

**THE LEGAL PROFESSION (CONTINUING LEGAL PROFESSIONAL  
DEVELOPMENT) REGULATIONS**

In exercise of the powers conferred on the General Legal Council by sections 12(7) and 35 of the Legal Profession Act and of every other power hereunto enabling the following Regulations are hereby made:-

1. These Regulations may be cited as the Legal Profession (Continuing Legal Professional Development) Regulations and shall be read and construed as one with the Legal Profession Act.

2. In these Regulations unless the context otherwise requires: -

“The Act” means the Legal Profession Act.

“activity” in respect of any CLPD programme means: -

- (a) participation in courses and seminars;
- (b) coaching and mentoring sessions of not less than one hour;
- (c) coaching and mentoring sessions delivered from a distance;
- (d) writing on legal theory or practise;
- (e) work shadowing schemes which are structured with clear aims and objectives and which require feedback and reflection;
- (f) legal research;
- (g) production of a dissertation relating to legal theory or practise;
- (h) watching videotapes, listening to audio cassettes offered by authorised providers;
- (i) distance-learning courses where there is provision for the answering of enquires or for discussion;
- (j) preparation and delivery of training courses forming part of the process of qualification or post enrolment training;
- (k) participation in the work of committees which are engaged in the promotion or regulation of the legal profession the maintenance of professional standards and ethics;
- (l) participating in the development of specialist areas of law and practise by attending meetings of specialist committees or working parties of relevant professional or other competent bodies;
- (m) participating in conferences whether locally or internationally which are related to the practise of law;
- (n) group attendance at video presentations;
- (o) writing legal books or articles;
- (p) participating in researching legal articles or speeches;

- (q) teaching legal courses;
- (r) delivering addresses on legal topics;
- (s) home study or correspondence courses;
- (t) participating in postgraduate legal studies or obtaining other professional qualification.

“attorney” includes any person qualified to practise Law by virtue of the issuance of a Practising Certificate pursuant to section 5(2) of the Act and who is entered on the Roll to practise as an Attorney-at-Law in Jamaica pursuant to the Act.

“CLPD” means Continuing Legal Professional Development.

“CLPD programme” means a Continuing Legal Professional Development course or activity which has been approved or accredited by the Committee pursuant to these Regulations.

“Committee” means the Continuing Legal Professional Development Accreditation Committee established by regulation 6.

“course” means a course of study which has been approved by the Committee as part of a CLPD programme and includes: -

- (a) face-to-face sessions forming part of a course including those delivered by a distance learning provider approved by the Committee; or
- (b) a course wholly provided by distance learning which involves assessment by dissertation and written examination approved by Committee; or
- (c) structured seminars and coaching sessions, delivered face-to-face, of one hour or more which have written aims and objectives, are documented showing an outcome and are approved by the Committee; or
- (d) structured mentoring sessions involving professional development, delivered face-to-face, of one hour or more which have written aims and objectives which are documented showing an outcome and are approved by the Committee.

“The Council” means the General Legal Council.

“The Disciplinary Committee” means the Disciplinary Committee of the General Legal Council established under Section 11 of the Act.

“participation” means preparing, delivering or attending a CLPD programme.

“Provider” means any person or entity who has been accredited or approved by the Committee to provide a CLPD programme.

“year” means a period of one calendar year commencing on the January 1 in the year in question.

CLPD for attorneys during the first three years

3(1) Any attorney who commences practise on or after October 1, 2012 shall during the first three clear calendar years in which the attorney holds a practising certificate obtain a minimum of sixteen CLPD credits in each of those years and as part of the minimum CLPD participation in the first three calendar years such attorney shall undertake the following courses approved by the Committee:-

- (a) ethics;
- (b) client welfare; and
- (c) business management and finance

3(2) For the purpose of Regulation 3(1) a calendar year shall commence on the January 1 following the attorney's enrolment.

