

CONTINUING PROFESSIONAL DEVELOPMENT  
RULES

1. Continuing Professional Development

1. Each Attorney whose qualification to practise law is subject to the issuance of a Practising Certificate pursuant to S.5 (2) of the Legal Profession Act and entered on the Roll to practice as an Attorney-at-Law in Jamaica, and a person who is entitled to practise by virtue of S.7 of the Act, as members of the public bar shall participate in an approved Continuing Professional Development (hereinafter called "CPD") activity in order to earn a minimum of twelve (12) credits of approved CPD over a two (2) year period beginning January 1, 1999. \_\_\_\_\_ of these credits must be earned in respect of the subject ethics.
2. The Rules herein are subject to the provisions of the Legal Profession Act.

2. Role of the General Legal Council

1. The General Legal Council shall retain general supervisory authority over the administration of the CPD programme. The Council shall also be ultimately responsible for approval of the academic standards and presentation of the activities within the programme, the number of credits to be earned over the two (2) year period, and the number of credits to be allotted to the CPD activities as hereinafter set out.

3. Formation and Role of the Accreditation Committee

1. An Accreditation Committee (hereinafter called "the Committee) with responsibility for the day to day administration of the CPD Programme is hereby established.
2. The Committee shall have the following duties:-
  - (i) to devise the criteria and requirements for the accreditation of educational activities for recommendation to and approval by the GLC.
  - (ii) under the general scheme devised by the GLC as hereafter set out to assess the credits to be given to individual educational activities within the general categories of activities hereinafter set out in these rules or as devised by the GLC.

3. The Committee shall consist of nine (9) members and may include representatives from the following:

- (i) Jamaican Bar Association
- (ii) Regional Bar Associations
- (iii) Norman Manley Law School
- (iv) Advocates Association
- (v) Judiciary
- (vi) Public Bar
- (vii) Council of Legal Education

4. Composition of the Accreditation Committee

1. The Chairman of the Committee who must be a member of the Committee shall be appointed by the Chairman of the General Legal Council and shall hold that office for a period of one (1) year, which period may be renewed for two (2) successive periods only.
2. The members of the Committee shall be appointed by the CLC for a period of three (3) years at a time and shall be evidenced by an instrument in writing.
3. Every member of the Committee shall be eligible for re-appointment.
4. The Committee shall elect a Vice Chairman and Secretary from among its members.
5. The quorum of the Committee shall be four (4) and the Committee shall make such other rules for procedure to be adopted at its meetings as it shall deem necessary.
6. The Committee may organise itself into sub-committees of no fewer than three (3) members for the purpose of considering and deciding matters submitted to them.
7. The Committee may retain an executive 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 the rules (and regulations) subject at all times, however, to continual review by the committee.

5. Criteria for Accreditation

1. Credits approved by the GLC shall be given for the CPD programmes approved by the GLC. Individual programmes with the category approved shall be submitted to the Committee for assessment of the activity and the credits to be accorded the same.



2. The following standards will govern the approval of CPD activities by the Committee:
- (i) The activity must have significant intellectual or practical content and its primary objective must be to increase the participant's professional competence as an attorney.
  - (ii) The activity must deal primarily with substantive legal issues, practice management, professional responsibility or ethical obligations of attorneys.
  - (iii) The activity, if a legal seminar, must be offered by a sponsor having substantial, recent experience in offering continuing legal education or demonstrated ability to organize and present effectively continuing legal education. 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.
  - (iv) The activity itself must be conducted by an individual or group qualified by practical or academic experience. The programme, including the named advertised participants, must be conducted substantially as planned, subject to emergency withdrawals and alterations.
  - (v) Thoroughly researched, high quality, readable, and carefully prepared written materials must be made available to all participants at or before the time the course is presented, unless the absence of such materials is recognized as reasonable and approved by the committee. A mere outline without citations or explanatory notations will not be sufficient save and except such activities sponsored directly by the Jamaican Bar Association and approved by the Committee.
  - (vi) 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.
  - (vii) The activity must be conducted in a comfortable physical setting, conducive to learning.
  - (viii) Approval may be given for activities where electronically recorded or reproduced material is

used only if a qualified instructor is available to comment and answer questions. Satellite and teleconference programmes must have either audible, telephonic or audio-computerised contact with instructors at the broadcast location or an instructor be present at the receiving site, to comment and answer questions.

