



OXFORD  
**BROOKES**  
UNIVERSITY

Post Graduate Diploma in Legal Practice (Cayman Islands)  
[also known as Professional Practice Course ('PPC')]

**Information Booklet 2020-2021**





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## INTRODUCTION TO THE TRUMAN BODDEN LAW SCHOOL

The Truman Bodden Law School (formerly the Cayman Islands Law School) was opened on 27th September 1982 by the then Governor, Mr. Peter Lloyd. As from March 2005, the Law School has been located on the second and third floors of Monaco Towers, #54 Edward Street, George Town.

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 a more recently approved University of Liverpool LL.M programme in the Law of International Finance and Regulation. In addition, the Law School provides a direct route to qualification as an Attorney-at-Law of the Cayman Islands, which follows successful completion of the postgraduate Professional Practice Course ('PPC').

Since September 2017, a student who successfully completes the Qualifying Examination of the PPC will be awarded a Post Graduate Diploma in Legal Practice by Oxford Brookes University. The PPC has been validated by Oxford Brookes University and operates under the supervision of the Legal Advisory Council, comprising the Hon. Chief Justice, the Hon. Attorney General and two representatives from the Cayman Islands Legal Practitioners Association ('CILPA').

The aim of the Law School is to provide students with a standard of legal education equivalent to that prevailing at good UK universities. The validation of the postgraduate PPC programme by Oxford Brookes University and the long-standing affiliation of the Law School with the University of Liverpool in the provision of its degree programmes are key partnerships and essential to achieving this aim. Consistent with the legal education experience in other law schools, TBLS students should anticipate an exciting and challenging experience; less commonly however, TBLS students will not encounter over-populated classes as TBLS has an enviable student: lecturer ratio in all classes.

The PPC course is supported by three key textbooks written by current or former TBLS staff that are available for purchase from the Law School at a price of CI\$110 each. The textbooks cover the following areas of local law: Cayman Conveyancing Law, Cayman Criminal Procedure and Cayman Civil Procedure. 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. We also have a full time Library Assistant, Victor Villarin. 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 Legal Practitioners Law (2015 Revision) and the Legal Practitioners (Students) Regulations (2018 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. The Regulations can be found on the Law School website [www.lawschool.gov.ky](http://www.lawschool.gov.ky),

## 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. You 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 PPC, certified by the Cayman Islands Legal Advisory Council; and (ii) An eighteen month period of articles of clerkship.

The entry requirements for the PPC are laid down in the Legal Practitioners (Students) Regulations (2018 Revision). Candidates must be Caymanian or have Caymanian status, or hold the consent in writing of the Governor in Cabinet. In addition, students must have successfully completed the Liverpool University LL.B. degree with at least a Lower Second Class classification or hold a qualification deemed to be equivalent to it by the Legal Advisory Council. The Degree, or equivalent, must have the status of a Cayman Qualifying Law Degree pursuant to Regulation 27D of the Legal Practitioners (Students) Regulations (2018 Revision).

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) will entitle the student to the award of a Post Graduate Diploma in Legal Practice (Cayman Islands) awarded by Oxford Brookes University. This certificate 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 student 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. A description of the procedure is found in the Students Regulations. Securing articles is the student'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.

**THE QUALIFYING EXAMINATION -  
Post Graduate Diploma in Legal Practice (Cayman Islands) awarded by  
Oxford Brookes University**

**Programme Learning Outcomes**

At the end of the PPC, successful students should be able to:

1. Research and apply knowledge of the law and legal practice accurately and effectively;
2. Identify the client's objectives and different means of achieving those objectives and be aware of:
  - the financial, commercial and personal priorities and constraints to be taken into account;
  - the costs, benefits and risks involved in transactions or courses of action
3. Perform the tasks required to advance transactions or matters
4. Understand the key ethical requirements contained in the Cayman Code of Conduct for attorneys-at-law, understand where these may impact and be able to apply them in context
5. Demonstrate their knowledge, understanding and skills in the areas of:
  - Professional Conduct and Ethics;
  - Legal Accounts;
  - the core practice areas of Corporate Practice, Conveyancing, Civil and Criminal Procedure and Evidence, Cayman Probate and Succession Law and Cayman Statute Law
  - Practical Legal Research,
  - Legal Skills such as Writing, Drafting, Negotiating, Interviewing and Advising, and Advocacy.
6. Transfer skills learnt in one context to another
7. Reflect on their learning and identify their learning needs

## Curriculum and method of instruction

The PPC will commence with a one week Induction programme where the curriculum and methods of assessment will be explained to you. You will also be introduced to the teaching and learning strategy of the PPC and how the PPC is designed to meet the learning outcomes and prepare you for entry into articles. The induction will introduce you to the Cayman legal system and primary and secondary sources of Cayman Law, including textbooks to be used during your studies. You will be shown how to access Cayman and international legal resources both in hard copy and online. You will also learn about the Cayman Constitution including the legislative, executive and judicial functions of the Cayman Constitutional arrangements and how, as a British Overseas Territory, these relate to equivalent UK functions which you will have already studied in your undergraduate degree. You will learn about the Cayman Bill of Rights and its influences on the way law is made and interpreted in the Islands. There will also be an opportunity to visit the Cayman Courts and meet representatives of the Cayman Islands Legal Practitioners Association who will introduce you to the workings of the local legal profession.

Students will undertake a total of 120 Credits for the PGDip, which will be undertaken at Level 7 of the Framework for Higher Education Qualifications. Level 7 is typically a Masters or Postgraduate Diploma level of study, which requires a high degree of independent learning from students, informed by undergraduate study. In particular, this level of study prepares students with analytical and decision-making skills, applicable to professional employment.

Modules to be studied are:

Module Title	Credits	Level	Status	Coursework: Exam ratio
Conveyancing	10	7	Compulsory	0:100
Litigation, comprising both Civil and Criminal Procedure and Evidence	30	7	Compulsory	0:100
Cayman Probate and Succession Law	10	7	Compulsory	0:100
Legal Accounts	5	7	Compulsory	0:100
Corporate Practice	20	7	Compulsory	0:100
Cayman Statute Law (Private Client)	10	7	Compulsory	0:100
Professional Conduct and Ethics	10	7	Compulsory	0:100
Practical Legal Research	10	7	Compulsory	100:0
Legal Skills	15	7	Compulsory	competent/not competent

The modules will be undertaken in the following order:

## Term One

- Professional Conduct and Ethics
- Litigation: Civil Procedure and Evidence
- Cayman Probate and Succession Law
- Legal Accounts
- Legal Skills
- Corporate Practice Part I

## Term Two/Three

- Litigation: Civil Procedure and Criminal Procedure and Evidence
- Cayman Statute Law (Private Client)
- Conveyancing
- Corporate Practice Part II
- Practical Legal Research

Please see details of each of these modules in the following pages, including individual module outcomes.

You will find that the emphasis of the PPC 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.

## **Teaching, Learning and Assessment Strategy**

The demands of the PPC require a particular approach to teaching and learning.

Our teaching follows the "tell, show, do, review" sequence. In other words, you are told the relevant legal principles or procedure; shown how the principles apply to the particular transaction or shown a demonstration of a particular skill; you then try out the process of application yourselves, or attempt the particular skill; and finally you review your work with your tutor and peer group..

On the PPC we concentrate on **active learning**. The emphasis is thus on simulations by students of tasks undertaken by Attorneys-at-Law in practice which you will usually perform in groups, under the supervision of the tutor, followed by feedback (or "review") in plenary session of the work performed in small groups.

**Practical focus.** On the PPC the focus is on

- Applying legal principles; and
- Addressing the client's needs and objectives.

This means working systematically through the key points that must be addressed in order to give the client what they want. It follows from this that there is ample scope on the PPC to develop skills needed by an articled clerk about to enter practice.

## **Teaching**

Teaching is informed by the principle of active learning, so most of the teaching is in practical workshop sessions (Small Group Sessions/SGSs) where you will undertake, under the supervision of the tutor, the kind of tasks that you would be expected to perform as articulated clerks in practice.

The emphasis in the sessions is on problem solving and applying legal principles (taught by an introductory lecture, or by directed preparatory reading) to practical exercises such as interviewing and advising a client, negotiating a settlement, drafting a letter to client, or an affidavit in support of proceedings, or making an application to court. The activities incorporate relevant legal skills and you are expected to demonstrate a sound understanding of the legal principles and procedures studied whilst carrying out the activities. Tutors take an active role in the sessions, challenging and testing the students' understanding.

