

CAYMAN ISLANDS LAW SCHOOL

Professional Practice Course

Information Booklet 2005/6



CAYMAN ISLANDS

INTRODUCTION - THE PROFESSIONAL PRACTICE COURSE

Qualifying as an Attorney in the Cayman Islands

Admission as an attorney-at-Law of the Cayman Islands, carrying with it the right to practise 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, certified by the Cayman Islands Legal Advisory Council; and (ii) An eighteen month period of articles of clerkship.

Those graduates who go on to qualify as an Attorney at Law are eligible to take the Qualified Lawyers Transfer Test with a view to converting their qualification to that of English solicitor. For further details of this scheme please contact the Director or the Professional Practice Course Leader, Ms Deborah Barker.

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 LL.B. degree or a qualification deemed to be equivalent to it by the Legal Advisory Council.

The Professional Practice Course is two years in duration, divided into two parts; the first part comprises an intensive full-time nine-month period of study in Cayman law and procedure. Courses to be studied include Cayman Statute Law (private and business client), Criminal Procedure and Evidence, Civil Procedure and Evidence, Conveyancing, Probate & Succession Law, Legal Accounts, Legal Ethics and Legal Skills. A 3,000-word dissertation must also be successfully completed focusing on an area of local law/procedure. Locally produced manuals form the basis of the courses in Conveyancing, Civil Procedure and Criminal Procedure and are available for purchase from the Law School. Successful completion of all courses (the Qualifying Examination) allows eligible candidates to apply to register Articles of Clerkship.

The second element to the Professional Practice Course is accordingly service under Articles of Clerkship with a practising 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 articted 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 articted 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.

Upon successful completion of the Qualifying Examination, students must enrol with the Clerk of the Courts and register their Articles of Clerkship. A description of the procedure is found in the 2004 Student Regulations.

THE QUALIFYING EXAMINATION

Curriculum and method of instruction

Modules to be studied are:

Term One

- Cayman Statute Law I (Private Client)
- Criminal Procedure and Evidence
- Civil Procedure and Evidence
- Conveyancing
- Legal Skills and Ethics

Term Two/Three

- Cayman Statute Law II (Business Client)
- Criminal Procedure and Evidence
- Civil Procedure and Evidence
- Legal Accounts
- Probate & Succession Law
- Legal Skills and Ethics

You will also be required to submit, in the second term, a 3000 word dissertation focusing on an area of local law/procedure.

Please see details of each of these modules in the following pages.

You will find that the emphasis of the Professional Practice Course is on 'learning by doing' and therefore the method of instruction is somewhat different, on most modules, from that on the undergraduate programme. In many of the modules, lectures and tutorials are replaced or complemented by seminars and practical exercises, these will include drafting legal documents, making applications to the court, interviewing clients, and negotiating settlements.

FEES

All fees are subject to change.

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|----------------------------|------------|
| (1) <u>Application Fee</u> | C.I.\$ 75 |
| (2) <u>Tuition Fees</u> | C.I.\$9000 |

Note that fees must be paid on the FIRST day of each term, as follows:

- 1st Term- CI \$3000
- 2nd Term - CI \$3000
- 3rd Term - CI \$3000

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|---|-----------------------|
| (3) <u>Examination Fees</u> | C.I.\$ 25 per subject |
| (4) <u>Book & Materials* Fees</u> [approximate] | C.I.\$ 600 |

*Student will be expected to obtain a number of statutes and the Grand Court Rules. Exact figures for books will be posted at the beginning of Induction Week. Book fees are payable at time of registration. No books will be released until payment is received.

- (5) Photocopying Fees

C.I.\$20 photocopy cards available from reception

Please note when paying tuition fees with a US cheque: Conversion from US to CI is .x 82:

OUTSTANDING FEES

Any student having outstanding fees (including o/s library fines) at the end of the academic year will have examination results withheld from them and will not be eligible to graduate. Such students will also be ineligible to receive letters of reference from the Law School. **Students whose fees have been overdue for 8 weeks or more will be excluded from classes and suspended from studies for 12 months (providing fees/fines have by then been paid in full).**

YOUR ROLE

As a trainee professional you will be expected to adopt a professional attitude to learning, which includes:

full attendance. Attendance at all classes is mandatory and this requirement will be strictly enforced by the Senior Tutor. Students failing to satisfy attendance requirements may be excluded from examinations by the direction of the Legal Advisory Council.