- (ix) Activities that cross academic lines, e.g. inter-disciplinary seminars may be considered for approval.
3. At the conclusion of an approved activity conducted by the Jamaican Bar Association or otherwise each participating attorney must be given the opportunity of completing an evaluation questionnaire addressing the quality, effectiveness and usefulness of the particular activity. Within thirty (30) days of the conclusion of the activity a summary of the results of the questionnaire must be forwarded to the committee, and if requested copies of the questionnaire must also be forwarded to the committee.
  4. Any courses may be approved if the standards for accreditation are met and if the following additional requirements are met:
    - (i) Subject to Rule 5, applications for approval must be submitted at least sixty (60) days in advance, applications submitted less than sixty (60) days in advance or after-the-fact may not be approved.
    - (ii) A member of the committee, from outside the sponsoring body must be present for audio and video-taped presentations.
  5. Sponsors of approved programmes must agree to submit to the committee a list of all attorneys attending each programme.
  6. A list of organizations whose CPD programmes are approved for credit shall be compiled and published annually by the Committee.
  7. All CPD activities sponsored by the CLE Committee of the Jamaican Bar Association must be submitted to the Committee for approval as hereinafter set out.
  8. Approved seminars may be advertised in informational brochures and programme materials provided by the sponsoring body.



9. The Committee may at any time re-evaluate a programme and revoke approval of the sponsor or of any particular seminar.
10. Subject to Rule 5, any organization not included in the list of accredited organisations mentioned in Rule 4 6. above, desiring approval of a course, programme, or other activity, shall apply to the Committee by submitting the required application and supporting documentation at least sixty (60) days prior to the date on which the course or programme is scheduled. The Committee will advise the applicant whether the activity is approved or disapproved in writing by mail or fax within thirty (30) days of the receipt of the completed application. Applicants denied approval of a programme or activity submitted to the committee may appeal such a decision by submitting a letter of appeal to the GLC, within fifteen (15) days of the receipt of the notice of disapproval.
11. Subject to Rule 5, any attorney may request approval in advance for accreditation of a course, programme, or other activity to be held outside Jamaica in which the Attorney proposes to participate by completing and submitting an application form available from the Committee.
12. No application made pursuant to Rules 4. 4., 4. 10. or 4. 11. above submitted more than sixty (60) days after the close of the programme year (December 31) will be approved.
13. The sponsor of an approved continuing development programme activity may announce or indicate as follows:

"This course or a portion thereof has been approved by the Continuing Professional Development Accreditation Committee for a maximum of \_\_\_\_\_ credits."

## 6. Credits

1. Credits will be given only for CPD activities approved by the Committee. Such approval normally must be sought and granted at least sixty (60) days prior to the occurrence of the activity but may be given retroactively, provided that the Committee, in its discretion, so determines in all the circumstances. No programme submitted more than sixty (60) days after December 31 of the compliance year will be approved.

2. Credits may be earned through any of the activities such as set out hereunder. The presentations and the courses must be of high quality as hereinbefore stated.

ACTIVITYCREDITS

- (i) Presentation of papers at Seminar
  - (ii) Attendance at international Seminars
  - (iii) Group attendance at accredited video presentations
  - (iv) Writing legal books/articles
  - (v) Participating in researching legal articles/speeches
  - (vi) Publishing legal writing
  - (vii) Teaching legal courses
  - (viii) Attendance at short week day Seminars
  - (ix) Attendance at in-house Seminars
  - (x) Attendance at Weekend Seminars
  - (xi) Attendance at Saturday Seminars
  - (xii) Delivering addresses with legal content
  - (xiii) Professional work including legislative drafting
  - (xiv) Home study/correspondence courses
  - (xv) Participating in postgraduate degree studies and obtaining the same.
  - (xvi) Presentation on ethics
- There may be other activities which may be accredited from time to time.

