HEADING

Theme: Balancing Quality and Quantity: The Global Challenge for Tertiary Education in Barbados

Subtheme: "Strategic Approach to Quality Tertiary Education and Training in the Caribbean"

Title of Paper: The Application of Quality Assurance Principles to Vocational Legal Education in the Caribbean with Special emphasis on Governance and Administrative Structures"

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ABSTRACT

In the Commonwealth Caribbean legal education has been developed primarily through an indigenous system of training agreed to by participating states of the region. It consists of a university course of academic training at the Faculty of Law, UWI, designed to give academic competence in legal subjects from a Caribbean perspective. This is followed by a period of vocational, skills-based legal education having a practical content and emphasis. This latter programme is administered by the Council of Legal Education (the Council).

This paper quickly reviews the challenges facing legal education in light of globalization and the increasing demands for tertiary education and particularly vocational tertiary education. It adopts the thesis that the Council's monopoly is not sustainable. Consequently, it will look at the governance and administrative structure of the Council in light of international standards using the New Zealand model of governance and one regional model – the University of the West Indies. In conducting this investigation it will enquire whether this structure is relevant to demands of governance– in other words, whether it is 'fit for purpose', the standard that the Council itself has articulated as its standard for quality assurance.

Finally, it will suggest ways in which the Council's basic mission and vision can be achieved through a more efficient and relevant governance system which will take it closer to achieving its core function, vision and mission.

THE APPLICATION OF QUALITY ASSURANCE PRINCIPLES TO VOCATIONAL LEGAL EDUCATION IN THE CARIBBEAN WITH SPECIAL EMPHASIS ON GOVERNANCE AND ADMINISTRATIVE STRUCTURES

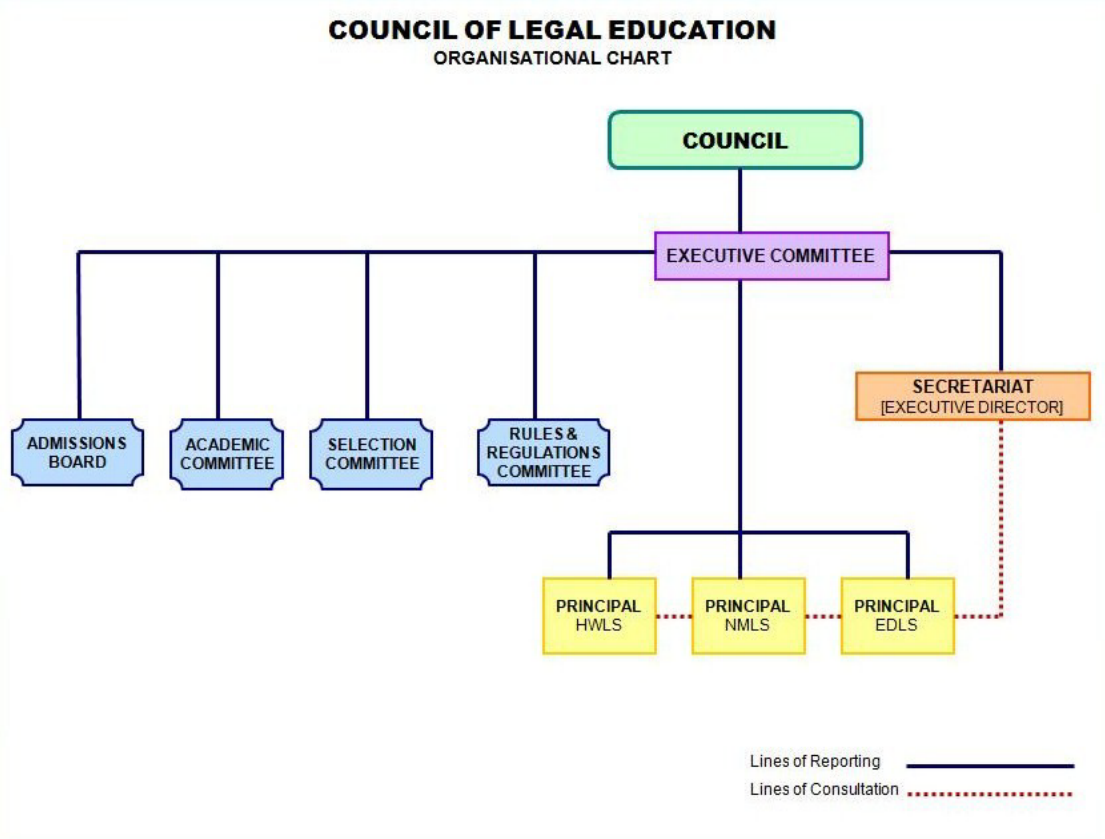
Today, the topic I am about to present requires you to assist me. We are going to weave a piece of fabric together which is made up of many different strands. At the end of this session, we will hopefully have a design which is pleasing to the eye and have a utilitarian value. This process may seem disjointed as we pull the different strands from different sources. These are incomplete strands because were we to attempt to pull all the various strands into the weave we would not finish today. We therefore have to take those elements which most closely match the design we wish to create. The most critical strand is the structure, aims and objectives of the CLE which is at the heart of the design.