Minimum CLPD requirement for other attorneys

4. All other attorneys shall obtain not less than twelve CLPD credits in each calendar year as the minimum CLPD requirement provided that at least four credits shall be earned by participation in a CLPD course in ethics and all of the remaining credits may be earned by participation in a CLPD course or by participation in a CLPD activity.

Role of the Council

5(1) The Council shall retain general supervisory authority over the Committee and the administration of the CLPD programme and the Council shall also be ultimately responsible for approval of the academic standards and presentation of the activities within the CLPD programme, the number of credits to be allotted to participation in any CLPD course, and the number of credits to be allotted for participation in CLPD activities.

(2) Decisions of the Committee as to the accreditation and approval of any CLPD programme or as to the allotment of credit for participation in any CLPD programme are subject to review by the Council whose decision shall be final.

Accreditation Committee

6. The Committee has the following duties:-

- (a) to devise the criteria and requirements for the accreditation of courses and activities comprising a CLPD programme.
- (b) to apply the general scheme set out in these Regulations in order to assess the hours to be credited for participation in any

CLPD course or activity within the general categories set out in these Regulations or as otherwise prescribed by the Council.

(c) to devise and accredit courses participation in which shall be mandatory for attorneys enrolled or commencing practise on or after October 1, 2012 and unless otherwise prescribed by the Council such courses shall be:-

- (i) ethics;
- (ii) client welfare; and
- (iii) business management and finance and

(d) to ensure the provision of CLPD programmes at reasonable times and places.

#### Composition of the Committee

7(1) The Committee shall consist of nine (9) members and may include members of the following: -

- (a) Jamaican Bar Association
- (b) Regional Bar Associations
- (c) Norman Manley Law School
- (d) Advocates Association
- (e) Judiciary
- (f) Council of Legal Education and
- (g) Resident Magistrates Association.

(2) The Chairman of the Committee who shall be a member of the Council shall be appointed by the Council and shall hold that office for a period of one year, which period may be renewed for two successive periods only.

(3) The members of the Committee shall be appointed by the Council for a period of three years at a time and such appointment shall be evidenced by an instrument in writing signed by the Chairman of the Council.

(4) Every member of the Committee shall be eligible for re-appointment for two successive periods only.

(5) The Committee shall elect a Deputy Chairman and Secretary from among its members annually.

(6) The quorum of the Committee shall be five and the Committee shall make such other rules for procedure to be adopted at its meetings as it shall deem necessary.

(7) The Committee may organise itself into sub-committees of no fewer than three members for the purpose of considering and deciding matters submitted to them.

(8) The Committee may employ a director and such other staff as may be necessary and, further, may delegate executive authority to such director or staff to conduct the business of the Committee within the scope of these Regulations subject at all times, however, to continual review by the Committee.

#### Criteria for Accreditation of CLPD Programmes

8(1) Credits shall be given by the Committee for hours reasonably spent in participation in any CLPD programme approved by the Committee. Individual CLPD courses and activities shall be submitted to the Committee for assessment of the course or activity and the hours to be credited for participation in the same.

(2) the following standards shall govern the assessment of CLPD programmes by the Committee:-

- (a) the course or activity shall have significant intellectual or practical content and its primary objective be to increase the participant's professional competence as an attorney.
- (b) the course or activity shall deal primarily with substantive legal issues, practise management, professional responsibility or ethical obligations of attorneys.
- (c) the course or activity, if a legal seminar, be offered by a provider having substantial, recent experience in offering continuing legal education or demonstrated ability to organise and present effectively continuing legal education, and
- (d) demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction and supervision of the activity.
- (e) the course or activity itself be conducted by an individual or group qualified by practical or academic experience and the programme, including the participation by named advertised providers be conducted substantially as planned, subject to emergency withdrawals and alterations.
- (f) thoroughly researched, high quality, readable, and carefully prepared written material either hard copy or soft copy shall be made available to all participants at or before the time a course is presented, unless the absence of such material is recognised as reasonable by the Committee.
- (g) the Committee may approve presentations to be made or made by experienced attorneys in an informal setting which

have legal content, are of high quality and have been thoroughly researched and carefully prepared.

