

How to Become a BVI Lawyer

The BVI's legal community is currently regulated by the BVI High Court. Unlike England and Wales, the BVI has a fused profession (i.e. BVI attorneys are court room advocates as well as solicitors). This only applies, however, to locally qualified lawyers. Foreign lawyers who come here to practice from, say, England & Wales, are still separated into the barrister (or court room advocate) and solicitor (lawyers who prepare contracts and wills) classifications.

The Territory of the BVI belongs to the nine member jurisdictions of the Eastern Caribbean Supreme Court. This Court consists of: "*...six independent states (Antigua and Barbuda, the Commonwealth of Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines) and three British Overseas Territories (Anguilla, British Virgin Islands, and Montserrat); and has unlimited jurisdiction in each Member State. It was established in 1967 by the West Indies Associated States Supreme Court Order No. 223 of 1967.*" (See, <http://www.eccourts.org/aboutecsc.html>) The fortieth anniversary of the Court is to take place on 27 February, 2007.

At the present time in the BVI, there are three ways, generally, in which to qualify to practice law.

First, upon the successful completion of a qualifying three year Bachelor of Laws degree (or an L.L.B.) from the University of the West Indies, and a two year Certificate of Legal Education from the Council of Legal Education of the West Indies, an applicant may apply to the High Court of the BVI for admission to the practice of law. Alternatively, an applicant may undertake the required legal studies at another regional or foreign recognized institution. The essential

requirements for admission to the practice of law in the British Virgin Islands may be found in Chapter 80, Part IV of the West Indies Associated States Supreme Court Act.

Second, legal practitioners in England & Wales (and in Scotland and Northern Ireland) may also apply to practice law in the BVI. Once an applicant becomes qualified as a solicitor or barrister in England & Wales he or she may immediately apply to the High Court to practice in the BVI.

Third, a foreign qualified attorney who is not yet an English lawyer (such as an attorney from the United States or Canada), may apply to practice in the British Virgin Islands after he or she has obtained re-qualification before the Law Society of England and Wales as a solicitor or before the Bar Council of England & Wales as a barrister. In order to become an English solicitor, this applicant must first secure a Certificate of Eligibility from the Law Society, which remains active for a period of three years. Once the applicant has secured the Certificate, he or she is entitled to sit for the Qualified Lawyers Transfer Test (the QLTT) in the areas of property, civil litigation, and professional conduct and accounts. The jurisdiction where the applicant is qualified will determine the number of exams which must be successfully completed by the applicant before he or she may be admitted to the Roll of Solicitors for England and Wales. For example, American qualified attorneys must pass exams which cover property, litigation, and ethics and accounts. Lawyers trained in Canada (with the exception of Quebec), however, need only take one exam, which covers professional ethics and accounts. Finally, lawyers qualified in a civil law jurisdiction (such as Quebec) must take an additional fourth exam which addresses the fundamental principles of the common law. Such an applicant must then train in an English law firm, or in a common law based jurisdiction outside of England and Wales, for a period of two years before he or she may be admitted to the Roll of Solicitors for England

and Wales. Once admitted in England & Wales, the applicant may seek admission in the BVI without the requirement of any additional training or experience.

Alternatively, foreign qualified lawyers wishing to become licensed in the Caribbean Region (in contrast to being admitted in England & Wales) may choose to take a six month conversion course regulated by the Council of Legal Education of the West Indies. This course can be taken at the Norman Manley Law School in Jamaica, the Hugh Wooding Law School in Trinidad or the Eugene Dupuch Law School in the Bahamas.

In June 2006, the Attorney General of the BVI proposed a draft Legal Professions Bill. If the Bill is passed, it will profoundly change the manner in which lawyers are regulated—particularly in regard to BVI admissions procedures and legal professional ethics. The BVI Bar Association, which has not yet had the power to regulate the profession, will play an important role. However, the areas of admission to practice, professional ethics and the acknowledgement of ‘pupillages’ (or young law graduates in practical training), will be governed by a seven member British Virgin Islands General Legal Council. This Bill has generated some controversy, in part, because it initially proposed to require qualified English & Welsh lawyers (and lawyers from Scotland and Northern Ireland) to have a minimum period of five years of post qualification experience to be automatically admitted in the BVI (--failing which they would have to re-qualify in the BVI through an 18 month pupillage or training contract under the supervision of a local practitioner). In the Draft Bill there does not seem to be a similar requirement for West Indian trained lawyers. Recently, the draft Bill apparently has been revised to indicate that the minimum five year post qualification experience requirement for lawyers from England & Wales, Northern Ireland or Scotland will not come into effect until 1 January, 2011. In the interim, such lawyers will be subject to a three year post qualification work

experience requirement before they may apply for automatic admission to the High Court of the BVI.

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Preferred Area of Practice: *International Fraud*

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