Some sessions involve the tutor demonstrating legal principles and procedures by way of lecture, with students undertaking practical exercises as take home exercises to be submitted for individual feedback and generic feedback in a subsequent session.

As a guideline, you are expected to take approximately **three hours to prepare take home exercises or to prepare for a two hour SGS** involving skills based activities which require preparation, such as drafting documents and affidavits, preparing legal submissions, negotiating settlements and advising clients.

Where SGSs include activities involving oral skills, you will be provided with subsequent opportunities to demonstrate knowledge and application of these skills in the form of written assignments based on past assessment questions. This will enable you to understand the principles and procedures and apply them in both a practical setting and an assessment setting. The active learning technique used for preparation and performance of practical activities thereby enhances your understanding of the matters upon which you will be assessed and better enables you to demonstrate the module and programme learning outcomes.

## **Assessment**

Knowledge, understanding and application in the core practice areas of civil procedure, criminal procedure, probate and succession law, conveyancing, corporate practice, Cayman statute law, and professional conduct and ethics are tested by written, unseen, supervised assessments where you can take in only Cayman statutes and regulations and Codes.

Knowledge, understanding and application in the area of Accounts are tested by separate closed book supervised assessment where you perform accounting tasks and answer multiple choice questions.

Practical Legal Research is tested by an unsupervised assessed coursework where you have to produce an advice to a client or a memorandum of research for a principal in circumstances which closely replicate that to be expected during articles.

The unseen assessments in all modules reflect the types of realistic activities that have been set in-course and replicate the kind of tasks an articulated clerk may be required to carry out in practice. They require you to demonstrate understanding and application of the relevant principles and procedures and not the mere regurgitation of materials. You are also given an opportunity to perform a formative assessment and receive feedback on your performance in advance of summative assessments in each module.

Assessments are set internally, subject to approval by the PPC external examiners. All papers are internally assessed by the academic staff of the Law School and moderated by the Oxford Brookes University Liaison Manager, and are subject to further scrutiny by the PPC external examiners, whose academic judgment is final. Examination results will be approved by the Oxford Brookes University Examination Committee and will be released to Students in late June/early July.

### **Feedback on Summative Assessments**

Once final module marks have been confirmed by the Examination Committee and released to you, you can make an appointment with Module Leaders to view scripts and receive feedback on your summative assessments.

## **PREPARATION FOR EMPLOYMENT**

The programme has been designed to prepare you for employment in the legal profession. This is reflected in the continuous liaison between members of the teaching team at TBLS and members of the legal profession in the Cayman Islands, including supervision by the Legal Advisory Council, to ensure that the programme is up-to-date and meets the current demands of the legal profession in the Cayman Islands.

You are given continuous exposure to the legal profession in a number of ways during the course of the PPC. A number of the teaching staff, and visiting speakers, on the PPC are current local legal practitioners and senior members of CILPA. Thus, whilst being trained in the core knowledge and skills relevant to legal practice, you are exposed to the commercial and practical realities of life as a legal professional in the islands. Frequent networking opportunities also arise with regular visits to the school, and invitations to law firm's offices, by local Law firms actively engaging with the PPC students to discuss scholarship and training opportunities. All students are invited to be student members of CILPA with the opportunity to become actively engaged in educational and social activities of the association as well as exposure to current issues affecting the professions. You are strongly encouraged to help organise and take part in any lectures offered by CILPA in which local legal professionals share their expertise in a wide variety of legal subject area relevant to the local profession.

There is also considerable emphasis placed on employer engagement and employability in the context of extra-curricular activity. You will have the opportunity to participate in the American Caribbean Law Initiative ('ACLI') Legal Clinics which are hosted bi-annually by member law schools of ACLI. These clinics involve the host law school (including the Truman Bodden law School, which most recently hosted the clinic in March 2016) working with its Attorney General's office to refer current legal problems to the Caribbean Law Clinic.

Students of the participating Law Schools travel to the host jurisdiction and, under faculty supervision, research and write reports and memoranda in mixed jurisdictional teams and present their findings to the Government who referred the problem to the clinic or members of the host country's judiciary.

Though the PPC programme has been designed for students wishing to become lawyers in mainstream private practice, the skills and knowledge acquired on the programme could be readily transferred to other types of career, such as:

- In-house lawyer
- Civil servant
- Compliance professional

- Financial Services professional
- Police
- Probation Service
- Government Legal Service

## TEACHING AND ASSESSMENT PATTERN 2020/21: PPC

### Semester One:

14 September 2020	Week 0	PPC Induction
21 September 2020	Week 1	
28 September 2020	Week 2	
5 October 2020	Week 3	
12 October 2020	Week 4	
19 October 2020	Week 5	
26 October 2020	Week 6	
2 November 2020	Week 7	
9 November 2020	Week 8	
16 November 2020	Week 9	
23 November 2020	Week 10	Mock exams
30 November 2020	Week 11	
7 December 2020	Week 12	

*Christmas Vacation:* 19 December 2020 – 8 January 2021

### Semester Two:

11 January 2021	Revision
18 January 2021	Assessments
25 January 2021	Assessments
1 February 2021	Week 1
8 February 2021	Week 2
15 February 2021	Week 3
22 February 2021	Week 4
1 March 2021	Week 5
8 March 2021	Week 6
15 March 2021	Week 7
22 March 2021	Week 8
29 March 2021	PLR Week

*Easter Vacation:* 29 March - 16 April 2021  
(The PPC Practical Legal Research Exercise is due to be submitted by 4 pm on Tuesday 6 April 2021)

19 April 2021	Week 9
26 April 2021	Week 10
03 May 2021	Week 11
10 May 2021	Week 12
17 May 2021	Revision
24 May 2021	Assessments
31 May 2021	Assessments

**End of Academic Session:** 11 June 2021

PPC PLR Resit release	26 July 2021
PPC PLR Resit	3 August 2021 (by 4 pm)
PPC Resit Assessment Period	9-20 August 2021

## 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 able to demonstrate a sound understanding of the legal principles and concepts underpinning Cayman Land Law and the legal and procedural rules of Conveyancing.
- 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

LEARNING HOURS	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	10 hours
Seminars	0 hours
Practical classes/workshops	15 hours
<i>Guided independent study*</i>	
Directed/independent study	75 hours
Preparation for assessments	50 hours
<b>TOTAL:</b>	<b>150 hours</b>

**Assessment:** A one hour and thirty minutes, unseen, written examination.

## 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:

- Able to demonstrate a sound understanding of the legal principles and concepts underpinning 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, and able to use, key 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.

No local textbook is available for this Module. Course materials will be provided.

LEARNING HOURS	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	5 hours
Seminars	0 hours
Practical classes/workshops	15 hours
<i>Guided independent study*</i>	
Directed/independent study	45 hours
Preparation for assessments	35 hours
<b>TOTAL:</b>	<b>100 hours</b>

**Assessment:** A one hour and thirty minutes, unseen, written examination.

## LITIGATION

### Module Content

This module concerns the rules and procedures applicable to both civil and criminal litigation. In doing so you will familiarise yourself with the workings, rules and procedures in the Grand Court and Summary Court in both civil and criminal contexts. You will learn how to initiate proceedings and about the rules and procedures which must be followed during the course of litigation until final disposal of the matter and any appeal is pursued. The module will also include a brief look at the various types of alternate dispute resolution available in the Cayman Islands.

### Learning Outcomes

By the end of the course you should be:

- Aware of how civil or criminal cases are started, progressed and ended in the Cayman courts and be able to understand the various stages of litigation;
- Aware of alternative methods of dispute resolution;
- Able to prepare for a hearing in the Grand or Summary Court, in a basic civil and criminal matter;
- Aware of what typical procedural or evidential issues may arise in a civil and criminal case;
- Capable of making appropriate, informed decisions and advising a client on how to act with regard to the various stages of civil and criminal litigation; and
- 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.

Texts: Barker-Roye, *Civil Litigation in the Cayman Islands*  
Barker-Roye, *Criminal Litigation in the Cayman Islands*

LEARNING HOURS	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	20 hours
Seminars	0 hours
Practical classes/workshops	64 hours
<i>Guided independent study*</i>	
Directed/independent study	196 hours
Preparation for assessments	120 hours
<b>TOTAL:</b>	<b>400 hours</b>

**Assessment:** Examination: a 3 hour written examination to assess Civil Litigation and a 1.5 hour paper to assess Criminal Litigation.