Punctuality

Preparation and effort

Active participation in class and exercises

An openness to new methods of learning

A willingness to reflect on your own performance as well as the performances of others

Effective time management

Honesty, integrity and respect for colleagues, staff and fellow professionals

Getting to Law School

Reliable public transport to George Town is now available. Students are encouraged to make use of this service, as car parking in George Town is very limited.

Law School Web Page

In addition to an existing link to a CILS web page via the Liverpool Law School's web site (www.liv.ac.uk/law), the Law School has established web pages on the CI government web site. This will be found at the following address: www.gov.ky/lawschool Students are encouraged to make full use of this facility and should check this web page frequently. In addition to teaching and assessment information, including lecture and tutorial materials, any changes to scheduled lectures will be posted here.

Meetings

Staff-Student Meetings will be held at 3.00pm on Friday, November 4th 2005, Friday, February 10th 2006 and Friday, April 21st 2006.

Post

Students should apply for their own post box. Student mail should not be sent c/o The Law School, which accepts no responsibility for any mail delivered to it.

Letters of Reference/Unofficial Transcripts

Students may request a letter of reference/unofficial transcript from the Law School. The reference will generally be sent directly to the prospective employer or institution who will usually wish to ensure confidentiality. The reference will include the following performance indicators: final and mock examination results, coursework/written assigned marks, attendance, punctuality, preparedness for class, communication skills. No references will be provided to students who have fees/fines owing to the Law School.

THE LAW LIBRARY

The new, purpose-built, Law School library will be located on the second floor of the Law School. It is hoped that this enhanced facility, together with an expanded student computer room will be fully operational by the time the new Law School term opens in September 2005. Once operational, registered CILS students may borrow books forming part of the lending collection whenever the Law School is open.

With the exception of books, law reports and journals which are classified as reference materials only, the remainder of the books may be borrowed from a library officer (see below) for a period of up to two weeks. The maximum number of books that may be borrowed is three at any one time. Overdue returns are subject to a fine of C\$15.00 per book, per week, (or part thereof), overdue. Library officers have been instructed to enforce this system rigidly in the interests of all library users. You have been warned!

The library officers (ie those members of staff having responsibility for library borrowing/administration) are the (part-time) Librarian, the Administrative Assistant and the Receptionist. A library officer is to be informed whenever a student borrows a book. Students will be required to replace any books, which are removed and not returned on demand. Under no circumstances may library books be transferred between students without their previous return to the Law School. It is the responsibility of the borrower to return all books in the condition received either in person to one of the library officers. Under no circumstances are books to be left on the Receptionist's desk unattended. All books remain the responsibility of the borrower until properly returned in one of the above ways. Any abuse of the library system will automatically result in borrowing privileges being withdrawn from the offender.

LAW SCHOOL CODE OF PRACTICE

These guidelines are intended to assist students in complying with Law School regulations. They are not intended to be a substitute for common sense and neither may they be construed as being exhaustive.

By way of amplification of the student regulations contained, inter alia, in the Legal Practitioners Law and the Legal Practitioners (Students) Regulations, but without prejudice to their generality, it is (and is deemed always to have been) incumbent upon all registered law students to comply with the following:

