

# CAYMAN ISLANDS LAW SCHOOL

## Professional Practice Course

## Information Booklet 2011/12



CAYMAN ISLANDS

## INTRODUCTION TO THE CAYMAN ISLANDS LAW SCHOOL

The Cayman Islands Law School was opened on 27th September 1982 by the then Governor, Mr. Peter Lloyd, and in 1984 it moved to the fourth floor of the Tower Building. As from March 2005, the Law School has been re-located to the second and third floors of the former CIBC Building, #54 Edward Street, George Town. The Law School now boasts one of the Island's finest law libraries with significant lending and reference collections. Since September 2002, the library has fallen under the direct supervision of a qualified librarian, Mrs. Speirs, who also has responsibility for the Legal Department and Courts libraries. Since January 2007, a full time Library Assistant, Victor Villarin, has been in post. Please take advantage of his expertise should you have difficulty in locating hard copy or electronic materials. The Law School has a fully equipped computer room with all computers having internet access. The entire Law School also has a wireless internet capability.

The Law School provides tuition for both full and part-time programmes leading to the Bachelor of Laws (Honours) Degree of the University of Liverpool and the qualification of Attorney-at-Law of the Cayman Islands, which follows successful completion of the postgraduate Professional Practice Course (PPC). The course is supported by three key manuals written by CILS staff that are available for purchase from the Law School. The manuals cover the following areas of local law: Cayman Conveyancing Law (the second edition of which was published in October 2006), Cayman Criminal Procedure (second edition of which was published in September 2007) and Cayman Civil Procedure (second edition of which was published September 2008). The Professional Practice Course, leading to the Qualifying Examination, is operated under the auspices of the Legal Advisory Council, comprising the Hon. Chief Justice, the Hon. Attorney General and the respective Heads of the Caymanian Bar Association and the Cayman Islands Law Society.

The aim of the Law School is to provide students with a standard of legal education equivalent to that prevailing at good UK universities. Students successful in the honours degree programme are eligible to pursue further postgraduate study at institutions of higher learning across the common-law world. Consistent with the legal education experience in other law schools, CILS students should anticipate an exciting and challenging experience; less commonly however, CILS students will not encounter over-populated classes and elusive and uncaring lecturers.

The courses of study leading to the degree of Bachelor of Laws are designed to provide exposure to a wide range of English legal principles, and at the same time to develop skills of analysis, logical thought, conciseness, and critical ability. The courses offered by the Law School will be attractive therefore not only to those students who wish to enter the legal profession but also to those having a variety of other career aspirations.

The Legal Practitioners Law (2007 Revision) and the Legal Practitioners (Students) Regulations, (2010 Revision) confer upon the Law School authority to offer a system of legal education in the Cayman Islands under the control and guidance of the Director, the Attorney General and the Legal Advisory Council. You are strongly advised to become thoroughly familiar with these regulations early in your Law School career.

## QUALIFYING AS AN ATTORNEY IN THE CAYMAN ISLANDS

Admission as an attorney-at-Law of the Cayman Islands, carrying with it the right to practise law locally, is regulated by the Legal Practitioners Law and Regulations made thereunder. Trainees should be thoroughly familiar with these provisions.

In the case of persons who are not qualified to practice as barristers or solicitors in other Commonwealth jurisdictions, admission to the Cayman Bar is based upon successful completion of: (i) The Qualifying Examination of the Professional Practice Course, certified by the Cayman Islands Legal Advisory Council; and (ii) An eighteen month period of articles of clerkship.

Those graduates who go on to qualify as an Attorney at Law may be eligible to take the Qualified Lawyers Transfer Test with a view to converting their qualification to that of English solicitor. For further details of this scheme please contact the Director or the Professional Practice Course Leader, Ms Deborah Barker.

The entry requirements for the PPC are laid down in the Legal Practitioners (Students) Regulations (2010 Revision). Candidates must be Caymanian or have Caymanian status, or hold the consent in writing of the Governor in Cabinet. In addition, Trainees must have successfully completed the Liverpool University LL.B. degree or a qualification deemed to be equivalent to it by the Legal Advisory Council.

Qualification as an attorney in the Cayman Islands is a process divided into two parts; the first part comprises an intensive full-time nine-month period of study in Cayman law and procedure. Courses to be studied include Cayman Statute Law, Corporate Practice, Criminal Procedure and Evidence, Civil Procedure and Evidence, Conveyancing, Cayman Probate and Succession Law, Legal Accounts, Professional Conduct and Legal Ethics, Practical Legal Research and Legal Skills. Locally produced manuals form the basis of the courses in Conveyancing, Civil Procedure and Criminal Procedure and are available for purchase from the Law School.

Successful completion of all modules (the Qualifying Examination) allows eligible candidates to move onto the second part of the qualification process and to apply to register Articles of Clerkship. This second phase of training is accordingly service under Articles of Clerkship with a practising Attorney-at-Law who will provide the trainee with practical experience in differing aspects of legal work. Articles must be registered with the Clerk of the Court after the Attorney General's certificate has been obtained which signifies his satisfaction that the articulated clerk will receive an appropriate level of legal training. Securing articles is the Trainee's responsibility and it is up to the attorney and the clerk to agree the usual conditions of the clerk's employment such as salary, annual leave etc. A legal practitioner in the Cayman Islands has a broad spectrum of matters to deal with: his clients may well be involved in sophisticated international trusts, banking, insurance and commercial transactions, or have problems of a more domestic nature. An articulated clerk will study practical issues of many aspects of the law and should use this time to assist his or her principal to the full in order to gain the widest experience possible.

Upon successful completion of the Qualifying Examination, trainees must enrol with the Clerk of the Courts and register their Articles of Clerkship. A description of the procedure is found in the 2008 Students Regulations.

## THE QUALIFYING EXAMINATION

### Curriculum and method of instruction

Modules to be studied are:

#### **Term One**

- Cayman Statute Law (Private Client)
- Criminal Procedure and Evidence
- Civil Procedure and Evidence
- Cayman Probate and Succession Law
- Legal Accounts
- Legal Skills
- Professional Conduct and Ethics

#### **Term Two/Three**

- Corporate Practice
- Criminal Procedure and Evidence
- Civil Procedure and Evidence
- Conveyancing
- Legal Skills
- Practical Legal Research

Please see details of each of these modules in the following pages.

You will find that the emphasis of the Professional Practice Course is on 'learning by doing' and therefore the method of instruction is somewhat different, on most modules, from that on the undergraduate programme. In many of the modules, lectures and tutorials are replaced or complemented by seminars and practical exercises, these will include drafting legal documents, making applications to the court, interviewing clients, and negotiating settlements.

#### **Assessment format**

Assessments are set internally, subject to moderation by the Professional Practice Course external examiners. All papers are internally assessed by the academic staff of the Law School and are subject to further scrutiny by the Professional Practice Course external examiners, whose academic judgement is final.

Examination results will be approved by the Legal Advisory Council and will be posted to trainees in late June/early July. Trainees who are overseas when results are released, may receive them over the telephone provided they are able to identify themselves. Results will not be emailed to trainees.

<b>FEES</b>
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All fees are subject to change.