## 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	Client- Lawyer relationship: client identity, the retainer, costs and client care
Session 2	Conflicts of interest
Session 3	Undertakings and duties owed to the Court and third parties
Session 4	Confidentiality, disclosures and privilege
Session 5	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 able to demonstrate an awareness 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

No local textbook is available for this Module. Course materials will be provided.

<b>LEARNING HOURS</b>	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	6 hours
Seminars	0 hours
Practical classes/workshops	4 hours
<i>Guided independent study*</i>	
Directed/independent study	20 hours
Preparation for assessments	20 hours
<b>TOTAL:</b>	<b>50 hours</b>

**Assessment:** A two hour, unseen, written examination

## 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:

- Able to demonstrate a sound understanding of the legal principles and concepts which underpin Cayman Law in the areas studied and able to apply those in a practical, problem-solving context.
- Aware of, and able to deploy, key 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

No local textbook is available for this Module. Course materials will be provided.

LEARNING HOURS	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	20 hours
Seminars	0 hours
Practical classes/workshops	10 hours
<i>Guided independent study*</i>	
Directed/independent study	30 hours
Preparation for assessments	40 hours
<b>TOTAL:</b>	<b>100 hours</b>

**Assessment:** A two hour, unseen, written examination

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

This 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:

- Able to demonstrate a sound understanding of the legal principles and concepts underpinning Cayman Corporate Practice and be able to apply those in a practical, problem-solving context.
- Demonstrate an understanding of the various forms of business entity and advise a client regarding the most appropriate form of entity for its needs.
- Demonstrate a sound understanding of the 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, directors duties, transactions involving shares , company records and filings, changes to memorandum of association and articles of association
- Demonstrate a sound understanding of 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.

No local textbook is available for this Module. Course materials will be provided.

<b>LEARNING HOURS</b>	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	20 hours
Seminars	0 hours
Practical classes/workshops	10 hours
<i>Guided independent study*</i>	
Directed/independent study	90 hours
Preparation for assessments	80 hours
<b>TOTAL:</b>	<b>200 hours</b>

**Assessment:** Part I - A two hour, unseen, written examination  
 Part II - A one hour, unseen, written examination

## LEGAL ACCOUNTS

### 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 one) 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
- Demonstrate a sound understanding of 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

No local textbook is available for this Module. Course materials will be provided.

LEARNING HOURS	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	2 hours
Seminars	0 hours
Practical classes/workshops	10 hours
<i>Guided independent study*</i>	
Directed/independent study	20 hours
Preparation for assessments	18 hours
<b>TOTAL:</b>	<b>50 hours</b>

**Assessment:** A two hour, unseen, written examination

## 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
- Able to show an understanding of 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 Student 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

No local textbook is available for this Module. Course materials will be provided.

<b>LEARNING HOURS</b>	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	0 hours
Seminars	0 hours
Practical classes/workshops	26 hours
<i>Guided independent study*</i>	
Directed/independent study	74 hours
Preparation for assessments	0 hours
<b>TOTAL:</b>	<b>100 hours</b>

## PRACTICAL LEGAL RESEARCH

### 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.

### 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

No specific text is prescribed for this module. As a research module, students will be expected to make reference to appropriate texts and cases from the relevant subject area.

LEARNING HOURS	
<i>Scheduled learning and teaching activities (contact hours)*</i>	
Small Group Lectures	0 hours
Seminars	6 hours
Practical classes/workshops	4 hours
<i>Guided independent study*</i>	
Directed/independent study	20 hours
Preparation for assessments	20 hours
<b>TOTAL:</b>	<b>50 hours</b>

**Assessment:** 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 (see next section for more detail). 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.

## TBLS ACADEMIC INTEGRITY POLICY

TBLS and Oxford Brookes University have strict rules to ensure that students' work for assessment is actually the result of their individual effort, skills and knowledge and has not been produced by means that will give an unfair advantage over other students.

### **Plagiarism - what is it?**

Plagiarism is presenting or submitting someone else's work (words and ideas) intentionally or unintentionally, as your own. This is considered to be a form of cheating and may be subject to disciplinary action.

Students suspected of breaking the TBLS regulations regarding plagiarism and collusion will be referred to a TBLS Academic Conduct Officer who will investigate the case thoroughly before deciding on the most appropriate way to resolve the situation within the TBLS Regulations.

You need to be aware that the professional bodies consider any behavior not compatible with that expected of an attorney or authorized role holder may result in being refused entry to the profession. Deliberate academic misconduct may fall into this category.

The Academic Conduct Officer (ACO) for TBLS is the Director of Legal Studies. Their role is to implement the processes and procedures that TBLS has in place to deal with concerns that sometimes arise around issues of plagiarism. Plagiarism is something of a blanket term and can refer to:

- **Copying:** using the same or very similar words to the original text (whether in a book, journal, website or any other source) without either acknowledging the source or using quotation marks. This also applies to images, pictures and melodies.
- **Paraphrasing:** changing a few words and phrases from the original but retaining too much of the original structure and expressions.
- **Collusion:** working with others but passing off the work as your own individual work
- **Duplication:** submitting work for one module which had been already submitted for another.

### **Procedure for the investigation of alleged academic misconduct**

If a module leader is concerned that a piece of work contains plagiarism, they will pass the work to the ACO. There is then a set procedure to be followed in all cases.

Firstly, no mark will be given for the piece of work until the case has been resolved. This means that the student may not get their piece of work and/or mark back when the work is returned. Secondly, the ACO will, in due course, invite the student in question in for an investigative interview, where the concern will be explored. Based on the investigative interview, and the evidence supplied by the module leader, the ACO will then make a decision as to whether the student's work breached the student conduct regulations. If it does, a disciplinary interview will be held (normally immediately following the investigative one) where any penalty will be decided upon. There is a tariff of penalties set out in the PPC Assessment Code which take into account the severity of the breach and whether it is a first offence or not. Penalties include deduction of marks (up to and including zero for the entire module) in serious

and or/repeat offences. The ACO can also refer exceptionally serious cases to the Legal Advisory Council .

Students are frequently anxious about the ACO process and, understandably, want the issue resolved at once. They should try to be patient and not to panic. That a piece of work has been referred to the ACO does not necessarily mean that a penalty will follow. There may be a satisfactory explanation and no penalty as a result. But TBLS and the awarding body, Oxford Brookes University, take plagiarism seriously and we hope that you understand that we have to take the issue seriously.

## ACADEMIC APPEALS

Section 12 of the PPC Assessment Code provides for a process for students to appeal to Oxford Brookes against a decision of the Examination Committee if it is believed an error has occurred under the grounds stated in the Oxford Brookes regulations, which are as follows:

1. The assessment was not conducted in accordance with the regulations for the programme
2. The judgement of an examiner(s) was affected by personal bias
3. There was an administrative error or some other irregularity in the conduct of the assessment causing the assessment decision to be significantly different

There is no appeal against academic judgment, but if you wish to appeal a decision of the Examination Committee on one or more of the grounds stated above you should immediately advise the PPC Course Leader who will give advice on the process to be followed in accordance with the Oxford Brookes University Regulations (Regulation C3.10) <https://www.brookes.ac.uk/students/your-studies/student-disputes/academic-appeals/>

## STUDENT ROLE AND REPRESENTATION

As a student at TBLS your views and input are greatly valued and you are encouraged to engage fully in all aspects of student life including taking part in processes inviting student representation and feedback. There are a number of ways in which student representation and feedback are encouraged at TBLS. These are: the Student Society and its council, regular staff-student liaison committee meetings, periodic student feedback and the pastoral tutoring scheme.

The Cayman Islands Law Student Society is the representative body of all students at TBLS. The student council is responsible for student representation. Elections for the positions of President, Secretary, Treasurer, Course Representatives and Programme Representatives, including the PPC, are held annually. Staff-student liaison meetings take place each semester. In these meetings the Student Representatives bring forward issues raised by the student body for the attention of the Director of Legal Studies and staff of TBLS. You will be asked early in the academic year to elect a student representative to represent the PPC students in the Student Council and to attend staff-student liaison meetings to bring to the attention of the Law School any matters specifically raised by the PPC students.

Student representation is also a key component of the PPC Programme Committee. Membership of this committee includes the PPC Course Leader and all TBLS teaching staff together with at least one student representative. The remit of this Committee includes monitoring of the PPC programme delivery and recommendations for change. This involves amongst other things, considering student feedback, receiving and approving the Annual Programme Review report and External Examiners' reports. You will therefore have an opportunity to bring the student perspective to the Committee and influence development and enhancement processes based on student feedback and the annual External Examiners' reports, which will also be made available to the students in the Law School Library.