STRAND 1. REVIEW OF LEGAL EDUCATION IN THE COMMONWEALTH CARIBBEAN

Legal education in the Caribbean derives from an "Agreement establishing the Council of Legal Education" (the Treaty) which came into force in 1973[FN1]. It provided for a course of academic training at the Faculty of Law, UWI designed to give not only a background of general legal principles and techniques but an appreciation of relevant social science subjects including Caribbean history and contemporary Caribbean affairs. This is followed by a period of further institutional training directed towards the study of legal subjects, having a practical content and emphasis, and the acquisition of the skills and techniques required for the practice of law resulting in the Legal Education Certificate (LEC). This practical or vocational component is the responsibility of the Council of Legal Education (CLE) which was established by the Treaty itself.

The main governing organ of the CLE is the Council which is referred to herein as 'the Council' to differentiate it from the incorporated body.

An organizational chart of Council's governance structure is provided below.



The Treaty additionally provided that the CLE had to admit all graduates of the Faculty of Law of the UWI. Participating governments further undertook that "… no person shall be admitted to practise in that territory who does not hold such certificate…."

The CLE is therefore the only body in the Caribbean that can develop a programme of vocational legal education, administer it, assess and certify its graduates so as to allow them to practice in any participating jurisdiction. There are no other ways (except by violating the Treaty) that persons can be legally admitted to practice law without such certification. This is the reason that the Council has been described as having and maintaining a monopoly.

CRITICAL HISTORIC TIMELINE

2003	The formation of a Strategic Planning Committee consisting of all stakeholders to determine a Strategic Plan to enable Council to meet changing challenges
2004	Approval of Council's Strategic Plan 2004 – 2009
2006	The establishment of an interim Executive Secretariat to define the functions, powers, , structure and funding of a permanent Executive Secretariat and to

	implement CLE's Strategic Plan
2008	Adoption of a Quality Assurance Policy;
	Rescheduling of the Strategic Plan to 2008 – 2013 and the establishment of a Finance Committee to identify and secure funding for the Executive Secretariat
2009	The demise of the Executive Secretariat

Challenges Facing the CLE: Since its inception, the CLE has made gigantic strides in attaining its initial objectives. The result of its success can be seen in its graduates being at the head and backbone of the judiciary in most regional territories as well as performing leading roles in the legal profession, in the business, political, economic and social life of the region. However, the CLE has had to face serious challenges including the:

a) Unprecedented increase in the demand for legal education (particularly at the academic stage) emanating from increased access due to globalization of tertiary education services and the responding reaction of regional institutions to meet this competition;

b) Failure of the CLE to respond adequately to accommodate the corresponding rise in demand for vocational legal education;

c) Realistic challenges to the CLE's monopoly following similar challenges to UK institutions and the monopoly violating unfair competition provisions of the CSME.

d) Changes in practice in the legal profession which will have their impact on legal education including the shift from adversarial practice to mediated solutions, the ICT revolution, the increasing complexity of law demanding specialization;

e) Dwindling Sources of Revenue that place legal education low in national priority lists when there is a real perception that there are "too many lawyers".

f) Structural Weaknesses in the Governance Arrangements of the CLE resulting in serious obstacles in implementing and monitoring policy.

STRAND 2. PRINCIPLES OF GOVERNANCE IN TERTIARY EDUCATION

Universal Principles of Governance

The 1994 UNDP document **"**Governance for Sustainable Human Development"[FN2] identified the characteristics of good governance, whether it be in the public, private or NGO sectors, (and which are equally applicable to tertiary education institutions) as including participation, the rule

of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability and strategic vision.

Principles of Governance in Tertiary Education

In a commentary on Australian tertiary education, Margison and Considine [FN3] opined that:

> *"Governance is concerned with the determination of values inside the universities, their systems of decision-making and resource allocation, their mission and purposes, the patterns of authority and hierarchy, and the relationship of the universities as institutions of the different academic worlds within and the worlds of government, business and community without. It embraces 'leadership', 'management' and 'strategy'."*

Models of Governance: In relation specifically to the governance of tertiary education institutions, I have chosen to draw from the New Zealand (NZ) experience as well as the University of the West Indies (UWI), which, in many respects are linked with the CLE – both in relation to its regional character and the dual nature of legal education which binds them together.

In several areas of this paper I have also adopted the analysis and findings from a review of governance of NZ's tertiary institution governance systems by Merdith Edwards[FN4].

Governance Structure of New Zealand's TEI

New Zealand (NZ) has adopted a general approach to governance of all its TEI through its Education Act 1989 [FN5]. TEI Councils have the responsibility under the Act for the governance of the institution and the appointment and monitoring of its chief executive officer. In addition to the CEO of the institution and the conventional coram, each Council must include one to three members of the academic staff, the general staff, a student representative, a trade union representative and, if appropriate, representation from professional bodies.

Generic qualities sought for Ministerial appointed council members for each TEI Council include:

- Previous governance experience;
- Financial management/business management experience;
- Strategic management skills;
- Knowledge of the tertiary education sector;

- Knowledge of the needs of the community/region which the tertiary education institution serves;
- Skills sought for a particular vacancy will depend on the composition of the particular Council and the appropriate skills and attributes specifically required by the Council at the time.

