

LICENSING TRAINING PROGRAM POLICY

PART I: DEFINITIONS

- 1.1. “Business Day” means any day except a public holiday in the Maldives.
- 1.2. “Certificate of Licensing Training Program” means a licensing training program with a minimum of 500 hours of skills-based legal training delivered and administered by a training provider approved by the BCM in advance of its delivery. It can be delivered as a 4-month full-time program or as a part-time program with a term that can extend up to a period of 1 year.
- 1.3. “Certificate of Licensing Training Program Provider” means the provider approved in advance by the BCM to deliver and administer the Certificate of Licensing Training Program.
- 1.4. “Common Law Practice Experience” means experience involving the application of legal principles and practices to the resolution of issues while licensed to practice law as a member of the bar in a common law jurisdiction.
- 1.5. “Licensed Lawyer” means a person to whom a Practicing License has been issued by the BCM.
- 1.6. “Licensing Training Program” means either a Pupillage or the Certificate of Licensing Training Program (CLTP).
- 1.7. “Licensing Training Program Placement Term” or “Pupillage term” means a period of months within 1 year in which at least 500 hours of Licensing Training Program is to be completed under the supervision of a Supervisor Lawyer. It can be completed as a 4-month full-time training placement or as a part-time training placement with a term that can extend up to a period of 1 year. The term of a full-time training placement may also be extended up to 1 year if circumstances require such extension.
- 1.8. “Oath” means the oath the taking of which is a requirement for the issuance of a Practicing License pursuant to s. 33(a) of the LPA.
- 1.9. “Policy” means these policies for the Licensing Training Program.
- “Practicing License” means a license issued to a person by the BCM entitling the person to practice law in the Maldives.
- 1.10. “Prescribed Fee” means the fee approved by the BCM.
- 1.11. “Prescribed Form” means the form approved by the BCM.
- 1.12. “Pupillage” means the licensing training program placement that has been approved by the BCM.
- 1.13. “Supervisor or Supervisor Lawyer” means a Licensed Lawyer who has been approved by the BCM to supervise a trainee during the Pupillage period.

1.14. “Trainee” means a trainee or candidate registered by the BCM in the Licensing Training Program.

PART II: GENERAL

PURPOSE

2.1. The Policy describes the rules and procedures for the Licensing Training Program, and it should be read together with the *Legal Profession Act* No. 5/2019 (LPA) as amended and the Bar Council of the Maldives’ Regulation No. 2020/R-20 as amended. In case of a conflict between this Policy and the provisions of the aforementioned Act and Regulation, the provisions of the LPA and Regulation No. 2020/R-20 as amended prevail.

PART III: EDUCATION REQUIREMENTS AND THE LICENSING PROCESS

GENERAL STEPS IN THE LICENSING PROCESS

In order to practice as a lawyer in the Maldives, a Trainee needs to be licensed by the Bar Council of the Maldives (BCM). To become licensed, the following requirements must be met by an applicant for a Practicing License:

3.1. They must be a Maldivian citizen over 21 years of age and have successfully completed a first degree in law at an accredited/approved law school in the Maldives or an equivalent law degree from an overseas law school, provided that such degree is accepted as a qualifying law degree for the purposes of licensing in the jurisdiction in which it was issued, and provided that such degree has been approved by the BCM.

3.3. They must have completed the Licensing Training Program through a Pupillage Program in a law firm or other legal institution **or** by attending a BCM approved Certificate of Licensing Training Program (CLTP) at an approved Law School or another legal training provider in the Maldives.

3.4. They must be of good character: This requirement looks at whether the applicant for the Practicing License shows respect for the rule of law and the administration of justice and conducts their affairs with honesty and integrity. The purpose of this requirement is to protect the public and maintain high ethical standards in the profession. A person convicted of a serious criminal offence in the past 5 years and a person not complying with a judgement debt are deemed not to be of good character.

3.5. After successful completion of the Bar Exams and of the Licensing Training Program, and after submission of the prescribed forms and payment of the prescribed fees, applicants are eligible to be licensed to practice law provided they comply with all the requirements of the LPA, the BCM regulations and this Policy. All eligible applicants are required to take the Oath pursuant to s. 33(a) of the LPA, which is administered by a Justice of the High Court during the Bar Admission Ceremony.

PART IV: PUPILLAGE

APPLICATION FOR REGISTRATION INTO THE PUPILLAGE

4.1. A Pupillage means a training placement with State agencies, institutions and offices that provide legal services, and law practices and law firms and any workplace that meets the requirements for licensing training under the *Legal Profession Act* (LPA) and BCM's Regulation No. 2020/R-20 as amended.

