



## CONTINUING LEGAL EDUCATION GUIDELINES (1998)

### 1. INTRODUCTION

Section 4(b) of the Bermuda Bar Act 1974 requires that the Bermuda Bar Council shall be responsible for the encouragement of legal education and the promotion of study of jurisprudence. To this end, the Bar Council has implemented the Continuing Legal Education Programme (“CLEP”), the aim of which is to provide a compulsory training programme for all members of the Bermuda Bar.

### 2. APPLICATION OF CLEP

- 2.1 The CLEP applies to all practising attorneys who work in private practice or legal employment (including Registered Associates).
- 2.2 All attorneys must complete eight (8) hours during the period 1st November to 31st October in each calendar year.

### 3. CLEP REQUIREMENTS

- 3.1 The programme offers flexibility in the study methods which qualify for CLEP credit. To meet the hour requirements, attorneys are free to choose the subjects and learning opportunities which are relevant to them.
- 3.2 There are various methods of satisfying the CLEP requirements which include the following:

- (a) Attendance at courses and workshops

Courses will be given by lecturers designated by the Legal Education Committee (“LEC”). Attorneys are also free to attend external and/or in-house legal or professional courses offered by local law firms (see paragraph 6 below).

- (b) Distance Learning

CLEP credit is available to those who wish to take approved distance learning courses. These may be correspondence, audio cassettes, video, or interactive computer. The amount of credit available varies according to the type of course.



(c) Other Training Activities

The following activities also qualify for CLEP credit:

- i. Attending legal or legally related professional courses, other than designated CLEP courses.
- ii. Writing law books and/or legal articles
- iii. Conducting legal research which leads to a precedent or practice note or other written guidance.
- iv. Writing a dissertation which counts towards a qualification.
- v. Attending non-accredited courses which may be of particular relevance and/or benefit to an individual's area of work.
- vi. Attending courses in other common-law jurisdictions which are approved

by the LEC.

3.3. Additional CLEP credit is also available for the following:

(a) Presentation of courses

Attorneys who present legal or legally related professional courses above are entitled to the following CLEP credit:

- i. a one hour lecture will be the equivalent of four hours of CLEP credit;
- ii. a two hour lecture will be the equivalent of eight hours of CLEP credit.

(b) Attendance at workshops

Attorneys who attend courses where at least one third of the tuition time is spent in small group work such as role plays, exercises, case studies will be entitled to additional credit.

(c) Organising workshops and courses

Attorneys who are involved in the organisation and preparation of CLEP courses and workshops may be entitled to additional credit.

(d) Attendance on Priority Area Courses

From time on time, the LEC identifies subject area which are of particular importance. Such subjects are adopted as Priority Areas and may be given as additional credit for a limited period of time.



## **4. SUSPENSION OF THE REQUIREMENTS**

- 4.1 Attorneys who are not in legal practice or employment may suspend the requirements for the period of time that they are out of practice. Attorneys who are unable to comply should apply to the LEC.
- 4.2 An extension or waiver of time may be granted by the LEC in exceptional circumstances.

## **5. RECORD KEEPING**

- 5.1 The LEC is not required to keep records of individual attorney's attendance at courses. All attorneys who participate in the CLEP are required to maintain their own record of course attendance. It is recommended that details of attendance of all CLEP courses are recorded even when attorneys are in doubt as to whether they would qualify for CLEP credit. The LEC can request sight of records at any time.
- 5.2 Many firms may keep duplicate records of attorneys' course attendance, however, attorneys are reminded that the onus is on them to maintain their own records. Attorneys who are unable to produce a record may be required to undertake the training again.

## **6. CLEP COURSE PROVIDERS**

- 6.1 The LEC has endeavoured to make the CLEP scheme as flexible as possible and has ensured that a wide range of courses are available.
- 6.2 The LEC will produce an annual Register of Course Providers which will be sent to all firms, and will be available from the LEC on request. In addition, the LEC will maintain a database of lectures, seminars and conferences taking place in Bermuda which may have relevance to legal professional development.
- 6.3 In-house training courses offered by local firms, in-house legal departments and other organisations are recognised by the LEC.

