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**IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN
(IMPACT JUSTICE)**

**REPORT ON SURVEY OF LEGAL EDUCATION
IN CARICOM MEMBER STATES**

February 2017

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Glossary

The Bahamian Protocol	The protocol to the Treaty enabling the Bahamas to admit to practice practitioners from jurisdictions outside the Commonwealth Caribbean without requiring them to complete the six month programme.
The Barnett Report	The 1996 report under the chairmanship of Dr The Hon. Lloyd Barnett O.J. ¹
CLE	Council of Legal Education (West Indies) which has a remit to oversee legal education in the Commonwealth Caribbean and, in particular, operates the three (3) law schools in Jamaica, Trinidad and the Bahamas.
Commonwealth Caribbean	For the purposes of this report, the countries and territories of Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago.
Competence	In the context of this report, having the range of knowledge, skills and attributes, at the appropriate level, required at the point of qualification as a lawyer.
CPLD	Continuing professional legal development. In the context of this report, formal educational activities participated in by practising lawyers. Such activities may be provided by a law faculty or law school, by a bar association or by other organisations such as a government department. In jurisdictions outside the Caribbean this may be referred to as Continuing Professional Development (CPD) or Continuing Legal Education (CLE).
CSME	Caribbean Single Market and Economy.
Direct entry	Entry into the LLB with advanced standing for graduates from non-law disciplines.
DL	Distance learning.
Exempting degree	In jurisdictions which normally separate the academic stage of professional legal education from the vocational stage, a degree which combines them. Examples can be found at Lakehead (Canada), Flinders (Australia) and a number of universities in England and Wales.
HESA Statistics	Higher Education Statistics Agency (HESA) Statistics. The Higher Education Statistics Agency (HESA) is the official agency for the collection, analysis and dissemination of quantitative information about higher education in the United Kingdom.
JD	A postgraduate, three year, law degree envisaged as preparation for legal practice. It may be the standard route towards qualification (as in the USA and Canada) or an alternative to an LLB (as in Australia and Hong Kong).

¹ Lloyd Barnett and others, 'Report of the Review Committee on Legal Education in the Caribbean' (Hugh Wooding Law School/Norman Manley Law School 1996) <http://www.clecaribbean.com/download/barnett_report.pdf>.

Law Faculty	A university department which delivers its own LLB (and may also offer LLM and research degrees, CPLD to the profession, and other courses).
Law School	One of the three (3) institutions established and operated by the CLE which delivers the Legal Education Certificate (LEC) course. ²
Lawyer	In the context of this report, a solicitor, barrister or attorney.
LEC	Legal Education Certificate. The postgraduate vocational qualification which is a precursor for all those wishing to practise in the Commonwealth Caribbean (other than those admitted under the Bahamian protocol or other discretions).
LLB	Bachelor of Laws. An undergraduate degree in law, normally of three to four years in length. It may be a required precursor to a vocational stage and to qualification to practise, but may be taken by students who do not wish to qualify as a lawyer.
NVivo databases	NVivo is software that supports qualitative and mixed methods research. It is designed to help you organize, analyze and find insights in unstructured, or qualitative data like: interviews, open-ended survey responses, articles, social media and web content.
OECS	Organisation of Eastern Caribbean States.
Other provider	A college or private organisation that is not a law faculty or law school providing legal education. It may offer, for example, courses designed for paralegals, or support those studying for an LLB awarded by another institution (e.g. the London University external LLB ³).
Quality assurance	Processes by which an authority establishes that the content, delivery and logistics of a course are fit for purpose.
The Treaty	The Agreement establishing the Council of Legal Education in 1970 implementing the framework set out in the Wooding Report.
The six month programme	The prescribed length of the LEC for entry by practitioners from common law jurisdictions outside the Commonwealth Caribbean.
The two year programme	The prescribed length of the LEC for entry from the LLB
UG	The University of Guyana. ⁴
UWI	The University of the West Indies. ⁵
UTech	The University of Technology, Jamaica. ⁶

² Eugene Dupuch Law School, 'Eugene Dupuch Law School' (*Eugene Dupuch Law School*, No date) <<http://eugenedupuchlaw.edu.bs/>> accessed 15 September 2016.

Hugh Wooding Law School, 'Hugh Wooding Law School' (*Hugh Wooding Law School*, No date) <<http://www.hwls.edu.tt/>> accessed 15 September 2016.

Norman Manley Law School, 'Norman Manley Law School' (*Norman Manley Law School*, No date) <<http://nmls.edu.jm/>> accessed 15 September 2016.

