with their chosen firm, known as 'seats' where you will be supervised by a qualified solicitor from that department who will manage your workload, monitor your progress and help to train you. Although in smaller firms the training may not be so structured, the Law Society does require that you cover at least three areas of work during your training. Its important to remember that this period will also be used by the firm to assess your prospects for a job after the training period is over, a training contract does not guarantee you a job, so you must remain professional at all times and gain as much experience as possible that will help your future career prospects & employability.

What You Will Learn - The Professional Skills Course

What you learn during your training contract will depend on the type of firm in which you train and the solicitors who supervise you. However, at a niche practice that mainly concentrates on a single area of work your experience will obviously be more limited. But whatever firm you train at you will have to undertake 'The Professional Skills Course' (PSC).

The Professional Skills Course is a modular course that must be completed by all trainee solicitors during their training contracts and before qualification The course builds on the skills developed on the Legal Practice Course and aims to test that trainees have reached the appropriate level of skills and knowledge to become a practising solicitor.

There are 3 compulsory core courses that must be completed:-

Advocacy and Communication Skills
Financial & Business Skills
Client Care and Professional Standards

In addition to the three compulsory courses, trainees must also complete 24 hours training in electives. These should follow the compulsory courses and build on the skills of 3 core modules, by looking in greater detail at the core subjects or related areas. Different providers offer different electives that are developed to suit the requirements of employers and trainees.

Electives are available covering a variety of law topics such as Company Commercial, Criminal, Employment, Human Rights and Litigation.

Firms can provide the PSC 'in-house' through teams of dedicated trainers or offsite through one of the course providers. The course can be a mixture of distance learning and face-to-face tuition and the number of examinations required can vary. The main providers will offer a 'fast-track' option where all of the core subjects can be studied together with one final exam. Alternatively each of the modules can be studied individually.

What to consider when applying for your training contract

When choosing which firm to train in, you need to consider three factors:

1. **The type & size of firm** you want to work in,
2. **The sort of work/practice areas** you are interested in,
3. **Where** you want to do it.

The Different Types of Law Firm

International: These firms handle all aspects of multi-jurisdictional business and financial law. They are likely to have multiple offices throughout the world's major financial centres so there are likely to be good opportunities for travel or secondments. You will work for multinational clients in a number of different legal and industrial sectors. Competition for training contracts will be fierce and firms will have their pick from the best candidates. These firms are likely to look for multiple legal and linguistic skills, extra curricular activities, work experience and commonly a 1st degree.

City: These firms offer a wide range of top quality company/commercial work for major clients. Although mostly UK-based many of these firms will have an international workload and strong associations with other firms around the world. Competition for training places with these firms will be very high, and many will stipulate pre-requisites such as minimum of a 2:1 degree.

'Magic Circle': There are 8 City Firms which fall into this category:- Slaughter and May, Clifford Chance, Freshfields Bruckhaus Derringer, Allen & Overy, Herbert Smith, Norton Rose, Lovells and Linklaters. These are seen by many as the elite London firms and are high paying, hard working and very corporate and finance oriented. The prestige that is attached to the superb magic circle training is undeniable and, to that end, these firms do have the pick of the best applicants, but they do require candidates to complete the 'City LPC'.

If you are considering applying to the larger City and International firms you should expect high profile and challenging work, hours are often long,

but the money is very good. Expect to be pushed and, at times, be prepared to give 110%. If you are working against a deadline on a deal then you will be expected to stay until it is finished. This can mean working through the night and coming in at weekends from time to time. To get into one of the top firms you will need a consistently excellent academic record, from A Levels through to your first and second year exam results or final degree. Recruitment personnel in City firms are also keen to ensure that prospective trainees possess commercial awareness, understanding what businesses want, how they work and what lawyers can do to help them. You need to show that you have an interest in law, an interest in business and an interest in the firm you are going to.

National: These firms offer broad-based legal services throughout the country from a number of different regional commercial centres. They are often the result of mergers between several strong regional practices. Clients are mostly UK public and private companies, and local and public authorities. Again there will be high numbers of applicants for limited places. Candidates will need to stand out from the crowd so relevant experience and extra-curricula activities will help your chances.

Regional: These are smaller commercial practices operating from either a single office or several offices in a particular geographic region. Their clients are mostly members of the public and private companies in the region. The smaller regional firms tend to concentrate more on private client work. Wages and number of places are likely to be lower than the larger city firms (law society minimum wage is currently £13,000 pa).

National and Regional firms can be every bit as difficult to get into as their City rivals. In some cases you are statistically more likely to get into a Magic Circle firm, as the ratio of vacancies to applications can be much better at the bigger practices. If the Magic Circle has refused you, don't assume you'll walk into a top regional firm. Recruitment personnel at the top regional practices will look for exactly the same abilities and experience as the top City firms. Salaries are lower outside London, in some cases significantly so, but the cost of living is much more reasonable than in the capital. You will also benefit from less oppressive hours than the largest City based practices and they also have a reputation for (generally) being a bit friendlier, a bit calmer and a bit more human than the City.

Niche/Specialist: As the name suggests, these are small firms that tend to offer high quality work in a limited field. They are often innovative and provide a high level of personal service. Some niche practices are so specialised they are not able to gain permission from the Law Society to offer training contracts as they

can't offer a wide-enough training experience. Opportunities for career development are obviously limited to the specialised practice area.

High street/Legal Aid: Practices range from larger, long established firms in large town centres to sole practitioners working above shops in the suburbs. These firms usually act in private client matters and sometimes for small private companies, sometimes of a no win no fee basis. Salaries will be lower than s in other firms, but many lawyers involved in this kind of work often claim to work in a more personally rewarding environment. The largest firms may take on four or five trainees a year while the smallest will recruit as and when trainees are needed. Unlike commercial firms, most do not recruit two years in advance and most do not sponsor students through the CPE or LPC.

The Sort of Law You'd Like To Practice

There are many different areas of law. Here are just a few of the most common areas that students will study and will commonly take a 'seat' in during their training contract and possibly go on to specialise in.

Civil Litigation: A solicitor practising civil litigation deals with two parties in a dispute. The solicitor's involvement begins with an interview with their client and a process of dispute resolution (governed by the civil procedure rules). If the dispute escalates to litigation the solicitor's duties will include the starting of proceedings, collecting & processing evidence and representing the client in court.

Commercial: This type of law is an umbrella under which Business law and practice and Company law fall. Essentially this area deals with the creation, amendment and dissolution of business relationships - whether or not this is intra-business relationships (e.g. power struggles) or inter-business relationships (e.g. contracts between companies).

Commercial Property: This area of law deals with property (realty, chattels and proprietary rights) on behalf of companies. For example this might range from negotiating and drafting a commercial lease to buying an area of land to licensing intellectual property rights.

Conveyancing: This is the process of conveying land from one owner to another via the mechanisms of the Land Registry and the Inland Revenue.

Criminal Law: The life cycle of a criminal case for a solicitor can begin from representing the client at a police station, on to application for bail, processing of evidence and through to

representing your client in the criminal courts. In the higher criminal courts only barristers have the right of audience to appear.

Employment Law: Deals with the rights of employers and employees, usually in the context of a dispute such as an industrial tribunal. Also relates to drawing up contracts of employment.

Environment/Planning: Deals with applications for planning permission, environmental protection orders & decontamination issues.

Family Law: A family lawyer will deal with divorce proceeding and proceedings involving the custody of children and distribution of assets.

Human Rights: This area of law has gained prominence in recent years due to the European Convention of Human Rights, which was enshrined in English law by the Human Rights Act 2000. This area of law has far reaching consequences into every other area of law and any practising lawyer needs an appreciation of this area of law. A specialist human rights lawyer e.g. Cherie Blair will deal with authorities breaching the Human rights of a citizen, i.e. collation of evidence & representing the client in court.

