**ABSTRACT-** **THE FUTURE OF LEGAL EDUCATION-**

The presentation will shortly outline the present system of Legal Education designed for the Caribbean which involves obtaining an LL.B degree from the UWI (with subjects pertinent to our Caribbean situation ) and attendance at one of the law schools of the Council of Legal Education – Norman Manley Law School, the Hugh Wooding Law School and the Eugene Dupuch Law School for two years.

The Agreement establishing the Council of Legal Education ( the Treaty) provides for direct entry of UWI LL.B graduates into the Law Schools to pursue the two year vocational training leading to Legal Education Certificate which is a requirement under the Treaty for entry into practice in the Caribbean. There have been some end runs around this scheme, including in the Bahamas which has never fully adhered to the Treaty and in Trinidad and Tobago where Parliament passed a law in breach of its Treaty obligations which allows some persons to enter practice in Trinidad and Tobago after obtaining qualifications in the UK. Those persons are not eligible for admission to practice in the other Caribbean territories which have adhered to the Treaty provisions.

The heavy demand for legal education in the Caribbean remained unmet causing much disquiet. There have been several responses in an attempt to address the pleas of such persons - which have included the provision of Faculties of Law in Guyana, the University of Technology in Jamaica, the setting up of satellite schools by some British institutions offering LL.B degree studies, the pursuit of external degrees and not least, the UWI expanding its intake throughout the region by setting up two additional Law Faculties which, under the terms of the Treaty still enjoy the right of direct entry of its graduates into the Law Schools of the Council.

The Council’s Law Schools have strained to expand their intake to meet the increased numbers from UWI ’s three faculties and Guyana’s 25 students who have also been afforded direct entry under a special collaborative arrangement with UWI and the Council of Legal Education. All other applicants ( including graduates of the University of Guyana not within the quota) have been required to sit an entrance exam set by the Council of Legal Education to fill any other available spaces at the Schools. This system presently produces approximately 580 to 600 new lawyers annually between the two large law schools with the Eugene Dupuch Law School graduating a smaller cohort in the 30’s or 40’s.

There is a demand from graduates of other Caribbean universities such as the University of Technology in Jamaica and University of Guyana that a more equitable system be found to provide their graduates with better opportunities for entry into the profession and that the privileges granted to graduates of the UWI be withdrawn. They argue that there is no objective evaluation that should place graduates of the UWI in a special position ahead of the graduates of other Caribbean universities .

The ability of the Law Schools to maintain the same high quality of training as previously obtained having regard to the numbers of students being accommodated without substantial infrastructural changes required and the provision of sufficient staff to alleviate the present stressful situation faced by Tutors at the Law Schools is in question. The purpose of the Law School component is to prepare students for actual practice- including the hands on experience at the Legal Aid Clinic which should allow them to achieve a certain level of competence from exposure to actual clients and their files, especially as, apart from in service training required, there is no requirement for pupillage in any of our countries except the Bahamas. There is also a paucity of Chambers to provide guidance to new practitioners at the outset of practice.

The responses presently being contemplated include removing the right of direct entry from graduates of the UWI and insisting that all candidates seeking entry into the Law Schools should sit an entrance examination to determine the allocation of places at the Council’s Law Schools. Another response has come from the Government of Antigua and the University of Guyana which proposes the setting up of new law schools in their countries, and so, the question has arisen as to how those schools would be integrated into the Caribbean legal landscape. It is obviously undesirable for such schools to be stand alone institutions, as under the present Treaty, their graduates would experience some difficulty in being recognized throughout the region. The Treaty in its pre-amble recognized the need to vest the responsibility for providing “institutional training” in a Regional Council of Legal Education, and if these proposed new Law Schools would wish to be part of an extended Council of Legal Education Law School system, it is expected that they would have to be able to provide suitable infrastructure, libraries, qualified staff etc.

The question of the maintenance of standards and accreditation of those law schools and any other newer schools has led to suggestions that the CLE should consider becoming an accreditation body such as Caribbean Examinations Council, setting standards to be met by all law schools in the region, but doubts have been expressed as to the feasibility of so doing and as to whether the Council could continue to run its own Law Schools.