- |                            |                |
|----------------------------|----------------|
| (1) <u>Application Fee</u> | C.I.\$ 150.00  |
| (2) <u>Tuition Fees</u>    | C.I.\$9,900.00 |

Note that fees must be paid on the FIRST day of each term, as follows:

1<sup>st</sup> Term- CI \$3,300 (due 27<sup>th</sup> September 2010)

2<sup>nd</sup> Term - CI \$3,300 (due 17<sup>th</sup> January 2011)

3<sup>rd</sup> Term - CI \$3,300 (due 26<sup>th</sup> April 2011)

- |   |                          |
|---|--------------------------|
| (3) <u>Examination Fees</u>                         | C.I.\$ 50.00 per subject |
| (4) <u>Book &amp; Materials* Fees</u> [approximate] | C.I.\$ 600               |

\*Trainee will be expected to obtain a number of statutes and the Grand Court Rules.

Exact figures for books will be posted at the beginning of Induction Week.

Book fees are payable at time of registration. No books will be released until payment is received.

- (5) Photocopying Fees

C.I.\$10 photocopy cards available from reception

Please note when paying tuition fees with a US cheque: Conversion from US to CI is .x 82:

### **OUTSTANDING FEES**

Any trainee having outstanding fees (including o/s library fines) at the end of the academic year will have examination results withheld from them and will not be eligible to graduate. Such trainee will also be ineligible to receive letters of reference from the Law School. **Trainees whose fees have been overdue for 8 weeks or more will be excluded from classes and suspended from studies for 12 months (providing fees/fines have by then been paid in full).**

## TEACHING AND ASSESSMENT PATTERN 2011-12

### Term 1

*Week commencing:*

26 September 2011	Week 1	<b>PPC Induction</b>
03 October 2011	Week 2	<b>PPC classes commence</b>
10 October 2011	Week 3	
17 October 2011	Week 4	
24 October 2011	Week 5	
31 October 2011	Week 6	
07 November 2011	Week 7	
14 November 2011	Week 8	
21 November 2011	Week 9	
28 November 2011	Week 10	
05 December 2011	Week 11	
12 December 2011	Week 12	

Christmas Vacation (LL.B): 19th December 2011 – 6th January 2012

### Term 2

*Week commencing:*

<b>9 January 2012</b>	<b>Week 1</b>	<b>PPC exams this week</b>
16 January 2012	Week 2	
23 January 2012	Week 3	
30 January 2012	Week 4	
06 February 2012	Week 5	
13 February 2012	Week 6	
20 February 2012	Week 7	
27 February 2012	Week 8	
05 March 2012	Week 9	
12 March 2012	Week 10	
19 March 2012	Week 11	
26 March 2012	Week 12	

**(PPC PLR submissions due to be submitted on Friday, 30<sup>th</sup> March 2012).**

**Easter Vacation:** 02 April 2012 – 13 April 2012 (Easter w/e April 06-09)

### Term 3

*Week commencing:*

16 April 2012	Week 1	Revision
23 April 2012	Week 2	Revision
30 April 2012	Week 3	Revision

07 May 2012	Week 4	Revision
<b>14 May 2012</b>	<b>Week 5</b>	<b>PPC/LLB exams</b>
<b>21 May 2012</b>	<b>Week 6</b>	<b>PPC/LLB exams</b>

Mock exams will be scheduled in each course by course leaders in the second half of term two or in week one of term three.

**End of Academic Session** 25th May 2012

PPC Resit Examinations will be held in the period August 27th – September 7th 2012.

## COURSE MODULES

### CONVEYANCING

#### Module content:

Having completed a qualifying law degree, you will be familiar with the common law applicable to real property. This module deals with the next stage: putting the law into practice by studying the process for the transfer of land in the Cayman Islands. The module commences with an introduction to some of the important Cayman Islands laws relating to land, and then describes the procedures used by attorneys to fulfil a client's instructions relating to the sale or purchase of land

#### Learning Outcomes

At the end of the course you should:

- Be familiar with the basic principles and concepts of Cayman Land Law and Conveyancing, as indicated above.
- Be able to apply those principles by carrying out a client's instruction to transfer land.
- Be aware of the application of professional issues relating to the dealings between attorney and client.

Text: Cooper, Conveyancing Law & Practice in the Cayman Islands

### CAYMAN PROBATE AND SUCCESSION LAW

#### Module content

This is a short module, spanning 5 weeks, which examines Cayman testate and intestate succession law. This is an area of study which will be new to graduates of the Law School's LL.B programme, but which represents an important area of legal practice.

#### Learning Outcomes

By the end of the course you should be:

- Familiar with the basic principles and concepts of Cayman probate and succession law in the areas studied and be able to apply those in a practical, problem-solving context.
- Able to use knowledge learned in the module to draft a will and/or critique a will
- Aware of the basic tools of legal research, in particular, local laws and rules.
- Able to seek out and use sources of Cayman Law to research more complex areas of study or areas with which you are unfamiliar.

## CIVIL PROCEDURE AND EVIDENCE

### Module Content

From your undergraduate studies, you now know the elements of a contract and potential breaches, you know if someone has potentially acted negligently or committed a nuisance. But would you know how to begin to sue them or which remedies are available to compensate for the wrongdoing? This is the transition between academic and lawyer.

It is in this module that you will, at last, put your knowledge into practice and learn the rules of litigation. In doing so you will familiarise yourself with the workings, rules and procedures in the Grand Court. You will learn how to initiate proceedings and about the rules and procedures which must be followed during the course of civil litigation until final disposal of the matter.

### Learning Outcomes

By the end of the course you should be:

- Aware of the various methods of commencing a civil action in the Cayman Islands
- Aware of alternative methods of dispute resolution including arbitration
- Familiar with the progress of a case through the civil courts, understanding the various stages of civil litigation and what each stage involves
- Able to prepare for a hearing in the Civil Court, knowing, as far as possible, what the procedural and evidential issues will be and what matters need to be covered
- Capable of making informed decisions and advising a client on how to act with regard to the various stages of civil litigation
- Able to decide whether or not a case merits appeal against a decision of the court and, where appropriate, advise on the most suitable method of appeal.

Text: Barker, Civil Litigation in the Cayman Islands

## CRIMINAL PROCEDURE AND EVIDENCE

### **Module Content**

You are now familiar, from your undergraduate studies, with the multitude of crimes that can be committed.

In this module you will learn how a person suspected of committing a crime is brought before the Courts and the various stages through which s/he must pass until final determination of their guilt or innocence at trial and on appeal.

By a series of lectures, seminars and skills workshops you will have an opportunity to participate in practical exercises which will enhance your learning and prepare you for the realities of life in the criminal courts.