1. Student attendance at all lectures/tutorials is mandatory. If through illness or other sufficient cause a student is unable to attend a lecture or tutorial the lecturer concerned must be advised, in advance wherever possible.
2. The attendance requirement at lectures and tutorials is to be observed with punctuality. Lecturers will shut the lecture room door 5 minutes after the scheduled start time for the lecture; thereafter admission may be refused in the interests of the other members of the class.
3. Assessed and non-assessed assignments are compulsory unless your lecturer advises you to the contrary. Prescribed submission deadlines are to be adhered to. If a deadline is not met, and no sufficient cause is shown, the assignment will not be accepted with a zero being entered in the student's termly record.
4. All internal tests and examinations are compulsory. If through illness or other sufficient cause a student is unable to present himself/herself to an examination, prior notification in writing must be given to the Director of Legal Studies, together with a doctor's medical note, where appropriate.
5. Student fees must be paid on the FIRST day of each term. Failure to do so will lead to exclusion from classes.
6. The Law Library rules in place from time to time are to be strictly adhered to. In particular it is provided that: -
 - The taking of food and drink into the library is absolutely prohibited.
 - Talking is prohibited.
 - Students are required to strictly observe borrowing rules:
 - No book is to be removed from the library if marked 'for reference only'.
 - No book is to be borrowed without prior registration with the Executive Officer. Books are to be returned by posting them into the returns box provided.
7. Use of Law School telephone is strictly prohibited. A student telephone is located adjacent to the Student Common Room.
8. The Receptionist's desk area is off-limits at all times. Lecturers' rooms are off-limits unless invited by the lecturer to enter. Assignments/material for the lecturer should be left in the receptacle provided outside the lecturer's office.

TEACHING AND ASSESSMENT PATTERN 2005-2006
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Term One

Week commencing:

26 September 2005 Week 1	PPC Induction	
3 October 2005	Week 2	PPC classes commence
10 October 2005 Week 3		
17 October 2005	Week 4	
24 October 2005	Week 5	
31 October 2005	Week 6	
7 November 2005	Week 7	
14 November 2005	Week 8	
21 November 2005	Week 9	
28 November 2005	Week 10	
5 December 2005	Week 11	Mock examinations Caystat I & Conveyancing
12 December 2005	Week 12	

Christmas Vacation: 16 December 2005 – 8 January 2006

Term Two

Week commencing:

9 January 2006	Week 1	Assessment Week - Caystat I & Conveyancing
16 January 2006	Week 2	
23 January 2006	Week 3	
30 January 2006	Week 4	
6 February 2006	Week 5	
13 February 2006	Week 6	
20 February 2006	Week 7	
27 February 2006	Week 8	
6 March 2006	Week 9	
13 March 2006	Week 10	
20 March 2006	Week 11	

27 March 2006	Week 12	PPC dissertations due on March 31st
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Easter Vacation: 31 March 2006 – 17 April 2006

Term Three

Week commencing:

18 April 2006	Week 1	Mock assessments
24 April 2006	Week 2	Revision
1 May 2006	Week 3	Revision
8 May 2006	Week 4	PPC assessments (Civ Lit/Caystat II)
15 May 2006	Week 5	PPC assessments (Crim Lit/Probate/Accounts)

Re-sit Examinations will be held in the period September 6th – September 14th 2006

COURSE MODULES

CONVEYANCING

Module content:

Having completed a qualifying law degree, you will be familiar with the common law applicable to real property. This module deals with the next stage: putting the law into practice by studying the process for the transfer of land in the Cayman Islands. The module commences with an introduction to some of the important Cayman Islands laws relating to land, and then describes the procedures used by attorneys to fulfil a client's instructions relating to the sale or purchase of land

Learning Outcomes

At the end of the course you should:

Be familiar with the basic principles and concepts of Cayman Land Law and Conveyancing, as indicated above.

Be able to apply those principles by carrying out a client's instruction to transfer land.

Be aware of the application of professional issues relating to the dealings between attorney and client.

Text: Cooper, Conveyancing Law & Practice in the Cayman Islands

PROBATE

Module content

This is a short module, spanning 5 weeks, which examines Cayman probate and succession law. This is an area of study which will be new to graduates of the Law School's LL.B programme, but which represents an important area of legal practice.

Learning Outcomes

By the end of the course you should be:

Familiar with the basic principles and concepts of Cayman probate and succession law in the areas studied and be able to apply those in a practical, problem-solving context.

Able to use knowledge learned in the module to draft a will and/or critique a will

Aware of the basic tools of legal research, in particular, local laws and rules.

Able to seek out and use sources of Cayman Law to research more complex areas of study or areas with which you are unfamiliar.