Functions: A clear statement of the functions of most councils can be demonstrated from the Statement of Expectations issued by Minister of Tertiary Education for members of Council of TEI[FN6] which include that they:

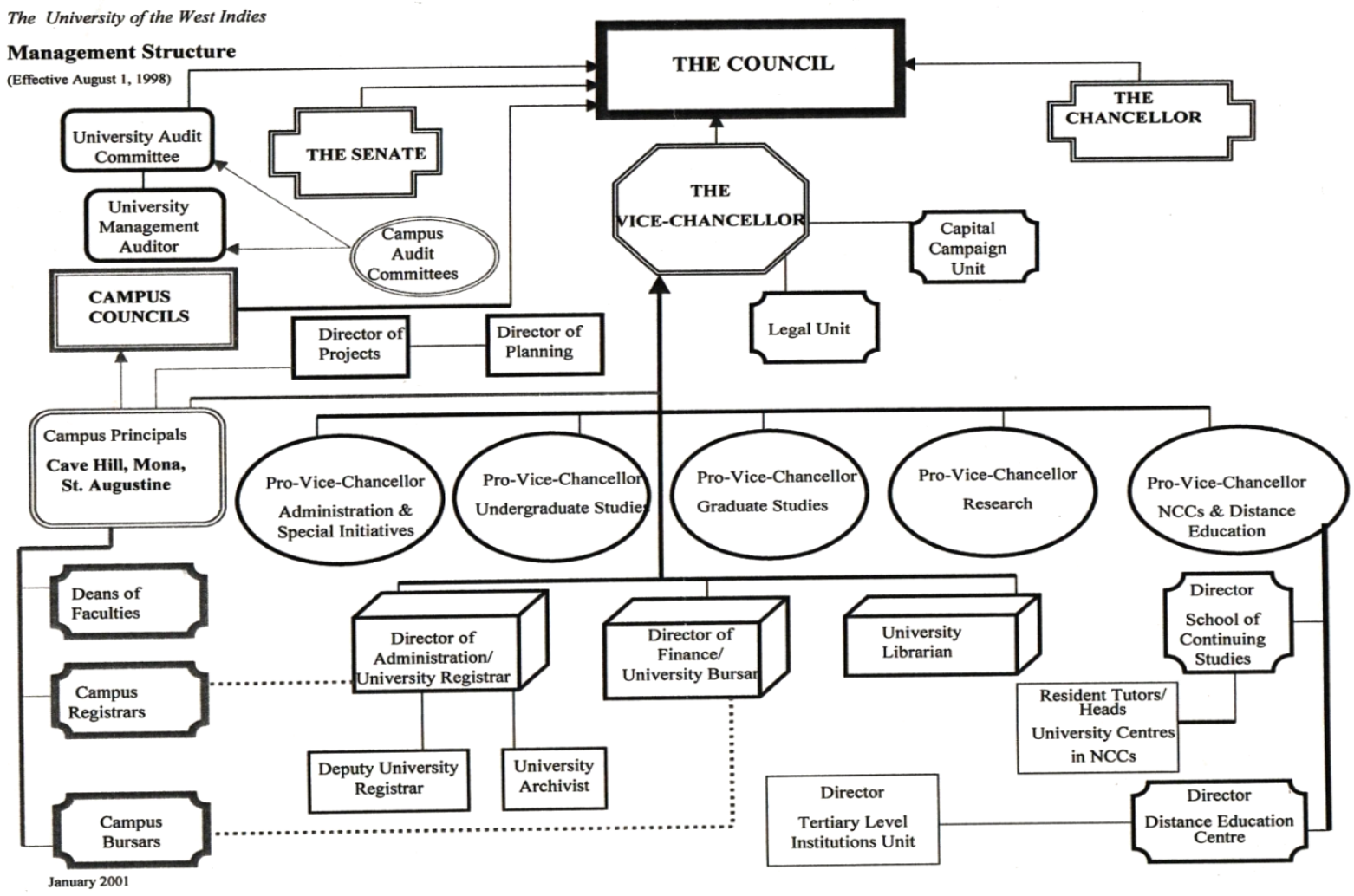
- ensure that the institution undertakes sound strategic and business planning in accordance with its charter, once approved by the Minister;
- ensure that the Council appropriately directs the chief executive of the institution and holds the chief executive accountable for performance with explicit and measurable performance criteria;
- ensure that the institution adopts sound organisational and financial management practices so as to safeguard and enhance the country's investment in the institution and optimise the institution's expenditure in accordance with its annual business plan;
- encourage the institution to actively explore ways in which greater co-operation and collaboration with other tertiary institutions can be achieved to the benefit of all institutions involved;
- ensure that the institution and Council implement appropriate mechanisms for communicating and working with key stakeholder groups including the student body, staff, the wider community, the Ministry of Education, Tertiary Education Commission, other education agencies, other departments, and other tertiary institutions and schools; and
- participate in an annual Council member performance appraisal to be undertaken by the Council chair.