Each semester you will be asked to give formal feedback on individual modules through student feedback questionnaires. This feedback is very important and gives TBLS an opportunity to monitor the quality of your studies and address any issues as quickly as possible. The forms will be filled out anonymously at the end of a lecture or tutorial, in the absence of the tutor and a representative of the class will be given responsibility for collecting the forms and giving them to the Director of TBLS. The Director will review the anonymous forms and take action where appropriate. The results of the questionnaires are reviewed also with a view to feeding into the Programme Committee meetings as an agenda item for discussion.

## STUDENT MATTERS AND STUDENT SUPPORT

### 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 you have the best opportunity to develop your abilities and skills, and in which you can feel sufficiently at ease and sufficiently challenged to develop the knowledge, analytical and application 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 your wellbeing and your academic success by enabling you to feel regarded as an individual.

The formal support structure of the TBLS is constituted by the roles and responsibilities 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 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 Personal Tutor:**

Personal Tutors will assist in the running of the TBLS Personal Tutor Scheme with the support of the Director of the Legal Studies.

Personal tutors will:

- 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 Truman Bodden 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 Truman Bodden Law School regards students as individuals;
- Make a point of interesting themselves in the wellbeing of their tutees.

### **The 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.

### **Support for Students with Disabilities or Additional Learning Needs**

Students with a disability or additional learning needs are encouraged to identify themselves to, and meet with, the TBLS Disability Support Officer, Dr Derek O'Brien, early in the academic year so that the DSO can begin the process of providing appropriate support. If you declare a disability or special learning needs and request special provision (in terms of teaching and learning support or exam access provision) you will be asked to provide evidence of this in the form of medical evidence or, where appropriate, an educational psychologist report. Where appropriate, TBLS encourages students to consult a locally qualified educational psychologist from a list recommended by the Cayman Islands Department of Education.

Appropriate adjustments, as recommended by your medical or educational support specialist may include, where appropriate:

- Changes to assessment conditions (such as extra writing time or rest breaks);
- The use of mechanical and electronic aids or specialists software (for e.g., the provision of a secure computer in circumstances where it will not jeopardise the security of the exam);
- Modification to the presentation of assessment material;
- Alternative ways of presenting responses (such as orally using a scribe);
- Use of access facilitators (such as a scribe/amanuensis).

## **Illness**

You should seek medical documentation when you experience illness which results in your absence from classes. You are encouraged to see your 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.

## **Personal difficulties/mitigating circumstances and assessments**

If you experience personal difficulties during your studies, you are encouraged to seek advice and support from your personal tutor. Whilst information will be kept in confidence, students should inform the Law School in writing (where possible) and this information will be placed on your confidential file for future reference.

### **Seeking an extension of time for submitting a Practical Legal Research assignment.**

If you experience illness or other personal difficulties at the time when the Practical Legal Research assignment is due, you may seek an extension of the date for submission of the Practical Legal Research answer, for cause, in accordance with Section 11 of the PPC Assessment Code and the table below.

### **Absence from, or under-performance in, an assessment due to mitigating circumstances.**

In the event that you miss an assessment or consider that your preparation for such assessment was seriously affected due to mitigating circumstances beyond your control, you should complete a mitigating circumstances form and submit it to the PPC Course Leader with supporting documentation within 14 days of the date of the missed assessment, as provided for in the PPC Assessment Code. It is important to note that no illness or mitigating circumstance will be taken into account if there is no documentary evidence to support a claim. The onus is on you to provide this evidence.

### **Mitigating Circumstances Panel**

- i. The Mitigating Circumstances Panel membership is as follows: The PPC Leader (Chair), the Director of Legal Studies, plus one representative from Oxford Brookes University (the Liaison Manager) (or one of the Programme Leads for the School of Law of Oxford Brookes University if the Liaison Manager is not available).
- ii. Mitigating Circumstances requests should be submitted to the PPC Course leader, together with supporting evidence. The process for consideration of Mitigating Circumstances will be as follows:

	Evidence Submitted To...	Evidence Considered By...	Allowance Determined By...	Outcome Relayed By...	Evidence Held By...	Self-certification accepted?
During study (to extend a deadline by up to 1 week)	PPC Course Leader (TBLS)	Director of Legal Studies or his delegate  (TBLS)	Director of Legal Studies or his delegate  (TBLS)	PPC Course Leader  (TBLS) : verbal and confirmed by e-mail or letter	TBLS	No
During study (for extensions of more than 1 week up to 3 weeks)	PPC Course Leader  TBLS	MCP Sub-group (at least two people drawn from the MCP)	MCP Sub-group (at least two people drawn from the MCP)	TBLS: e-mail or letter	TBLS	No
By the MCP deadline	PPC Course Leader  TBLS	MCP*	Exam Committee	TBLS: e-mail or letter	TBLS	No
After an Examination Committee (late submissions) **	TBLS	MCP Chair	Chair on behalf of the Exam Committee	Chair on behalf of the Exam Committee	TBLS	No

### 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. You 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 TBLS staff. Spaces 11 through 20 are open TBLS 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, TBLS 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. TBLS accepts no 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 removed.

### **Post**

You are encouraged to apply to the post office for a 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 (in the main open area outside the Tutorial Room) dedicated to the PPC. Any notices for PPC Students will be pinned to this board only. You should therefore check this notice board regularly every day.

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

You 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.

## **THE LAW SCHOOL LIBRARY**

The purpose-built, Law School library is located on the second floor of the Law School. All registered TBLS 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 C\$2.00 per book, per day overdue. Library officers have been instructed to enforce this system rigidly in the interests of all library users.

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 you borrow a book. You 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.

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. Technical Computer assistance is provided to you by the Cayman Islands Government Computer Services Department. If you require log in assistance or assistance with the computers and printers in the computer room, you should contact the Computer Services helpdesk via the Law School Receptionist /Administrative Assistant.

### **Opening Hours and Borrowing**

The Library is an integral part of the Truman Bodden 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 sometimes on Saturday afternoons. Extended library opening is subject to student demand and may be reviewed 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 twice and renewals will not be allowed at all where another user has reserved the item.

- Photocopying

A photocopying machine is available for student’s use in the Library. Photocopying is free but students are required to provide their own paper for the machine. Paper is available from Law School reception or the Law Student Society Office. **All copying is subject to Copyright laws.**

## IMPORTANT LAW SCHOOL INFORMATION

### **Study Space**

The Law School provides study space for you to work quietly or, if you prefer, to work in study groups. The library has a number of private study booths and there are open seating study areas both in the library and the computer room where students can study quietly. Students who wish to study together in less quiet environments can do so in the teaching rooms on the third floor outside of lecture times and also in the student common room on the third floor.

### **Student Common Room and refreshment facilities.**

The student common room, on the third floor, next to the Law Students Society Office has seating facilities, lockers and drinking facilities including a coffee maker, water fountain, fridge and microwave. There is a vending machine with snacks in the hallway on the third floor and there are many local cafes and coffee shops within 3-5 minutes walking distance of the Law School.

### **Student Toilets**

Student Toilets are located on the third floor of the Law School Building.

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

Please see below table for current staff and their contact details. All staff have an open door policy, and are available to see students during working hours, subject to their professional commitments.