4.2. A Trainee and a Supervisor Lawyer engaged in the Pupillage are at all times subject to all requirements and obligations set out in this Policy, the LPA and its amendments, the BCM *regulations* and the BCM Rules of Professional Conduct. State Lawyers (i.e. lawyers appointed by Attorney General's Office and Prosecutor General's Office, to discharge its duties) will, additionally, be held accountable to the state institution to which they belong, in relation to their responsibility of representing the state in their official capacity. It is the responsibility of the Supervisor Lawyer to ensure that the placement firm / legal office offers an effective learning environment, including ensuring the safety and rights of the Trainee.

4.4. The Pupillage consists of a period of months within a one (1) year period in which at least 500 hours of Licensing Training Program is completed under the supervision of a Supervisor Lawyer. It can be completed in a 4-month full-time training program or as a part-time training program with a term that can extend up to a period of 1 year. The term of a full-time training program 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.

4.5. A Trainee who wishes to complete the Pupillage either full-time or part-time must provide the BCM with the following:

- a. Application Form;
- b. A Pupillage Supervision Agreement in the prescribed form signed by both the Trainee and the Supervisor;
- c. A Licensing Training Plan filed online by the Supervisor Lawyer and approved by the BCM.
- d. Pay the prescribed administrative fee to the BCM;
- e. Any other document required by the BCM.

4.6. If a Trainee wishes to complete the Pupillage at any office that is not a law firm or legal practice, in addition to compliance with paragraph 4.5, the Trainee must provide the BCM an official letter on the institution's letterhead, confirming the following:

- a. The personal information of the Trainee (name, designation and duration of employment);
- b. That the Trainee is employed at the institution;
- c. The personal information of the Supervisor Lawyer (name, designation and duration of employment);
- d. That the Supervisor Lawyer is employed at the institution;
- e. That the Supervisor Lawyer is employed in a legal capacity;
- f. That the Supervisor Lawyer is able to supervise the Trainee.

REQUIREMENTS AND OBLIGATIONS OF SUPERVISORS UNDER THE PUPILLAGE

4.7. A Licensed Lawyer must be approved by the BCM's Designated Employee in order to be a Supervisor Lawyer. A Licensed Lawyer who wishes to act as a Supervisor Lawyer must complete the

Training Supervisor Registration Form in the BCM's website and file a Licensing Training Plan in the prescribed form.

4.8. The BCM, in principle, will approve a Licensed Lawyer as a Supervisor Lawyer if the Licensed Lawyer:

- a. Has been actively engaged in the practice of law in the Maldives for the five (5) years immediately preceding the commencement of the Licensing Training Term;
- b. Currently is not a person barred from advocating in any of the courts pursuant to a disciplinary matter;
- c. Is a person of good character. A person convicted of a serious criminal offence in the past 5 years and a person not complying with a judgement debt are deemed not to be of good character;
- d. Has completed the Supervisor Lawyer registration in a prescribed online form of the BCM.

4.9. The BCM will consider all relevant information available, including any proceedings related to the Licensed Lawyer's conduct, capacity or professional competence and may request further information from the Licensed Lawyer to assess the suitability to serve as a Supervisor Lawyer. The decision of the BCM to approve or not to approve a Licensed Lawyer as a Supervisor Lawyer may be appealed to the Appeal Committee of the BCM. The decision of the Appeal Committee of the BCM is final.

4.10. A Licensed Lawyer with 5 (five) years of experience in the practice of law in the Maldives may supervise 3 (three) Trainees concurrently, a Licensed Lawyer with 7 (seven) years of experience in the practice of law in Maldives may supervise 5 (five) Trainees concurrently, and Licensed Lawyer with 12 (twelve) years of experience in the practice of law in Maldives may supervise 6 (six) Trainees concurrently.

4.11. The obligations of the Supervisor Lawyer include:

- a. File with the BCM a Licensing Training Plan online beforehand or provide the BCM a training plan for the specific Trainee once the Trainee is engaged;
- b. Provide the Trainee a Pupillage Supervision Agreement in the prescribed form signed by both the Trainee and the Supervisor Lawyer, which the Trainee is to file with the BCM;
- c. Supervise the Trainee in the delivery of legal services and accept full responsibility for all legal services provided by the Trainee;
- d. Make the Trainee conversant with the laws and legal system of Maldives and to deliver licensing training in the best possible way to enable the Trainee to work as lawyers;
- e. Provide the Trainee with a training experience that complies with the '*Licensing Training Core Skills*' for Trainees as prescribed by the BCM;
- f. To take attendance of the Trainee and to keep a general record of the areas of work done by the Trainee;
- g. Be a good legal professional role model for the Trainee including but not limited to the experience, competence, ethical and professional conduct of a Licensed Lawyer;
- i. h. Provide the BCM a Mid-Term Progress Report on Pupillage Program at the midpoint of the training and a Final Report on Pupillage Program at the end of the training in the prescribed forms. These reports shall be submitted within 15 business days of the date of end of each duration. If the reports are not submitted within the allocated duration, the BCM may decide the training to be incomplete, and/or penalize the Supervisor an amount no less than MVR 5,000;
Provide the BCM a Certificate of Service in the prescribed form at the end of the training attesting that the Trainee completed the Pupillage satisfactorily in accordance with the

Licensing Training Core Skills prescribed by the BCM and that the Trainee *is competent to become a lawyer on the grounds of ethics and professional conduct*, unless the Supervisor provide satisfactory reasons for not being agreeable to provide the Certificate of Service for the Trainee.