Governance Structure at UWI

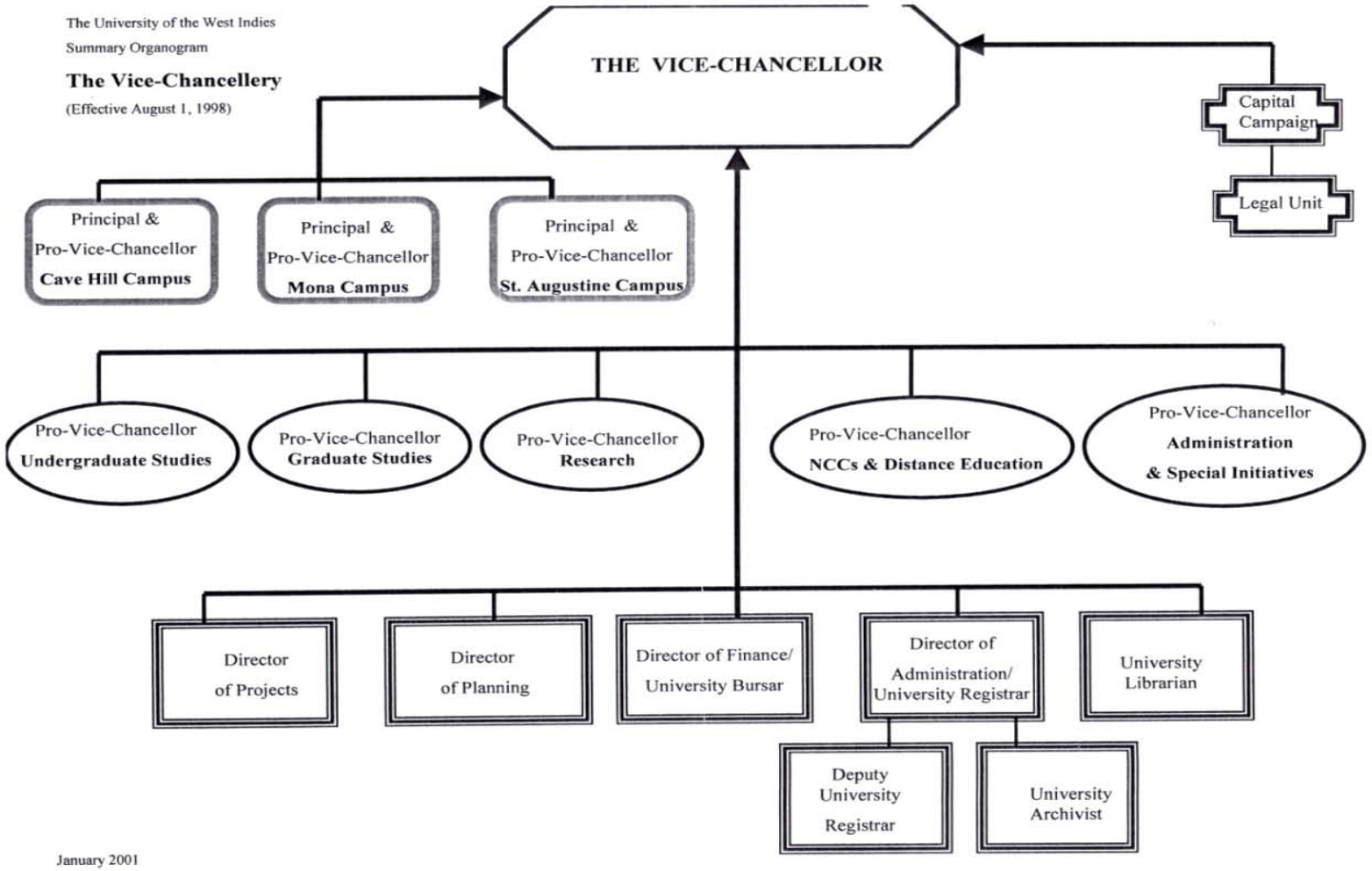
The current Council membership which is the main governing organ of the UWI, is comprised of persons from a wide range of interests representing the University and its staff, the contributing countries, the alumni, the students and the general public. The membership totals sixty-two (62) and includes representation from the Guild of Graduates, academic, senior administrative and professional staff, other administrative staff, 10 lay persons and students.

The first of the following organizational chart shows the general governance structure of the UWI and the second shows the structure of the Centre – the university's administrative hub which keeps the regional character of the institution alive.

UWI GOVERNANCE STRUCTURE



THE CENTRE


The University of the West Indies
Summary Organogram
The Vice-Chancellery
(Effective August 1, 1998)
THE VICE-CHANCELLOR
Capital Campaign
Legal Unit
Principal & Pro-Vice-Chancellor Cave Hill Campus
Principal & Pro-Vice-Chancellor Mona Campus
Principal & Pro-Vice-Chancellor St. Augustine Campus
Pro-Vice-Chancellor Undergraduate Studies
Pro-Vice-Chancellor Graduate Studies
Pro-Vice-Chancellor Research
Pro-Vice-Chancellor NCCs & Distance Education
Pro-Vice-Chancellor Administration & Special Initiatives
Director of Projects
Director of Planning
Director of Finance/ University Bursar
Director of Administration/ University Registrar
University Librarian
Deputy University Registrar
University Archivist
January 2001

STRAND 3. QUALITY ASSURANCE PRINCIPLES APPLIED TO THE CLE'S GOVERNANCE SYSTEM

The CLE's constituent documents articulate the CLE's goals, values and standards. These include the CLE'S mission and vision statements, its Quality Assurance Policy [FN9] and its Strategic Plan [FN8].

Vision Statement

To be a world leader in higher education through innovation, creativity and relevance in a system of practical legal education that is rooted in our history as a Caribbean people and is designed to enhance the practice of law and the jurisprudence of the Caribbean; to empower our people; and develop our societies throughout the 21st century.

Mission Statement

To facilitate the development of competent legal practitioners for the Region who, appreciating their responsibility as members of an honourable profession and recognising the needs of their socio-economic environment, are inspired in the pursuit of excellence, the maintenance of high ethical standards, the promotion of social justice and the strengthening of the rule of law.

