

## **GUIDELINE FOR SUPERVISORS AND IMPLEMENTERS OF THE LICENSING TRAINING PROGRAM**

### **INTRODUCTION**

An aspiring lawyer may choose from two licensing training routes: the Pupillage or the Certificate of Licensing Training Program (CLTP). Aspiring lawyers must complete either of these programs to satisfy the Licensing Training Program component of the BCM. Both pathways are based on the fulfillment of licensing training “core skills” established by the BCM.

Trainees should be provided with practical experience in all the core skills mandated by the BCM as much as possible during the traineeship. If, due to the nature of the legal practice or the legal institution of the training, one or more specific practical skill cannot be provided in the regular work of the supervisor (e.g. the *supervisor is in the Judiciary or other State institution*), then the Supervisor ought to find alternative ways to ensure that the core skills are completed by the trainee, such as: simulations of real court cases; conducting legal research using case studies or research on case law and statutes; workshops modeled to teach due diligence, client care management and transaction management, mock trials to develop advocacy skills.

### **DURATION OF TRAINEESHIP**

**Pupillage** - The Pupillage consists of a period of consecutive months within a one (1) year period in which at least 500 hours of program is completed under the supervision of a supervisor lawyer. It can be completed in a 4-month full-time training or as a part-time training with a term that can extend up to a period of 1 year. Provided that 500 hours of training is successfully completed within 1 year, whether under a full-time or a part-time Pupillage, the Licensing Training Program is considered to be successfully completed. The term of a full-time training may also be extended up to 1 year if circumstances require such extension (e.g. interruption of training due to illness; lack of sufficient work at Supervisor’s workplace; trainee need to supplement income by taking another work part-time, etc.). BCM should be notified about the need for an extension.

It should be pointed out that not all the activities listed under a core skill need to be covered; all that is needed is that the supervisor checked the box that the trainee gained the mandated core skill and identified sufficient activities performed under that core skill to the satisfaction of the BCM. The supervisor may also change or add activities in the Licensing Training Plan.

**Certificate of Licensing Training Program (CLTP)** - The CLTP consists of a 4-month training course term delivered within a 1-year period by a provider approved by the BCM, in a program consisting of at least 500 hours of combined skills-based in-class instruction time, independent work assignments, legal work placements or internships, trial observations, workshops, tutorials and other professional activities and training. The term for a Part-Time Certificate of Licensing Training Program may extend up to 1 year and includes a training program equivalent and similar to the training described for a full-time Certificate of Licensing Training Program, consisting of at least 500 hours of core skills legal training. Provided that 500 hours of training is successfully completed within 1 year, whether under a full-time or a part-time CLTP, the licensing training program is

considered to be successfully completed. The Minimum Standards for the Certificate of Licensing Training Program have been issued and are available to the CLTP provider.

## **CORE SKILLS TRAINING**

The traineeship under both the Pupillage and the Certificate of Licensing Training Program (CLTP) must be structured in such a way to provide trainees with practical experience **in the following core skills:**

### **1. Client Care and Management**

- a. Participate in and conduct client interviews and taking client's instructions (including sensitive interviews e.g. of children, victims of trauma and persons with disabilities)
- b. Observe and document client meetings in which remedies, options, advice, and instructions are discussed
- c. Conduct due diligence, including ensuring that all relevant information has been obtained and reviewed
- d. Participate in interviews with witnesses and experts
- e. Generate options and formulate strategy together with the supervisor
- f. Prepare witness statements and affidavits based on information collected in interviews, draft general correspondence and written opinions
- g. Advise client under the direct supervision of the Supervisor

### **2. Conducting Legal Research, Drafting and Legal Writing**

- a. Review and summarize documentation (e.g. Transcripts; documents in client's file; contracts; corporate minute books)
- b. Identify applicable areas of law and legal issues involved; conduct due diligence
- c. Conduct research on substantive and procedural issues; conduct due diligence
- d. Draft court documents such as originating process, pleading, summons and court orders; contracts and agreements
- e. Use precedents
- f. Interpret and apply results of research
- g. Provide analysis and report results of research to the Supervisor orally or in writing
- h. Prepare drafts of litigation documents (e.g. notices of motion; notices of application; draft orders; offers to settle, notices of appeal, affidavits, factums, minutes of settlement)
- i. Prepare drafts of solicitor-type documents (e.g. resolutions; powers of attorney, wills, agreements, letters of opinion, reporting letters)

### **3. Case and Transaction Management, including Monitoring Files & Negotiations**

- a. Document a file (e.g. records of telephone calls; memos to file; client instructions)
- b. Use a system to track limitation period dates
- c. Prepare for negotiations (e.g. transactional; litigation, alternative dispute resolution/ADR); conduct due diligence
- d. Observe and participate in negotiations
- e. Review and discuss outcome of negotiations with the supervisor
- f. Conduct negotiations under the supervision of the supervisor (e.g. simple tribunal matter; minor civil litigation)
- g. Advise on settlements under the supervision of the supervisor
- h. Observe other forms of ADR (e.g. mediation, arbitration, conciliation)

