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IBA Policy Guidelines for Training and Education of the Legal Profession

Part II

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GUIDELINES FOR CONTINUING PROFESSIONAL EDUCATION

The preparation of these guidelines follows the pattern which was used to develop the first part of the Guidelines: “I. Guidelines for Training of Future Lawyers”. The Bar Issues Commission Training Working Group conducted a survey among the bar associations and law societies to research for the best practices in continuing professional education. The analyses of the results together consultation with recognised experts resulted in these guidelines.

The Bar Issues Commission Training Working Group recognises the differences between various jurisdictions and training systems and not suggesting a unified system to be applied, only suggestions for the bar associations and law societies making them able to use the best practices when designing or modernising their system of continuing professional education.

1. It is an important task of the legal profession when serving their clients in a modern democratic society under the Rule of Law is to use and modernise centuries-old legal doctrines in the ever changing globalised social and business environment which requires a constant renewal of the knowledge of the lawyers and it is a personal responsibility of every lawyer to update and renew his/her knowledge in the framework of a lifelong learning process to be able to use the new legal doctrines and technics and being able to tackle the ethical/deontological and technical challenges.
2. The Bar Associations and Law Societies as professional organisations of the lawyers have primary responsibility to encourage their members to take part in continuing professional education and to ensure the availability of various training forms such as training events, lectures, conferences etc. to transfer such knowledge and to supervise whether their member satisfies their obligation in Continuing Professional Education.
3. It is advisable that each Bar Association and Law Society develops its own Continuing Professional Education Strategy. Such strategy should set up the framework within which the strategy would be implemented if the Bar Association or Law Society is directly responsible for the Continuing Professional Education of its members or the recommendation to the competent authority which is responsible for Continuing Professional Education in such jurisdiction but such recommendation does not relieve the Bar Association or Law Society from its own duty vis-à-vis its members to participate in Continuing Professional Education.
4. The Bar Associations and Law Societies shall make sure that all necessary forms of training and education and training techniques (distance learning, etc.) are made available suited to the individual training needs of each lawyer participating in Continuing Professional Education including the availability of

- a. high quality training on all fields of law practiced by the members of the respective Bar Association and Law Society addressing all new developments in such field of law;
 - b. workshops and other form of education on improving the soft skills of the lawyers such as negotiation techniques, oratorical-, computer skills, etc.;
 - c. satisfying the Continuing Professional Education by participating in academic activities such as teaching law students and lawyers in and outside of Continuing Professional Education programs as well as writing legal articles, studies and books. are made available as part of the continuing legal education;
 - d. training and education in ethical/deontological issues to which the Bar Associations and Law Societies shall pay special attention in order to draw to the attention of their members the old and new ethical/deontological risk.
5. The Continuing Professional Education shall be made an obligation of every member of the legal profession. The bar associations and law societies shall set up or encourage the competent authorities to set up follow up system such as a credit system which is measuring the satisfaction of duties in the Continuing Professional Education which system shall include
- a. the requirement of measuring the satisfaction of Continuing Professional Education in regular intervals;
 - b. the required mix in satisfying his/her duties for Continuing Professional Education, in hard law, soft skills and ethical/deontological issues;
 - c. the consequences of falling to duties in Continuing Professional Education which would include disciplinary action.
6. If training and educational activities in Continuing Professional Education is provided by universities or other service providers the Bar Associations and Law Societies shall maintain an accreditation system to make sure the quality of such training and educational activities and the results of such accreditation shall be made public.
7. The globalised world causes the increase cross border legal issues, therefore the Bar Associations and Law Societies shall cooperate in Continuing Professional Education shall acknowledge each other systems in Continuing Professional Education.
8. Regardless of the institution organising the Continuing Professional Education programme the Bar Associations and Law Societies shall make sure that the Continuing Professional Education is affordable to all members of the legal profession.