### **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*

Kady Myers	-	Administrative Assistant
Antonette Vernon-Hamilton	-	Front Office Manager

#### *Library Support Staff*

Beverley Speirs	-	Librarian
Victor Villarin	-	Library Assistant

<b>Name</b>	<b>Position</b>	<b>Email Address</b>	<b>Tel</b>	<b>Ext</b>
Mitchell Davies	Director of Legal Studies	<a href="mailto:Mitchell.Davies@gov.ky">Mitchell.Davies@gov.ky</a>	9450077	222
Scott Atkins	Deputy Director/PPC	<a href="mailto:Scott.Atkins@gov.ky">Scott.Atkins@gov.ky</a>	9450077	223
Rhian Minty	Assistant Director	<a href="mailto:Rhian.Minty@gov.ky">Rhian.Minty@gov.ky</a>	9450077	230
Derek O'Brien	Senior Lecturer	<a href="mailto:Derek.Obrien@gov.ky">Derek.Obrien@gov.ky</a>	9450077	224
Andrew Perkins	Senior Lecturer	<a href="mailto:Andrew.Perkins@gov.ky">Andrew.Perkins@gov.ky</a>	9450077	225
Michael Bromby	Lecturer	<a href="mailto:Michael.Bromby@gov.ky">Michael.Bromby@gov.ky</a>	9450077	228
Marc Johnson	Lecturer	<a href="mailto:Marc.Johnson@gov.uk">Marc.Johnson@gov.uk</a>	9450077	234
Laura Panades-Estruch	Lecturer	<a href="mailto:Laura.Panades-Estruch@gov.ky">Laura.Panades-Estruch@gov.ky</a>	9450077	229
Kerry Lewis	Lecturer	<a href="mailto:Kerry.Lewis@gov.ky">Kerry.Lewis@gov.ky</a>	9450077	227
James Bagnall	Practitioner Tutor	<a href="mailto:James.Bagnall@ogier.com">James.Bagnall@ogier.com</a>		
Deborah Barker-Roye	Practitioner Tutor	<a href="mailto:Deborah.BarkerRoye@ogier.com">Deborah.BarkerRoye@ogier.com</a>		
Adam Johnson	Practitioner Tutor	<a href="mailto:AJohnson@solomonharris.com">AJohnson@solomonharris.com</a>		
Nick Joseph	Practitioner Tutor	<a href="mailto:njoseph@hsmoffice.com">njoseph@hsmoffice.com</a>		
Sandra Edun-Watler	Practitioner Tutor	<a href="mailto:sandra.edun-watler@walkersglobal.com">sandra.edun-watler@walkersglobal.com</a>		
Abraham Thoppil	Practitioner Tutor	<a href="mailto:Abraham.Thoppil@maplesandcalder.com">Abraham.Thoppil@maplesandcalder.com</a>		
Beverley Speirs	Librarian	<a href="mailto:Beverley.Speirs@gov.ky">Beverley.Speirs@gov.ky</a>	9450077	231
Victor Villarín	Library Assistant	<a href="mailto:Victor.Villarín@gov.ky">Victor.Villarín@gov.ky</a>	9450077	221
Kady Myers	Administrative Assistant	<a href="mailto:Kady.Myers2@gov.ky">Kady.Myers2@gov.ky</a>	9450077	225
Antonette Vernon-Hamilton	Receptionist	<a href="mailto:Lovisa.Vernon-Hamilton@gov.ky">Lovisa.Vernon-Hamilton@gov.ky</a>	9450077	233

### **TBLS 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 TBLS 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. A PPC representative will be elected from the PPC cohort at the beginning of the academic year, to represent the interests of the PPC students.

#### **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.

### **PPC Programme Committee**

The PPC Programme Committee is a key component of the Law School's Quality Assurance Framework and plays a key role in ensuring and monitoring the quality of the programme delivery as well as a being a forum to consider recommendations for development and enhancement of the Programme to ensure that it achieves its aims and meets standards expected by the awarding body, the Legal Advisory Council, the legal profession and other stakeholders.

The PPC Programme Committee meets once per semester and once at the end of the academic year to perform an Annual Programme Review.

The Committee is chaired by the PPC Course Leader and membership consists of TBLS faculty and teachers on the PPC Programme as well as at least one student representative.

### **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. TBLS is responsible for providing a safe environment and safe systems of work, but safety cannot be achieved without the full co-operation of everyone.

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

- takes reasonable care for the health and safety of themselves and others; and
- 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; and
- 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.

# COMPLAINTS PROCEDURE

## 1. TBLS COMPLAINTS PROCEDURE

### 1.1 General Principles

The Truman Bodden Law School ("TBLS") is committed to ensuring that students enjoy a high quality educational experience, supported by appropriate academic and administrative facilities. TBLS recognises, 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 Truman Bodden Law School or about actions or lack of actions by the 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; and
- Student disciplinary issues.

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

The Truman Bodden 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, TBLS 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 TBLS 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 Truman Bodden 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 Truman Bodden 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 Truman Bodden Law School's overall quality assurance framework. It will be circulated to all new students and staff.

## **1.2. 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 Truman Bodden 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 Truman Bodden 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 a 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.

### **1.3 THE FORMAL COMPLAINTS PROCESS**

The process described in paragraphs 1.1 – 1.2 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 to the Chair of the Law School Complaints Appeal Panel (“LSCAP”) and should enclose copies of the correspondence exchanged during the informal procedure and any other relevant papers.

The LSCAP shall acknowledge receipt of a formal complaint in writing within a reasonable time. Subject to the Panel being satisfied that the complainant has taken all reasonable steps to resolve the matter informally using the procedures detailed in paragraphs 1.1-1.2 above, the Panel shall either carry out an investigation into the complaint itself or appoint a person or persons, having no material interest in the complaint, to carry out an investigation. The Panel or the investigator(s) may seek to resolve the issue on the basis of documentation, after having sought further information from the member(s) of staff involved in the informal investigation of the complaint, or may 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.

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 at the law school outside of term time, TBLS will reimburse reasonable travel and subsistence expenses incurred by the complainant in attending the law school.

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

Following formal investigation of a student complaint, there shall be no further right of appeal and the decision of the LSCAP shall be final (subject to what follows below).

This represents the Law School's internal procedure for the handling of student complaints.

If a student is not satisfied that their complaint has been fully addressed, it may be pursued through the Oxford Brookes University complaints process as set out in the University's regulations (section C2) through the Oxford Brookes Liaison Manager, Dr Derek O'Brien.

<b>TBLS STUDENT DISCIPLINARY CODE (NON-ACADEMIC)</b>
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## **1.1 INTRODUCTION**

### **Statement of student conduct**

1.1 TBLS is committed to providing a high quality learning and teaching experience for all students. This can only be achieved if members of the TBLS community live and work beside each other in an environment which promotes respect.

1.2 Students of TBLS are expected to conduct themselves at all times in a manner which demonstrates respect for the Law School, its students and staff, and members of the wider community. Every student is an ambassador for the Law School and, accordingly, is expected to behave in a way that enhances its reputation.

## **1.2. Application of this Code**

2.1 This code applies to all registered students of Truman Bodden Law School.

2.2 Where a student has permitted a visitor to access any part of the Law School premises (whether that visitor is also a member of the Law School or not) that student shall be regarded as responsible for the conduct of their visitor, while present as a visitor. That means that the student may be taken to be responsible and punishable under this code for the misconduct of their visitor, and for any damage caused by their visitor, as if the misconduct or damage were their own.

2.3 It is intended that this code gives a framework for dealing with breaches other than those of the academic regulations of the Law School/University. A non-exhaustive list of offences is provided in paragraph 1.7 below. Although specific timings are not given for various proceedings, TBLS will, in the interests of justice, endeavour to act at all times as swiftly as is possible, while ensuring that cases are properly prepared and that students have time to respond to accusations made against them.

## **1.3 Disciplinary Authority**

Disciplinary authority over students may be exercised:

- (a) by the Legal Advisory Council pursuant to regulation 30(1) of the Legal Practitioners(Students) Regulations (2018 Revision)

- (b) In general by the TBS Director of Legal Studies under the informal procedures set out in Paragraph 1.9 below.

## **POWER OF SUSPENSION AND RESTRICTION**

- 1.4** Subject to the general principles set out in paragraph 1.3, and pursuant to Regulation 30(1) (c) of the Legal Practitioners (Students) Regulations (2018 Revision), the Legal Advisory Council may suspend or restrict a student suspected of any offence which could reasonably be expected to lead to the termination of the registration of the student if they were found guilty. A student may also be suspended or restricted if their behaviour is so uncontrolled that s/he poses a significant risk to themselves or to others or is significantly impeding the normal functioning of the Law School. This suspension or restriction may last until enquiries and/or police and/or court proceedings are concluded. In exercising the power to suspend or restrict, particular attention will be paid not only to the welfare and interests of the individual student, but also to the interests of fellow students and of the Law School itself.
- 1.5** If Police and/or court action occurs in respect of the alleged offence, the suspension or restriction may last until the completion or abandonment of the police and/or court proceedings. It is the responsibility of the student to keep Law School aware of the progress and the outcome of the proceedings and to furnish the Law School with any reports, recommendations and judgements that have been made. The student may remain suspended or restricted until a disciplinary hearing under this Code has been held.
- 1.6** If a suspension or restriction is for a period in excess of fourteen days or is extended beyond fourteen days, the student may appeal against the decision to the PPC Appeal Board pursuant to Regulation 30(2) of the Legal Practitioners (Students) Regulations (2018 Revision).