#### **4. Advocacy**

- a. In relation to civil litigation, observe and support advocacy in different settings (e.g. interlocutory motions or applications; tribunal hearings; trials; pre-trial conferences; discoveries; applications; assessment of costs; examinations)
- b. Assist in preparation for a trial or appeal of a civil matter; conduct due diligence
- c. Assist in preparation for an interlocutory application
- d. Request, provide or participate in document disclosure (e.g. affidavits of documents; Prosecutor disclosure and plea negotiations)
- e. Attend court or tribunal, where permitted, to speak to routine administrative matters (e.g. unopposed adjournments; uncontested and consent motions; and set dates)
- f. In relation to criminal litigation, assist in preparation of client or witnesses for trial and in preparations for an appeal of a criminal matter; conduct due diligence
- g. In relation to corporate practice, assist in a corporate transaction such as sale of a business
- h. In relation to a conveyancing practice, assist in a conveyance transaction such as sale of house or other real estate property

#### **5. Ethics and Professional Responsibility**

- a. Identify and discuss ethical obligations and responsibilities of a lawyer
- b. Observe best practice in relation to retainers, documenting the scope of services and ensuring client understands the services being provided and the fees being charged
- c. Discuss lawyer's duty towards client confidentiality and steps to be implemented to ensure such confidentiality
- d. Discuss potential client conflict of interest issues and the use of a filing system that help detect and prevent conflict of interest
- e. Discuss steps to take when asked by a client to engage in an activity that would breach professional obligations
- f. Discuss Rules of Professional Conduct and provide examples on its application and discuss the importance of communication with clients, including vulnerable clients, and offering additional support for clients who have undergone trauma in terms of referring them to other social and support groups and services
- g. Instill in the Trainee an understanding of a lawyer's role in the Court, in the legal profession and in society at large and the importance to be ethical and professional in all dealings inside and outside the profession.

Practical training work during the program should be "delivered" via case files in the different subject areas considered relevant by the BCM.

#### **LIST OF SUGGESTED ASSIGNMENTS FOR TRAINEES:**

- Draft Retainer
- Conduct Conflict Check
- Draft Demand Letter
- Legal Research Memorandum
- Draft Opinion Letter
- Draft Letter to Opposing Counsel
- Draft Agreement of Purchase and Sale
- Draft Application and Financial Statement
- Draft Statement of Claim
- Draft Pleading of opposite side
- Memo for bail hearing
- Search of title abstract
- Draft Requisition Letter on purchase of real estate
- Draft Statement of Adjustments for real estate sale
- Draft Reporting Letter on purchase and sale of real estate
- Draft Power of Attorney
- Contract drafting
- Draft Closing Agenda, Share Purchase and Non-competition Agreements
- Draft questions for Examination-in-Chief and Cross-Examination
- Discuss file strategy
- Draft Promissory Note
- Prepare Case Conference Materials
- Draft Affidavit of Documents
- Draft Will
- Prepare client for examinations
- Present submissions to the Landlord & Tenant Board or to another Board such as the National

Social Protection Agency or the Board of Education under the ‘Special Education Needs (SEN) Programme’ □ Review the use of precedents □ Draft Statement of Accounts for client.

## THE TRAINING PLAN & SUPERVISOR’S REPORT

A Supervisor is required to file with the BCM a **Licensing Training Plan** online beforehand for the specific Trainee for once the Trainee is engaged. The Supervisor must keep a regular record of trainees’ hours worked, and their performance in relation to various core skills. The Supervisor must submit a **Mid-Term Progress Report** at the midpoint of the training and a **Final Report** at the end of the training.

The Final Report requires the Supervisor to report on the following information:

- Which area(s) of practice was covered during the Licensing Training Program, and the extent of training the trainee received training in the five core skills as set out above;
- Evaluation of trainee’s performance over the training period; and
- An overall assessment as to the success of the licensing training program and whether the trainee successfully gained the licensing training core skills of the program.

Supervisors are also required to file with the BCM a **Certificate of Service** at the end of the Licensing Training Program period. The Certificate of Service acknowledges the end of the Licensing Training Program in accordance with the Licensing Training Core Skills.

## EARLY TERMINATION OF THE TRAINEESHIP

The Pupillage may be terminated prior to the end of its term by either the trainee or the supervisor lawyer, or by mutual agreement.

In the event that a trainee or supervisor terminates the traineeship prior to the completion of the traineeship plan, the trainee must find a new supervisor and submit a new Pupillage Supervision Agreement.

The supervisor and the trainee must submit to the BCM a Mid-Term Progress Report on the Pupillage stating the number of hours completed by the trainee prior to the Termination of the Pupillage Supervision Agreement.

The trainee may receive credit for hours worked with both supervisors, and each supervisor is required to provide adequate certification of the training that the trainee received and cooperate to ensure a smooth change of the Pupillage.