

MUCH HAS been written in the press about the provision of legal education, the latest being the comments of the minister of education of Jamaica.

In the analysis of these issues, it is important to refer to the historical and logical basis for the current system. The Norman Manley Law School (NMLS) has been singled out for criticism, although its operations are entirely governed by an international agreement.

THE AGREEMENT

The contracting parties to the agreement establishing the Council of Legal Education (the Treaty) set about to establish a scheme for legal education and training for the Caribbean that would be suited to the needs of the region. To this end, it was agreed that there should be a three-year course of academic study provided by the Faculty of Law of the University of the West Indies (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"), followed by a two-year period of further institutional training at law schools established and operated by the Council of Legal Education (CLE) ("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").

The CLE is the governing body established by the agreement and comprises, among others, the attorneys general of all participating countries, which includes Jamaica.

NATURE OF THE AGREEMENT

As a logical corollary to the fact that the nascent scheme was explicitly conceived and designed as an integrated five-year programme of legal training, holders of UWI LL.B. degrees were given an automatic right of entry to the law schools. However, it was also agreed that holders of non-UWI LL.B. degrees, where recognised by Council as being equivalent to the UWI LL.B. degree, should also be eligible for admission to the law schools, subject to the availability of places and such other conditions as might be laid down by Council. A comprehensive review on legal education in the Caribbean was thereafter commissioned under the chairmanship of Dr Lloyd

Legal education and the Norman Manley Law School



Faculty of Law building at the University of the West Indies, Mona.

Barnett, OJ, and a report prepared in 1996 (the Barnett Report). Additional to its many other recommendations, and as a response to the perceived difficulties of assessment of the equivalency of non-UWI LL.B. degrees, the Barnett Report recommended that the CLE establish an Admissions Board to conduct an annual entrance examination, the aim being to create "an objective and credible system" to test whether such persons had attained the standard of the UWI LL.B. degree. Those candidates who passed the entrance examination would be offered places at the law schools on the basis of their ranking in the examination and the availability of space.

Despite representations to the contrary (and notwithstanding having expressed the view in its interim report that only holders of honours degrees should continue to qualify for automatic admission to law school), the Barnett Report recommended that all holders of the UWI LL.B. should continue to enjoy the preferential status given to them by the treaty for law school admission purposes.

THE VISION OF LEGAL EDUCATION

Both the UWI and the CLE are organs of CARICOM. The original vision of legal education was conceived as a unified programme for the region and was intended to promote the production of lawyers trained in and attuned to the needs of the region and for the benefit of the public of the region. It is against this background that there was a quota system by which admission to the Faculty of Law was explicitly linked to a fixed number of students assigned annually to the various territories of the region.

INCREASING DEMAND FOR SPACE

In addition to the significant expansion of external law degree offerings, the increased demand for law school places has been driven by the availability of new law-degree training opportunities within Jamaica such as the University of Technology (UTech). UTech established its Faculty of Law in 2009, fully aware of the agreement governing legal education

under the Council of Legal Education. There was also the unilateral extension of teaching for the full UWI LL.B. programme to the Mona and St Augustine campuses. The NMLS expanded its capacity from 120 students in 2009 to 570 students in 2013.

THE ENTRANCE EXAMINATION

With the UWI graduates enjoying automatic entry, the controversy exists with non-UWI LL.B. holders' ability to secure places having sat the Admissions Board Entrance Examinations. The main argu-

ment is that the system of granting automatic entry to UWI graduates is unfair and discriminatory and that all persons seeking entry to the law schools should be required to sit the entrance examination. On this view, law school places would then be allocated on the basis of individual performance in the competitive examination by all candidates.

WHOSE RESPONSIBILITY AND WHAT CONSIDERATIONS FOR CHANGE?

For this change to take place, it is a matter for the heads of government. They should consider whether:

- The regional context and vision has been overtaken by local agendas.
- The existing projected needs for lawyers locally or regionally should be a consideration in any new vision for legal education;
- It is necessary for lawyers (like doctors) to be exposed to internships and apprenticeships to hone their skills and the availability of these resources locally; and
- The existing commitment of governments to fund legal education.

The mandate of the NMLS, like all other law schools under the agreement, is to continue to function in compliance with that agreement until it has been amended. The NMLS must continue to have as its principal concern maintaining standards and ensuring that the graduates of the school are capable of meeting the needs of the public.

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