### **Learning Outcomes**

By the end of the module you should be:

- Familiar with the progress of a case through the criminal courts, understanding the various stages and what each stage involves
- Able to prepare for a hearing in the Summary or Grand Court, knowing, as far as possible, what the procedural and evidential issues will be and what matters need to be covered
- Capable of making informed decisions and advising a client on how to act with regard to the various different paths that a criminal case can take.
- Able to decide whether or not a case merits appeal against a decision of the court, whether it be in connection with conviction, sentence or some procedural matter
- Where appropriate, able to advise on the most suitable method of appeal from a decision by a criminal court

Text: Barker, Criminal Litigation in the Cayman Islands

## LEGAL SKILLS

### Module Content

This module is aimed at providing you with the tools that underpin competent practice:

- good communication and oral skills to enable you to interview clients effectively, negotiate on behalf of your client and represent them in court
- good writing skills to enable you to communicate complex matters concisely and accurately in the form of advices and opinions and to draft legal documents and pleadings
- professional and ethical integrity to recognise and deal appropriately with a myriad of potential ethical issues which can arise in the lawyer/client/court relationship

Through practical exercises ('briefs') you will apply your learning from the procedure modules in a 'real client' context - drafting pleadings, writing advices, making applications to the court and negotiating settlements. This course is interactive and practical, giving you an invaluable opportunity to practice these skills in a safe environment rather than practising them for the first time in a courtroom or conference room where your competency (or not!) will affect the life of a real client.

### Learning outcomes

By the end of the course you should be:

- Familiar with the basic techniques of advocacy, negotiation and client interviewing
- Familiar with the nature, function and value of pleadings and know how to draft legal documents such as a statement of claim, a defence, a defence and counterclaim, a reply and defence to counterclaim, affidavits, witness statements, skeleton arguments and orders.
- Able to seek out and use precedents for drafts with which you are unfamiliar
- Competent to perform advocacy, negotiation, client interviewing and drafting tasks to a level of skill befitting a trainee who is about to commence articles so that you are likely to benefit from continual practice and observation of these skills during your articles
- Aware of the different duties you owe to both your client and the court and to have developed a commitment to the principles of integrity and professional responsibility
- Aware of, and respectful of, the principles of professional ethics and have instilled a professional approach to your work and towards your colleagues

## PROFESSIONAL CONDUCT AND ETHICS

### Module Content

During this module you will be introduced to the rules of professional ethics and conduct governing the legal profession and the many duties owed to the client, the court and third parties.

The current Ethics and Professional Conduct sessions taught on the PPC are as follows:

Session 1	Regulation of the profession, indemnity insurance, complaints and discipline
Session 2	Client- Lawyer relationship: client identity, the retainer, costs and client care
Session 3	Conflicts of interest
Session 4	Undertakings and duties owed to the Court
Session 5	Duties owed to third parties
Session 6	Confidentiality, disclosures and privilege
Session 7	Anti-Money Laundering Legislation and procedures

As a pervasive subject, in addition to the above sessions, you will be asked to identify and deal with issues of professional responsibility, conduct and ethics in each of the PPC modules as they arise in the context of the subject matter and skills developed in those modules.

### Learning outcomes

By the end of the course you should :

- Be aware of the different duties you owe to your client , the court and third parties
- Have developed a commitment to the principles of integrity and professional responsibility
- Be aware of, and respectful of, the principles of professional ethics and have instilled a professional approach to your work and towards your colleagues
- Be able to identify ethical and professional conduct issues as they arise in any legal context and deal with them appropriately
- Understand the importance of due diligence and dealing appropriately with conflicts of interest

## CAYMAN STATUTE LAW

### Module content

By the time you reach the fourth year of study, having successfully completed an English law degree, you will be well versed in English law. The purpose of this course is to familiarise you with some of the more important areas of Cayman law, regulated by local legislation.

In this course you will study areas of law which are common to a private-client practice, namely: immigration law, family law and labour law.

Every effort will be made to develop substantive legal knowledge in these areas by the practical application of the principles under discussion. Indeed, certain of the topics will be integrated with skills training.

## **Learning Outcomes**

By the end of the course you should be:

- Familiar with the basic principles and concepts of Cayman Law in the areas studied and able to apply those in a practical, problem-solving context.
- Aware of the basic tools of legal research, particularly of local laws, in the form of both electronic and paper resources
- Able to seek out and use sources of Cayman Law to research more complex areas of study or areas with which you are unfamiliar

<b>CAYMAN CORPORATE PRACTICE</b>
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## **Module content**

This twelve week module seeks to introduce you to the area of Cayman Corporate Practice, including Company Law and the law relating to Exempted Limited Partnerships.

## **Learning Outcomes**

By the end of the course you should be:

- Familiar with the basic legal principles of Cayman Corporate Practice and be able to apply those in a practical, problem-solving context.
- Familiar with the various forms of business entity
- Familiar with legislation governing Companies and the constitution of companies, particularly in areas where it is distinct to this jurisdiction, including pre-incorporation matters, requirements of Cayman Law, incorporation, operation of the company, transactions involving shares , company records and filings, changes to memorandum of association and articles of association
- Familiar with the legislation governing Exempted Limited Partnerships and the constitution of such partnerships, including, issues of liability of general and Limited Partners, registration, partnership interests and records.

## **Module Content**

For those of you who are desirous of a change from learning procedure and law this short module (which spans 4 weeks in term two after the probate module is completed) will come as some relief! This module, which is a required module by the English Law Society, has been included in the PPC to enable you to better understand the needs of your clients. This is particularly true of commercial work where you may be involved in share/asset take-overs where an understanding of the company's accounts will be essential to you properly serving the needs of your clients. Such knowledge is not only relevant to commercial work however, in divorce work you may have to critically assess the business account of one of the spouses and without an ability to understand the same your client will be less than adequately represented. As a final incentive to immersing yourself fully in this module, knowledge gained in the course will prepare you well for running your own business when, as a partner in a law firm, such knowledge will be essential.

Recommended Text: Solicitors' Accounts: A Practical Guide (Blackstone Press)

## **Learning Outcomes**

**At the end of the course you should be:**

- Aware of the purpose and importance of keeping accounts
- Familiar with the principles and format of accounts, including t-accounts, profit and loss accounts, balance sheets and financial statements of account
- Able to read and understand basic business accounts
- Able to apply your learning in this module to demonstrate competence in preparing basic accounts

### **Module Content**

During the PPC you will be introduced to paper and electronic, primary and secondary, sources of Cayman Law in addition to English, Commonwealth and Caribbean Law. You will be given problems requiring research of local, English and international sources of law and be required to report your findings either in the form of a research memo or advice/opinion. You will be assessed at the end of the second term by way of a 'take-home' paper which will require you to research a practical legal problem and submit an answer, in the form of a research memo or advice/opinion for grading.

### **Plagiarism and the need for originality of content.**

The legal research submission must be free from plagiarism and collusion. It is essential that it represents your own original work. A submission which amounts to no more than a patchwork of other authors' work, even if properly attributed, will not be capable of achieving a passing standard and may result in a zero mark being awarded. In cases of proven plagiarism or collusion disciplinary action may also be taken. Submissions which are submitted late without cause, will attract the mandatory penalties described in the PPC Assessment Code.