## **OFFENCES**

- 1.7** An offence is committed within the remit of this code when there is unjustified interference, in the broadest sense, with the proper functioning or activities of the Law School, or with those who work or study in the Law School, or when improper actions occur which otherwise damage the Law School. Specifically, but not exclusively, the following:
- a) disruption of, or improper interference with, the academic, administrative, sporting, social, or other activities of the Law School, whether on Law School property or elsewhere;
  - b) obstruction of, or improper interference with, the functions, duties, or activities of any student, member of staff of the Law School, or any authorised visitor to the Law School;
  - c) cheating or attempting to cheat or assisting another to do so in an assessed or summative examination;
  - d) violent, indecent, disorderly, threatening or offensive behaviour or language, whether expressed orally, in writing or electronically, towards any member of Law School irrespective of location, or to any other person whilst on Law School property or engaged in any Law School activity, including conduct which is deemed unacceptable or which is unlawfully discriminatory or could be deemed as harassing particular groups or individuals in the Law School;
  - e) engaging in any behaviour:

- i) which, even if self-directed, which could reasonably be seen to cause distress to other students or members of staff;
  - ii) which could reasonably be seen to cause other students or members of staff to fear for their safety or well-being;
  - iii) that interferes significantly with the normal operation of the Law School or with members of staff in the normal execution of their duties;
- f) distributing or publishing a poster, notice, sign, electronic or internet posting or any other publication either on Law School premises or computer networks, or relating to Law School affairs but displayed on premises or networks elsewhere, which is offensive, intimidating, threatening, indecent or illegal, or is likely to make others fearful, anxious or apprehensive or which could reasonably be expected to significantly and unfairly harm the standing or reputation or welfare of any student, member of staff or associate of the Law School;
  - g) fraud, deceit, deception or dishonesty in relation to the Law School or Law School staff, or in connection with the holding of any office in the Law School, in relation to being a student of the Law School or against any member of Law School;
  - h) misuse or unauthorised use of Law School premises or items of property, including computer misuse; damage to, or defacement of Law School property or the property of other students or staff, caused intentionally or recklessly, or the misappropriation of any such property;
  - i) any action likely to cause injury or impair safety on Law School premises or to Law School members in other locations;
  - j) action likely to impair security on Law School premises or which may jeopardise safety on Law School premises, including occupation of premises of which TBLS is the occupier
  - k) behaviour or actions which bring the Law School into disrepute or otherwise prejudice the legitimate academic aims of the Law School;
  - l) conduct which constitutes a criminal offence when that conduct took place on Law School premises, or in the course of Law School activities or against any member of the Law School; conviction of a criminal offence, irrespective of where committed, where the consequences of the offence could impact on Law School staff, students or property
  - m) failure to comply with any sanction imposed as a result of enforcement of this disciplinary code or contempt of these procedures

## GENERAL LAW SCHOOL DISCIPLINE

- 1.8** All non-academic complaints against students will be referred to the Director of Legal Studies.
- 1.9** **Informal procedure**
- 1.10** If the Director of Legal Studies considers that the offence, if proven, would require action, but merits a lesser penalty than that of termination of registration or suspension from Law School he will proceed under the informal procedures according to this paragraph.
- 1.11** The purpose of the informal procedure is to deal with matters of discipline fairly and quickly and where the matter is suitable to be dealt with informally.
- 1.12** A disciplinary matter is capable of being dealt with under the informal procedure providing that the following criteria are fulfilled:

- (i) Where the matter is, in the reasonable opinion of the Director of Legal Studies, suitable to be dealt with in this way. In determining whether the matter is suitable to be dealt with informally, the Director of Legal Studies will consider the nature of the offence, whether it is the student's first offence, whether the student admits the offence and any other relevant circumstances; and
- (ii) Where the student consents to the matter being dealt with in this way.

**1.13** The Director of Legal Studies shall, upon receipt of the allegation or complaint against the student, carry out a fair and reasonable enquiry. The Director of Legal Studies shall convene a meeting with the student at which the student shall be given the opportunity to hear details of the complaint or allegations made against him/her and to speak or write in his or her own defence. The student shall be entitled to have a friend or relative accompany him/her at the meeting and to submit his or her written defence to the allegations. Where the Director of Legal Studies, determines that there is a *prima facie* case against the student, he may determine that the matter is suitable to be dealt with informally in accordance with this section in which case the Director of Legal Studies will inform the student of this in writing, usually by letter. The letter will include details of the allegations of misconduct and the proposed sanction.

**1.14** The sanctions which may be imposed by Director of Legal Studies under the informal procedure are:

- (a) A warning; and/or
- (b) A formal apology in terms to be agreed by the Law School to any person adversely affected by the misconduct or any damage done to the Law School's relations with its members or outside community; and/or
- (c) A payment in compensation or restitution for damage or loss; and/or
- (d) Temporary withdrawal, suspension or reduction of any benefit, facility or privilege available to the student by virtue of his/her status as a student of the Law School not exceeding 1 week; and/or
- (e) Any other sanction which may be appropriate and proportionate in the circumstances taking into account the fact that the sanction is to be administered under the informal procedure and specifically excluding suspension and expulsion.

**1.15** If the student agrees that the matter should be dealt with in this way, the student must indicate his or her acceptance by signing the letter and returning it to the Director of Legal Studies by the date specified in the letter.

**1.16** By agreeing that the matter should be dealt with informally the student accepts that:

- (i) The offence has been committed by him/her;
- (ii) He or she shall comply in full with any sanction imposed by the Director of Legal Studies;
- (iii) There is no right to appeal; and
- (iv) The signed letter may be retained on the Law School's records and used as evidence of past misconduct in assessing any future allegations of misconduct. The signed letter will not be retained on an individual student's file and so it will not be used to determine references provided by the Law School in respect of the student to external sources.

**1.17** If the student does not agree that the matter should be dealt with informally, then he or she should complete the appropriate section in the letter, stating that he or she does not agree. The formal disciplinary procedure as set out in paragraph 1.19 will be instigated by the Law School within a reasonable period of time.

- 1.18** If the student fails to respond to the letter within the period of time specified in the letter, without good reason, the Law School may immediately instigate the formal disciplinary procedure.
- 1.19 Formal procedure**
- 1.20** The formal disciplinary procedure will be used where:
- (a) the Director of Legal Studies determines that it would be appropriate to do so, and in all cases where the Director of Legal Studies feels that the offence is of such severity as to merit termination of registration at the Law School or withdrawal from the Law School; or
  - (b) a student has elected that his or her alleged misconduct be dealt with under the formal procedure.
- 1.21** Where the circumstances in 1.20 above apply, the Director of Legal Studies shall refer the case to the Legal Advisory Council for hearing.
- 1.22** The student will be notified in writing that a hearing is to take place and that it could result in the termination of the student's registration. The date of the hearing will be agreed with the student.
- 1.23** The Director of Legal Studies shall furnish the student involved with a statement of the complaint(s) made against the student and the Law School's recommended sanction for the offence and shall invite the student to present a written statement in response within 14 days of the receipt of the letter notifying the student of the commencement of formal disciplinary procedures.

## **THE LEGAL ADVISORY COUNCIL**

### **COMPOSITION OF THE LEGAL ADVISORY COUNCIL DISCIPLINARY PANEL**

- 1.24** The Chairman of the Legal Advisory Council shall convene a panel of three members of the Legal Advisory Council to hear and determine the matter referred to it under 1.20 of this Code.
- 1.25** The Panel of the Legal Advisory Council will be supplied one week before the hearing with copies of the following documents:
- (a) a statement of the complaint(s) made against the student;
  - (b) the Director of Legal Studies' recommendation together with the documents put forward in support of the recommendation
  - (c) Any written representations by or on behalf of the student and any documents to be put forward in support of the student's case
- 1.26** The hearing of the Panel will be conducted according to the general procedures set out in paragraphs 1.30 and 1.36 below.
- 1.27** The Panel will decide whether or not the Student is guilty of the alleged offence.