In this examination I will use the standard that has been adopted by the CLE itself in its Quality Assurance Policy 2008 to measure its own quality assurance process – fitness for purpose. In other words, does the CLE's governance and administrative structure provide the framework for it to achieve its goals?

It is beyond the scope of this paper to review all of the CLE's committees but perhaps a review of the Council itself and Rules and Regulations Committee can be indicators of the need for a more thorough review of governance structures. There is also a further need to examine the CLE's executive structure in relation to its governance process.

A. Composition of the Council

Under the Treaty (Article 1) the Council comprises:

(i) The Dean of the Faculty of Law UWI and another member of the faculty;

(ii) The Principals of the Law Schools; and

(iii) The Head of the Judiciary, Attorney General and at least one representative of the legal profession of each participating territory.

An analysis of the composition of Councils of TEI in NZ and the UWI reveal key similarities which are critical to all governance boards of modern TEI. They include broad stakeholder representation including student, academic staff, non-academic staff and members of the public. While Council has approved and recommended a revision of the Treaty to include one staff representative from each school (there appears to be no distinction between non/academic staff) and such a representative has observer status at its meetings, there is no similar move in relation to other stakeholder interests not currently on Council. In the case of the UWI, the Vice Chancellor sits on the Council and his counterpart at the Council would have been the Executive Director.

Another notable absence from the composition of the CLE is members who have peculiar skills relevant to the functioning of the institution and to review executive action. All executive action must be able to be competently and independently reviewed and a body which only has legally-trained members is unsuitable to review the actions of executives who must exercise or direct pedagogical, human resource, financial and ICT management. This is one of the reasons behind the criteria used by the Minister of Education in NZ in selecting his nominees to TEI.

B. Functions of the Council: Article 3 of the Treaty authorises the Council, inter alia, to:

- undertake general responsibility for the practical professional training of persons seeking to become members of the legal profession;
- establish, equip and maintain Law Schools for the purpose of providing post graduate professional legal training;
- make proper provision for courses of study and practical instruction.

At the inaugural meeting of the Council in 1971 it appointed an Executive Committee to establish and maintain the law schools in Jamaica and Trinidad and Tobago, to appoint principals, develop the curriculum and assessment methods and to make regulations for all appropriate matters.

The Executive Committee was clearly meant to be the oversight committee for the administration of content and process of legal education with final powers of implementing the broad policy issues articulated by Council and reporting to it. This would leave the Council free to deal with the broader challenges and policy issues relating to legal education.

Unfortunately, the Executive Committee has mainly performed the role of a financial oversight committee while sending almost every administrative issue to the Council for

final determination. It is left to the Council to ultimately address policy and administrative issues any one of which is time consuming. This has led to Council meetings being dominated by administrative as opposed to policy considerations without effective oversight at either the Executive Committee or Council. This situation is further aggravated because there is no one on either body who has the competence to advise it on the specialty issues in tertiary education and management. Because other committees of the CLE (except the Academic Committee) are replicas of existing competencies (and persons) on the Council itself, this device does not add value to the process.

Fitness for Purpose: Based on the above review, it is suggested that the Council's current composition and function are not fit for purpose.

C **Rules and Regulations Committee:** The existence of this committee presents a fundamental question of functionality when one juxtaposes it to the Academic Committee. In composition, its members are also members of the Academic Committee except the Dean and the Chairman herself (although the Chairman has her representative on the Academic Committee). The Regulations of the CLE for its Professional Law Schools state that the duties of the Academic Committee include the responsibility to undertake the general responsibility for the practical professional training of students and to make proper provisions for courses of study and practical instruction at its law schools.

However, the Rules and Regulations Committee is the body which recommends to the Council changes to the Regulations for Professional Law Schools dealing with Admissions, the Course of Study, Conduct of Examinations and Assessments, Rules of the Legal Aid Clinic and Library and Regulations for the Transitional Programme.

However, these issues are precisely the ones being dealt with by the Academic Committee! It would seem that there is a clear duplication of effort or that the Rules and Regulations Committee was meant to draft policy and procedure decided on by the Academic Committee in which case they ought to be a sub-committee of the Academic Committee. If this were so, then its composition is incongruous to its function as one would then expect experts in drafting to comprise the membership of this committee.

Fitness for Purpose: This committee does not appear to fit the criteria of fitness for purpose in that it is not located where it should be – as a sub-committee of the Academic Committee nor is its composition consistent with what should be its drafting functions.

D CLE's Executive Structure

The Treaty provides for the election of a Chairman *"who …. shall preside at all meetings of the Council …."* Further, the Chairman may call a meeting of the Council. The Chairman consequently has no executive authority.

The original Treaty provided that the Council had the power to appoint a Director of Legal Education, one or more Deputy Directors of Legal Education and all necessary staff. It further provided that the Director *"shall be responsible to the Council for the organization and administration of the Law Schools and of the courses of study and practical instruction and shall exercise such other functions of the Council as the Council may from time to time entrust to him.."* This is where the Treaty placed executive power.

In 1984, the posts of Director and Deputy Directors were abolished and replaced with that of the office of principal who was responsible to the Council in words identical to those confirming authority on the Director of Legal Education. The Director and the Deputy Director then became principals. When the Eugene Dupuch Law School was founded a third principal came on board.