Tax Law: Here the lawyer will mainly represent either a company or the Inland Revenue in cases where there is a dispute over how much tax is owed / been paid.

Banking & Finance: This deals with commercial loan agreements, mergers and acquisitions. Lawyers will assist in structuring deals & ensuring compliance with security laws

Personal Injury / Clinical Negligence: Lawyers represent the claimant or the defendant i.e. Insurance companies, health authorities etc. This type of work has become increasingly popular in recent years due to 'no win, no fee' arrangements. Generally involves a lot of paperwork with medical reports and witness statements to collect. Smaller cases usually result in settlement but some do end up in court.

Intellectual Property: This area of law relates to intangible property rights, for example issues of copyright, patents, confidentiality, technology licensing agreements and litigation relating to disputes thereof.

Media & Entertainment Law: This glitzy showbiz sounding subject relates mainly to the music, tabloid and film & TV industries. A media and entertainment lawyer may be asked to draw up record contracts, deal with copyright and ownership issues of entertainment material or deal with defamation and privacy issues of individuals as reported by the press and complaints to the Press Complaints Commission and broadcasting authorities.

Transferring to England & Wales...

Due to the increase in 'global business' many more qualified and trainee lawyers throughout the world are keen to gain dual qualification in another country & jurisdiction in order to increase the services they can provide to clients or to allow them the freedom to work in another country. The Law Society has therefore set up a test to allow lawyers qualified in another country to 'convert' their qualifications and practice as a solicitor in England & Wales. This test is called the 'QLTT - Qualified Lawyers Transfer Test'.

Qualified in a country outside of the EU

The QLTT allows lawyers qualified in selected countries (contact the Law Society for details) to qualify as a practicing solicitor in England & Wales by sitting a number of examinations known as 'heads' in English Law and practice.

Qualified within the EU

Lawyers who qualified with the EU do not necessarily have to sit the QLTT in order to practice as a solicitor in England & Wales, though they do have the option.

In May 2000 the Law Society implemented the 'European Lawyers Establishment Directive'. The directive entitles lawyers qualified in any EU member state to practise law on a permanent basis in any other EU Member State. Lawyers must be registered with a competent authority in the host state and comply with the local rules of conduct. In the case of UK this would be the Law Society of England and Wales (or Scotland or Ireland) or the country's Bar Council. However, lawyers that do register for practice under this directive are not directly admitted to the Roll of Solicitors in England and Wales, as they would be if they sat the QLTT. Under this directive, the EU lawyer can only apply to join the Roll after three years practice in England & Wales, but they do not need to pass an examination.

To find out more about practicing under this directive, please contact the Law Society.

The QLTT

The QLTT is a course made up of a number of 'heads', which cover the main topics of English Law and practice. Which heads the applicant must sit is up to the Law Society. In order to sit the QLTT applicant must follow the 4-step process below:

- 1. Apply for a 'Certificate of Eligibility' from the Law Society of England & Wales**

Before anyone can take the QLTT they must be deemed eligible by the Law Society. Eligibility will be based on the applicant's country of qualification, their rights of audience and their particular practicing experience. There is normally a pre-requisite of at least two years practice, within the last five years. However, this is down to the discretion of the Law Society who are able to specify a number of months further experience before applicants are eligible for admission.

The certificate of eligibility is valid for 3 years from the date of issue and costs approximately £400. Applicants will need to submit supporting documents such as evidence of academic ability and details of experience when applying. Please contact the Law Society for details on how to obtain a certificate

When the certificate is issued it will stipulate which 'heads' (training courses) of the QLTT that the applicant must pass in order to qualify.

1. **Apply for the QLTT**

There are four official test providers offering the examination service and preparatory tuition in various locations throughout the UK or by distance learning:

1. The College of Law
2. BPP Law School
3. One World Studies
4. Central Law Training

Each institution has its own associated costs for the various courses and examinations. You should contact the individual providers for details of costs, teaching methods and how to apply

2. **Undertake the training courses and examinations**

The QLTT test covers four 'heads' as below. The Law Society determines which heads candidates must pass, dependent on their current professional qualifications and jurisdiction:

- Property (3 hour written exam)
- Litigation, Civil or Criminal (3 hour written exam)
- Principles of Common Law (Oral Examination)
- Professional Conduct and Accounts (2 hour written exam)

The training material should not be taken lightly as it is likely to be very intensive due to the short timescales. The training can be taken via distance learning (either web based or via post) or by face-to-face tuition.

3. **Apply for admission into the Roll of Solicitors**

After successfully completing the examinations candidates can apply to join the Roll of solicitors, and become eligible to practice as a solicitor in England & Wales. Note that there is a fee for admission.

Part 2: Study and Practice in the Cayman Islands

Admission as an Attorney-At-Law of the Cayman Islands, carrying with it the right to practice law locally, is regulated by the Legal Practitioners Law and Regulations made thereunder. Students should be thoroughly familiar with these provisions. In the case of persons who are not qualified to practice as barristers or solicitors in other Commonwealth jurisdictions, admission to the Cayman Bar is based upon successful completion of:

- i) The Qualifying Examination of the Professional Practice Course (PPC), certified by the Cayman Islands Legal Advisory Council; and
- ii) An eighteen month period of articles of clerkship.

Those graduates who go to qualify as an Attorney-At-Law are eligible to take the Qualified Lawyers Test with a view to concerting their qualification to that of English solicitor.

For further details contact the Law School.

The entry requirements for the PPC are laid down in the Legal Practitioners (Students) Regulations (2004 Revision). Candidates must be **Caymanian** or have **Caymanian status**, or **hold the consent in writing of the Governor in Cabinet**. In addition, students must have successfully completed the **Liverpool University LLB degree** or a qualification deemed to be **equivalent** to it by the Legal Advisory Council.

THE PROFESSIONAL PRACTICE COURSE

The PPC is two years in duration, divided into two parts:

- i) The first part comprises an intensive full-time nine-month period of study in Cayman law and procedure. Courses to be studied include:
 1. Criminal Procedure and evidence
 2. Civil Procedure and evidence

3. Conveyancing
 4. Legal Accounts
 5. Cayman Statute Law (Immigration, Labour, Family, Arbitration, Company and Confidentiality)
 6. Probate and Succession Law
 7. Dissertation of 3,000 must also be successfully completed focusing on an area of local law/procedure.
 8. Legal Skills and Professional Conduct including Advocacy, Drafting Negotiation, Client Interviewing.
- ii) The second element to the Professional Practice Course is Articles of Clerkship with a practicing Attorney-At-Law who will provide the trainee with practical experience in differing aspects of legal work. Articles must be registered with the Clerk of the Court after the Attorney General's certificate has been obtained which signifies his satisfaction that the articulated clerk will receive an appropriate level of legal training. Securing articles is the student's responsibility and it is up to the attorney and the clerk to agree the usual conditions of the clerk's employment such as salary, annual leave etc. A legal practitioner in the Cayman Islands has a broad spectrum of matters to deal with: his clients may well be involved in sophisticated international trusts, banking, insurance and commercial transactions, or have problems of a more domestic nature. An articulated clerk will study practical issues of many aspects of the law and should use this time to assist his or her principal to the full in order to gain the widest experience possible.

Applications: These should be handed into the Cayman Islands Law School by July 2006 to be considered for the 2006-2007 academic period.

For further information, please contact Ms. Deborah Barker, the Course Leader, as well as the Legal Practitioner (Student Regulations) 2002 (2003R) Statute.

Part 3: Practice in the US

The path is a little different, but you will be able to take the trek nonetheless. In order to obtain a license to practice law, almost all law school graduates must apply for bar admission through a state board of bar examiners. Most often this board is an agency of the highest state court in the jurisdiction, but occasionally the board is connected more closely to the state's bar association. The criteria for eligibility to take the bar examination or to otherwise qualify for bar admission are set by each state, not by the American Bar Association or the Council for the Section of Legal Education and Admissions to the Bar.