Module Content

From your undergraduate studies, you now know the elements of a contract and potential breaches, you know if someone has potentially acted negligently or committed a nuisance. But would you know how to begin to sue them or which remedies are available to compensate for the wrongdoing? This is the transition between academic and lawyer.

It is in this module that you will, at last, put your knowledge into practice and learn the rules of litigation. In doing so you will familiarise yourself with the workings, rules and procedures in the Grand Court. You will learn how to initiate proceedings and about the rules and procedures which must be followed during the course of civil litigation until final disposal of the matter.

Learning Outcomes

By the end of the course you should be:

- Aware of the methods of commencing a civil action in the Cayman Islands
- Familiar with the progress of a case through the civil courts, understanding the various stages of civil litigation and what each stage involves
- Able to prepare for a hearing in the Civil Court, knowing, as far as possible, what the procedural and evidential issues will be and what matters need to be covered
- Capable of making informed decisions and advising a client on how to act with regard to the various stages of civil litigation
- Able to decide whether or not a case merits appeal against a decision of the court and, where appropriate, advise on the most suitable method of appeal.

Text: Barker, Civil Litigation in the Cayman Islands

Module Content

You are now familiar, from your undergraduate studies, with the multitude of crimes that can be committed.

In this module you will learn how a person suspected of committing a crime is brought before the Courts and the various stages through which s/he must pass until final determination of their guilt or innocence at trial and on appeal.

By a series of lectures, seminars and skills workshops you will have an opportunity to participate in practical exercises which will enhance your learning and prepare you for the realities of life in the criminal courts.

Learning Outcomes

By the end of the module you should be:

- Familiar with the progress of a case through the criminal courts, understanding the various stages and what each stage involves

- Able to prepare for a hearing in the Summary or Grand Court, knowing, as far as possible, what the procedural and evidential issues will be and what matters need to be covered

- Capable of making informed decisions and advising a client on how to act with regard to the various different paths that a criminal case can take.

- Able to decide whether or not a case merits appeal against a decision of the court, whether it be in connection with conviction, sentence or some procedural matter

- Where appropriate, able to advise on the most suitable method of appeal from a decision by a criminal court

Text: Barker, Criminal Litigation in the Cayman Islands

LEGAL SKILLS & PROFESSIONAL CONDUCT

Module Content

This module is aimed at providing you with the tools that underpin competent practice:

- good communication and oral skills to enable you to interview clients effectively, negotiate on behalf of your client and represent them in court
- good writing skills to enable you to communicate complex matters concisely and accurately and to draft legal documents and pleadings
- professional and ethical integrity to recognise and deal appropriately with a myriad of potential ethical issues which can arise in the lawyer/client/court relationship

Through practical exercises ('briefs') you will apply your learning from the procedure modules in a 'real client' context - drafting pleadings, making applications to the court and negotiating settlements. This course is interactive and practical, giving you an invaluable opportunity to practice these skills in a safe environment rather than practising them for the first time in a courtroom or conference room where your competency (or not!) will affect the life of a real client.

Learning outcomes

By the end of the course you should be:

Familiar with the basic techniques of advocacy, negotiation and client interviewing
Familiar with the nature, function and value of pleadings and know how to draft legal documents such as a statement of claim, a defence, a defence and counterclaim, a reply and defence to counterclaim, affidavits, witness statements, skeleton arguments and orders.
Able to seek out and use precedents for drafts with which you are unfamiliar
Competent to perform advocacy, negotiation, client interviewing and drafting tasks to a level of skill befitting a trainee who is about to commence articles so that you are likely to benefit from continual practice and observation of these skills during your articles
Aware of the different duties you owe to both your client and the court and to have developed a commitment to the principles of integrity and professional responsibility
Aware of, and respectful of, the principles of professional ethics and have instilled a professional approach to your work and towards your colleagues

CAYMAN STATUTE LAW (CAYSTAT I & CAYSTAT II)

Module content

By the time you reach the fourth year of study, having successfully completed an English law degree, you will be well versed in English law. The purpose of this course is to familiarise you with some of the more important areas of Cayman law, regulated by local legislation.

