



## MODEL ARTICLED CLERKSHIP GUIDELINES

### 1 Introduction

- 1.1 The purpose of Cayman Islands Legal Practitioners Association (“**CILPA**”) Articled Clerkship Training Guidelines is to ensure that Articles of Clerkships provide Articled Clerks supervised experience in legal practice through which they can refine and develop their professional skills.
- 1.2 The key training requirements are that Articled Clerks must:
- (a) be paid a salary;
  - (b) gain practical experience in various areas of law, including opportunities to develop their skills in both contentious and non-contentious work. If your organisation cannot offer this range of experience, you must arrange for a secondment for the Articled Clerk to gain the relevant experience. Alternatively, you may wish to consider offering a modular Articles of Clerkship jointly with another organisation;
  - (c) be given opportunities to develop the skills they will need in practice so as to meet the skills standards;
  - (d) be closely supervised by qualified attorneys or others with the appropriate experience in Cayman Islands law; and
  - (e) receive regular feedback and appraisals throughout their training with formal appraisals during the Articles of Clerkship.
- 1.3 The training principal of an Articled Clerk must be an attorney-at-law who has been in continuous practice as a legal practitioner in any court in the Commonwealth for a period of at least five years (at least two of which have been in the Cayman Islands)<sup>1</sup>.

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<sup>1</sup> See Section 16(1) *Legal Practitioners Law (2015 Revision)*

- 1.4 The Attorney-General may, where in his opinion any person in the legal or judicial departments of the public service is performing duties which are mainly legal in nature, certify that the period spent in performing such duties shall, for the purposes of this Law, be equivalent in all respects to a similar period spent in the service of an attorney-at-law under articles and such certificate shall take effect according to its tenor<sup>2</sup>.
- 1.5 The training principal shall not, without the approval of the Attorney-General, have in his service more than two articled clerks at the same time, provided that the Attorney-General and, with the special leave of the Attorney-General, the Clerk of Court may have, in their respective service, up to four articled clerks at the same time<sup>3</sup>.
- 1.6 The training principal must fully understand the training requirements. The training principal ensures that anyone involved in the supervision of Articled Clerks has adequate legal knowledge and supervisory experience or training and that Articled Clerks receive regular feedback and performance reviews including at least three appraisals during the Articles of Clerkship. The training principal can delegate these responsibilities to others, but the Articled Clerk must be informed of this.
- 1.7 At the completion of the term of Articles (which is usually 18 months)<sup>4</sup>, the training principal certifies that the term of Articles served by the Articled Clerk satisfies the requirements of the Legal Practitioners (Student) Regulations (2018 Revision) and that the Articled Clerk is a fit and proper person to be admitted as an attorneys-at-law<sup>5</sup>.

## **2 Recruiting Articled Clerks**

- 2.1 In order to have a legitimate expectation of obtaining Articles of Clerkship, prospective Caymanian students should have:
  - (a) at least (i) an undergraduate law degree from either the University of Liverpool's LLB programme or an equivalent degree with a lower second class honours classification or (ii) an undergraduate degree in any subject other than law with a lower second class honours classification and a post graduate diploma in law; and

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<sup>2</sup> See Section 16(6) *Legal Practitioners Law (2015 Revision)*

<sup>3</sup> See Section 16(3) *Legal Practitioners Law (2015 Revision)*

<sup>4</sup> See the *Third Schedule, Legal Practitioners (Student) Regulations (2018 Revision)*

<sup>5</sup> See *Form 1, Legal Practitioners (Student) Regulations (2018 Revision)*

(b) successfully complete (i) the Cayman Islands Law School's Professional Practice Course or a legal practice course approved by the English Law Society or an equivalent course in a Commonwealth country or (ii) the bar vocational course approved by the English Bar Council or an equivalent course in a Commonwealth country.

2.2 Even if an applicant has obtained the aforementioned qualifications, there is no guarantee that such applicant will be accepted for Articles of Clerkship. Each organisation has a right to consider other factors and circumstances in relation to such applicant and exercise their discretion accordingly. For instance, if the applicant has poor references or a criminal record, organisations may not consider such applicants suitable for Articles of Clerkship. By contrast, even if an applicant has obtained a third class undergraduate law degree, there may be exceptional circumstances surrounding the individual's background that would suggest that the applicant be given an opportunity to obtain Articles of Clerkship. Accordingly, all organisations should consider granting an interview to all applicants to assess the suitability of each applicant unless the organisation will not have any openings for a period in excess of twelve months.