³ University of London International Programmes, 'Study in the Caribbean, Graduate from the University of London' <http://www.londoninternational.ac.uk/sites/default/files/caribbean_iflet_2013.pdf> accessed 13 November 2016.

⁴ University of Guyana, 'Department of Law' (*University of Guyana*, No Date) <<http://uog.edu.gy/faculties/fss/department-of-law>> accessed 16 September 2016.

⁵ University of the West Indies at Cave Hill, Barbados, 'Faculty of Law' (*University of the West Indies at Cave Hill, Barbados*, No date) <<http://www.cavehill.uwi.edu/Law/programmes.aspx>> accessed 16 September 2016.

University of the West Indies at Mona, Jamaica, 'The Faculty of Law' (*University of the West Indies at Mona, Jamaica*, No date) <<http://www.mona.uwi.edu/law/>> accessed 16 September 2016.

University of the West Indies at St Augustine, Trinidad and Tobago, 'The Faculty of Law' (*University of the West Indies at St Augustine, Trinidad and Tobago*, No date) <<https://sta.uwi.edu/law/index.asp>> accessed 16 September 2016.

The Wooding Report

The 1965 report under the chairmanship of Sir Hugh Wooding CBE, Chief Justice of Trinidad and Tobago which established the basis for legal education in the Commonwealth Caribbean.⁷

⁶ University of Technology, Jamaica, 'Faculty of Law' (*University of Technology, Jamaica*, No date) <<http://www.utech.edu.jm/academics/colleges-faculties/fol>> accessed 16 September 2016.

⁷ Hugh Wooding and others, 'Report of Committee on Legal Education' (University of the West Indies 1965).

PREFACE

Improved Access to Justice in the Commonwealth Caribbean (IMPACT Justice) is a regional justice sector reform project being funded by the Government of Canada. It is being implemented from within the Caribbean Law Institute, Faculty of Law, University of the West Indies (UWI), Cave Hill Campus under a contribution agreement between the Government of Canada and the Campus. The Project commenced in March 2014.

The purpose of the Project is to enhance justice for the benefit of women, men, youth and businesses in CARICOM Member States. Its goal is to strengthen legal frameworks, improve legal professionalism and legal services including legal education and information and facilitate increased knowledge and use of Alternative Dispute Resolution (ADR) mechanisms as a means of settling disputes without court intervention.

One of the early sub-projects to which IMPACT Justice committed was the conduct of a survey of legal education to provide governments with information which can be used to shape policy in the CARICOM region. This followed discussions between IMPACT Justice and the Council of Legal Education which had itself proposed such a survey, but needed funding for the purpose.

Why a survey at this time? In 1970 the “West Indian System” of legal education comprising a single faculty of law at UWI and two law schools under the aegis of a Council of Legal Education was established. Between then and the second decade of the twentieth century, several adjustments were made. These included changes to the curricula of the law schools and the faculty of law, the opening of a third law school in The Bahamas, and the establishment of two additional faculties of law at the Mona and St. Augustine Campuses of UWI. However, some policy makers and members of the legal profession were of the view that the time had come a complete review of the system. Their concerns stemmed from the burgeoning numbers seeking legal education under a system with built-in entry control features and limited physical facilities at both levels, and the inability of governments to continue the level of financial support provided to students from inception of the system. The IMPACT Justice survey looks at these and other issues in a way which takes into account the views of government ministers, judges, law teachers, attorneys-at-law, law students and ordinary citizens.

The Survey was conducted in four parts:

- (1) a background research phase during which earlier reports on legal education, information on the legal profession and on the Faculties of Law and Law Schools were compiled ;
- (2) a public opinion survey on the legal profession and legal services;
- (3) a survey of the legal profession to hear their views on legal education and the extent to which it prepared them for the world of work;
- (4) a study, by a group of three consultants, in which they used reports prepared under parts (1) to (3), other studies and interviews with key stakeholders in the region to make recommendations on the way forward for legal education.

The three consultants were:

- Prof. Jane Ching, Professor of Professional Legal Education and Director, Centre for Legal Education, Nottingham Law School, Nottingham Trent University, U.K;
- Dr. H. Adrian Cummins, Managing Partner of the law firm of Carrington & Sealy, Barbados, a former tutor in Public International Law, and External Examiner and Supervisor in Corporate and Commercial Law, Public Law and Legislative Drafting in the LLM Programme offered by the Faculty of Law, UWI, Cave Hill Campus; and
- Dr Noel Watson, a former banker and economist specialising in International Trade and Finance and CEO of A-Z Information Jamaica Ltd. He completed several economics-based studies in Caribbean countries including Curacao, the OECS, the Caribbean Overseas Territories and all other members of CARIFORUM.