- 1.28** If the Legal Advisory Council Panel find the student guilty on the balance of probabilities the panel will decide what penalty, if any, is appropriate. The sanctions which may be imposed by the Legal Advisory Council under the formal procedure are as follows:
- (a) a caution;
  - (b) a formal warning;
  - (c) an order for compensation;
  - (d) disqualification on a permanent or temporary basis from the use of the Law School's facilities;
  - (e) imposition of conditions upon access to the Law School's facilities or premises;
  - (f) suspension or exclusion from the Law School:-
    - i) suspension involves a total prohibition on attendance at or access to the Law School and on any participation in Law School activities for a specified period of time, but it may be subject to qualification, such as permission to attend for the purpose of an examination;
    - ii) suspension will be used only where (d) or (e) would be inadequate;
  - (g) termination of registration at the Law School; and/or
  - (h) any sanction may include a requirement that the student should have no contact of any kind with a named person or persons
- 1.29** The Legal Advisory Council Panel will convey its decision in writing to the student together with a reminder of his or her right of appeal to the Legal Practitioners Regulations Appeal Board (see below). The reasons for the decision will be given.

#### **CONDUCT OF HEARINGS OF THE LEGAL ADVISORY COUNCIL PANEL**

- 1.30** The Legal Advisory Council Panel will, whenever practicable, reach a decision on the day of the hearing.
- 1.31** The Law School representative (normally the Director of Legal Studies) will present the Law School's case and the student, or his or her representative, will have a right of reply.
- 1.32** The Panel is not required to conduct an independent investigation into the complaint presented but will exercise care to ensure that the facts upon which its decision is based are accurate.
- 1.33** The student, his or her nominated friend or relative, a representative of the student (if the student chooses to be represented) and the Law School representative will be entitled to be present throughout the whole of the proceedings except where the Legal Advisory Council Panel wishes to retire for private discussions. In every case, the student directly, or via his or her representative, will be given a proper opportunity to be heard fully in his or her own defence.
- 1.34** The Legal Advisory Council Panel will take all reasonable steps to hold the hearing on a date on which the student and his or her friend/relative and his or her representative are able to attend. Exceptionally, if this proves impossible or if the Chair of the Panel considers that the student is being deliberately uncooperative about his or her attendance, the Chair may decide upon a date and, if the student does not appear, may proceed with the hearing in his or her absence.
- 1.35** The decision of the Legal Advisory Council Panel will be on a simple majority.
- 1.36** There will not be any disclosure of information regarding the way in which any member has voted or on whether the decision was arrived at unanimously or by a majority vote.

## APPEALS

The procedure for appeals against decisions of the Examination Committee (not under this Code) is set out on page 23 of this handbook. Appeals under this Disciplinary Code will follow the process below.

### THE LEGAL PRACTITIONERS (STUDENTS) REGULATIONS APPEAL BOARD ('THE APPEAL BOARD')

#### COMPOSITION OF THE APPEAL BOARD

- 1.37** The Appeal Board shall be constituted in accordance with Regulation 29 of the Legal Practitioners (Students) Regulations (2018 Revision).
- 1.38** An appeal to the Appeal Board will be available to any student who has had a disciplinary penalty imposed on him or her by a panel of the Legal Advisory Council.
- 1.39** The student will give written notice of appeal to the Secretary of the Appeal Board within seven days of receiving notification of the decision of the panel of the Legal Advisory Council. The notice of appeal must set out concisely the grounds for the appeal.
- 1.40** The grounds of appeal may only be one or more of the following:
- (a) that the finding was against the weight of the evidence;
  - (b) that the penalty is too severe or is otherwise inappropriate;
  - (c) that the process was not in accordance with the principles and procedures set out in this Code, or was contrary to natural justice;
  - (d) that fresh evidence can be presented, which was not available, and could not reasonably have been made available, to the Legal Advisory Council.

Where an appeal is based on ground (d), the Chair will be furnished with a summary of the fresh evidence to be presented. The Chair of the Appeal Board will decide if an appeal is allowable. His/her decision in this matter is final and will be conveyed in writing.

- 1.41** The Secretary of the Appeal Board will supply that Board and the student making the appeal with a copy of the following documents:
- (a) a statement of the complaint(s);
  - (b) a contemporaneous note (not in transcript form) produced by the Secretary to the Legal Advisory Council, who for the purposes of a Disciplinary Panel hearing shall not be the Director of Legal Studies, recording the proceedings of the hearing of the Panel and any other documents available to both sides at this hearing;
  - (c) the written notice of appeal together with any other supporting statements by or on behalf of the student; and/or
  - (d) any written responses from the Law School.
- 1.42** The hearing of the Appeal Board shall be not be a re-hearing and the appeal shall be determined on the basis of the documents submitted under paragraph 1.41 of this Code, without the requirement of oral submissions or oral evidence.

- 1.43** The Appeal Board may confirm, reverse or vary the penalty determined by the Panel of the Legal Advisory Council. The Board may impose a more severe penalty. The reasons for the decision will be given.
- 1.44** The quorum of the panel will be three.
- 1.45** The student and the Director of Legal Studies will be provided with a copy of the decision made by the Appeal Board.
- 1.46** The decision of the Appeal Board represents the final part of the Law School procedure and is final.

**TRUMAN BODDEN LAW SCHOOL**

**Professional Practice Course ('PPC')**

**Assessment Code 2020-21**

**Assessment Framework for the passing of the Qualifying Examination pursuant to the Legal Practitioners (Students) Regulations (2018 Revision).**

**This framework must be read in conjunction with the Legal Practitioners (Students) Regulations (2018 Revision) which can be found at [www.lawschool.gov.ky](http://www.lawschool.gov.ky)**

**Interpretation**

<b>'Board'</b>	<b>Legal Practitioner (Students) Regulations Appeal Board</b>
<b>'Council'</b>	<b>Legal Advisory Council</b>
<b>'Director'</b>	<b>Director of Legal Studies, Cayman Islands Law School</b>
<b>'Examination Committee'</b>	<b>The Oxford Brookes University Examination Committee for the PPC programme</b>
<b>'External Examiner'</b>	<b>A person appointed as such by Oxford Brookes University</b>
<b>'Internal Examiner'</b>	<b>A member of the teaching team at TBLS</b>
<b>'Law School'</b>	<b>Truman Bodden Law School</b>
<b>'LPSRAB'</b>	<b>Legal Practitioner (Students) Regulations Appeal Board</b>
<b>'Regulations'</b>	<b>The Legal Practitioners (Students) Regulations (2018 Revision)</b>
<b>'TBLS'</b>	<b>Truman Bodden Law School</b>
<b>'University'</b>	<b>Oxford Brookes University</b>

## **1 The Qualifying Examination**

Pursuant to Regulation 28 Legal Practitioners (Students) Regulations (2018 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 University and 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 in accordance with Section 14 of this Code;
- (b) be produced without collusion accordance with Section 14 of this Code; and
- (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: Professional Conduct and Ethics, Civil Litigation, Probate & Succession Law, Legal Accounting, Corporate Practice Part One and Practical Legal Research.

In Term Three: Conveyancing, Corporate Practice Part Two (ELP), Criminal Litigation and Cayman Statute Law.

## **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 (2018 Revision), and will be awarded a Post Graduate Diploma in Legal Practice by Oxford Brookes University.

### 4.2 Failing up to (and including) three subjects

Pursuant to regulation 28 (3) of the Legal Practitioner (Students) Regulations (2018 Revision), a student who fails only one subject fails the Qualifying Examination but, if the student fails no more than three subjects, the student may, with the consent of the Examination Committee be permitted to re-sit the failed subjects, retaining all other pass marks.

### 4.3 Failing more than three subjects

Pursuant to regulation 28(4) of the Legal Practitioner (Student) Regulations (2018 Revision) , and subject to 4.4 below, a student who fails more than three subjects shall fail the entire Qualifying Examination and may, with the consent of the Examination Committee, 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 Examination Committee, re-submit a paper. Where the student fails up to four subjects, one of which is the Practical Legal Research module, the student may, with the consent of the Examination Committee, re-sit the failed subjects 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 Examination Committee to defer his/her first re-sit) may, with the consent of the Examination Committee, 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 (2018 Revision).

5.2 Subject to the discretion of the Examination Committee, 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 Examination Committee may, in addition, permit a student one further final re-sit.
- 5.4 The maximum mark for a re-sit assessment is 50%.
- 5.5 Any re-sits will be governed by these rules.

## 6 Discretion of the Examinations Committee

In deciding whether to grant consent under 4 or 5 above, the Examination Committee 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

- 8.1.1 Subject to 8.1.2, 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%.
- 8.1.2 A student may still be awarded a Pass with Commendation if he or she fails the first attempt in any one (but only one) of the following skills' assessments: Advocacy, Legal Writing, Drafting or Interviewing.