### **Learning Outcomes**

By the end of the course you should be:

- Capable of identifying the salient points from a given factual scenario in order to plan research
- Capable of analysing the issues raised by a problem and identify which questions of law have to be answered
- Capable of researching specific legal issues raised by a factual scenario, using both paper and electronic sources.
- Capable of communicating the results of legal research clearly and concisely by applying the law to the facts of the problem so as to provide useful, relevant, practical legal advice focusing directly on the problem at hand.
- Able to fully acknowledge the use of all sources and materials cited and devise a research trail to show how the answers have been reached

## YOUR ROLE

As a trainee professional you will be expected to adopt a professional attitude to learning, which includes:

- full attendance. Attendance at all classes is mandatory and this requirement will be strictly enforced by the Senior Tutor. Trainees failing to satisfy attendance requirements may be excluded from examinations by the direction of the Legal Advisory Council pursuant to Regulation 30 of the Legal Practitioner (Students) Regulations 2008R
- Punctuality
- Preparation and effort
- Active participation in class and exercises
- An openness to new methods of learning
- A willingness to reflect on your own performance as well as the performances of others
- Effective time management
- Honesty, integrity and respect for colleagues, staff and fellow professionals

## IMPORTANT LAW SCHOOL INFORMATION

### **Departmental Staff and Contact details**

Please see appendix A for current staff and their contact details. Additional information about staff research areas, and the modules they teach, can be found at [www.gov.ky/lawschool](http://www.gov.ky/lawschool). All staff have surgery hours each week in which they are available to see students. Times and preferred methods of contact differ. Information on how and when to contact staff is available from notices on individual staff doors. Please respect staff contact times and preferred methods of contact. These notices will also display contact information for emergencies or out of office hours.

### **Support Staff Contacts and General Office Opening Times**

General Office (Second Floor, #54 Edward Street) opening times are:

Monday-Friday: **8:30 am - 5:00 pm** (closed weekends & public holidays)

#### General Office Support Staff

Lisa Morales-Levy	-	Administrative Assistant
Lovisa Vernon-Hamilton	-	Front Office Manager

#### Library Support Staff

Beverley Speirs	-	Librarian
Lourdes Pacheco	-	Library Assistant

### **CILS Student Societies & Committees**

Below are listed the Law School's associated bodies which have student members. This includes bodies run exclusively by students on their own behalf and Law School bodies which rely on student membership to represent student concerns to the management of the School.

### **The Law Students' Society**

The Cayman Islands Law School Students' Society is run by the students for the students. The Society is responsible for organising social events and for forging links between the Law School and local law firms and other corporate entities.

### **Staff-Student Liaison Committee**

This Committee's function is to consider all aspects of student welfare within the School of Law, including the operation of the personal tutorial system, and all services and facilities offered to students, including the working and development of the full and part time degree programmes, and to report thereon to the Law School's termly Staff-Student meeting. The Committee consists of elected student representatives and all members of the Law School academic staff. It is Chaired by the Director of Legal Studies.

### **Health and Safety**

Your safety is important to us. Ensuring the health and safety of students, staff and visitors is one of the Law School's highest priorities. CILS is responsible for providing a safe environment and safe systems of work, but safety cannot be achieved without the full co-operation of everyone.

CILS rules require that every student whilst on the Law School premises:

- takes reasonable care for the health and safety of themselves and others;
- acts in accordance with School safety rules.

Students are required:

- to read the fire procedure notices and familiarise themselves with the alternative fire exits;
- to report accidents, near misses or dangerous conditions to a responsible member of the department;
- to co-operate with health and safety instructions.

On the School telephone system, the emergency number for fire, police or ambulance is 911.

If you have any problems or questions about safety, raise them with a member of the teaching staff or with your Personal Tutor.

### **Cayman Islands Government Policy on Smoking**

Smoking in all Cayman Islands Government occupied buildings has been prohibited.

The Law School has a duty to ensure, so far as reasonably practicable, that the working environment is healthy. Thus it has a duty, so far as reasonably practicable, to protect non-smokers against involuntary inhalation of the carcinogens in cigarette smoke.

## 1. No-Smoking Rule

All areas of the Law School are "no smoking" areas.

## 2. Smoking at Entrances

Staff and students should not smoke close to building entrances or to openable windows, where those entering or leaving may inhale smoke. They should move a reasonable distance away.

# STUDENT MATTERS AND STUDENT SUPPORT

## Getting to the Law School

Reliable public transport to George Town is now available. The George Town Bus Station is conveniently located adjacent to the Law School. Students are encouraged to make use of this service, as car parking in George Town is very limited.

## Car Parking

Parking Management Services Limited has been employed to enforce the parking restrictions at the CIBC car park on Dr. Roy's Drive where limited student car parking is available. Clearly visible Warning Signs inform the motorist that this is a private car park for authorized users only and the consequences of non-compliance. You are advised that spaces 1 through 10 are reserved for CILS staff. Spaces 11 through 20 are open CILS student spaces which may be used by students on a first come first served basis. Please do not park in any other spaces, including, of course, CILS staff spaces. If you do so, you will face the risk of being wheel clamped and being charged a \$75.00 release fee. Cars must not be left in the car park overnight. CILS accepts not responsibility for loss or damage caused to vehicles whilst parked at this facility.

Please also be courteous to the car park attendant, security company officers and the CIBC Building Manager and conduct yourselves in a manner befitting the Law School of which you are each its ambassadors. Should complaints as to student conduct be received, parking privileges from the car park will be remove

## Staff-Student Meetings

Staff-Student Meetings will be held in each of first and second term. Year group representatives and the Student Society executive meet with all members of staff to discuss any problems and concerns which may have arisen. If students have any such concerns, they should bring these to the attention of the PPC Representative on the Student Society.

## Post

Students should apply to the post office for their own post box. Student mail must not be sent c/o The Law School, which accepts no responsibility for any mail delivered to it.

## PPC Notice Board

There is a notice board on the third floor (outside Ms Morris' office) dedicated to the PPC. Any notices for PPC trainees will be pinned to this board only. Trainees should therefore check this notice board regularly every day

### **Letters of Reference/Unofficial Transcripts**

Students may request a letter of reference/unofficial transcript from the Law School. The reference will generally be sent directly to the prospective employer or institution who will usually wish to ensure confidentiality. The reference will include the following performance indicators: final and mock examination results, coursework/written assigned marks, attendance, punctuality, preparedness for lectures and tutorials, communication skills. Any disciplinary information appearing on the student file may also be disclosed. No references will be provided to students who have fees/fines owing to the Law School.

### **Illness**

Students should seek medical documentation when they experience illness. Students are encouraged to see their doctor and obtain a medical certificate outlining the medical problem. This certificate should be handed into the school's administrative support staff who will copy and file the evidence for future reference. **Mitigating circumstances forms are available from the Law School Reception for completion.** In the event that a student misses examinations or performs poorly in assessment, if there is relevant medical evidence on file this will be taken into account. It is important to note that no illness will be taken into account if there is no documentary evidence to support a claim. The onus is on the student to provide this evidence.

### **Personal difficulties/mitigating circumstances**

Students who experience personal difficulties during their studies are encouraged to seek advice and support from their personal tutor. They should inform the Law School in writing (where possible) and this information will be placed on the student's file for future reference. Such information, if relevant, will be taken into account if the student performs poorly in assessments or fails to attend an examination or submit coursework. It is important to note that no personal difficulties/mitigating circumstances will be taken into account if there is no documentary evidence to support a claim. The onus is on the student to provide this evidence. This information should be given to the Law School's administrative support staff who will copy and file the evidence for future reference.

## **SUPPORT SERVICES FOR STUDENTS**

### **Strategy for Student Support and Guidance**

Our strategy for Student Support and Guidance is determined by a concern to maintain a culture and environment in which our students have the best opportunity to develop their abilities and skills, and in which they can feel sufficiently at ease and sufficiently challenged to develop the knowledge, analytical and applicational skills, and crucially, the critical understanding, that are distinctive of a legal education.