## **7. MONITORING OF COURSES**

- 7.1 The CLEP scheme can only be successful if it is seen by the profession to be relevant and beneficial to them. It is important, therefore, that the quality and standard of the CLEP courses are monitored and assessed.



## 7.2 Completion of delegate questionnaires

From time to time attorneys who attend courses may be asked to complete an LEC questionnaire and to give their views on the course quality and standard. The LEC appreciates attorneys' cooperation in completing these forms.

## 7.3 Assessment of course material

Course materials may be assessed from time to time or on demand by practitioners experienced in the subject area.

## 7.4 Monitoring visits

A member of the Bar Council or a person delegated by it may attend courses as an observer.

## 8. CAREER PLANNING AND DEVELOPMENT: LEC RECOMMENDATIONS

### 8.1 Career planning and development is important for several reasons:

- To analyse proposed career progression
- To analyse future goals
- To take into account the LEC requirements/recommendations in relation to training
- To make career decisions relating to career breaks foreseen and unforeseen

### 8.2 Analysing career progression and future goals

Identifying immediate, short and long term career goals is important to ensure that any CLEP undertaken will assist career development. It is helpful to consider that the current role and the development that is necessary to achieve future goals.

### 8.3 Bar Council requirements/recommendations

Career plans should take into consideration LEC requirements and/or recommendations. For example, attorneys are required to undertake a certain amount of CLEP or attend courses in specific subjects.

The LEC recommends that 25% of an attorney's CLEP should be in management training. This includes areas such as personnel work, management, managing people, skill training, financial and business management. Practice management skills are relevant at all stages of an attorney's career. The LEC is considering a framework for the individual management development needs of attorneys which should assist them to identify their training needs.



## 8.4 Career Breaks

Attorneys who are taking a planned career break should take this into account when devising their career plan. It may be possible to use this time to enhance their career prospects by undertaking higher level qualifications.

In the case of unforeseen career breaks perhaps due to redundancy or long term illness, attorneys may wish to consider what continuing legal education courses would help them keep up to date and get back into work.

- 8.5 In conclusion, a sound career plan will enable attorneys to analyse and assess their future training needs, develop their professional knowledge and skills and ensure satisfactory compliance with the CLEP requirements.

## 9 FREQUENTLY ASKED QUESTIONS

### 9.1 Who is required to undertake CLEP?

All attorneys admitted to practice at the Bermuda Bar and registered associates.

### 9.2 What is the CLEP requirements?

8 hours for the period of 1st November to 31st October in each calendar year.

### 9.3 What training qualifies for CLEP?

- i. Attending legal or professional courses/conferences/group discussion/knowhow session.
- ii. Undertaking distance learning courses.
- iii. Writing law books/legal articles.
- iv. Conducting legal research which leads to a precedent or practice note.
- v. Preparation and/or delivery of courses.
- vi. Attending courses accredited for CLEP in any common law jurisdiction.

### 9.4 What records should attorneys keep?

All attorneys are required to keep their own records of their CLEP. The LEC may request sight of training record at any time.

### 9.5 What happens if an attorney is unable to comply?

Attorneys who are unable to comply should apply to the LEC. An extension of waiver of time may be granted by the LEC in exceptional circumstances.



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9.6 What happens if an attorney is out of practice for a time?

Attorneys who do not work in legal practice or employment may apply for a suspension of waiver of the requirements.

9.7 How do attorneys find out about courses?

The LEC produces an annual Register of Course Providers which is sent to all firms and is available from LEC on request. In addition, LEC maintains a database of lectures, seminars and conferences taking place in Bermuda which may have relevance to legal professional development.

9.8 Can Trainee Attorneys claim credit before admission?

Pupils can claim credit only for courses attended after their application for admission has been lodged with the Registrar of the Supreme Court.

9.9 Can credits be carried over from one year/three year period to another?

No- the eight hours per calendar year is a minimum requirement so any hours accrued over and above that cannot be carried over.

All concerns and questions should be addressed to the attention of the Chairman of the Continuing Legal Education Committee.

DATED this 8th day of October, 1998