TERMINATION OR CHANGE OF PUPILLAGE

4.12. The Pupillage may be terminated prior to the end of its term by either the Trainee or the Supervisor Lawyer, or by mutual agreement.

4.13. A Trainee may change the training from one Supervisor Lawyer to another (new Supervisor Lawyer) during the licensing training term.

4.14. Where the Pupillage is terminated, both the Trainee and the Supervisor Lawyer must provide the BCM, within 15 business days of the end of the training, written notice that includes the effective date of the end of the training and the total hours of training completed during the pupillage.

4.15. If 500 hours of training had been completed when the Pupillage Program is terminated but not the required minimum 4 months, the former Supervisor Lawyer shall provide the BCM within 15 business days the Final Report on the Pupillage and the Certificate of Service, unless the Supervisor provide satisfactory reasons for not being agreeable to sign the Certificate of Service for the Trainee.

4.16. If 500 hours of training had not been completed when the Pupillage Program is terminated, the former Supervisor Lawyer must provide the BCM within 15 business days a Mid-Term Progress Report on the Pupillage Program in the prescribed form stating the number of hours of training completed by the Trainee. In addition, the former Supervisor Lawyer shall cooperate with the Trainee and the BCM to facilitate a peaceful transfer of the training program by the Trainee. If the training is terminated '*for cause*' the Supervisor shall notify the BCM that the training was terminated '*for cause*' and provide the reasons for the termination.

4.17. Where the Trainee transfers to another Pupillage, the Trainee must file a new Pupillage Supervision Agreement signed by both the Trainee and the new Supervisor Lawyer and the Trainee and the Supervisor must comply with all the requirements under this Policy, the *Legal Protection Act* (LPA) and BCM's Regulation No. 2020/R-20 as amended.

Other models of licensing training that may be considered by the BCM

4.18. The Bar Council of the Maldives may approve licensing training models that differ from a traditional licensing training in a law practice, including virtually supervised training models, provided that a legal institution satisfies the BCM that the training model provide Trainees with a training experience that complies with the '*licensing training core skills*' for Trainees prescribed by the BCM and complies with the LPA (as amended), the BCM's regulations and this Policy. For example, but not limited to, if petitioned the BCM may approve a licensing training plan for legal officers' staff in the Judiciary aspiring to be Licensed Lawyers.

PART V: CERTIFICATE OF LICENSING TRAINING PROGRAM (CLTP)

GENERAL

5.1. "Certificate of Licensing Training Program" (CLTP) is the skills-based licensing training program designed to provide candidates the practical legal experience, through simulations of handling

clients' casework including research, legal drafting and advocacy, experience similar to what a Trainee obtains through a Pupillage in a law practice. The CLTP is intended to be designed to provide the Trainee all the practical skills prescribed by the BCM as the '*Licensing Training Core Skills*' in the "Guideline for Supervisors and Implementers of the Licensing Training Program" document.

5.2 The BCM shall issue a Certificate of Licensing Training Program Provider to an academic institution or other provider approved by the BCM to deliver and administer the Certificate of Licensing Training Program.

5.3. The CLTP consists of a four (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 be delivered in a period that 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 and consisting of at least 500 hours of core skills legal training.

5.4. The Trainee enrolled in the CLTP must follow all the rules and procedures established by the CLTP provider and the BCM.

5.5. A Trainee engaged in the CLTP is at all times subject to all requirements and obligations set out in this Policy, the *Legal Profession Act* (LPA) and the BCM Regulations as amended and the Rules of Professional Conduct.

5.6. Once the Trainee has completed all of the components of the CLTP program to the satisfaction of the CLTP provider and the CLTP provider has provided the BCM confirmation that the Trainee has completed the program to its satisfaction and earned a Certificate of Licensing Training Program, the Trainee must apply to the BCM to recognize the completion of the Licensing Training Program.

5.7 A Trainee who wishes to complete the Certificate of Licensing Training Program (CLTP) either full-time or part-time must submit to the BCM the following:

- a. An application form;
- b. Proof of completion of the CLTP training program either on a full-time or a part-time basis;
- c. Pay the prescribed administrative fees to the BCM; and
- d. Any other document required by the BCM.

5.8. The CLTP provider shall provide the BCM with a list of Trainees who have earned a Certificate of Licensing Training Program, within 15 days of end of each batch, in a format provided by the BCM. If the information is not submitted within the allocated duration, the Bar Council of the Maldives may decide the training to be incomplete, and/or penalize the CLTP provider an amount no less than MVR 5,000.

END OF POLICY DOCUMENT