Without dedicated oversight, the Council's decisions would fall to the principals to interpret and apply according to their own understanding, the peculiar conditions at their respective law schools and at their convenience. Without a strong, central directing arm, administration started to become local and divergences began to appear and be more manifest between the law schools. The continuation of this process will ultimately lead to loss of the CLE's institutional and regional identity. This situation has been aggravated by the fact that apart from the 1974 Regulations for Academic and Senior Administrative Staff and the regulations governing academic affairs (curriculum, examinations, etc.), the CLE has no other documented policies or procedures to inform administrative action or against which administrative decisions can be tested.

The model of three equal officers in charge of a vessel is unsustainable. With no one in authority each person will ultimately do what is most convenient for them. There will be no unity of effort if interests collide and the standard achieved will be that which is most convenient to time, place and circumstance without reference to a common standard. The actual standard for judging quality on any issue may well be that of the lowest prevailing between the law schools.

Fitness for Purpose: A regional institution that maintains three schools in three different jurisdictions while purporting to dispense the same programme and does not

locate executive authority in one central authority with power to monitor and enforce compliance does not meet the test of fitness for purpose.

E Quality Assurance

At the heart of effective quality management is a system that can collect and analyse data in relation to certain desired outcomes. At Council, there is no mechanism to do so. It therefore means that governance decisions are driven by anecdotal narrative, intuitive sense or some other mechanism that is not recognized as being an effective in policy and decision making. Even if one were to overcome the issue of effective decision-making and assume that it was divinely inspired and therefore correct, the question arises as to how do we test how well the decision was implemented and whether it achieved its desired outcome. Again, there is no system to do so. In short, there is no quality assurance system that is data-driven at the Council.

How, therefore, does the CLE test the quality of its product? It has not identified any other vocational legal education institution against which it benchmarks itself. It has not conducted any market surveys of needs or feedback from its graduates or the legal profession. It does not track its graduates on a consistent or valid basis to determine where they go and their rates of success in their chosen career paths.

Ownership of the QA Process: The issue of establishing a quality assurance system came directly out of Council's Strategic Plan 2004 – 2009 which was the culmination of a process of stakeholder consultations in 2003. It set strategic goals of reforming governance and administration, curriculum and pedagogy, human resource management, quality assurance, ICT, financial management and public relations.

An interim Secretariat was established in 2006 to determine the needs of a permanent Secretariat. In 2008 the Secretariat produced the Quality Assurance Policy which was approved by Council. The Policy defined quality, established criteria for measuring quality in management, teaching/learning and student affairs. It further placed the responsibility for quality assurance in the hands of the Executive Secretariat. In 2009 the Secretariat was suspended.

The process outlined above reflects a lack of planning, management and implementation. The fact that it recurs in several instances points to the lack of critical analysis in identifying what appears to be fundamental problems (review) and a process for correcting them to avoid such mistakes in the future (continuous improvement). Review

and continuous improvement are both fundamental elements of the quality assurance process itself.

It also highlights another element of governance: leadership. It would seem that the failure of having an accountable and competent office of chief executive with authority to implement decisions may be the single most critical factor in the history of such failure. It also raises the question of the credibility of the institution. Can the institution effectively convince its staff and stakeholders that this time any new initiative is going to succeed when the promise of previous efforts was probably accompanied by similar assurances?

F Governance Issues in Context

In reporting on a survey undertaken of council members in the tertiary education institutions in New Zealand relating to institutional deficiencies, Meredith Edwards[FN4] identified several areas of concern. They are raised here because it is my contention that the discussions above point to many similar concerns and therefore the suggested solutions may have some relevance to us.

NZ DEFICIENCY	APPLICABILITY TO THE CLE
• lack of regular review of the quality of Council decisions;	Applicable
• lack of review of decisions to ensure consistency with institutional vision, mission and values;	Applicable
• unclear specification of members' delegated powers and responsibilities;	Applicable
• unclear governance to management delegations;	Applicable
• weak monitoring of stakeholder reactions to decisions;	Applicable
• poor use and evaluation of information.	Applicable

Edwards further comments that some Council members felt that there was:

NZ DEFICIENCY	APPLICABILITY TO THE CLE
• a lack of clarity of the respective roles and responsibilities of Council, the Chair, Chief Executive, senior management, Academic Board and Council Secretary;	Applicable. The Academic Board is not as effective as it should be. There is no post of Council Secretary.
• the unclear relationship of TEIs to Government, particularly in	This does not appear to be a critical

terms of the tension between autonomy and accountability;	issue.
• the presence of overpowering Chief Executives, at times, usually alongside under-performing Chairs and/or Councils;	There is no Chief Executive; the Chair is not equipped to perform and the Council is not equipped to monitor existing executives.
• lack of balanced relationships between Chief Executives, Councils and Academic Boards;	Applicable
• legislation and regulation that are over-prescriptive and somewhat old-fashioned, especially given the diversity of institutions and the strategic challenges now confronting them;	Applicable to Council's administrative processes. Does not address other critical areas of policy and procedure review.
• low strategic leadership capacity of some TEI Councils to implement Government's *Tertiary Education Strategy*;	Applicable to implementing Council's own Strategic Plan
• variable levels of engagement by Councils with local and regional stakeholders and communities;	Applicable
• *weak engagement with Maori as Treaty partners and as stakeholders; and*	NA
• difficulty in handling conflicts of interest perceived by those with sectional interests.	NA. No apparent situations of such conflict visible.