Licensing involves a demonstration of worthiness in two distinct areas. The first is competence. For initial licensure, competence is ordinarily established by a showing that the applicant holds an acceptable educational credential (with rare exception, a J.D. degree) from a law school that meets educational standards, and by achieving a passing score on the bar examination.

The most common testing configuration consists of a two-day bar examination, one day of which is devoted to the Multistate Bar Examination (MBE), a standardized 200-item test covering six areas (Constitutional Law, Contracts, Criminal Law, Evidence, Real Property, and Torts). The second day of testing is typically comprised of locally crafted essays from a broader range of subject matters; however, in a growing number of states, nationally developed tests, such as the Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT), are used to round out the test.

In addition, almost all jurisdictions require that the applicant present an acceptable score on the Multistate Professional Responsibility Examination (MPRE), which is separately administered three times each year.

The second area of inquiry by bar examiners involves the character and fitness of applicants for a law license. In this regard, bar examiners seek background information concerning each applicant that is relevant to the appropriateness of granting a professional credential. Because law is a public profession, and because the degree of harm a lawyer, once licensed, can inflict is substantial, decisions about who should be admitted to practice law are made carefully by bar examining boards.

Boards of bar examiners in most jurisdictions expect to hear from prospective candidates during the final year of law school. Bar examinations are ordinarily offered at the end of February and July, with considerably more applicants taking the summer test because it falls after graduation from law school.

Some boards offer or require law student registration at an earlier point in law school. This preliminary processing, where available, permits the board to review character and fitness issues in advance.

As state-specific information is so important (and so variable) in the lawyer-licensing process, law students should contact the board of bar examiners in the jurisdiction(s) in which they are most likely to practice law.

Admissions vary from state to state, which follows that some states will be very restricted to ABA approved law schools (one of which is not Cayman Islands Law School). However, one main Bar Examination that CILS Students should be able to take is the New York Bar Examination.

NEW YORK BAR EXAMINATION

Qualifying: Applicants may qualify to take the New York bar examination four ways:

- 1) Graduation from an American Bar Association approved law school (see Section 520.3 of the Rules of the Court of Appeals);
- (2) Combination of law school and law office study (see Section 520.4 of the Rules of the Court of Appeals);
- (3) Graduation from an unapproved law school and practice in a jurisdiction where admitted for five years (see Section 520.5 of the Rules of the Court of Appeals);
- (4) Foreign law study (see Section 520.6 of the Rules of the Court of Appeals).**

520.6 Study of law in foreign country; required legal education. (a) **General.** An applicant who has studied in a foreign country may qualify to take the New York State bar examination by submitting to the New York State Board of Law Examiners satisfactory proof of the legal education required by this section.

(b) Legal education.

(1) The applicant shall show fulfillment of the educational requirements for admission to the practice of law in a country other than the United States by successful completion of a period of law study at least substantially equivalent in duration to that required under subdivisions (d) and (e) of section 520.3 of this Part, in a law school or schools each of which, throughout the period of the applicant's study therein, was recognized by the competent accrediting agency of the government of such other country, or of a political subdivision thereof, as qualified and approved; and

(i) that such other country is one whose jurisprudence is based upon the principles of the English Common Law, and that the program and course of law study successfully completed by the applicant were the substantial equivalent of the legal education provided by an approved law school in the United States; or

(ii) or if applicant does not meet the durational equivalency requirements of subdivision (b)(1) of this section but has at least two years of substantively equivalent education, or if applicant does not meet the substantive equivalency requirements of subdivision (b)(1)(i) of this section, that applicant has successfully completed a full-time or part-time program consisting of a minimum of 20 semester hours of credit, or the equivalent, in professional law subjects, which includes basic courses in American law, in an approved law school in the United States; or

(2) The applicant shall show admission to practice law in a country other than the United States whose jurisprudence is based upon principals of English Common Law, where admission was based upon a program of study in a law school and/or law office recognized by the competent accrediting agency of the government of such other country and which is durationally equivalent yet substantively deficient under subdivision (b)(1)(i) of this section, and that such applicant has successfully completed a full-time or part time program consisting of a minimum of 20 semester hours of credit, or the equivalent, in professional law subjects, which includes basic courses in American law, in an approved law school in the United States.

(c) **Proof required.** The applicant shall submit to the New York State Board of Law Examiners such proof of compliance with the provisions of this section as the board may require.

Eligibility under the first three sections is usually easily determined from a reading of the Rules. However, in the case of foreign educated applicants, a pre-determination of eligibility is suggested well in advance of applying to take the bar examination.

Applying

Application packets may be downloaded from the New York State Board of Bar Admission of Law Examiners web site (<http://www.nybarexam.org/>).

They are available on written request to:

State Board of Law Examiners, Building 3 - Corporate Plaza, 254 Washington Avenue Extension, Albany, NY 12203-5195.

OR by telephone request to either **(518) 452-8700 or (800) 342-3335 (in NYS only)**. A voice mail system is set up for applicants to leave their names and addresses and an application will be sent when they are available.

Location Assignments Or Seating Assignments

The examination is held in New York City, Albany and Buffalo.

Non-residents who are employed full-time in New York at the time of making application to take the examination are also seated in New York City. Residents of the Fourth Judicial Department and non-residents who are employed full-time in the Fourth Department are seated in Buffalo. Residents of the Third Judicial Department, non-residents who are employed full-time therein, and all non-residents who are not employed in New York State are seated in Albany.

Written requests for location changes must accompany the application. They will be considered, but such requests are rarely granted and only for good cause. Mere convenience or geographical proximity are not considered good cause.

How to Withdraw From the Examination

Withdrawal must be made in writing, and faxes are not accepted. If the letter of withdrawal is received by February 1st for the February examination or July 1st for the July examination, the fee is automatically credited to a future examination for up to three years. If it is the second consecutive withdrawal, however, the fee is forfeited. Within the 30-day period, the letter of withdrawal must include the reason preventing the applicant from taking the examination, and disposition of the fee paid will be decided on a case by case basis.

I. THE EXAM - New York Portion

The first day is the New York portion, which consists of five essay questions and 50 multiple choice questions, prepared by the New York Board, and one Multistate Performance Test (MPT) question, developed by the National Conference of Bar Examiners.

In the morning session, which begins at 9:00 A.M. and ends at 12:15 P.M., applicants must complete three essays and the 50 multiple choice questions in three hours and 15 minutes. Although applicants are free to use their time as they choose, the Board estimates an allocation of 40 minutes per essay and 1.5 minutes per multiple choice question.

In the afternoon session, which begins at 1:30 P.M. and ends at 4:30 P.M., applicants must complete the remaining two essay questions and the MPT in three hours. Again, although applicants are free to use their time as they choose, the National Conference of Bar Examiners developed the MPT with the intention that it be used as a 90-minute test. Therefore, the Board recommends that applicants allocate 90 minutes to the MPT and 45 minutes to each essay.

The New York portion is based on both procedural and substantive law. It may deal with the six subject matters covered on the Multistate Bar Examination (MBE)

Contracts

Constitutional Law

Criminal Law

Evidence

Real Property

Torts (including statutory no-fault insurance provisions).

In addition, the questions may deal with Business Relationships, Conflict of Laws, New York Constitutional Law, Criminal Procedure, Family Law, Remedies, *New York and Federal Civil Jurisdiction and Procedure*, Professional Responsibility, Trusts, Wills and Estates including Estate Taxation, and UCC Articles 2, 3, and 9. More than one subject is tested in a single essay question. Except for questions involving federal law, the New York essay and multiple choice questions are based on the law of New York.