### 3 Registering Articles of Clerkship

A person shall not be eligible to register for Articles of Clerkship<sup>6</sup> unless:

- 3.1 he has attained the age of eighteen years;
- 3.2 (i) possesses Caymanian Status within the meaning of that expression in the Immigration Law (2015 Revision), or (ii) has obtained the consent in writing of the Governor-in-Cabinet to his registration;
- 3.3 furnishes evidence that he has passed the Professional Practice Course offered by the Cayman Islands Law School (the "**Qualifying Examination**") or a professional qualification which, in the opinion of the Legal Advisory Council, is equivalent to the Qualifying Examination<sup>7</sup>;
- 3.4 he or she is of a suitable character and fitness to be an Articled Clerk;
- 3.5 furnishes evidence of the intended term of Articles of Clerkship and, in the event of the term being less than eighteen months, furnishes the written

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<sup>6</sup> See Regulation 17(1) *Legal Practitioners (Student) Regulations (2018 Revision)*

<sup>7</sup> As defined in the *Legal Practitioners (Student) Regulations (2018 Revision)*

consent of the Legal Advisory Council to the registration of the articles with such other term;

- 3.6 furnishes the original executed Articles of Clerkship with a certificate of the Attorney General that the same are fair and reasonable; and
- 3.7 submits an application to the Clerk of Courts accompanied by a declaration as set out in *Form 2, Legal Practitioners (Student) Regulations (2018 Revision)*.

#### **4 Recognising experience gained outside the Articles of Clerkship**

- 4.1 Some Articled Clerks may have worked in a legal environment and gained equivalent experience before starting the Articles of Clerkship.
- 4.2 The Legal Advisory Council may, at its discretion, recognise relevant prior experience and take this time into account so as to reduce the period of the Articles of Clerkship. For instance, police officers and immigration officers could qualify for up to six months reduction in the term of Articles.

#### **5 Salary**

Articled Clerks should be paid a salary and salary levels should be reviewed annually.

#### **6 Induction of Articled Clerks**

- 6.1 At the beginning of the Articles of Clerkship, the training principal's organisation must provide an induction to all Articled Clerks, including those who have previously worked for that organisation. The induction provides an opportunity to clarify the roles and responsibilities of those who will be involved in the Articled Clerk's training, to familiarise the Articled Clerk with office procedures, to introduce fellow staff members and to explain the nature of the work they will undertake.
- 6.2 The induction does not need to be formal or lengthy, but it should cover:
  - (a) an introduction to the organisation, the training scheme, the skills standards and expectations of the Articled Clerk;
  - (b) how training will be organised;

- (c) the form of the training record that the Articled Clerk is required to keep, how and when it is to be completed, and when it will be reviewed;
- (d) arrangements for supervision, performance review and appraisals;
- (e) office procedures, such as office hours, holidays, health and safety;
- (f) IT and office equipment and systems for time-recording and billing;
- (g) library and research facilities; and
- (h) secretarial and administrative support.

6.3 Organisations should have adequate support arrangements for Articled Clerks including a desk for the Articled Clerk's own work, appropriate secretarial support and access to library and relevant research facilities.

## **7 Absences during the Articles of Clerkship**

- 7.1 Articled Clerks must be eligible for statutory vacation, sick leave and maternity benefits.
- 7.2 The Articles of Clerkship must be extended where extended periods of absence are necessary, including absence relating to illness or maternity leave.

## **8 Transfer/Cancellation of Articles of Clerkship**

- 8.1 Before the completion of the term of Articles and where the principal trainer to whom the Articled Clerk is articled ceases to practice as an attorney-at-law or dies or the Articles are cancelled by mutual consent or are discharged by the Attorney General, the Articled Clerk may enter into further Articles of Clerkship with another practicing attorney-at-law (who is qualified to take on Articled Clerks) for the residue of the term of his original articles<sup>8</sup>.
- 8.2 Where the Articled Clerk does not enter into further Articles of Clerkship within two years of the happening of the event mentioned in the preceding

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<sup>8</sup> See Section 18 *Legal Practitioners Law (2015 Revision)*

sentence he may enter into new Articles of Clerkship for such term, as the Legal Advisory Council may think fit.

## **9 Practical experience in law**

9.1 Articled Clerks must gain practical experience in multiple areas of law. They also must have opportunities to develop their skills in contentious and non-contentious work.