- (h) approval may be given for courses or activities where electronically recorded or reproduced material is used only if a qualified instructor is available to comment and answer questions.
- (i) courses or activities that cross academic lines, for example inter-disciplinary courses and activities may be considered for approval.

#### Obligations of CLPD Providers

9(1) At the conclusion of a CLPD course, each participating attorney shall be given the opportunity of completing an evaluation questionnaire addressing the quality, effectiveness and usefulness of the particular activity and within thirty days of the conclusion of the course a summary of the results of the questionnaire shall be forwarded to the Committee, and if requested copies of the completed questionnaires shall also be forwarded to the Committee.

(2) Providers of CLPD programmes must submit to the Committee a list of all attorneys participating in the programme and the time spent in such programme.

(3) A CLPD Provider shall be obligated to furnish the attorney with written confirmation of his participation in an approved CLPD course or activity immediately upon completion of the course or activity and a copy of such record of participation shall be retained by the CLPD Provider for at least six years and produced to the Committee and the Council on request.

(4) A list of all Providers of CLPD programmes shall be compiled and published annually by the Committee.

(5) CLPD programmes may be advertised in informational brochures and programme materials supplied by the Provider.

(6) The Committee may at any time re-evaluate a CLPD programme and revoke approval of the Provider or of any particular course or activity.

(7) The Provider of an approved CLPD programme may announce or indicate as follows:-

“This CLPD programme or a portion thereof has been approved by the Continuing Legal Professional Development Accreditation Committee for specific credits.”

## The Application and Review Process

10(1) Any person or entity not included in the list of Providers mentioned in regulation 9(4) desiring approval of a course or activity, may apply to the Committee for accreditation by submitting the required application and supporting documentation.

(2) The Committee shall advise the applicant whether the course or activity is approved or disapproved in writing by mail, email or by fax within thirty days of the receipt of the completed application and where the Committee does not approve of a course or activity, the applicant may seek a review of such a decision by submitting a letter to the Council within fifteen days of the notice of disapproval and on such review, the decision of the Council shall be final.

(3) Any attorney may request approval in advance for credit in respect of hours spent in participating in a course or activity to be held outside Jamaica by completing and submitting an application in the form available from the Committee.

(4) An application for approval of participation in a course or activity which has not been accredited by the Committee prior to the date of participation shall be submitted in writing to the Committee with all substantiating material and with proof of the attorney's participation but such application shall be made within the year of participation and in any event no later than sixty days of the close of that year (December 31).

## Credits for Participation in a CLPD Programme

11(1) Credits shall be given only for CLPD programmes approved by the Committee and such approval shall normally be sought and granted at least sixty days prior to the commencement of the CLPD programme but may be given retroactively, provided that the Committee, in its discretion, determines that in all the circumstances it is reasonable to grant approval retroactively.

(2) Credits shall usually be allotted by the Committee in accordance with the hours spent in participation in a CLPD programme.

(3) The attorney shall keep a written record of his participation in any CLPD programme for at least three years commencing from the end of the year in which such participation occurred and such record shall be produced to the Committee or the Council at any time on request.

(4) When a presentation is made by a panel the credits shall be awarded equally among the panel members, unless they advise the Committee otherwise and the committee approves some other distribution.

(5) Repeat presentations shall qualify for one-half of the credits available for the original presentation.

## Reporting

12(1) An attorney to whom these Regulations apply shall submit to the Committee details of the CLPD programme undertaken in each year in the form prescribed no later than the March 1 of the succeeding year or at such other time specified by the Council.

