



July 2010

ROUTES TO QUALIFICATION AS A JERSEY SOLICITOR OR JERSEY ADVOCATE

If you aspire to qualify as a lawyer in Jersey, the steps set out below are a guide to how to achieve this. By 'qualify' we mean become an advocate or solicitor of the Royal Court of Jersey. It is important to remember that many people work in a variety of roles in Jersey law offices without formally qualifying as a Jersey advocate or solicitor.

There are two kinds of qualified Jersey lawyers, regulated by the Advocates and Solicitors (Jersey) Law 1997. **Jersey advocates** have rights of audience before the Magistrate's Court, the Royal Court and the Jersey Court of Appeal whereas **Jersey solicitors** do not (though they may represent clients in the Petty Debts Court and appear in summonses before the Greffier, the Master and the Registrars of the Family Division). Apart from this, there is little difference between the two branches of the legal profession: both may become partners in law firms and both often do similar kinds of work for clients on a day-to-day basis. A person who qualifies as a Jersey solicitor is eligible to become a Jersey advocate after practising for three years without the need to take any further examinations. The law governing entry to the Jersey legal profession can be found at www.jerseylaw.je/LawStudents/Legislation.

These notes have been prepared by the Institute of Law for general information; detailed questions about particular matters (e.g. whether your law degree is recognised as satisfying the academic stage) should be addressed to the Deputy Bailiff's Office.

There are three main sources of further advice:

- The Institute of Law: www.lawinstitute.ac.je. The Institute offers LLB (English law degree) tuition and runs the Jersey Law Course. It is an educational establishment and does not make decisions about eligibility to enter the legal profession. The Institute is, however, happy to provide general guidance to anyone contemplating becoming a lawyer.
- The Deputy Bailiff's Office: Royal Court House, Royal Square, St Helier, Jersey JE1 1BA, telephone (01534) 441103. The Deputy Bailiff is president of the Board of Examiners for the Jersey law exams.
- The Law Society of Jersey www.jerseylawsociety.je and its members. The Society is the self-governing body of lawyers practising as advocates and solicitors of the Royal Court of Jersey. The website contains a list of sole practitioners and law firms in Jersey. Many Jersey law firms offer support to students studying law, including bursary schemes and vacation placements, details of which can be found on firms' websites.

Not all lawyers in Jersey work in private practice. Important and interesting legal work is carried out in the Law Officers' Department, in the States of Jersey, and by in-house counsel in some of the Island's larger businesses. Jersey solicitors, English barristers and English solicitors who are employed in the Law Officers' Department may, with the approval of the Attorney General, prosecute in the Magistrate's Court.

Step A: The academic stage

The starting point is to obtain an academic qualification in law. This may be a law degree or, for people with an undergraduate degree in another subject, a graduate diploma in law (GDL).

A **law degree** can be obtained in various ways: by attending a British university; through distance-learning; or by enrolling as a student on the University of London External System LLB programme while receiving tuition at the Institute of Law in Jersey. The Jersey legislation governing the legal profession states that students seeking to become Jersey advocates or solicitors are required to cover various subjects in their law degrees: the law of contract; the law of tort; criminal law; equity and the law of trusts; constitutional and administrative law; and the law of the European Union. Note that there is no requirement to study English land law (which is commonly studied at English universities). The Board of Examiners in Jersey has discretion to 'treat the degree as satisfying the requirement ...' even though the subjects included in the degree do not wholly correspond with the subjects specified above.

A **graduate diploma in law (GDL)** is a route for graduates in subjects other than law to obtain a recognised academic legal qualification. This is sometimes called 'the conversion course' or 'common professional examination' (CPE) and takes one year full-time or two years part-time study. Details of full-time GDL courses are listed at www.lawcabs.ac.uk. There is currently no GDL course taught in Jersey, though some Jersey-based students study part-time by distance learning through various UK institutions. From 2010, a part-time GDL course is available in Guernsey through the GTA University Centre in partnership with Bournemouth University: see www.gta.gg.