9.2 Training may be organised in one of two ways:

(a) the Articled Clerk works in distinct departments or 'seats,' spending a specified period in each; or

(b) the Articled Clerk works in various areas of law on a day-to-day basis, in line with the type of work available.

9.3 However the training is organised, it is essential that:

(a) enough time is spent in each area for the Articled Clerk to be trained properly in it;

(b) the Articled Clerk is guided and tutored in professional conduct, ethics and client care;

(c) the level and complexity of the Articled Clerk's work is increased gradually during the training period;

(d) the Articled Clerk is supervised properly and their performance reviewed and appraised regularly; and

(e) each Articled Clerk maintains their own training record, keeping track of the work they have done and the skills they have used.

## **10 Secondments**

10.1 Any organisation that cannot provide Articled Clerks with experience in various areas of law, or experience in the range of contentious and non-contentious work, should arrange for the Articled Clerk to be seconded to another organisation.

- 10.2 When arranging a secondment, you must ensure that the Articled Clerk will be adequately supervised, appraised regularly and given training by:
- (a) an attorney-at-law who has been in continuous practice as a legal practitioner in any court in the Commonwealth for a period of at least five years (at least two of which have been in the Cayman Islands). Such attorney-at-law shall not, without the approval of the Attorney-General, have in his service more than two articled clerks at the same time provided that the Attorney-General and, with the special leave of the Attorney-General, the Clerk of Court may have, in their respective service, up to four articled clerks at the same time; or
  - (b) any other person in legal or judicial bodies of the Government and approved by the Attorney General.
- 10.3 The approval of the Legal Advisory Council is required for secondments that are longer than six months duration.

## **11 Articles of Clerkship record**

- 11.1 CILPA recommends that training principals ensure that Articled Clerks maintain an adequate record of their training throughout the period of the Articles of Clerkship. It is used to record the experience that the Articled Clerk is getting and the skills that the Articled Clerk is developing. The Articled Clerk should enter information into the training record at frequent intervals. By the end of the Articles of Clerkship, the record should show that the Articled Clerk has good experience in at least three distinct practice areas and has met the skills standards.
- 11.2 The Articled Clerk should use the preparation and review of the training record as an opportunity to reflect on what they have learned and to identify gaps in their experience and skills.
- 11.3 Whilst CILPA does not prescribe the format of the training record, it recommends that such a record includes:
- (a) details of work performed;
  - (b) skills used (with reference to the core skill sets);
  - (c) the Articled Clerk's observations or reflections on their performance;

- (d) any other training or professional development; and
- (h) any professional conduct issues that may have arisen.

11.4 Training principals will find it helpful to review the training record regularly, to ensure that the Articled Clerk is undertaking a breadth and depth of work sufficient to meet the requirements. The training record also can be used as part of appraisal and performance reviews.

## **12 Supervising Articled Clerks**

12.1 Most organisations employ Articled Clerks anticipating that they will contribute to the future development of the business. Good training demands significant time and resources, and good supervision is vital to ensure that Articled Clerks make a worthwhile contribution during their training and remain motivated and committed to their organisation.

12.2 The training principal's role in training should not be underestimated. The training principal is responsible for providing practical day-to-day training and for giving Articled Clerks appropriate opportunities to develop their legal skills and knowledge.

12.3 On a day-to-day basis, and throughout the Articles of Clerkship, Articled Clerks may be supervised by a number of different people within your organisation – including partners, attorneys or experienced legal executives. The training principal must ensure that anyone who supervises Articled Clerks has the appropriate legal knowledge and supervisory experience or training to perform the role effectively. Training principals must be allocated adequate time and resources, and they must demonstrate a sound understanding both of the training requirements and of all that is expected of them as supervisors.

12.4 The responsibilities of training principals are to:

- (a) allocate work and tasks of an appropriate level, gradually increasing the level and the complexity of the work over time, while encouraging the Articled Clerk to suggest solutions independently;
- (b) provide a balance between substantive and procedural tasks that – as a whole – demands the use of a broad range of skills;



- (c) provide clear instructions and ensure that they have been understood;
- (d) offer advice and guidance on appropriate research methods and materials along with sufficient information and factual background about a case or matter;
- (e) set a realistic time-scale for work to be completed and answer questions as they arise, within a supportive environment that does not deter the Articled Clerk from asking questions in the future;
- (f) monitor the Articled Clerk's workload to ensure they have a sufficient but not excessive amount of work;
- (g) ensure that the Articled Clerk maintains an up-to-date training record that identifies the work they have performed and the skills they have deployed;
- (h) review the Articles of Clerkship record regularly to ensure that an appropriate balance of work and skills is struck;
- (i) give regular feedback to the Articled Clerk regarding their performance, recognising achievements and improvements, and constructively addressing areas that require further effort;
- (j) conduct or participate in formal appraisals of the Articled Clerk; and
- (k) provide an environment that encourages the Articled Clerk to take responsibility for their own development.