Each essay question is designed to test the applicant's ability to analyze a given set of facts, to identify the issues involved and the applicable principles of law, and to reason therefrom to a sound conclusion. An essay answer should show a recognition of each issue presented by the material facts, discuss the principles of law applicable thereto and

set forth the reasoning by which the conclusion has been reached. The answer should be clear and concise. It should be confined to the particular issues presented and should not include information that is not responsive to the question. Appropriate credit is given in the grading of essay answers for well reasoned analyses of the issues and legal principles involved even though the final conclusion itself may be incorrect.

A compilation of the essay questions and sample above average candidate answers from the three most recent bar examinations is available on the website, or upon written request for a fee of \$50 in a certified check, cashier's check or money order, payable to "State Board of Law Examiners."

The New York multiple choice questions require the applicant to select the correct answer from among four stated alternatives, of which only one is correct.

The MPT, developed by the National Conference of Bar Examiners, is a 90 minute question which requires candidates to complete an assigned task using resource materials they are given. The task is described in a memorandum from a supervising attorney and may include the preparation of a brief in support of a motion, a memorandum evaluating grounds for objecting to the probate of a will, a simple complaint or some other legal document. The assignment may raise an ethical issue as well. Candidates will be provided with a "file", containing source documents from which candidates must glean the facts of the matter, and with a "library," containing cases, statutes or regulations.

Additional information on the MPT, including availability of study aids, may be found on the website of the National Conference of Bar Examiners, www.ncbex.org.

II. Multistate Bar Examination Portion

The second day of the examination, the MBE portion, consists of 200 multiple choice questions prepared by the National Conference of Bar Examiners, and is given on the same day in more than 45 other jurisdictions. It is given in two three-hour sessions, from 9 AM to 12 noon and 1:30 to 4:30 PM.

Of the 200 questions, 34 each are in Contracts and Torts, and 33 each in Constitutional Law, Criminal Law, Evidence and Real Property. Each question consists of a statement of facts followed by four stated alternative answers and the applicant is required to choose the best of the stated alternatives. Except where otherwise noted, all questions must be answered according to the generally accepted view, as distinguished from any contrary local view that may be followed in New York. The questions on evidence are based primarily on the Federal Rules of Evidence, which are controlling as against any contrary law in New York. The MBE is more fully described in a bulletin of information published by the National Conference of Bar Examiners in conjunction with American College Testing. Copies of that bulletin are provided to New York applicants upon receipt of their applications to take the examination.

The National Conference of Bar Examiners has published questions which can be ordered from the National Conference at 402 West Wilson Street, Madison, WI 53703-3614, Telephone (608) 280-8550; FAX (608) 280-8552; TDD (608) 661-1275,

Web Site: <http://www.ncbex.org>

Application for Admission/Character and Fitness Investigation

Shortly after the bar examination, the Board sends to the Supreme Court, Appellate Division in each of the four judicial departments, a list containing the names and addresses of the applicants from that department who took the examination. Each department then sends admission application forms to each applicant on its list in order to expedite the admission process by permitting the applicants to complete and file the forms prior to receipt of the results of the examination. The forms must be filed within three years of the date of the Board's initial letter notifying the applicant of successful completion of the bar examination. These forms, which are the same for all four departments, serve as the basis for inquiry by the Committees on Character and Fitness into the applicant's character and fitness to be members of the Bar.

If an applicant has a change of address resulting in a change in Department between the time of receiving the application forms and the results of the bar examination, the applicant should immediately notify the Board in writing of such change. The Board, in turn, will acknowledge receipt of the change to such applicant and notify each Department involved of the change.

Grading of Examination

The answers to the six essay questions are each graded in accordance with a predetermined marking formula, and the grades attained by the applicant on the respective questions are the raw essay scores. The total number of questions answered correctly by an applicant on the 50 New York multiple choice questions is the raw score for that portion, and the number of questions answered correctly on the 200 MBE questions is the applicant's raw score for the MBE portion.

Through psychometrically approved scaling procedures, the raw scores attained by the applicants on each portion of the examination are converted to scaled scores on a common scale of 0 to 1000, and the three scaled scores are then weighted and combined to yield total weighted scaled scores on the same 0 to 1000 scale. The relative weights assigned are 50% to the written portion (40% essays and 10% MPT), 10% to the New York multiple choice, and 40% to the MBE portion.

The essay answers of each applicant who receives an initial total weighted scaled score of 655 through 674 are reread and regraded by graders other than the initial graders. The two scores for each essay answer are averaged to determine a final scaled score for each essay. The examination scores are then recomputed to determine each applicant's final scaled score. There is **no** appeal from this final score.

There is no passing or failing on any one portion of the examination. Thus a poor performance on one section of the examination may be offset by a superior performance on another section. Passing or failing is determined only on the basis of the applicant's

total weighted scaled score. A final total weighted scaled score of **665** is required to pass the examination, and any applicant who fails to attain a total weighted scaled score of 665 must retake the entire examination at a subsequent administration. Again, there is **no** appeal from the final total weighted scaled score.

Results of Examination

The results of the bar examination, in the form of written pass/fail notices, are mailed to all applicants on the same day. A list of **all** successful applicants is posted on the web the same day, and on the web site of the *New York Law Journal*.

Each successful applicant who has also furnished proof of successful completion of the Multistate Professional Responsibility Examination (MPRE) is certified by the Board to the Appellate Division of the judicial department in which the applicant resides or, if not a resident, in which the applicant is employed full-time or, in the absence of residence or employment in New York, to the Third Department. In the case of an applicant who resides and is employed in New York, residence takes precedence over employment for purposes of certification. Once the Board has certified an applicant to a particular department, a transfer can only be made upon application to the Presiding Justice of the Appellate Division to which the applicant has been certified. It is, therefore, important for applicants to keep the Board notified, in writing, of their current address.

Each successful applicant who has not furnished proof of successful completion of the MPRE is also notified of that fact in writing. As the MPRE scores of those applicants are received, they are certified to the appropriate Appellate Division. The Board usually certifies on a weekly basis, and it is very important for these applicants to keep their current addresses on file with the Board so that they may be certified to the correct department upon receipt of their MPRE scores.

Materials Available to Failed Applicants

An application for re-examination is sent to each failed applicant with the failure notice. During the 30-day period following the date of the Board's notice of failure, applicants whose final total weighted scaled scores are below 665 may obtain one set of copies of their own essay answers by forwarding a written request to the Board's office with a certified check, cashier's check or money order in the amount of \$40, payable to "State Board of Law Examiners." Copies of the essay questions and sample above-average candidate answers are also available for a fee of \$15 each for the questions and answers. The cost for the total package of the individual's essay answers, the essay questions and above-average candidate answers is \$70.

The essay questions and above-average answers are also published in the *New York Law Journal* and on the web site. There is no guarantee, however, how quickly such publication will take place.

If an applicant believes there may have been an error in scoring their MBE answer sheets, they may obtain a handscoring of the Multistate Bar Examination, by requesting same in a letter containing the applicant's name, Social Security Number, Seat Number, date of birth, and provide a self-addressed stamped envelope for returning hand score report to the applicant, accompanied by a **check in the amount of \$7, payable to "ACT."**

Part 4: Study and Practice in Canada

A license is required to hold oneself out as a lawyer and practice law in Canada, the legal profession is a self-governing profession. This means that the profession governs itself and decides who is entitled to hold a license to practice law. In most provinces it is common to refer to the group of lawyers who govern the legal profession as the "Law Society."

Law Societies are also governed by laws. For example, in Ontario the law that governs the Law Society is called the Law Society Act. This is a statute that provides the legislative framework for the regulation of the legal profession. It also specifies the requirements for becoming a lawyer.