As an alternative to a GDL, there are a number of **graduate-entry or 'senior status' law degree** programmes offered by British universities, which permit graduates in other subjects to obtain a full law degree in a shorter period of time than normal. For full-time students this means studying for two years rather than the normal three. The Institute of Law in Jersey offers tuition to students enrolled on the University of London External System LLB programme for graduates. The advantage of a graduate-entry law degree is that it enables students to study law in a deeper and broader way than is possible on a GDL; the disadvantages are that it usually takes longer to obtain a degree and the cost is higher than for a GDL.

There is (in theory) one further way of obtaining a recognised academic legal qualification in Jersey: under the **Advocates and Solicitors (Qualifying Examination) Rules 1997**, a person with a non-law degree may request the Jersey Board of Examiners to set a 'preliminary examination' in English law consisting of six subjects— but this does not in practice happen as a GDL or a graduate entry LLB degree programme is now regarded as a more appropriate way to complete the academic stage.

Step B: Qualifying as a lawyer in another jurisdiction

The majority of people now qualifying as Jersey lawyers do so having **first** qualified as a lawyer in another legal system (most commonly, as a barrister or solicitor in England and Wales). This step is not, however, mandatory in all cases and some people move directly from completing the academic stage (step A) to the vocational stage in Jersey (step C).

- You **must** qualify as a lawyer in England and Wales, Scotland, or Northern Ireland before qualifying directly as a **Jersey advocate**.
- You **do not have to** qualify as a lawyer in England and Wales, Scotland, or Northern Ireland before qualifying as a **Jersey solicitor**. As noted above, it is possible for a Jersey solicitor to become a Jersey advocate after three years of practice without the need to take any further examinations.

The decision whether or not to qualify in another legal system before moving to or returning to Jersey will depend on several factors. Some firms prefer intending employees to have the skills and experience that comes with qualifying outside Jersey; this is less important to other firms. You should consult the websites of firms for whom you are interested in working for further guidance. The bursary schemes of some Jersey firms provide assistance during the professional qualification process in England and Wales.

England and Wales

To qualify as a professional lawyer in England and Wales takes two or three years and requirements differ for **English barristers** and **English solicitors**.

- English barristers specialise in advocacy and many also offer expert legal advice in specialist fields. Generally speaking, members of the public and businesses do not contact barristers directly; barristers receive work that is referred to them by solicitors. Training to become a barrister is in two stages. There is a one-year **Bar Professional Training Course** or **BPTC** (previously called the Bar Vocational Course, BVC, or Bar Finals), for which a law degree or GDL is a prerequisite. On completion of the course, a person is eligible to be **called to the Bar** at one of the four Inns of Court in London (Middle Temple, Inner Temple, Lincoln's Inn and Gray's Inn). Traditionally people with Jersey connections choose Middle Temple. Next, in order to obtain a practising certificate, it is necessary to complete a 12-month **pupillage**; this is practical on-the-job training with one or more barristers in London or a major provincial city. On successful completion of pupillage, newly qualified barristers generally seek to become **tenants in a set of chambers**, practicing as a self-employed professional but sharing common services with a group of other barristers. Alternatively, some become 'employed barristers' working as in-house counsel for a wide range of business and public sector organisations.
- English solicitors carry out a wide range of work, from 'high street firms' (responsible for making wills, dealing with family matters, conveyancing, and offering a range of legal services to individuals and businesses) to 'City firms' (based in London and major cities around the world and offering complex legal services to large businesses). To qualify as an English solicitor, after a law degree or GDL, the next step is to take the **Legal Practice Course** or **LPC**. This is a one-year professional training course offered by a variety of institutions in England and Wales; it may also

be taken by distance learning. After completion of the LPC follows a two-year long **training contract** with a firm of solicitors at the end of which the newly qualified lawyer is **enrolled as a solicitor**.

The legal professions in Scotland and in Northern Ireland are separate from those in English and Wales (described above) and have different requirements.

Step C: Qualifying as a lawyer in Jersey

There are several requirements for becoming a qualified lawyer in Jersey. You must be a British or other Commonwealth national or a national of an EU or EFTA country. The Royal Court must be satisfied that you are a 'fit and proper person'. You must have a law degree or a graduate diploma in law (see step A above).

Before qualifying, you must show that you have had **a period of practical experience** of Jersey law by working in a law office (which usually means a Jersey law firm or the Law Officers' Department). The minimum required length varies according to whether you are seeking to become a Jersey solicitor or a Jersey advocate.