8.2 The 'Final Average Mark' referred to in 8.1, is the weighted 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 Oxford Brookes University; and
- (ii) all student scripts in the following subjects shall be moderated by the Liaison Manager at Oxford Brookes University, and a sample will be scrutinised by the External Examiner:

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 Examination Committee, the decision of the Examination Committee, 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 Examination Committee accepts those reason(s) for absence as justified, the Examination Committee may allow the student the opportunity to attend another assessment at such time as the Examination Committee 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 Examination Committee accepts that those circumstances caused that under-performance, the Examination Committee 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 Examination Committee to exercise any of its powers under this Regulation:
- (i) shall make a written application on the appropriate form and submit it to the PPC Course Leader within a period of fourteen days beginning with the date of the assessment for transmission to the Mitigating Circumstances Panel;
  - (ii) shall include in the written application full details of the circumstances to be considered by the Examination Committee; and
  - (iii) shall include in the written application such supporting evidence as may be relevant.

The Examination Committee may require the student to supply such further details and supporting evidence as the Examination Committee 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 for up to one week. Applications for an extension of more than one week, and up to three weeks, will be determined by the Sub-Mitigating Circumstances Panel. The Director or the Sub-Mitigating Circumstances panel 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 or the Sub-Mitigating circumstances Panel retains discretion to excuse late submission and grant permission to submit the Practical Legal Research answer on a date stipulated by the Director/Panel, 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 these rules

Where the Director/Panel 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/Panel, 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. Should the submission be received more than 5 working days after the extended submission deadline it will receive a mark of '0'.

## **12 Academic Appeals against decisions of the Examination Committee**

- 12.1 All decisions relating to academic judgment are final.
- 12.2 Subject to 12.1 above, where the Examination Committee has made any determination under these rules, the Examination Committee shall inform the student affected that he or she shall have a right of appeal in accordance with Oxford Brookes University Regulation C3. <https://www.brookes.ac.uk/students/your-studies/student-disputes/academic-appeals/>

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

- 13.1 Pursuant to regulation 30(1) of the Legal Practitioners (Student) Regulations (2018 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; and
  - (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 (2018 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 LPSRAB, and the decision of the Board shall be final and not subject to any further appeal.

## **14 Academic Conduct Regulations**

14.1 Behaviour which will be regarded as a breach of these Academic Integrity Regulations in relation to assessed work includes, but is not limited to the following:

14.1.1 Plagiarism - copying the words or ideas of another person with or without their knowledge or agreement and presenting it as one's own

14.1.2 Unacknowledged and/or unauthorised use of words or ideas from a source

14.1.3 Falsification - the presentation of data in reports, projects etc. based on research falsely purported to have been carried out by the student, or obtained by unfair means

14.1.4 Collusion - the submission of work produced in collaboration with others, as entirely the student's own work

14.1.5 Actions which enable another student to access or copy all or part of one's own work and to submit it as that student's own unaided work

14.1.6 Gaining access to any unauthorised material relating to an assessment prior to the release date of such information

14.1.7 Custom writing services - the use of materials created by third parties and/or websites and passed off as the student's own, including all forms of contract cheating, such as the use of, running of, or participation in, auction sites and essay mills to attempt to buy, use or produce assessments or answers to questions set

14.1.8 Duplication - the inclusion in an assessed submission of any material which is identical or similar to material which has already been submitted by the same student for any other assessment, for example, submitting the same piece of coursework for two different modules

14.2 Academic misconduct in relation to formal examinations includes, but is not limited to the following:

14.2.1 Submitting other people's work as the student's own - copying or attempting to copy from any other candidate during an examination

14.2.2 Collusion - communicating during an examination with any person other than the invigilator(s) or other authorised member of staff

14.2.3 Introducing into the examination room or being in possession there of any written or printed material(s) or any electronically stored information unless expressly permitted by the examination and/or assessment rubric.

14.2.4 Being in possession of or obtaining access to, a copy of an examination question paper in advance of the date and time for its authorised release (this covers both 'seen' and 'unseen' papers)

14.2.5 Falsification - assuming the identity of another person with the intent to deceive, for example, by sitting or attempting to sit an examination or test in the place of the student who should be sitting it

14.2.6 Continuing to write (or continuing to perform whatever task is being examined) after the invigilator has announced the end of the examination

14.2.7 The provision of falsified information that has the potential to give a student an unfair advantage.

14.3 Non-compliance with examination regulations or disruptive behaviour in an examination will be considered a breach of these Academic Conduct Regulations.

### **Penalties**

14.4. The penalties available to be imposed in the case of a breach of the academic conduct regulations are:

14.4.1 An absolute discharge. This means that the student technically breached the regulation, but no blame should be attached to them.

14.4.2 A formal warning advising the student about future behaviour.

14.4.3 A reduction of marks, a cap placed on the marks or the award of no marks for a piece of course work.

14.4.3 The award of an appropriate mark (including a minimum resit or a fail grade) for the relevant module.

14.5 Any penalty imposed will be commensurate with the seriousness of the breach of the Academic Conduct Regulations.

14.6 Each case will be judged on its own merits and is generally subject to the Academic Conduct Officer's discretion. However, Academic Conduct Officers may be guided by the categories of academic negligence, academic malpractice and academic misconduct when deciding which penalty to impose.

### **The Academic Conduct Procedure**

14.6. Initiating the Academic Conduct Procedure:

14.6.1. All staff or students who become aware of a potential breach of the Academic Conduct Regulations are required to report the matter to the Academic Conduct Officer ('ACO') (the Director of Legal Studies, TBLs) providing the necessary information and any supporting evidence.

14.6.2 The referral to the relevant Academic Conduct Officer should be made as soon as possible, but within 5 working days of the discovery of the potential breach.

14.6.3 The Academic Conduct Officer will decide whether the case is appropriate for the Academic Conduct Procedure.

14.6.4 If the Academic Conduct Officer decides there is a potential case to answer they will investigate the case.

14.6.5 If the Academic Conduct Officer decides there is no case to answer, the matter will be closed.

14.6.6 The Academic Conduct Officer will contact the student to inform them of how the matter is to be taken forward within 5 working days of the referral.

### **Investigation by the Academic Conduct Officer**

14.6.7 The Academic Conduct Officer shall carry out an investigation.

14.6.8 Depending on the circumstances they may decide to take one or more of the following actions:

14.6.8.1 Arrange an Interview with the student, or anyone relevant to the case. The Academic Conduct Officer will write to the student, giving at least 5 working days' notice of the interview

14.6.8.2 Decide there is no case to answer.

### **The Conduct Interview**

14.6.9 The exact arrangements will be organised by the Academic Conduct Officer. All students will have the right to:

14.6.9.1 Be accompanied by a friend or other person who is not acting in a legal capacity

14.6.9.2 Make representations/comments about any procedural issues

14.6.9.3 Hear the case and ask about the detailed allegations made against them

14.6.9.4 Access all the evidence against them, excluding legal, confidentiality and safety considerations

14.6.9.5 State their case, including liability, mitigation, evidence

14.6.9.6 Challenge any submissions made and/or evidence produced by the Academic Conduct Officer.

14.6.10 The Academic Conduct Officer may be accompanied by a note-taker during the interview.

14.6.11 At the end of the conduct interview, the Academic Conduct Officer will inform the student in writing within 5 working days of his/her decision about breach of these regulations (if any), liability, and impose a penalty within the range set out in 14.4.

14.6.12 On occasion, the Academic Conduct Officer may reconvene the interview, for example, where more evidence is required.

## FEES

All fees are subject to change.

(1)	Application Fee	C.I.\$ 150.00
(2)	Course Registration Fee	C.I.\$1,000.00
(3)	Tuition Fees	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
2 <sup>nd</sup> Term -	CI \$3,300
3 <sup>rd</sup> Term -	CI \$3,300

(4)	Examination Fees	C.I.\$50.00 per subject
(5)	Book & Materials* Fees [approximate]	C.I.\$500

\*Student 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.

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

### OUTSTANDING FEES

Any Student 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 Student will also be ineligible to receive letters of reference from the Law School. Students 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).

### ENQUIRIES

Enquiries in relation to this programme should be directed to either the Director of Legal Studies, Mr Mitchell Davies ([mitchell.davies@gov.ky](mailto:mitchell.davies@gov.ky)) or to the Deputy Director/PPC Leader, Mr Scott Atkins ([scott.atkins@gov.ky](mailto:scott.atkins@gov.ky)).