Bar Admission In The Common Law Provinces

In order to be admitted to the bar, one must complete the bar admission course (BAC) in the province in which one wishes to be a lawyer. The bar admission course is administered by the Law Society. In general, the bar admission course lasts from nine to eighteen months. It consists of a combination of articling (the development of practical legal skills under the supervision of a lawyer) and classes.

In order to be allowed to attend the bar admission course, one must have already graduated from an "approved law school." The list of "approved law schools" (for every province except Quebec) includes each of the Canadian common law schools. In rare instances graduates of foreign law schools may be permitted to enroll in the bar admission course. For further information you should contact the law society of the province in which you wish to practice.

Therefore, the basic procedure is as follows.

1. Graduate from an approved law school. Canada's common law schools are approved in every province except Quebec.
2. Enroll in the bar admission course.
3. Complete the bar admission course.
4. Pay the fees to be admitted to the bar.

Bar Admission in QUEBEC

Canada has two (2) legal systems. Quebec is based on the civil law system. The rest of the provinces are based on the common law system. A common law degree is required to enter the bar admission course in the common law provinces. A civil law degree is required to enter the bar admission course in Quebec. Quebec law schools have civil law degree programs. A number of Canadian law schools have programs that allow you to complete both Common and Civil law degrees in four years. McGill has a program that allows for the completion of both Common and Civil law degrees in as little as three years. This gives you the option of bar admission in both Quebec and the Common Law provinces.

A. Mandate

The [National Committee on Accreditation](#) ("NCA") is a standing Committee of the Federation of Law Societies of Canada and is made up of representatives from the Council of Canadian Law Deans, members of the practising bar, and members involved with the administration of provincial law societies.

The NCA evaluates the legal training and professional experience of persons with foreign or non-common law legal credentials (including Québec) who wish to be admitted to a common law bar in Canada. Upon completion of its review, the NCA issues a recommendation describing the scope and extent of any further legal education that in its opinion the applicant needs to complete to equal the standard of those who have earned a Canadian LL.B. degree. Most law societies and law schools in Canada use the NCA's recommendations in setting their requirements for call to the bar ([See Section G below.](#))

The National Committee on Accreditation does not evaluate credentials for lawyers who want to apply to and become members of the [Barreau du Québec](#) or the [Chambre des notaires du Québec](#), which have their own evaluation procedures.

Applicants, whether Canadians with foreign legal education, foreign nationals with foreign legal education and applicants with Québec civil law degrees, are evaluated on the basis of their academic and professional profile.

The NCA applies a uniform standard on a national basis so that applicants with foreign law qualifications can apply to the Committee regardless of the common law province in which they wish to practise in Canada. Thus, applicants do not need to satisfy disparate entrance standards to practise law in Canada.

B. Method of Evaluation

1. Method

The nature of the Committee's mandate is captured in the words used in the Certificate of Qualification. The Certificate states as follows:

"Having passed the prescribed course of studies required by the National Committee, it is hereby certified that the National Committee on Accreditation considers (name of applicant) to have education and training equivalent to a graduate of an approved Canadian law school."

Thus, the Committee certifies that an applicant has:

an understanding and knowledge of Canadian law, and
knowledge equivalent to that of a graduate of a Canadian common law LL.B.
program.

Hence, "equivalency to an approved Canadian LL.B. degree" serves as the Committee's benchmark when it evaluates applicants with foreign legal education or training.

The NCA bases its recommendation on the applicant's legal background, both academic and professional. It takes into account the source country of legal education (common law, non-common law, "hybrid"), subject matter studied, academic marks and standing, nature of the degree granting institution, professional qualifications and length and nature of professional legal experience.

The NCA initially reviews each applicant's file on an individual basis. Upon completion of its review, the NCA issues a recommendation that the applicant:

1. pass examinations in specified areas of Canadian law;
2. take further education at a Canadian law school with a specified program of studies; or
3. complete a Canadian LL.B. program.

Option 1 is generally restricted to applicants who have been admitted to a Canadian law society, other than the Barreau du Québec and the Chambre des Notaires du Québec, from a by bar examinations or who have substantial common law experience. The NCA issues a Certificate of Qualification upon successful completion of the requirements set out in Options 1 or 2 above. Applicants receive a law degree upon completion of Option 3.

Applicants may be asked to attend a Canadian law school for further studies. Applicants with superior qualifications, call to the Bar by way of bar admission examinations and experience in common law may be permitted to write challenge examinations in specified legal subjects.

2. Prescribed Subjects/Courses

NCA applicants are expected to proceed to a bar admission program. Substantive law is not generally taught in Canadian bar admission programs. Rather, the emphasis in most Bar courses is on practical skills and procedure. In order to participate effectively in the teaching term of a Bar course, applicants are expected to have sufficient knowledge of Canadian substantive law and procedure before they enter the program.

NCA applicants are expected to demonstrate competence in at least the following basic practice areas:

- a. Business Law (corporate and commercial);
- b. Civil litigation;
- c. Criminal Law and Procedure;
- d. Estate Planning and Administration;
- e. Family Law;
- f. Public and Constitutional Law;
- g. Real Estate;
- h. Taxation;
- i. Evidence; and
- j. Trusts, Equity, Remedies.

3. Nature of Recommendations

The NCA may require applicants to complete successfully a stipulated number of "credit hours" of law studies at a Canadian common law school or write examinations in specific subjects. The number of hours stipulated depends upon the applicant's individual background of legal education and professional experience.

Typically, the credit hour system translates into the following approximate periods of time to be spent in a Canadian law school:

- 30 credit hours = 1 academic year (2 semesters);
- 45 credit hours = 1.5 academic years (3 semesters);
- 60 credit hours = 2 academic years (4 semesters).

If a law school does not use the credit hour system, it can translate credit hours by substituting one full academic year for every 30 credit hours. The applicant is required to obtain an unconditional pass for every credit hour of his or her program of studies and also satisfy any overall grade point average (GPA) requirements at the law school.

4. Appeals

Applicants should ensure that they file all relevant documents with their application. An applicant may seek administrative review of the initial decision of the NCA and appeal to a new panel for re-evaluation. The appeal application should set out the basis of appeal, submit any additional facts and evidence and the grounds for the review together with a newly completed application form. A new Appeal Panel evaluates the appeal and files on the basis of the applicant's evidence and issues a recommendation as it considers appropriate in the circumstances. The fee for an appeal is equal to 50% of the current evaluation fee provided that the initial recommendation has not expired.

The NCA evaluates appeals only twice a year, usually at its December and June meetings.

APPEAL DEADLINES

October 30

April 30

All materials should be in the Committee's office no later than the above dates.

C. Evaluation Guidelines

The Committee is authorized to issue a Certificate of Qualification to any candidate who has attained education and training equivalent to graduates from a Canadian LL.B. program.

The Committee directs applicants with foreign legal credentials into the appropriate level of legal education in Canada so that they may proceed to admission into a Canadian common law bar on the same basis as domestic law graduates.

Each application is evaluated on an individual basis taking into account the particular circumstances of that individual's educational and professional background. The following guidelines are used to evaluate the credentials of applicants with foreign legal degrees who apply to the National Committee to have their qualifications assessed with a view to becoming licensed to practise law in a Canadian common law jurisdiction. The guidelines facilitate the application of consistent standards to applicants with similar backgrounds. The guidelines also allow the Committee to apply consistent standards over a period of time so that similar cases are treated in a similar manner.

The following comments highlight the types of decisions that the Committee makes in routine cases. They should not be construed as representations to applicants. The NCA does not issue advance rulings prior to review of a file.

The NCA uses the following general guidelines in making its recommendations.