## **13 Performance review**

13.1 Articled Clerks require regular feedback from their training principals on the tasks they have performed to learn from their experience, develop their skills, and improve their performance. At the completion of the Articles of Clerkship, the training principal certifies the training, and he or she must be satisfied that the Articled Clerk has received appropriate training and has achieved the required skills.

13.2 Articled Clerks should get feedback on a day-to-day basis ideally and through regular informal progress reviews and formal appraisals.

(a) Informal reviews are an important part of measuring and ensuring that the appropriate standards are being achieved and developed by regular review of the Articled Clerk's performance. There should be frequent, informal reviews of the Articled Clerk's training record. CILPA recommends an informal performance review about once per month. This will help training principals and Articled Clerks to:

- (i) review progress toward agreed objectives;
- (ii) deal with any difficulties close to the event;
- (iii) compare the breadth and depth of work being performed by the Articled Clerk with requirements of the skills standards;
- (iv) address any professional conduct or ethics issues that may have arisen; and
- (v) discuss future training.

(b) The purpose of a formal appraisal is to review the Articled Clerk's overall performance, assess the development of their skills, identify areas of strength and weakness, agree new objectives and plan future training. The appraisal should not include any surprises, because problems should always be dealt with as they arise. CILPA recommends that Articled Clerks be appraised formally every six months. The appraisal must be conducted face to face, and the discussions must be recorded and documented. During the discussion, the Articled Clerk should have an opportunity to ask questions and to raise any concerns they may have.

## **14 The responsibilities of Articled Clerks**

14.1 Articled Clerks have responsibilities and obligations under the Articles of Clerkship. Articled Clerks must ensure that they understand their duties under the Articles of Clerkship, that they are familiar with the training requirements and that they know what they are expected to achieve during their term of Articles.

14.2 They must ensure that:

- (a) they maintain an up-to-date training record of work they have done linked to the skills standards;

- (b) they take responsibility for self-development (updating and reviewing their training record and reflecting on their learning and experiences are an important aspect of this);
- (c) they develop good working practices by managing time, effort and resources effectively;
- (d) they raise any concerns with their training principal (for example, if they are not being given training in various areas of law, or are not given a mix of contentious and non-contentious work, or are not covering the skills standards);
- (e) if unsure about the work or tasks assigned, to seek clarification;
- (f) they let their training principal know if given too much or too little work or if the work given is too challenging, not challenging enough or not varied;
- (g) if a mistake is made, that they inform their training principal or training principal as soon as possible;
- (h) they be open and honest when given feedback and during performance reviews;
- (i) they read legal journals and keep up to date with new statutes and regulations;
- (j) they develop their social and interpersonal skills; and
- (k) they suggest solutions to problems, even if not certain that such solutions are correct.

## **15 General Practice and Core Skills**

- 15.1 During the Articles of Clerkship, Articled Clerks develop and apply practice skills they will use as qualified attorneys. Training principals must ensure that, over the course of their training, the amount and type of work given to Articled Clerks adequately covers each skill and is of an appropriate level and complexity for the Articled Clerk in question.
- 15.2 The type of experience that will help Articled Clerks to develop it – are specified in the following core skills:

(a) Advocacy and oral presentation

(i) On completing the Articles of Clerkship, Articled Clerks should be competent to exercise the rights of audience available to attorneys on admission. Their experience will enable them to understand:

- (A) the communication skills of the advocate;
- (B) the techniques and tactics of examination-in-chief, cross-examination and re-examination of witnesses; and
- (C) the need to act in accordance with the ethics, etiquette and conventions of the professional advocate.

(ii) Articled Clerks must perform tasks that enable them to grasp the principal skills required to prepare, conduct and present a case in any Court or tribunal by:

- (A) identifying the client's goals;
- (B) identifying and analysing relevant factual and legal issues, and relating them to one another;
- (C) summarising the strengths and weaknesses of the case;
- (D) planning how to present the case;
- (E) outlining the facts in simple narrative form; and
- (F) formulating a coherent submission based on the facts, general principles and legal authority in a structured, concise and persuasive manner.