3. The Accreditation Committee shall peruse the material presented and state the amount of credits to be accorded each presentation or course as the case may be.
4. When a presentation is made by a panel the credits will be divided equally among the panel members, unless they advise the Committee otherwise and the committee approved the distribution.
5. Repeat presentations shall qualify for one-half of the credits available for the original presentation, provided that each lawyer shall receive at least one (1) credit for each hour of individual presentation on a panel.
6. Hours of credit in excess of the minimum requirements may be carried forward and applied to the succeeding reporting period. The attorney may indicate to the committee the hours attained over the two (2) year reporting period, which are in excess of the required credits and which should be carried over to the next reporting period.



7. Any attorney earning fifty (50) or more credits in a given year, excluding credits brought forward from the previous year and teaching credits earned shall qualify for a continuing legal education recognition award.

7. Exemptions

1. An attorney is exempt from the requirements of these rules for the year during which he or she was first admitted to practice, however, the time should not start to run until January 1, next after admission.
2. All persons who are by the Constitution of Jamaica, law or regulations prohibited from the private practice of law by virtue of their occupation of public office shall be exempt from these rules during each calendar year during which they hold such office; also exempt are members of the House of Representatives, the Senate and the armed forces. This rule shall only be applicable however, if the attorney is not actively engaged in private practice.
3. All Attorneys-at-Law employed to act in the capacity of an Attorney-at-Law by the Government of Jamaica within the Public Sector and in governmental agencies and statutory bodies, shall not, unless otherwise entitled, be exempt from participation in the CPD programme by virtue of Rule 6. 3.
4. All persons who in the opinion of the committee are suffering from a physical disability or persevering illness which the committee considers will prevent them from conducting their practice, may be exempt from obtaining credits in the calendar year in which the condition obtains. An attorney may also make application to the accreditation committee to be exempt from the programme on the grounds of particular and especial hardship, which may include, unemployment, maternity leave, working overseas, and the committee in the exercise of its discretion may grant such exemption but only for a specified period.
5. Inactive and/or retired attorneys and full time law teachers will also be exempt.
6. An attorney who is exempt from the requirement of obtaining a prescribed number of credits per annum on the basis of age, on recent qualification to the bar or otherwise should ensure that this exemption is obtained from the committee in writing. This exemption shall extend to and include the relevant reporting period and



be subject to examination by the Committee.

## 8. Reporting

1. On or before 31st August of each year, the Committee shall send to each Attorney, a report indicating the Committee's assessment of the credits earned by the Attorney in the calendar year and at the end of each reporting period any credits carried forward for the next reporting period to comply with the reporting two (2) year period.
2. A second CPD report form shall be sent out on the 31st October in each year to any Attorney who has failed to earn the required credits by that date notifying the Attorney of the credits needed for the year and the credits to be obtained by the 31st December deadline of year 2 of the reporting period.
3. An attorney also 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.
4. Amendments will be permitted to the records of the committee in relation to the attorney throughout the year. Requests for amendments must be written and must specify the titles, sponsors, dates and locations of the amendments, as well as the credits earned. All credits must be earned within the reporting period.
5. The files and records of the Committee are deemed 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.

## 9. Non-compliance

1. An Attorney, subject to the CPD requirement, who fails to earn the specified number of approved credits by December 31 of a particular year shall be deemed not in compliance for that year.
2. Promptly after 1st January of each year, a final report shall be sent to all Attorneys who are not in compliance, and they shall be given until 31st January to confirm they are in compliance or request in writing an additional \_\_\_\_\_ months to obtain their CPD credits and set out a plan to make up the deficiency.



3. The Committee shall consider any request for an extension of time to comply where (a) the Attorney has in fact earned the required CPD credits in the preceding year or (b) the Attorney sets forth a valid excuse (illness or other good cause) for failure to comply.
4. The Committee shall on the 31st December of each year report to the General Legal Council the names of all Attorneys who have complied with the CPD requirement and details of all Attorneys who have failed to comply, with 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.
5. Subject to Rule 8. 3 hereof, no practising certificate shall be granted to any Attorney who is deemed not in compliance with these rules.
6. An Attorney may appeal to the Disciplinary Committee of the General Legal Council from any decision of the Committee. Additionally, any affected Attorney may appeal any decision of the Committee to the GLC, and any decision of the GLC to the Court of Appeal in accordance with Section 16 of the Legal Profession Act.

10. Consent and Presentation

The Jamaican Bar Association through its Continuing Legal Education Committee shall and must provide continuing professional development courses at reasonable times and places, no less frequently than ten times per year.