1. Common Law Systems

In considering applications from candidates with common law backgrounds, the NCA takes into account the following criteria:

- Nature of the academic institution attended and, where available, its accreditation by national law associations (e.g., ABA or AALS approval);

- Length of academic law program;

- Subject matter studied (e.g., law or mixed law/social sciences/humanities; if law, the contents, depth and relevance to Canadian law and circumstances);

- Undergraduate pre-law education;

- Academic performance, grades, and class standing obtained (e.g., top 25 percent of class, bottom 25 percent of class, first class, second class, acceptance in home jurisdiction of standing achieved, etc.);

- Language of instruction in academic law program;

- Admission to law society or bar by examination in home jurisdiction;

Professional legal experience, if any, including

- length of such experience (e.g., 1-3 years, 3-5 years, over 5 years) and
- nature and quality of professional practice.

The Committee looks at an applicant's entire academic standing, legal training and experience to determine the credit to be given.

Applicants should be aware that the examples below are only illustrative and they may not be applicable to your application, which is evaluated on its own merits. They should also be aware that the Committee looks at actual grades in individual subjects in addition to overall class of degree.

(a) U.S.A. Applicants with recent law degrees from ABA/AALS approved law schools in the United States are generally asked to complete between 30-45 credit hours in a Canadian law school or, in appropriate cases, write 8 to 10 prescribed examinations. As a part of their program of studies, applicants are required to complete successfully certain courses from a list prescribed.

The Committee considers an applicant's academic performance and class standing in his or her foreign legal program. In addition, the Committee also takes into account relevant graduate legal education and experience in law teaching at a University law school level.

The Committee also gives credit for American professional qualifications (such as membership by examination in a state bar) and for legal experience as a practising lawyer. The weight attached to experience depends upon the length and nature of the applicant's practice and its relevance to Canadian law practice.

Example: an applicant with a three year law degree from an ABA/AALS law school who graduates in the top 25 percent of the class, has passed the State Bar examinations and has been admitted as an attorney licensed to practise law will usually be asked to pass 5 (three hour) examinations to be considered to have education and training equivalent to a law graduate from a Canadian law school. In comparable circumstances, an applicant who graduates in the bottom 75 percent of the class may be asked to complete 30 credit hours in a Canadian law school or write 8 (three hour) examinations.

These requirements maybe reduced if the applicant has relevant professional legal experience as an attorney in the jurisdiction where he or she is licensed to practice law. The weight attached to experience depends upon the length, nature and diversity of practice. In each case, the Committee takes into account the course content and nature of experience.

(b) England, Wales, Australia, New Zealand, West Indies, Hong Kong, Singapore, etc. Applicants from England (*including* External LL.B. degree programs), Wales, Australia, New Zealand, West Indies, Hong Kong and Singapore can expect to be required to take 30-60 credit hours in a Canadian law school or equivalent challenge examinations if they have obtained a Second Division degree (or better) in a 3 year honours law program

following upon an undergraduate degree. Applicants who take a 2 year law honours program with a Second Division standing (or better) are usually asked to complete more credit hours or examinations than applicants with three year degrees. The Committee looks behind the applicant's class of degree and also takes into account actual grades in all subjects (including first year grades). In particular, the Committee looks closely at Second Class degrees and evaluates the range of marks achieved.

Factors to be taken into account include: age of degree, academic standing in all years of the LL.B. program, the content of courses, subject matter studied, relevant graduate legal education, law teaching experience and the quality of undergraduate education or training.

Although the application deadline is June 30, the Committee endeavours to accommodate evaluation requests from application form, fee and any other required documentation **prior** to the deadline date for processing. They may arrange to have their **final** transcript forwarded directly (by mail or fax) to the NCA in July or August.

Most applicants (whether with 2 year or 3 year law honours degrees) are asked to take at least the courses or write challenge examinations in the subjects, listed.

The Committee also credits successful completion of examinations of the Law Society or Bar Finals and completion of articles/pupillage. In addition, the Committee will take into account professional legal experience, the quality of experience and the years of practice following admission as a solicitor or barrister.

Example: An applicant with Upper Second Class degree (or better) standing in the top 25 percent of the program in a three year honours LL.B. degree who has been admitted to practice as a solicitor or barrister on the basis of examinations and completion of a two year "training contract" or pupillage and with less than 1 year's experience will usually be asked to complete successfully 2 to 6 examinations; with 1-3 years of professional legal experience, 2 to 5 examinations; with 3-5 years of experience, 2 to 4 examinations; and with experience in excess of 5 years, 1 to 2 examinations. As noted above, the NCA takes first year marks into account in its evaluation.

Example: In circumstances comparable to the above, an applicant with a Lower Second Class honours law degree who has been admitted by way of examination to the Law Society or as a member of the Bar but with less than 1 year's post-admission experience may be asked to pass 2 to 8 examinations; with 1-3 years of experience, 4 to 6 examinations; with 3-5 years of experience, 2 to 5 examinations; and with experience in excess of 5 years, 2 to 3 examinations.

Applicants with Third Class standing (or lower) do not usually receive any advanced standing. They may, however, receive advanced standing on the basis of their admission to the Law Society or as a member of the Bar and post-admission professional legal experience.

Example: A graduate with a Third Class degree from a 3 year law honours program who has been admitted as a solicitor or as a barrister and has practised for 1-3 years may receive 1 year's advanced standing; with 3-5 years of experience, 1½ years of advanced standing; or with experience in excess of 5 years, 2 years advanced standing.

Applicants who have been admitted as solicitors through articling (but without a law degree) are also considered for advanced standing on the basis of their particular program of studies and experience.

Example: An applicant who has been admitted directly as a solicitor (without a law degree) with 1-3 years of professional legal experience would usually be asked to pass 2 to 6 examinations; with 3-5 years of experience, 2 to 5 examinations; and with experience in excess of 5 years, 2 to 3 examinations.

4. Québec

Applicants who graduate from a law school in the Province of Québec are evaluated by the Committee according to their particular educational background and relevant professional experience.

Québec graduates receive full credit for successfully completed courses in federal law.

Applicants who have not been admitted to the Bar of Québec are asked to complete the entire spectrum of common law courses through attendance for one year (approximately 32 credit hours) at a common law faculty in Canada.

Applicants who graduate with a "pure" civilian degree and are admitted to the Barreau du Québec are usually asked to write examinations in some or all of the following subjects:

- Contracts
- Civil Procedure
- Trusts/Equity
- Torts
- Real Property
- Commercial Law
- Family Law

Applicants who have substantial (10 years) professional experience in common law areas of practice are considered on a case-by-case basis and evaluated upon the basis of their education, areas of practice and legal experience. Applicants are expected to file an Affidavit of Experience and submit samples of their work (with appropriate deletions) to the NCA.

Graduates from civil law programs that also have some common law component typically receive credit for the common law portion of their studies. For example, a graduate with a civil law degree who has successfully completed common law Contracts, Torts or Real

Property would receive credit for those subjects and be asked to complete a reduced common law program.

D. Professional Legal Experience

As noted above, the Committee takes into account an applicant's professional legal experience in a foreign jurisdiction. In evaluating professional foreign legal experience, the Committee looks at:

the length of experience (for example, less than 1 year, between 1-3 years, between 3-5 years and over 5 years);
the nature, extent and diversity of the applicant's practice; and
relevance of the practice to Canadian legal practices and institutions.

Applicants are urged to furnish comprehensive supporting documentation from their licensing body indicating the number of years of standing as a licensed practitioner, testimonials of support from fellow professionals, etc.