(iii) The following activities are likely to foster these skills:

- (A) helping to advise on pre-trial procedures;
- (B) helping to prepare cases before trial;

(C) attending the court to observe trials, bail applications, pleas of mitigation or committal, and observing submissions in chambers, examination-in-chief, cross-examination and re-examination of witnesses in open court;

(D) observing proceedings in family cases, labour tribunals, planning tribunals or other tribunals or forms of dispute resolution;

(E) as training progresses, and under appropriate supervision, conducting interim applications before a Magistrate or Judge; and

(F) becoming involved in presentations for clients or in preparing or delivering in-house training.

(b) Case and transaction management

(i) Articled Clerks must begin to acquire skills in managing and running a case or transaction. Articled Clerks must be given work to enable them to understand the importance of:

(A) producing a schedule for a case or transaction, broken up, where necessary, into phases;

(B) planning out phases of work to include time, cost and risk management;

(C) developing techniques to diarise, follow up and revisit matters at the appropriate time;

(D) keeping accurate records and attendance notes;

(E) effectively managing files;

(F) regularly and fully reporting back to clients;

(G) co-ordinating teams to review progress and revise options;

(H) bringing matters to a timely, conclusion and satisfactory to the client; and

(I) wrapping up the matter, closing the file, and recovering costs and disbursements.

(ii) To develop these skills, Articled Clerks should work on larger cases or transactions as members of a team, or they should be given smaller transactions to run themselves, under close supervision.

(c) Client care and practice support

(i) To enable Articled Clerks to work effectively in an efficient practice, they must develop the skills required to manage time, effort and resources. They should be given work that will enable them to:

(A) prioritise tasks;

(B) set and meet deadlines;

(C) review and report progress on matters;

(D) balance immediate and long-term objectives;

(E) keep appropriate records; and

(F) understand the processes of setting fees and billing clients.

(ii) Activities that will help them to achieve the aforementioned include:

(A) planning work by the use of their diaries;

(B) using email, word-processing, scheduling and organisational systems regularly and appropriately;

(C) working effectively with support staff;

(D) recording expenses and disbursements and obtaining reimbursement;

(E) familiarity with due diligence procedures, money laundering laws and regulations and client take- on procedures; and

(F) opening and closing files.

(d) Profession Conduct and Ethics

Articled Clerks should understand the general rules of professional conduct and ethical behaviour as they relate to members of the legal profession. They should be given work that will enable them to learn about conduct and ethics in relation to:

- (j) the legal profession in general;
- (ii) clients and client accounts;
- (iii) the Court; and
- (iv) fellow members of the legal profession.

(e) Communication skills

(i) Articled Clerks should understand the need to refine their communication skills so that they can present oral and written communication in a way that achieves its purpose and is appropriate to the recipient. They should be given work that will help them to:

- (A) select appropriate methods of communication;
- (B) express ideas concisely, clearly and logically;
- (C) use appropriate language;
- (D) use correct grammar, syntax and punctuation;
- (E) pay attention to detail by proof-reading, checking the format and numbering of documents, cross-referencing and using consistent terminology; and
- (F) listen actively and speak effectively.

(ii) Articled Clerks can develop these skills by:

- (A) drafting letters, internal notes and memorandums;
- (B) reporting to clients and others by telephone;
- (C) taking notes in meetings; and
- (D) dictating notes and letters.

(iii) The importance of keeping clients regularly informed of the progress of a matter and the client care procedures should be emphasised to Articled Clerks. Articled Clerks should be given regular advice, guidance and feedback on their performance.

(f) Interviewing and advising

(i) Articled Clerks should understand the importance of identifying the client's goals along with the need to take accurate instructions. They should be given opportunities to observe and to conduct interviews with clients, experts, witnesses and others. They should be given work that helps them understand the need to:

- (A) prepare for an interview;
- (B) allow clients or professional advisers to explain their concerns;
- (C) identify the client's goals and priorities;
- (D) use appropriate questioning techniques;
- (E) determine what further information is required;
- (F) identify possible courses of action and their consequences;
- (G) help the client decide the best course of action;
- (H) agree the action to be taken;
- (I) accurately record the interview, confirming the instructions and the action that needs to be taken; and



(J) establish a professional relationship with the client, and deal with any ethical problems that may arise.

(ii) Articled Clerks can develop these skills by observing and taking notes of meetings and interviews, whether face to face or on the telephone. The purpose of a meeting should be explained to the Articled Clerk, and the conduct of the meeting should be reviewed with them afterwards.