### **Formal Support and Guidance Structure**

#### **The Purpose of the Personal Tutor Scheme**

The personal tutor scheme should seek to promote a sense of community between academic staff and students and contribute to the well being of students and their academic success by enabling them to feel regarded as individuals.

The formal support structure of the CILS is constituted by the roles of:

### **The Role of the Director of Legal Studies:**

The Director of Legal Studies should:

- Aim to see that the personal tutors operate the system efficiently and effectively;
- Ensure that all students and staff have access to this written statement of the purpose and operation of the scheme;
- Ensure that all students, including part-time students, have a nominated tutor and that this tutor is normally nominated at the start of the session;
- Ensure that the distinction between personal tutor and academic tutor is quite clear even if the same person acts in both capacities;
- Be in attendance at all Progress Committee Meetings;
- Be a member of any appropriate staff/student committees;
- Ensure that students understand that they can request to change their personal tutor without giving reasons and without prejudice.

### **The Role of the Personal Tutor:**

Personal Tutors should assist in the running of the Cayman Islands Law School Personal Tutor Scheme with the support of the Director of the Legal Studies

Personal tutors should:

- Aim to meet their new tutees before the end of the first week of a new academic year;
- Aim to see their tutees regularly;
- Ensure their tutees know how to contact them at short notice in the case of emergencies and make themselves available to students for some specified period every week;
- Encourage tutees to come and see them in the event of needing to seek information or advice or to talk things through with a friendly listener;
- Keep confidential matters discussed with a tutee unless the tutee has given his/her permission for information to be passed on or, in exceptional circumstances only, the tutor judges it to be in the best interests of the tutee or some other person for information to be shared;
- Help the tutees allocated to them overcome any problems of adjustment to life at the Cayman Islands Law School;
- Respond to tutees' requests for advice on matters not immediately arising from the content of their formal instruction and refer, as necessary, to appropriate individuals those matters outside the expertise of the tutor;
- Help to foster the understanding that the Cayman Islands Law School regards students as individuals;
- Make a point of interesting themselves in the well being of their tutees.

### **The Responsibilities of Tutees:**

Tutees should:

- Respond promptly to requests to see their personal tutor;
- Aim to respect the specified times at which tutors make themselves available to see students;
- Ensure they know how to contact their tutor at short notice in the case of emergencies and, at all other times, try to see their tutor at the specified time;
- Give tutors reasonable notice when making a request for a reference;
- Keep tutors informed of any relevant circumstances which may have an effect upon their studies.

## THE LAW SCHOOL LIBRARY

The purpose-built, Law School library is located on the second floor of the Law School. All registered CILS students may borrow books forming part of the lending collection whenever the Law School is open.

With the exception of books, law reports and journals which are classified as reference materials only, the remainder of the books may be borrowed from a library officer (see below) for a period of up to two weeks. The maximum number of books that may be borrowed is three at any one time. Overdue returns are subject to a fine of CI\$2.00 per book, per day overdue. Library officers have been instructed to enforce this system rigidly in the interests of all library users. You have been warned!

The library officers (ie those members of staff having responsibility for library borrowing/administration) are the (part-time) Librarian, the Library Assistant, the Administrative Assistant and the Receptionist. A library officer is to be informed whenever a student borrows a book. Students will be required to replace any books, which are removed and not returned on demand. Under no circumstances may library books be transferred between students without their previous return to the Law School. It is the responsibility of the borrower to return all books in the condition received either in person to one of the library officers or by means of using the locked library books return box. Under no circumstances are books to be left on the Receptionist's desk unattended. All books remain the responsibility of the borrower until properly returned in one of the above ways. Any abuse of the library system will automatically result in borrowing privileges being withdrawn from the offender.

Adjacent to the library is the student computer room housing 15 desktop PCs, a scanner and printer. Wireless internet access for laptop computers is available throughout the Law School. Photocopying facilities are also available. Photocopying cards can be purchased from the Receptionist/Administrative Assistant.

### **Opening Hours and Borrowing**

The Library is an integral part of the Cayman Islands Law School. It is a vital resource in the training and development of law students. The Library aims to provide an efficient and comprehensive service for readers combining traditional sources with electronic media. The library includes a full range of primary and secondary materials. Statutes, Statutory Instruments, Law Reports, Treaties and other official publications, are key primary reference material. Textbooks and journals are important secondary sources and comments on aspects of the law. The textbooks are either for short loan, or for standard two week loan.

- Opening Hours (Closed on Public Holidays and Weekends)

**Term:** Monday – Friday 8:30 – 5:00

**Vacation:** Monday – Friday 8:30 – 5.00

### Extended library opening times

Extended library opening times will be offered from the second half of the first term until 9pm on set weekdays and on Saturday afternoons. Extended library opening is subject to student demand and may be withdrawn if not sufficiently utilised.

- Borrowing Entitlement

Standard collection	3 items for 14 days
Short loan collection	Overnight Loan Only
Reference collection	For reference only – not to be removed from the library

\* Items may not generally be renewed more than two times and renewals will not be allowed at all where another user has reserved the item.

- Photocopying

A card operated self-service machine is available. Photocopying cards to the value of CI\$10.00 are available at the Reception Desk. **All copying is subject to Copyright laws.**

## THE LAW SCHOOL CODE OF PRACTICE

These guidelines are intended to assist trainees in complying with Law School regulations. They are not intended to be a substitute for common sense and neither may they be construed as being exhaustive.

By way of amplification of the Regulations contained, inter alia, in the Legal Practitioners Law and the Legal Practitioners (Students) Regulations, but without prejudice to their generality, it is (and is deemed always to have been) incumbent upon all registered law students and trainees to comply with the following:

1. Trainee attendance at all lectures/tutorials is mandatory. If through illness or other sufficient cause a trainee is unable to attend a lecture or tutorial the lecturer concerned must be advised, in advance wherever possible.
2. The attendance requirement at lectures and tutorials is to be observed with punctuality. Lecturers will shut the lecture room door 5 minutes after the scheduled start time for the lecture; thereafter admission may be refused in the interests of the other members of the class.
3. Assessed and non-assessed assignments are compulsory unless your lecturer advises you to the contrary. Prescribed submission deadlines are to be adhered to. If a deadline is not met, and no sufficient cause is shown, the assignment will not be accepted with a zero being entered in the trainee's termly record.
4. All internal tests and examinations are compulsory. If through illness or other sufficient cause a trainee is unable to present himself/herself to an examination, prior notification in writing must be given to the Director of Legal Studies, together with a doctor's medical note, where appropriate.
5. Trainee fees must be paid on the FIRST day of each term. Failure to do so will lead to exclusion from classes.
6. The Law Library rules in place from time to time are to be strictly adhered to. In particular it is provided that: -
  - The taking of food and drink into the library is absolutely prohibited.
  - Talking is prohibited.
  - Trainees are required to strictly observe borrowing rules:  
No book is to be removed from the library if marked 'for reference only'.  
No book is to be borrowed without prior registration with the Executive Officer. Books are to be returned by posting them into the returns box provided.
7. Use of Law School telephone is strictly prohibited.
8. The Receptionist's desk area is off-limits at all times. Lecturers' rooms are off-limits unless invited by the lecturer to enter. Assignments/material for the lecturer should be left in the receptacle provided outside the lecturer's office.