- To become a Jersey advocate you must work in a Jersey law office for at least 2 years
- To become a Jersey solicitor you must work in a Jersey law office for at least 3 years.

During this period of practical experience, it is now a requirement that you enrol on **the Jersey Law Course offered by the Institute of Law**. This provides tuition in the subjects candidates have to sit in the **Jersey law examinations** (which are held twice a year, in June-July and September). The fees for the Jersey Law Course are often paid in whole or in part by the student's employer, though some students are self-financing. Students study part-time while working in a Jersey law office: some attempt to study all six subjects in one year but many choose to spread their studies out over two or three years. There are study guides and a virtual learning environment; teaching takes place at study weekends led by teams of UK academics working alongside Jersey-qualified practitioners.

All students study five core modules: Jersey Legal System and Constitutional Law; Law of Contract and the Law Relating to Security on Movable Property and Bankruptcy; Testate and Intestate Succession; Law of Immovable Property; and Civil and Criminal Procedure. In addition, one option module is taken: Company Law; Trusts Law; or Family Law.

As an alternative to taking an option module, a student may in theory study at the Université de Caen Basse-Normandie for an academic qualification in French and Norman law: the *Certificat d'Etudes Juridiques Françaises et Normandes*. Studying at Caen (or holding another French law academic award) is still a mandatory requirement for entry to the **Guernsey** bar but very few Jersey students have followed this route in recent years. The 3-month full-time course in Caen runs from September to December and covers: droit des obligations; pensée juridique; droit coutumier normand; and institutions normandes. Assessment is by oral examination.

Several important areas of Jersey law (such as immovable property, succession and contract law) are based on legal sources that are in the French language. Although candidates for the Jersey law examinations are no longer required to write any answers wholly in French, it is necessary to be able to read French and to get to grips with French legal vocabulary. The Institute of Law provides some French tuition but anyone planning to enter the legal

profession would be well-advised to study French at A-level or to take lessons in French before embarking on the Jersey Law Course.

As noted above, if you are seeking to qualify as a Jersey **advocate** you have to have **either** passed the Bar Professional Training Course or the Legal Practice Course in England and Wales (or comparable examinations in Scotland or Northern Ireland) or have practised as a Jersey solicitor for three years.

Summary and costs

The fees and duration of each step are for guidance only; there are variations and the figures reflect costs in 2009-10 for full-time study. Several firms have bursary schemes offering financial support to students.

Step A: The academic stage

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| <p>1) You must obtain a law degree (cost of first degrees varies according to means-tested grants available from the Jersey Department for Education, Sport & Culture, ESC)</p> | <p>or</p> | <p>1A) a degree in another subject
1B) followed by a graduate diploma in law (costs: fees are around £10,000, no financial support is available from the ESC)</p> |
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Step B: The vocational stage in another jurisdiction (this is optional but may be required or encouraged by some Jersey firms)

- 2) Complete a professional practice course outside Jersey (e.g. in England and Wales, the Legal Practice Course to become an English solicitor or the Bar Professional Training Course to become a barrister). LPC fee £11,250; BPTC fee £14,000
- 3) Complete a period of practical legal training outside Jersey (e.g. a 'training contract' to complete qualification as an English solicitor or 'pupillage' to become a barrister in England). You are paid or have a guaranteed income during this stage.

Step C: The vocational stage in Jersey

- 4) In Jersey, you **must** find employment in a law office (either a private sector law firm or with the States of Jersey); you need 2-3 years practical experience by the time you qualify. You are paid during this stage.
- 5) When you and your employer decide the time is right, you **must** enrol on the Jersey Law Course (offered by the Institute), study part-time for 1-3 years, and pass the Jersey law examinations. Taking the JLC overlaps with gaining professional experience. JLC fee £9,500 (often paid for by an employer)
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| <p>6) You qualify either as a Jersey solicitor; you may later apply to become an advocate without any further examinations</p> | <p>or</p> | <p>an advocate of the Royal Court (you must be a barrister or solicitor in England and Wales or in certain other jurisdictions – step 2 above)</p> |
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