E. Course Requirements and Challenge Exams

Depending upon the applicant's particular legal background, the Committee will require that he or she complete certain courses from the list prescribed under BB(2) "Prescribed Subjects/Courses", be successfully completed as part of the program of studies required for a Certificate of Qualification. Typically, the Committee requires the following courses for applicants who are asked to complete 30 credit hours or less of additional studies:

Constitutional Law (Charter of Rights)
Evidence
Taxation
Basic Corporate Law (Business Associations)
Administrative Law

Applicants who are asked to complete 45-60 credit hours may, in addition to the above, be required to take some or all of the following:

Family Law
Real Estate Law
Criminal Procedure
Civil Procedure
Commercial Law/Secured Transactions/Debtor Creditor Law
Trusts
Remedies
Tort
Property

The NCA also allows qualified candidates to write its challenge examinations to qualify for the Certificate of Qualification. An applicant is usually "qualified" if he or she was

admitted by bar examinations after an LL.B. degree and practiced law in a common law or hybrid common law system. The examinations may be written in two ways: (a) as part of a Canadian law school's LL.B. program or (b) through the Committee's special examination procedure. Please note that only applicants who have been formally evaluated and have received their letters of recommendation outlining their prescribed courses of study may purchase the Committee's examination syllabi.

(a) Applicants may seek permission to register as a special student in a Canadian LL.B. program and write the required examinations as part of their program of studies. Upon successful completion of the examinations, the applicant should send the Committee an official transcript under seal from the University. Applicants must attain an unconditional pass in each subject.

Admission as a special student and the examinations are governed by the law school's rules. Some faculties may require the applicant to write the Law School Admission Test (LSAT).

Please note that some law schools do not permit NCA applicants to write supplemental examinations. Applicants should inquire as to the law school's examination regulations prior to registration.

(b) Alternatively, applicants may write the Committee's examinations. Each examination is an open-book (open statutes) examination. The length of each examination is three hours. All of the Committee's examinations are marked on a pass/fail basis and the Committee does not provide a transcript of marks. Candidates for NCA examinations should note that the Committee does not have any process for review of failed papers by second examiners.

The fee in respect of each examination is \$535 CDN (GST included - GST Reg. Number 124261140). Fees are subject to change without notice. The Committee's syllabi and reading list, etc. will be sent to applicants only upon receipt of the examination fees. Course books and materials are not provided by the Committee. Examination fees are payable to: The Federation of Law Societies of Canada.

Please be advised that in the event that you choose to write the National Committee's examinations, it may take approximately 8-10 weeks to obtain your results.

The style and type of examination is the same under either of the above options. Applicants may consult the law library of any Canadian common law school to look at past law school examination papers for the subjects that they will be examined upon.

THE NATIONAL COMMITTEE'S CHALLENGE EXAMS

Applicants who wish to write the Committee's examinations, should submit their request by letter directly to the Committee (there are no forms to complete). The letter should

include your assigned file number, exam location and subjects required. All fees should be payable to the **Federation of Law Societies of Canada** and the Committee's name should appear on all envelopes or mailing labels. The Committee does not accept personal cheques for amounts over \$1000 and does not accept credit card payments. Acceptable payments are bank drafts, money orders, or certified cheques drawn on Canadian accounts only.

The Committee's examination sittings are scheduled for a one week period in (SUBJECT TO CHANGE) January, April and September of each year (examination days are increased for applicants writing more than 5 exams at one session). Applicants may write examinations in Calgary, Toronto and Vancouver at each session. In suitable circumstances, applicants may be able to arrange to write examinations in other locations. Applicants must give at least two full months notice of their intention to write the exams and the preferred location for writing. Failure to do so, could result in exam accommodation forwarded to the next sitting due to insufficient space. This two month rule does not apply to applicants who wish to re-write failed exams from the prior exam session. **AN INTENT TO WRITE EXAMS AT ANY SESSION WILL BE RECORDED ONLY IF AN APPLICANT HAS BEEN EVALUATED AND HAS PAID HIS OR HER EXAM FEES.**

Applicants may split examinations between sessions. All of the exams are offered at each session. Applicants writing exams in September are advised to purchase all syllabi prior to June 30th as some materials may become unavailable during the summer months when syllabi are updated and the Committee offices are semi-operational during the months of July and August.

Individual exam schedules are mailed to the applicants approximately one month prior to the commencement of the session. Examination dates are only determined approximately six weeks prior to an actual session and these dates are not communicated to applicants by phone or e-mail. These schedules are not posted on the website. Each exam schedule will advise applicants of a deadline date to cancel their exams. Unless a medical certificate is provided, cancellation fees will apply if exams are not cancelled by the indicated dates.

In the event that applicants choose to write the Committee's examinations, they will receive a syllabus for each subject to be examined. Syllabi may be purchased at any time. The Committee will not fax or e-mail these materials to any applicant. Applicants are responsible for their own preparation and there is no private tutoring or consultation available through the Committee. This method is entirely a self-help method and applicants are responsible for their own course materials and program of studies.

Under either of options (a) or (b), the Committee allows applicants to retake an examination in a failed subject upon payment of a fee equal to the amount payable for the original examination. The new examination will not always be based upon identical course materials and applicants may have to prepare for the exam on the basis of a new course outline. The privilege of retaking examinations is extended only once. In the event

of a further failure, applicants are required to attend at a Canadian law school to take the failed course.

NEW RULES, PROCEDURES AND EXAMINATION TABLE

The Committee requests applicants to purchase exam syllabi only for subjects that they anticipate writing within the next two exam sessions. The Committee updates syllabi as the course casebook changes (which could occur on a yearly basis) and the applicant will automatically be mailed the new syllabi. Applicants must now write current year exams as expected from students enrolled in Canadian common law programs.

As all of the Committee's exams are offered at all of the sessions. The exams will now only be offered as indicated on the following exam timetable (ONE EXAM PER DAY). The entire table is subject to change without notice to provide a phase in of applicants who have written at prior sessions or to accommodate the smaller room availability at some of our exam centers. However, it is very unlikely that the major mandatory subjects in List #1 will change. The list gives applicants an opportunity to chose the day of their exams and, possibly, leave a few days in between each writing.

ONE EXAM PER DAY	LIST #1	LIST #2
DAY 1	ADMINISTRATIVE LAW	PROPERTY
DAY 2	CIVIL PROCEDURE	REMEDIES
DAY 3	CONSTITUTIONAL	TORTS
DAY 4	CORPORATE LAW	CRIMINAL LAW
DAY 5	EVIDENCE	COMMERCIAL LAW
DAY 6	FAMILY	CONTRACTS
DAY 7	TAXATION	SPECIAL ACCOMMODATIONS
DAY 8	TRUSTS	SPECIAL ACCOMMODATIONS

Applicants will be advised of a deadline date in their exam schedules to cancel any of their exams. Exams cancelled AFTER the deadline date are subject to a \$50 cancellation fee per exam. Cancellation fees will be waived upon receipt of a medical certificate forwarded directly to the Committee's offices.

Deadline dates for purchasing syllabi and recording intents (intents can only be recorded if syllabi have been purchased) for upcoming sessions are as follows. Applicants who do not comply with the deadline dates will not be accommodated at the session they wish to write and their intents will be posted to the next exam session.

November 1st for the January session.
February 1st for the April session
June 30th for the September session

Because of time constraints, these dates do not apply to applicants who fail exams at one session and wish to write at the next. They will be provided with additional dates in their letters. This applies only to any failed exam(s) and not other exams they wish to write.

The National Committee is not an educational institution and may not be able to provide special accommodation or separate rooms to physically challenged applicants. However, the Committee can provide additional time for the applicant to write their exams. The use of laptops and computers in large exam rooms is not permissible. In most cases, the Committee cannot arrange for small separate rooms at all locations. Applicants requesting accommodation must submit up-to-date medical certificates and accommodation requests two months prior to an exam session. Special accommodations will be dealt with on an individual basis and applicants are encouraged to contact the office directly about this. Applicants who request last minute accommodations will not be considered.

The Committee will also endeavor to accommodate applicants because of religious holidays. Once an applicant receives their schedule, and a conflict is apparent, they should contact the office immediately.