## CILS COMPLAINTS PROCEDURE

### **1 General Principles**

The Cayman Islands Law School is committed to ensuring that we provide for our students a high quality educational experience, supported by appropriate academic and administrative facilities. We recognise, however, that there may be occasions when students will feel that they have cause for complaint. In this context, a complaint is defined as an expression of dissatisfaction either about the courses, facilities or services provided by the Cayman Islands Law School or about actions or lack of actions by the Cayman Islands Law School or its staff. Complaints may be made by individuals or by groups of students. This Complaints Procedure sets out how students may seek to have complaints addressed. It should be recognised that the vast majority of student complaints can be handled fairly, amicably and to the satisfaction of all concerned on an informal basis. Only when informal means have been exhausted should a formal complaint be pursued. This procedure does not cover the following matters for which separate procedures exist:

- Appeals against academic assessment and progress decisions;
- Student disciplinary issues.

Information about academic appeals and student disciplinary issues may be sought from the Director of Legal Studies.

The Cayman Islands Law School will seek to ensure that all complaints from students are treated seriously, positively and constructively. It will also seek to ensure that complaints are dealt with promptly and with fairness and consistency. If a complaint is found to be justified, the Cayman Islands Law School will take such action or provide such remedy as may be appropriate and will do so promptly. If a complaint is not upheld, the reasons for the decision will be communicated to the complainant.

Complainants will not suffer any disadvantage or recrimination as the result of making a complaint in good faith. However, if a complaint is judged to have been made frivolously, vexatiously or with malice, disciplinary action may be taken against the complainant.

Complainants and any individual against whom complaints might be made may expect complaints to be dealt with confidentially and that their privacy will be respected. However, it may be necessary to disclose information to others in order to deal with the complaint and in these circumstances the parties concerned will be informed of such disclosure. Whenever, in the course of a complaint being dealt with, a complainant or any person against whom a complaint is made is invited to discuss the complaint orally or to attend a hearing, they shall be entitled to be accompanied by a friend or colleague, who may be a Cayman Islands Law School member of staff, who may speak on their behalf.

Anonymous or third party complaints will not be dealt with under this procedure. If a member of staff receives an anonymous complaint, s/he will be expected to seek advice from their line manager as to how the complaint should be dealt with.

The Cayman Islands Law School believes that complaints should be resolved as near to their source as possible. For this reason, this Complaints Procedure provides for there to be a number of stages, both informal and formal, in the handling of a complaint. Complaints will not be rejected solely on the grounds of minor procedural deficiencies on the part of the

complainant. At each stage of the process, the person to whom a complaint has been referred shall, if it is upheld, apply such appropriate remedies as are within their powers. If they consider that the remedy is outside their powers they shall refer the matter to the appropriate authority.

The Director of Legal Studies will monitor, on an annual basis, complaints which have been referred to him and will be responsible for implementing, or recommending to the appropriate authority, changes to systems or procedures suggested by the nature and pattern of the complaints received. The outcome of such monitoring may be used to also inform other processes or activities. The Attorney General shall receive on an annual basis a report on the outcome of the monitoring processes and from time to time shall consider in the light of such report whether changes to the Cayman Islands Law School's systems and to the Complaints Procedure itself would be appropriate.

Advice about the Complaints Procedure may be obtained from any member of academic staff.

This Complaints Procedure forms part of the Cayman Islands Law School's overall quality assurance framework. It will be circulated to all new students and staff.

## **2. INFORMAL RESOLUTION OF COMPLAINTS**

The majority of complaints can be resolved satisfactorily on an informal basis. If the complaint is against an individual the complainant should, if possible, first raise their complaint either orally or in writing with that individual, stating the remedy they are seeking. If the complaint is about courses, facilities or services provided by the Cayman Islands Law School, the complainant should raise the complaint with the Director of Legal Studies, again stating the remedy being sought. The complaint must normally be made within one month of the actions (or lack of actions), which prompted the complaint. The person to whom the complaint has been made shall respond to the complainant within a reasonable time. If making or responding to the complaint involves face to face contact between the complainant and a person against whom the complaint has been made, both shall be entitled to be accompanied by a friend or colleague or member of the Cayman Islands Law School staff. If the person to whom a complaint has been made rejects the complaint, they must provide written reasons to the Director of Legal Studies or Solicitor General for doing so.

If a complaint is of a general rather than specific nature, it may be more appropriate to ask the relevant student representative to raise it with the Director of Legal Studies or to have it raised at Staff/Student Meeting.

If the complainant is dissatisfied with the response they receive from the person to whom a complaint has been made, or if they feel unable to approach directly the person against whom they have a complaint, they should submit a written complaint to the Director of Legal Studies. If the Director of Legal Studies is the subject of the complaint, then the written complaint should be made to the Solicitor General. If the complainant is unsure whom to approach at this stage, they may seek advice from the Director of Legal Studies or the Solicitor General. The written complaint should set out briefly: the nature of the complaint and the remedy sought; the informal steps already taken (if any); details of any response received; a statement as to why the complainant remains dissatisfied; and, without prejudice to any formal remedy which might be determined, the remedy they are seeking. The Director of Legal Studies or Solicitor General shall investigate the complaint and shall submit a written response to the complainant within a reasonable time. If the investigation involves a face-to-face meeting between the

Director of Legal Studies or the Solicitor General and the complainant and/or person against whom a complaint has been made, the latter two shall both be entitled to be accompanied by a friend or colleague. If the complaint is not upheld, the reasons for this decision must be stated in writing to the complainant and to any person against whom a complaint has been made.

### **3 THE FORMAL COMPLAINTS PROCESS**

The process described in paragraphs 1 and 2 represents the informal stage in seeking to resolve complaints. If, having pursued the matter informally, the complainant remains dissatisfied with the written response, they should, within 10 working days of receipt of such written response, refer the matter formally in writing to the Attorney General and should enclose copies of the correspondence exchanged during the informal procedure and any other relevant papers.

The Attorney General shall acknowledge receipt of a formal complaint in writing within a reasonable time. Subject to his being satisfied that the complainant has taken all reasonable steps to resolve the matter informally using the procedures detailed in paragraphs 10.1-10.2 above, the Attorney General shall appoint a person or persons, having no material interest in the complaint, to carry out an investigation. The investigator(s) may seek to resolve the issue on the basis of documentation, after having sought further information from the members of staff involved in the informal investigation of the complaint, or may at the investigator(s) discretion call a hearing at which the complainant and any other persons involved may submit their respective cases. A friend or colleague, who may speak on their behalf, if appropriate, may accompany both the complainant and any person who is the subject of a complaint at any such hearing. In the event of the unavoidable absence of any of the parties, the hearing may be postponed, but the voluntary absence of one or more of the parties shall not prevent the hearing proceeding.

After investigation of the complaint the investigator(s) shall decide whether the complaint is justified or not and shall submit a report in writing to the Attorney General, containing such recommendations as may be appropriate. The Attorney General shall determine what action, if any, shall be taken and shall communicate this in writing to the complainant and all other relevant parties within a reasonable time.