In advancing a solution, Edwards recommended the following:

NZ RECOMMENDATION	**APPLICABILITY TO THE CLE**
• clear articulation of the respective roles, responsibilities and accountabilities of the Minister, Council, Chair, Council members, Chief Executive and Academic Board;	Applicable
• effective and balanced leadership through a strong Chair, a strong Chief Executive and a strong Academic Board;	Applicable
• specific governance arrangements aligned to sector-wide strategic objectives as well as individual TEI objectives and circumstances;	Applicable
• the protection of institutional autonomy and academic freedom;	Applicable
• Ministerial powers sufficient to ensure efficient, effective and accountable operations and the longer-term viability of TEIs;	Applicable

• *regard to the obligations of the Crown under Treaty of Waitangi;*	Not Applicable
• close stakeholder engagement, especially in setting strategic direction;	Applicable
• sufficient flexibility in size and composition of governing bodies to ensure a breadth and depth of expertise to meet objectives;	Applicable
• regular assessment and monitoring of the performance of the Chair, Council and of individual members; and	Applicable
• high ethical standards applied to decision-making and governance.	Applicable

4. WEAVING THE FABRIC TOGETHER

It is now time to weave the different strands into a workable and sustainable design and produce a fabric for vocational legal education. One thing is clear from the above review, doing nothing will result in the demise of the CLE as competitors arise successfully to challenge its monopoly making it irrelevant. In fact, this process may even be facilitated by the various governments of the region as they seek their national interests.

However, the Council can respond to these difficulties by reforming its governance process and structure and become an accrediting agency which develops a core vocational legal education programme and licences tertiary institutions to deliver it. It can do so along the lines of the Caribbean Accreditation Authority for Education in Medicine and other Health Professions (CAAM-HP). This is the legally constituted body established in 2003 under the aegis of the Caribbean Community (CARICOM), empowered to determine and prescribe standards and to accredit programmes of medical, dental, veterinary and other health professions education on behalf of the contracting parties in CARICOM.

Firstly, it is suggested that the CLE take a page out of the UWI book and recognize that it will never be able to meet the demand for places in vocational legal education and that its role should now be to facilitate access to everyone who is properly qualified. In the Report of the Chancellor's Task Force on Governance of the UWI[FN9], the report in analyzing the UWI's response to challenges very similar to that of the Council stated:

> *"There is a legitimate effort by countries to expand their national tertiary institutions and this will pose a threat to the UWI unless it adopts the posture that the correct approach is to facilitate the growth of these institutions with the knowledge that UWI cannot and should not attempt to satisfy all the needs for higher education in the region."*

To do so, the CLE must disengage two fundamental functions in which it is currently engaged – the provision of a programme of vocational legal education and the maintenance of law schools to deliver this programme. There is now the institutional capacity by other Caribbean TEI to deliver the LEC programme outside of the CLE'S law schools if these were allowed to do so.

Secondly, it will have to:

1. expand the membership of the Council to be more representative of stakeholder interests and include experts who can review activities of the executive functions;
2. review the role, composition and functions of all its committees;
3. develop a Policy and Procedures Committee with power to articulate and develop policies that are in keeping with the goals and needs of the institution;
4. establish a quality assurance unit within the office of the CEO;
5. focus on the development of a core curriculum based on skills and competencies required in the current practical legal environment and into the future as well as the provision of a transparent method of assessment and review;
6. appoint such committees from among its own members together with the persons who may not be members of the Council but whose expertise in certain areas may be critical to review and report to Council on such matters. In the following chart I have indicated two such committees which I believe may be necessary – a Policy and Procedures Committee and a Curriculum Committee
7. create the office of a Chief Executive who will implement Council's policies and its Strategic Plan to achieve the CLE's objectives and maintain the regional character of the institution;
8. create a central administrative unit under the direction of the Chief Executive which will, among other things:
    a. access information from the various institutions licenced to provide the LEC;
    b. undertake its own independent research of stakeholder expectations and feedback;
    c. organise Council's meetings;
    d. develop draft policy and procedures for the conduct of the CLE's business;