The Terms of Reference for the study by the consultants were as follows:

1. to consider the purpose of legal education and revisit the “West Indian System” to see how thinking has changed since it was designed in the 1960s.
2. to consider whether the existing system of legal education in the region is adequately meeting the needs of the region, particularly having regard to:
 - (i) the current and projected demand for legal education opportunities and the need for the services of legally trained persons;
 - (ii) the current arrangements for funding legal education and the scope for change, particularly taking into account the prevailing and projected economic environment;
 - (iii) the current system of admission to the Faculties of Law, University of the West Indies (UWI), University of Guyana (UG) and University of Technology, Jamaica (UTECH). Questions to be asked included –

- whether students should be required to compete through an Entrance Exam;
 - whether the “direct entry” system should be retained;
 - whether the LL.B. should be a post-graduate qualification as in North America?
- (iv) the current system of admission to the law schools, bearing in mind:
- (a) the issue of automatic entry for all UWI LLB graduates;
 - (b) the position of UG and UTECH LL.B. graduates;
 - (c) the proliferation of intra/extra-regional training opportunities; and
 - (d) the future of the entrance examination.
- (v) the existing curricula of the UWI, UG and the Law Schools to determine relevance to the economic development of the region;
- (vi) the extent to which technology is being used at the Faculties of Law and the Law Schools for teaching and training -
- (a) whether the technological infrastructure adequate, and is the requisite technical support available to support cross-campus offerings?
 - (b) the extent to which courses are developed and offered from one campus for the benefit of all;
 - (c) the effect of cross-campus course offerings on costs;
 - (d) the extent to which the use of technology prepares attorneys-at-law for utilising technology in their work? Is there a link between use of technology at Law Schools and technology used in the law courts of the region?
- (vii) Are the quality assurance systems in place at the Faculties of Law and Law Schools adequate? Is there provision for external parties to comment on courses and programmes?
- (viii) Are staffing levels in the Faculties of Law and Law Schools adequate to meet teaching and training needs?
- (ix) Are the physical facilities at the Faculties of Law and Law Schools fit for purpose?
- (x) What is the impact of globalisation on the training of lawyers and the practice of law?
- (xi) How well equipped are new practitioners graduating from the West Indian System of Legal Education for practice in non-traditional areas of law?
- (xii) Should the Council of Legal Education be an accreditation body?
- (xiii) Should regional governments continue to fund legal education?

Since some of the librarians in charge of law library collections were not available for interview when the consultants visited, a special survey instrument designed by the consultants was used to

obtain information on collections and policies. The instrument and the responses are reproduced as *Appendix 7.1* to this draft report.

IMPACT Justice thanks the consultants, the rapporteur Mrs. Karen Tesheira and all others who contributed to the completion of this legal education survey. They include Hon. Attorneys General, Ministers of Education and other Ministers of Government, members of the judiciary, members of the bar associations of Antigua & Barbuda, Barbados, The Bahamas, Belize, the Commonwealth of Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and the Republic of Trinidad and Tobago; the Vice-Chancellor of the University of Guyana, members of staff of the Eugene Dupuch, Norman Manley and Hugh Wooding Law Schools, faculties of law at the UWI Cave Hill, Mona and St. Augustine Campuses, the University of Guyana and the University of Technology. Thanks are also due to Dr. Corin Bailey of the Sir Arthur Lewis Institute for Social and Economic Studies, UWI Cave Hill Campus who designed the questionnaire used to obtain information from the legal profession in the region; Koelle Boyce of the Quality Assurance Unit, UWI, Cave Hill Campus who managed distribution of the questionnaire and analysed the results, and Peter Wickham, managing director of CADRES who designed and conducted a public opinion survey on lawyers and legal education in Barbados, Belize, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia and Trinidad and Tobago. Last, but not least, thanks are due to the staff of the IMPACT Justice Project, especially Henderson Waithe and Charlene Walkes who worked tirelessly to ensure that all the necessary arrangements were made, including assembling the voluminous documents.

IMPACT Justice welcomes feedback on this draft so that it can prepare a final report for submission to the CARICOM Legal Affairs Committee by early June 2017.

Velma Newton
Regional Project Director
IMPACT Justice
February 2017