F. Relationship Between Certificate of Qualification and Admission to the Bar

It is important that applicants fully understand the relationship between a Certificate of Qualification and the process for admission as a barrister and solicitor in a Canadian common law jurisdiction. The rules and regulations for admission as a barrister and solicitor lie exclusively within the jurisdiction of provincial and territorial law societies and applicants should directly consult the society they wish to enter to determine the admission requirements.

The Certificate of Qualification is a preliminary step in the education and training program that is necessary for admission as a barrister or solicitor. The Certificate testifies that the applicant has education and training equivalent to graduates from an approved Canadian law school. Upon obtaining the Certificate of Qualification, the applicant may proceed to a bar admission and articling program on the same basis as a graduate from an approved Canadian law school.

The Committee's Certificate of Qualification does NOT abridge or shorten an applicant's period of articles or other bar admission requirements. Requests for any such abridgement or shortening of articles or program requirements should be submitted directly to the provincial law society in which the applicant seeks admission.

G. Status of Certificate of Qualification

The Certificate of Qualification entitles one to enter the Bar Admission Course in Ontario and is officially recognized by the Law Societies of Saskatchewan, British Columbia, Prince Edward Island, and Alberta as equivalent to graduation from an approved Canadian law school. Other law societies and law schools use the NCA's recommendation on a more informal basis.

H. Procedure for Application

An applicant is required to provide the NCA with the following documents, information and fees:

An official completed **application form** supported by the following documents:

- ORIGINAL transcripts of pre-law grades, if any, or if a transcript is not available, a certificate of standing;
- ORIGINAL **final** transcripts of law grades (or a certificate of standing).
The Committee does not evaluate incomplete degrees.
PHOTOCOPIES OR CERTIFIED COPIES OF TRANSCRIPTS ARE NOT ACCEPTABLE.
- should you require any **original documentation** returned, please include with your application a **separate** photocopied set of the materials.
- a description of the contents of each course taken in the applicant's legal program, the number of hours allotted to each course, the number of class hours per week and number of weeks per year; this information may be supplied through a prospectus, calendar or bulletin from the law school;
- **if called to the bar**, a certificate of call or admission and a letter or certificate of good standing should be submitted;
- if bar admission was based on **written** examinations **over and above examinations for a law degree**, a transcript of marks should be attached; applicants should refrain from indicating that they “will be writing bar exams at a particular time” in Question 11 on the application form. The Committee only evaluates applicants on information submitted and not on the presumption of something that will be completed. This could cause a delay in the evaluation process.
- LSAT-score (if required)
- TOEFL score (if required).

The application should submit, in chronological order, a detailed account of his or her professional and other work experience since leaving law school.

A non-refundable application fee of \$535 CDN (includes G.S.T. *) or equivalent U.S. funds, payable by certified cheque (Canadian accounts only) or money order to the: Federation of Law Societies of Canada. Please be advised that personal cheques are not acceptable.

All portions of the application form should be completed. Do not merely cross reference the application to attached documents (mark N/A where an item is not-applicable). Incomplete applications may be returned for completion and will delay processing. The application form should not be bound to any not the materials submitted. Please do not submit documentation in three-ring binders.

Applicants should be aware that the NCA bases its recommendation solely on the basis of the documents submitted in support of the application. The Committee does not conduct oral hearings. Applicants are evaluated solely on their written record. Thus, candidates should ensure that all relevant documents are filed with the application; re-evaluation of an applicant's file at a later date on the basis of supplemental documentation involves an additional fee and causes delay. To facilitate an early decision on the application all of

the above information should be submitted with the application form. The NCA evaluates appeals twice a year, at its December and June meetings.

* Pursuant to a Revenue Canada ruling (October 1992), non-residents of Canada are required to apply the G.S.T. on the evaluation fee even if their applications are assessed while they are still out of the country. (G.S.T. Reg. No. 124261140).

I. Deadlines for Processing Applications

The Committee processes applications in the sequence in which it receives them at the Committee's offices (from September 1 to June 30 of each calendar year). The Committee does not process applications in July and August. Applicants should expect to wait at least two months for the Committee's evaluation of credentials. All applicants will receive confirmation of receipt of their materials. **PLEASE DO NOT FORWARD APPLICATIONS DURING THE MONTHS OF JULY AND AUGUST.**

The Committee retains an applicant's file for a maximum of five years after the expiration date of the recommendation. Thereafter, applicants will be required to file a new application and resubmit all documentation for further evaluations.

Applicants are advised that the Committee is not an approved education institution as required by the Ministry of Employment and Immigration and, therefore, does NOT provide official income tax receipts for the initial evaluation or examination fees.

J. Admission into Law School

1. Applicant's Responsibility

The NCA's recommendation does NOT automatically secure an applicant's admission into any Canadian law school. Applicants are responsible for securing their admission into a Canadian law faculty, if necessary, to satisfy the NCA's requirements.

Admission into Canadian law schools is extremely competitive, both for domestic and for foreign applicants. Applicants are encouraged to apply to several law schools across the country.

A NCA applicant must satisfy the admissions procedures and regulations of the law school into which he or she seeks admission. These procedures and regulations differ between schools and applicants should obtain a copy of the current rules and regulations directly from the school. Some faculties may require the applicant to write the Law School Admission Test ("LSAT").

2. Full-time/Part-time studies

The NCA requires applicants who are required to complete further studies to finish their academic requirements within a stipulated period. Generally, an applicant who is required to complete 30 credit hours has three (3) years to complete the requirements; applicants who are required to complete 45 credit hours are permitted four (4) years to complete the

requirements; and applicants who are required to complete 60 credit hours are permitted a total of five (5) years to complete their requirements.

NCA applicants may seek admission either as regular full-time students or, where the law school's regulations permit, as "special students" on a fee-for-course basis.

Applicants should clearly understand that they are responsible for securing their own admission into a Canadian law school and must satisfy the academic standards of the law school in which they are admitted.

3. Admission to Ontario Law Schools

Applicants applying for admission to Ontario law schools must do so through the Ontario Law School Application Service (OLSAS) a division of the Ontario Universities' Application Centre (OUAC). Deadline for admission to first-year studies is November 1 and for upper-year studies (transfer, Letter of Permission, advanced standing and NCA) May 1. You may contact the Centre at:

[Ontario Law School Application Service \(OLSAS\)](#)

Ontario Universities' Application Centre

170 Research Lane

Guelph, ON

N1G 5E2

Telephone (519) 823-1940

Fax (519) 823-5232

olsas@ouac.on.ca

Part 5: Study and Practice In Jamaica

There are three elements to the process of getting called to the Jamaican Bar.

1. Obtaining a LLB and in most cases, successfully passing an entrance exam to the Normal Manley Law School (NMLS) in Jamaica.
2. Obtaining a Legal Education Certificate (LEC) from the Council of Legal Education on which Jamaica is obtained from the NMLS.
3. Making an application to the Supreme Court to be called to the Bar.

Let's take each element in turn:

- I. In order to attend NMLS you must have obtained an LLB from a recognized tertiary institution and, in some cases, successfully passed their entrance exam.
- II. If you have a LLB and are called to the roll as a solicitor in a Commonwealth Country, you may apply to the NMLS to attend a six (6) month "conversion" course in order to obtain the Legal Education Certificate (LEC). No entrance exam is required to attend the six (6) month course.
- III. Once you have obtained the LEC you would need to make an application to the Supreme Court to be called to the Bar. This is itself a two stage process but once you are over twenty one (21), are a commonwealth citizen, have no criminal convictions and are of good character, you should be liable to satisfy the requirements. An Attorney practicing at the Jamaican Bar for at least five (5) years must make the court application on your behalf and must also make a statutory declaration that you are of sound character.

For more information contact NMLS

(876)-927-1235

(876)-927-1899

www.jambar.org