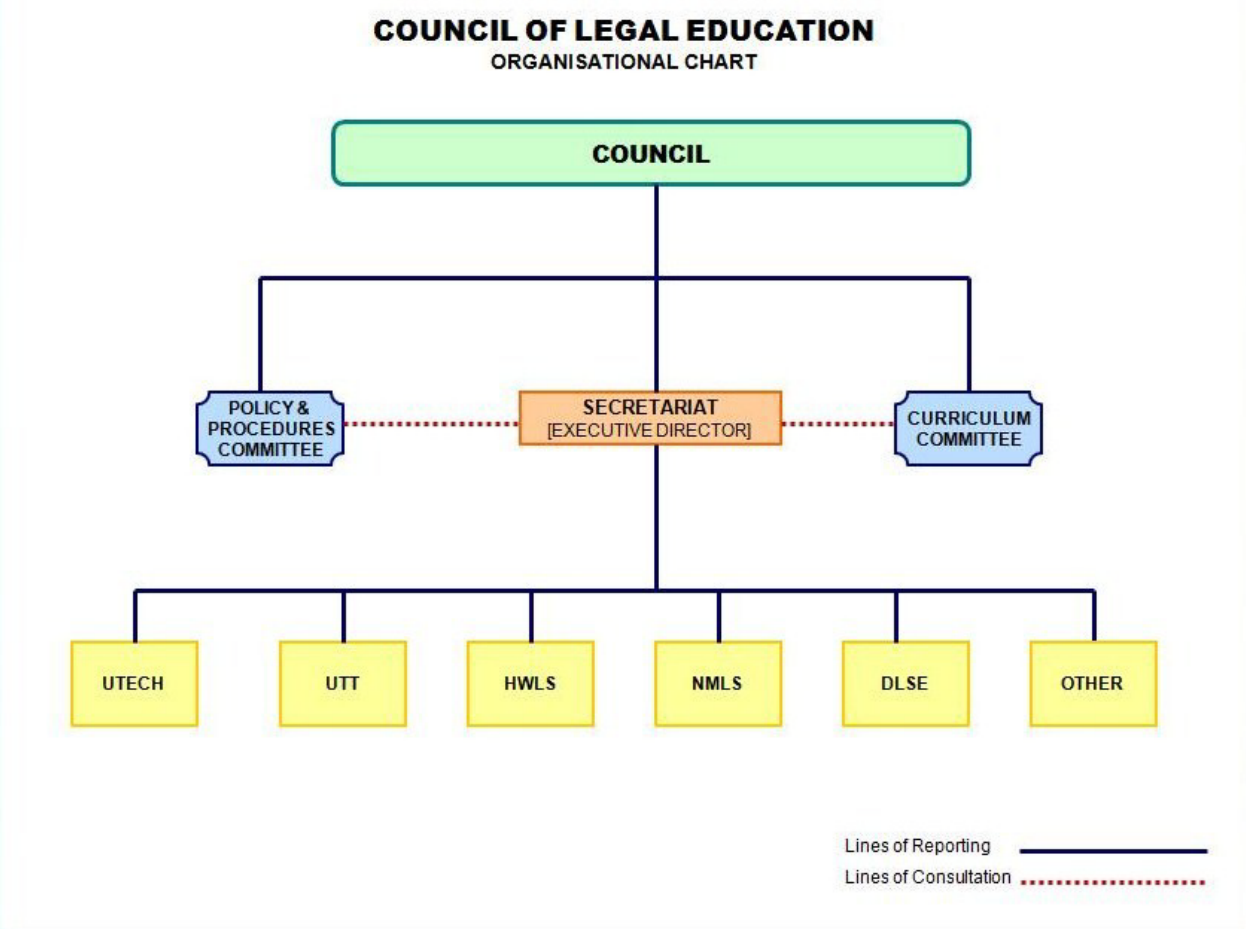
e. report to Council on its activities and any other function to which it may be assigned by Council;
f. be responsible for the CLE's quality assurance functions which will include:
    - reviewing standards at various institutions to ensure that they comply with the CLE's documented standards for such institutions;
    - reviewing the proposed programmes of such institutions to ensure that they comply with the CLE's core programme;
    - undertaking external quality assurance review of all institutions;
    - reviewing the reports of the internal quality assurance reviews of all licenced institutions;
    - reviewing curriculum, teaching/learning methods and assessment methods employed at various schools and may provide support to these schools to comply with the CLE's standards;

This will automatically:

1. Reduce the cost of legal education and administration of the CLE;
2. Allow the market to negotiate and balance demand and supply subject to proper licencing arrangements.;
3. Allow the CLE to focus on quality and relevance of legal education instead of quantity;
4. Create diversity of programmes that are focused on regional needs;
5. Give greater flexibility to governance and administration; and
6. engage greater stakeholder participation creating a broader base and therefore more relevance;

Item 2 above cannot be overstated. In the event that there is an increase or decrease in demand, it would be easier for institutions with other training programmes to adjust their vocational training programmes to respond to the demand.

A visualization of what the proposed system may look like is presented below.



Without doubt, there may be other options as to how Council may proceed to meet the challenges of governance in the 21st century. My effort today was to simply stimulate the debate and offer one option which I consider to be critical to meet the demands as currently articulated.

I thank you for allowing me this opportunity.

FOOTNOTES

In most cases information for the production of this paper was garnered from the Internet. In those cases the url of these Internet sites have been provided.

FN1 Agreement Establishing the Council of Legal Education 1970: http://www.caricom.org/jsp/secretariat/legal_instruments_index.jsp?menu=secretariat

FN2 United Nations Development Programme: Governance for Sustainable Human Development. A UNDP policy document, United Nations Development Programme, January 1997. http://www.mirror.undp.org/magnet/policy

FN3 Margison, S and Consedine, M, (2000). *The Enterprise University: Power, Governance*

FN4 Meredith Edwards: Review of New Zealand Tertiary Education Institution Governance. Published by Ministry of Education, May 2003. ISBN: 0-478-18724-6, www.atem.org.au/downloads/pdf/Tertiary_Governance.pdf

FN5 New Zealand Education Act 1989: http://www.legislation.govt.nz/public/1989/0080/latest/DLM175959.html

FN6 Minister for Tertiary Education: Statement of Expectations to assist the members of Tertiary Education Institution councils. http://www.tec.govt.nz/upload/downloads/tamu-statement-expectations-councils.pdf

FN7 Council of Legal Education: Quality Assurance Policy 2008

FN8 Council of Legal Education: Strategic Plan 2004 – 2009

FN9 Report of the Chancellor's Task Force on Governance of the UWI http://www.uwi.edu/documents/pdfs/Chancellor_Report_Task_Force_Governance.pdf