Following formal investigation of a student complaint, there shall be no right of appeal as to the merits of the case. Dissatisfaction as to the outcome of the complaint itself shall not in itself constitute an acceptable reason for appeal. However, if a complainant believes that their complaint has not been handled properly or fairly in accordance with the procedures set out in paragraphs 1 and 2, then they may submit a letter of appeal to the Chief Justice requesting a review. The letter must set out the reasons for requesting the review, and should be submitted within ten working days of notification of the decision on the complaint by the Attorney General, and should include copies of all previous correspondence and relevant papers.

Appeals will be considered by the Chief Justice or his nominee. The Chief Justice will acknowledge receipt of an appeal within a reasonable time. The Chief Justice or his nominee shall consider the circumstances of the case on the basis of the documentation and, having taken such advice, as he deems necessary, shall determine whether there is prima facie evidence to support the complainant's appeal that the case had not been handled properly or fairly. If s/he determines that no prima facie evidence exists, then the appeal shall be dismissed. If, however, the Chief Justice or his nominee is satisfied that there is prima facie evidence to support the appeal, then he shall arrange for a review of the case. He shall inform

the complainant within a reasonable time that there is no prima facie evidence to support the appeal and therefore that the appeal has been dismissed, or that the case is to be reviewed.

Reviews will normally be conducted by means of scrutiny of written documentation. Following completion of the review, the Chief Justice shall determine what action, if any, shall be taken and shall communicate this in writing to the complainant and all other relevant parties within a reasonable time.

In normal circumstances any hearing, which a complainant is invited to attend in connection with the investigation of a complaint, will be held during term time. If, in exceptional circumstances, the investigation of a complaint requires a complainant's attendance in the Cayman Islands Law School outside of term time, the Cayman Islands Law School will reimburse reasonable travel and subsistence expenses incurred by the complainant in attending the Cayman Islands Law School.

This represents the Cayman Islands Law School internal procedure for the handling of student complaints. Any external petition should not be considered until the Cayman Islands Law School's internal procedures have been exhausted.

**CAYMAN ISLANDS LAW SCHOOL**  
**PROFESSIONAL PRACTICE COURSE ('PPC')**  
**Assessment Code 2011-2012**

**Assessment Framework for the passing of the Qualifying Examination pursuant to the Legal Practitioners (Students) Regulations (2010 Revision).**

**This framework must be read in conjunction with the Legal Practitioners (Students) Regulations (2010)**

**Interpretation**

<b>'Board'</b>	<b>Professional Practice Course Appeal Board</b>
<b>'Council'</b>	<b>Legal Advisory Council</b>
<b>'CILS'</b>	<b>Cayman Islands Law School</b>
<b>'Director'</b>	<b>Director of Legal Studies, Cayman Islands Law School</b>
<b>'External Examiner'</b>	<b>A person appointed as such by the Council</b>
<b>'Internal Examiner'</b>	<b>A member of the teaching team at CILS</b>
<b>'Law School'</b>	<b>Cayman Islands Law School</b>
<b>'PPCAB'</b>	<b>Professional Practice Course Appeal Board</b>
<b>'Regulations'</b>	<b>The Legal Practitioner (Students) Regulations 2010 Revision</b>

## RULES

### **1 The Qualifying Examination**

Pursuant to Regulation 28 Legal Practitioner (Students) Regulations (2010 Revision), the Qualifying Examination shall consist of one paper each in :

- (a) Criminal Procedure and Evidence
- (b) Civil Procedure and Evidence
- (c) Conveyancing
- (d) Probate and Succession Law
- (e) Legal Accounting
- (f) Cayman Statute Law- Private Client
- (g) Corporate Practice
- (h) Professional Conduct and Ethics
- (i) Practical Legal Research; and
- (j) Such other subjects as the Council may approve.

### **2 Methods of Assessment**

A student is assessed in supervised conditions by a written paper in each of following:

Criminal Procedure and Evidence  
Civil Procedure and Evidence  
Conveyancing  
Probate and Succession Law  
Legal Accounting  
Cayman Statute Law - Private Client  
Corporate Practice  
Professional Conduct and Ethics

A student is assessed in the Practical Legal Research module, by submission of a written answer to a set question in the form of an advice or research memo. This assessed paper must:

- (a) be free of plagiarism
- (b) be produced without collusion
- (c) be submitted on the required date and at the required time and in the prescribed manner. Such requirements being stipulated by the Director of Legal Studies.

### **3 Times of Assessment**

A student is assessed at the following times -

In Term Two: Caystat I, Professional Conduct and Ethics, Probate & Succession Law and Legal Accounting and Practical Legal Research.  
In Term Three: Criminal Litigation, Civil Litigation, Corporate Practice, Conveyancing

### **4 Principles of Assessment and re-sits**

#### 4.1 Passing the PPC Qualifying Examination

A student who passes all components of the Qualifying Examination passes the Qualifying Examination, pursuant to regulation 28(2) of the Legal Practitioner (Students) Regulations (2008 Revision), and will be awarded a certificate of completion of the Qualifying Examination by the Legal Advisory Council.

#### 4.2 Failing one subject

Pursuant to regulation 28 (3) of the Legal Practitioner (Students) Regulations (2008 Revision), a student who fails only one subject fails the Qualifying Examination and, with the consent of the Council, may be permitted, to re-sit that one subject, retaining all other pass marks.

#### 4.3 Failing more than one subject

Pursuant to regulation 28(4) of the Legal Practitioner (Student) Regulations (2008 Revision) , and subject to 4.4 below, a student who fails more than one subject shall fail the entire Qualifying Examination and may, with the consent of the Council, take the entire Qualifying Examination again.

#### 4.4 Failing the Practical Legal Research module

Where a student fails the Practical Legal Research module, that student will fail the Qualifying Examination and may, with the consent of the Council, re-submit a paper. Where the student fails two subjects, one of which is the Practical Legal Research module, the student may, with the consent of the Council, re-sit the failed subject and re-submit a research paper, without the requirement to take the entire Qualifying Examination again.

#### 4.5 Timing of re-sits

Re-sit assessments referred to in 4.2, 4.3 and 4.4 shall take place at the first available opportunity and at such time or times as the Director decides.

### **5 Re-sits & repeating the course of study**

#### 5.1 Repeating course of study

A student who re-sits any assessments pursuant to 4.2, 4.3 and 4.4 above and fails the Qualifying Examination for a second time, (or who has been given permission by the Council to defer his/her first re-sit) may with the consent of the Council, be permitted to repeat the course of study, with or without the requirement of attendance, pursuant to regulation 28(5) of the Legal Practitioner (Students) Regulations (2008R).

5.2 Subject to the discretion of the Council, where a student has been given permission to repeat the course of study in accordance with 5.1 above , he shall repeat the course of study at the first available opportunity.

- 5.3 A student will not generally be allowed to re-sit the assessments more than three times. In exceptional circumstances, the Council may, in addition, permit a student one further final re-sit.
- 5.4 The maximum mark for a re-sit is 50%.
- 5.5 Any re-sits will be governed by these rules.

## 6 Council discretion

In deciding whether to grant consent under 4 or 5 above, the Council may consider a report of the Director on the student's record of attendance and performance in written or other work assigned in connection with any course of study.

## 7 Grading of Assessments

A student passes the following subjects, if the student obtains a mark of not less than 50% in the subject assessment.