Other suggestions for expansion to allow more persons to access legal education have included whether the requirement of the CLE’s schools for completion of a 2 year course could be shortened with one year being taught by the use of technology for distance training combined with or without a requirement of a period of attachment to recognized law chambers. Again, the question arises of how feasible such an arrangement would be having regard to the numbers of students that would need to be accommodated.

The Impact Justice project has recently undertaken a detailed survey of Legal Education in the Caribbean( not yet published), the data and recommendations of which may inform the future of legal education in the Caribbean, but it is critical to understand that whatever the recommendations, the future shape of Legal Education in the Caribbean will depend to a large extent on several factors.

These include the willingness of Caricom Ministers to make required changes to the provisions of the Treaty to accommodate graduates of other regional Faculties of Law other than UWI, the extent to which the Council of Legal Education can be re-structured and provided with the necessary resources including the provision of administrative and other personnel required to carry out an expanded mandate and the ability or willingness of Caricom Governments to continue subsidizing the financing of legal education. Some Governments may wish to determine what areas of legal training are critical for development in their respective countries and to subsidize or pay for students pursuing those areas of need. The financing of the Law Schools by Governments has been very problematic with some Governments being unable to pay their contributions to the Law Schools for extended periods of time and at least one country decided some time ago that all entrants from that country must be able to undertake the payment of full fees associated with their Law School education. The financial situation of many of our countries do not suggest an ability to provide the improved infrastructure and the training of suitable persons necessary to support the level of expansion being requested while maintaining standards, in which case, such expansion will necessarily require the payment of much higher fees by students. It would however be extremely unwise for a situation to be reached which would exclude worthy but impecunious students from entry into the Law Schools and any such outcome should be avoided at all costs.

Any new financial outlay should probably assess to what extent the demand for expansion will remain sustained in the face of the possible contraction of numbers of persons wishing to pursue legal education. There have been several revelations in the public domain about the present difficulties being experienced by many new Attorneys-at-Law who desire to enter the traditional practice of law in their communities. Barbados with 280,000 persons and a limited amount of companies needing in-house lawyers already has about 1023 lawyers servicing the country- with cohorts of 50 to 60 persons being admitted to practice each year. While some lawyers have been able to extend their client base by servicing the requirements of International Business, one repeatedly is made aware of difficulties of establishing themselves in practice being experienced by many Attorneys-at-Law in Barbados, Jamaica and Trinidad.

Future legal training in the Caribbean should pay greater attention to the opportunities arising through globalization and so provide Caribbean lawyers with training in some relevant non-traditional specialist courses with international relevance such as in the areas of Entertainment Law, International Tax Law, Offshore Law, Internet Law and also focus on the possibilities opened up by use of the Internet.- all of which would allow graduates to provide these needed specialist services to persons both inside and outside of the region, even if tightening immigration admission rules do not allow them to physically relocate outside of the Caribbean . The training will need to start orienting students towards the outsourcing of their legal skills- such as I am informed is presently being undertaken by some Caribbean lawyers and by lawyers in India who carry out research for some US and UK Law Firms. Whether this training could also be provided to Attorneys-at-Law already in practice through long distance education using suitable technology or by short in house courses or a blend of both will remain to be seen.

The Law Schools and the Law Faculties of the region may also be able to marshal their resources to provide opportunities for practising Attorneys-at-Law and their paralegals to upgrade their skills by the provision of continuing legal education courses made available by distance education for suitable fees. Jamaica at present makes Continuing Legal Education compulsory and it is inconceivable that other jurisdictions will not follow suit. There is also room for the CLE to offer courses in Mediation to persons who qualified prior to the inclusion of this skill in their Law School curriculum.

Legal Education in the Caribbean will have to undergo structural changes including in respect of curriculum offered, although it is not possible at this time to determine its final structure. The Impact Justice project is expected to shortly provide all stakeholders with the data collected and the recommendations of the Consultants based on the survey undertaken throughout the region. The acceptance and implementation of any recommendations or of other suggested changes from other stakeholders will no doubt depend to some extent upon the ability of the Governments of the region and other stakeholders to provide the financing necessary to provide a realistic expansion of opportunities for future legal education.

Beverley J Walrond QC