(2) On or before June 30 of each year, the Committee shall send to each attorney, a report indicating the Committee's assessment of the credits earned by the attorney for the preceding year and the credits, if any, carried forward for the current year and if the attorney failed to meet the minimum CLPD requirement for the preceding year, the report shall inform the attorney and require him to satisfy the Committee that that requirement has been met or remedied by September 31.

(3) The Committee shall, by October 31, in each year send a final report to all attorneys who are not in compliance with these Regulations and each shall be given until December 15 to satisfy the Committee that they are in compliance and have made up any deficiency for the preceding year.

(4) The Committee shall extend time on any written request by an attorney for an extension of time to comply with these Regulations where the attorney establishes a valid reason or excuse (illness, absence from the Island or other good cause) for failure to comply.

(5) An attorney may apply to the Committee at any time for verification of the number of credits and supply any relevant information pertaining to the credits earned to the committee.

(6) Amendments may be permitted to the records of the Committee in relation to an attorney throughout the year but such requests for amendments shall be written and shall specify the titles, sponsors, dates and locations of the amendments, as well as the credits earned.

(7) The files and records of the Committee shall be confidential and shall not be disclosed except in furtherance of the duties of the

Committee; statistical abstracts, however, may be drawn therefrom in an anonymous fashion.

#### Exemptions

13(1) An attorney may make application to the Committee to be exempt from the requirements of the programme on the grounds of particular and especial hardship, which may include, unemployment, pregnancy, illness, working overseas, and the Committee in the exercise of its discretion may grant such exemption but only for a specified number of credits.

(2) An attorney who is exempt from the requirement of obtaining a prescribed number of credits per annum should ensure that this exemption is obtained from the Committee in writing.

#### Non-compliance

14(1) An attorney who fails to undertake the minimum CLPD requirement as specified in these Regulations in respect of a particular year and who fails to remedy that deficiency in the manner prescribed by regulations 12(2) and (3) hereof shall be deemed not in compliance with these Regulations.

(2) The Committee shall by December 31 of each year report to the Council the names of all attorneys who have not complied with the minimum CLPD requirement for the preceding year and in respect of each attorney provide details of the number of credits earned and the number of credits outstanding along with any requests for additional time and the Committee's recommendation on any such requests.

(3) The Council shall consider any request for an extension of time to comply where the attorney has a valid reason or excuse (illness, absence from the Island or other good cause) for failure to comply.

(4) Subject to regulation 14(3), the Council may withhold the issue of a practising certificate to any attorney who is deemed not in compliance with these Regulations.

(5) An attorney may appeal to the Council from any decision of the Committee and, save for decisions of the Council under 5(2) and 10(2), which are final, an appeal shall lie from any decision of the Council to the Court of Appeal in accordance with section 16 of the Act.

(6) Any breach of these Regulations by an attorney may also constitute misconduct in a professional respect within section 12(1)

of the Legal Profession Act and if upon a complaint made by a member of Council to the Disciplinary Committee, the Disciplinary Committee makes a finding of such breach and misconduct, the Disciplinary Committee may, if it thinks fit, order the attorney to complete CLPD of such nature and duration as the Disciplinary Committee shall direct and to provide satisfactory proof of compliance with such order to the Council and any order of suspension from practise made pursuant to section 12(4)(a) of the Act may be made subject to such a condition that the attorney complete CLPD of such nature and duration as the Disciplinary Committee shall direct.

**DRAFT**

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**KINDLY REVIEW REGULATIONS AND SEND YOUR  
COMMENTS EITHER BY**

- EMAIL TO [clpd@generallegalcouncil.org](mailto:clpd@generallegalcouncil.org) OR
- POST THEM ONLINE AT  
[http://www.generallegalcouncil.org/the-council/other-  
committees/continuing-legal-professional-development/draft-  
regulations-for-continuing-legal-professional-development/](http://www.generallegalcouncil.org/the-council/other-committees/continuing-legal-professional-development/draft-regulations-for-continuing-legal-professional-development/)

**BY NOVEMBER 30, 2012.**