Criminal Procedure and Evidence  
Civil Procedure and Evidence  
Conveyancing  
Probate and Succession Law  
Legal Accounting  
Cayman Statute Law - Private Client  
Corporate Practice  
Professional Conduct and Ethics  
Practical Legal Research

## 8 Final Grading

- 8.1 A student who passes the PPC Qualifying Examination may be awarded one of the following grades:
- (a) **Pass**, if he or she passes all component parts of the Qualifying Examination and has a Final Average Mark of less than 60%.
  - (b) **Pass With Commendation**, if he or she passes all component parts of the Qualifying Examination at first sitting and has a Final Average Mark of at least 60% but less than 70%.
  - (c) **Pass With Distinction**, if he or she passes all component parts of the Qualifying Examination at first sitting and has a Final Average Mark of at least 70%.
- 8.2 The 'Final Average Mark' referred to in 8.1, is the average of the percentage marks scored in the following subjects:
- (a) Criminal Procedure and Evidence
  - (b) Civil Procedure and Evidence

- (c) Conveyancing
- (d) Succession Law
- (e) Cayman Statute Law Part I - Private Client
- (f) Corporate Practice
- (g) Professional Conduct and Ethics
- (h) Practical Legal Research

## **9 Marking and Moderation**

- 9.1 The Law School may take such steps as it thinks fit to ensure consistency and accuracy in assessment and, in particular:
- (i) all assessment papers shall be pre-approved by an external examiner, appointed by the Council
  - (ii) all student scripts in the following subjects shall be second marked by an external examiner, appointed by the Council

Criminal Procedure and Evidence  
 Civil Procedure and Evidence  
 Conveyancing  
 Probate and Succession Law  
 Legal Accounting  
 Cayman Statute Law - Private Client  
 Corporate Practice  
 Professional Conduct and Ethics  
 Practical Legal Research

- 9.2 Subject to approval by the Council, the decision of the external examiner, shall, in all circumstances, be final in respect of academic judgment and grading.

## **10 Absence from assessment and impaired performance in assessments**

- 10.1 Subject to 10.2, below, a student who fails to attend any assessment fails the relevant assessment.
- 10.2 Where a student provides evidence of reason(s) for absence from an assessment and the Council accepts those reason(s) for absence as justified, the Council may allow the student the opportunity to attend another assessment at such time as the Council shall decide. This assessment will count as the student's first attempt at the relevant assessment.
- 10.3 Where a student provides evidence of circumstances contributing to under-performance in an assessment and the Council accepts that those circumstances caused that under-performance, the Council may allow the student to take a further assessment, which will count as the student's first attempt at the relevant assessment.
- 10.4 A student who wishes the Council to exercise any of its powers under this Regulation :
- (i) shall make a written application within a period of fourteen days beginning with the date of the assessment

- (ii) shall include in the written application full details of the circumstances to be considered by the Council, and
- (iii) shall include in the written application such supporting evidence as may be relevant

The Council may require the student to supply such further details and supporting evidence as the Council may consider relevant before considering any application under this regulation

## **11 Late Submission and non-submission of Practical Legal Research Answer.**

- 11.1 Students must submit TWO hard copies of any Practical Legal Research answer and retain one further exact copy in case he or she be required by the examiner to present it.
- 11.2 Subject to 11.4 and 11.5 below, the assessed Practical Legal Research answer must be personally submitted by the student no later than the published date and time for submission as stipulated by the Director. Students will be informed of the place and time of submission prior to the submission date. Submission will be deemed to have taken place only where the student has signed against his or her name on the submission list, which will be available when handing in, and his or her submission witnessed by the person prescribed by the Director. Submission by fax or email is not permitted.
- 11.3 (a) Subject to clause (b), where a Practical Legal Research answer is submitted after the date of submission, 5 marks shall be deducted from the total assessment mark available for the assessment for each working day after the submission date, up to the maximum of 5 working days. Any submission after 5pm on the submission date will be deemed to have been submitted on the following working date.  
  
(b) Any answer received more than 5 working days after the submission deadline will receive a mark of '0'.

### **Extensions**

- 11.4 Students may seek an extension of the date for submission of the Practical Legal Research answer for cause. The Director has power to allow such extensions. The Director shall stipulate, upon granting the extension, a date and time for submission. Printing delays, diskette corruption or loss and computer faults will not be regarded as sufficient cause. An extension will normally only be granted where it is sought prior to the date of due submission.
- 11.5 Where an extension is not granted in advance of the published submission date, the Director retains a discretion to excuse late submission and grant permission to submit the Practical Legal Research answer on a date stipulated by the Director, where the student demonstrates:
  - (a) good reason why an extension has not been applied for in advance of the relevant submission date

and

  - (b) good cause why the paper has not been submitted in accordance with this rules

Where the Director exercises his discretion in favour of the student under this rule, and that student complies with that extension, rule 11.3 shall not apply.

### **Failure to comply with an extension**

11.6 Where a student is granted an extension in accordance with 11.4 or 11.5 in respect of his Practical Legal Research submission and that student subsequently fails to submit the paper within the time stipulated by the Director, 5 marks shall be deducted from the total assessment mark available for the assessment for each working day after the extended submission date, up to the maximum of 5 working days. Any submission after 5pm on the submission date will be deemed to have been submitted on the following working date. Subject to the rule that, should the submission be received more than 5 working days after the extended submission deadline it will receive a mark of '0'.

### **12 Appeals against decisions of the Council**

12.1 All decisions relating to academic judgment are final.

12.2 Subject to 12.1 above, where the Council has made any determination under these rules, the Council shall inform the student affected that he or she shall have a right of appeal, within twenty eight days of such determination, to the 'Professional Practice Course Appeal Board' ('PPCAB') and the decision of the Board shall be final and not subject to any further appeal.

### **13 General Power of the Council**

13.1 Pursuant to regulation 30(1) of the Legal Practitioners (Student) Regulations 2008 Revision, the Council shall, in addition to other powers granted under the Regulations, have power

- (a) to exclude from any assessment any student who has not attended to the satisfaction of the Director any course of study provided for in the regulations or who has not properly completed to the satisfaction of the Director the written or other work in connection with any such course of study
- (b) to review the progress of the student and to make a declaration, where appropriate, that the performance of a student is unsatisfactory, and that he should be required to withdraw from the PPC.
- (c) to discipline a student (including the power to direct that he leave the Law School) for any conduct which, in the opinion of the Council, is detrimental to the law School or its students

13.2 Pursuant to regulation 30(2) and (3) of the Legal Practitioners (Student) Regulations (2008 Revision), where the Council has made any determination under regulation 30(1) of the said regulations, the Council shall inform the student affected that he or she shall have a right of appeal, within twenty eight days of such determination, to the PPCAB, and the decision of the Board shall be final and not subject to any further appeal.

### **14 Cheating**

A student who cheats (which includes copying or plagiarizing the work of any other student or person) or has knowingly helped another student to cheat in any assessment is subject to the Law School disciplinary procedures.

## ENQUIRIES

Enquiries in relation to this programme should be directed to either the Director of Legal Studies ([mitchell.davies@gov.ky](mailto:mitchell.davies@gov.ky)) or to the Course Leader, Mr Andrew Woodcock ([Andrew.Woodcock@gov.ky](mailto:Andrew.Woodcock@gov.ky))