The course is divided into two distinctly assessed parts:

Term One

Caystat I (private client)

In this course you will study areas of law which are common to a private-client practice, namely: immigration law, family law and labour law.

Term Two

Caytstat II (business client)

This course will focus on the business client and you will study local company law, confidentiality laws and arbitration.

Every effort will be made to develop substantive legal knowledge in these areas by the practical application of the principles under discussion. Indeed, certain of the topics will be integrated with skills training.

Learning Outcomes

By the end of the course you should be:

Familiar with the basic principles and concepts of Cayman Law in the areas studied and able to apply those in a practical, problem-solving context.

Aware of the basic tools of legal research, particularly of local laws, in the form of both electronic and paper resources

Able to seek out and use sources of Cayman Law to research more complex areas of study or areas with which you are unfamiliar

LEGAL ACCOUNTS

Module Content

For those of you who are desirous of a change from learning procedure and law this short module (which spans 6 weeks in term two after the probate module is completed) will come as some relief! This module, which is a required module by the English Law Society, has been included in the PPC to enable you to better understand the needs of your clients. This is particularly true of commercial work where you may be involved in share/asset take-overs where an understanding of the company's accounts will be essential to you properly serving the needs of your clients. Such knowledge is not only relevant to commercial work however, in divorce work you may have to critically assess the business account of one of the spouses and without an ability to understand the same your client will be less than adequately represented. As a final incentive to immersing yourself fully in this module, knowledge gained in the course will prepare you well for running your own business when, as a partner in a law firm, such knowledge will be essential.

Recommended Text: Solicitors' Accounts: A Practical Guide (Blackstone Press)

Learning Outcomes

At the end of the course you should be:

- Aware of the purpose and importance of keeping accounts
- Familiar with the principles and format of accounts, including profit and loss accounts, balance sheets and financial statements of account
- Able to read and understand basic business accounts
- Able to apply your learning in this module to demonstrate competence in preparing basic accounts

Module Content

The dissertation is a research-based project chosen by the trainee and supervised by a member of academic staff. Whilst the allocated supervisor will provide broad guidance, the project is entirely the trainee's responsibility and it is essential that adequate time and attention is devoted to the various stages of the dissertation. These include planning; research; literature review; data collection and analysis; and writing up.

The trainee should select a topic that is of particular relevance to the Cayman Islands and present a proposal for approval to the Module Co-ordinator in the first two weeks of term 1. The proposal should include a working title, a statement of aims and objectives, a summary of the methodology to be used and an outline structure for the project. According to the expertise of the teaching staff, a supervisor will be allocated and the trainee should meet with that person periodically to discuss their progress.

Learning Outcomes

By the end of the course you should be:

- Capable of selecting and justifying an appropriate research project
- Able to adopt a critical and reflective approach to research
- Demonstrate in writing a detailed knowledge of your chosen topic.

FACULTY

The Law School telephone number is: 9450077 (fax number: 946 1845). To contact a member of the academic staff by telephone, dial this number and then ask for/dial the following extension numbers:

Full Time Academic Staff

Mr. M. Davies	(Director)	Tel: Ext. 222	Mitchell.Davies@gov.ky
Mr. V. Carter			Vaughan.Carter@gov.ky
Ms. D. Barker			Deborah.Barker@gov.ky
Ms. Angela Burns		Tel: Extn. 228	Angela.Burns@gov.ky
Mr. S. Cooper		Tel: Extn. 229	Simon.Cooper@gov.ky
Ms. D Morris		Tel: Extn. 227	Debra.Morris@gov.ky
Mr. M. Rollinson		Tel: Extn. 225	matthew.rollinson@gov.ky
Mr. A. Sprince		Tel: Extn. 223	Alan.Sprince@gov.ky

Law School Reception:

Ms. G. Pearson		Tel. 945 0077	gean.pearson@gov.ky
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ENQUIRIES

Enquiries in relation to this programme should be directed to either the Director of Legal Studies (mitchell.davies@gov.ky) or to the Course Leader, Ms. Deborah Barker. (deborah.barker@gov.ky)