(iii) Where an Articled Clerk is conducting an interview, the training principal should carefully monitor any advice given by the Articled Clerk during the meeting, and give guidance and feedback on the Articled Clerk's performance after the meeting.

(g) Negotiation

(i) Articled Clerks should understand the processes involved in contentious and non- contentious negotiations and appreciate the importance of the client reaching agreement or resolving a dispute. They should be given opportunities to observe negotiations conducted by experienced practitioners and/or to conduct negotiations under close supervision. They should be given work that will help them understand the process of negotiation including:

(A) identifying the central issues and explaining them to the client;

(B) assessing the bargaining positions of each party;

(C) planning a negotiation;

(D) establishing an agenda at the start;

(E) listening actively;

(F) using appropriate questioning techniques;

(G) generating alternative solutions to resolve the issues;

(H) using an appropriate negotiating style;

(I) identifying the strategy and tactics used by the other side;

(J) documenting the agreement or settlement; and

(K) explaining the advantages and disadvantages of the agreement or settlements.

(ii) Guidance should be given on the purpose of negotiation, and feedback should be provided on the outcome and on the Articled Clerk's performance.

(h) Dispute resolution

(i) Articled Clerks should become familiar with contentious work and gain a full understanding of the skills and practice of resolving disputes, including settling, mediation and adjudication, in a fair, cost-effective and timely way that meets client needs. Articled Clerks should be given opportunities to observe and/or assist in resolving disputes so that they will understand the need to:

(A) take careful instructions;

(B) identify the client's purpose and advise on the possible outcomes and costs;

(C) thoroughly research the parties' liabilities;

(D) gather evidence from witnesses or elsewhere;

(E) consider all the options for resolving a dispute;

(F) meet deadlines and keep clients informed of progress;

(G) draft or prepare papers to assist in resolving a contentious matter;

(H) control information central to the dispute throughout the proceeding;

(I) represent the client and the client's interests through meetings, conferences and hearings; and

(J) ensure that settlements and judgements are secure and enforceable.

(ii) Articled Clerks can develop these skills by attending tribunal hearings or alternative dispute resolution ("**ADR**") meetings, observing proceedings and assisting with the preparation of cases.

(iii) Training Principals should explain how the work the Articled Clerk undertakes fits into the strategies pursued in a case and into the context of litigation as a whole. Articled Clerks should be given feedback on work they have done and should be offered a perspective on the significance of their work to the case as a whole.

(i) Legal Drafting

(i) Articled Clerks should recognise the need for and be able to produce documents that are clear, precise and achieve their purpose. They should be given work that enables them to:

(A) maintain a standard of care that protects client interests and meets client objectives;

(B) address all relevant and factual legal issues;

(C) identify relevant options;

(D) demonstrate a critical use of standard forms and precedents;

(E) draft documents that are consistent, coherent, clear, precise and meet any requirements of form and style.

(ii) Articled Clerks can develop these skills by drafting:

(A) witness statements and affidavits;

(B) corporate resolutions;

(C) wills and trust deeds;

(D) statements of claims, counter-claims, defences and defences to counter- claims;

(E) transfer of property documents;

(F) leases;

(G) instructions to counsel;

(H) contracts; and

(I) legal opinions.

(iii) The complexity of Articled Clerks' work should be increased incrementally, and they should be given opportunities to amend drafts of documents received from the other side and to practise using standard forms and precedents.

(j) Legal research

(i) Articled Clerks should learn to find solutions by investigating the factual and legal issues, analysing problems and communicating the results of their research. They should be given work that makes use of traditional and computerised research tools and sources, business information and other relevant sources. Articled Clerks could be required to:

(A) research specific legal issues and factual, historical or commercial matters;

(B) prepare for client interviews;

(C) analyse corporate searches;

(D) investigate title to property and other relevant searches;

- (E) review title documents and clients' papers; and
  - (F) assist with due diligence enquiries.
- (ii) The person allocating the work should give the Articled Clerk:
- (A) background information on the context and purpose of the research;
  - (B) clear instructions and defined tasks;
  - (C) information about any limitations to be imposed on their research; and
  - (D) guidance on where to begin.

## **16 Model Articled Clerkship Training check list**

### **16.1 Litigation Seat**

- (a) Pleading Requirements; Service; Acknowledgment of service;
- (b) The Practice and Procedure of an Interlocutory Application;
- (c) The Law and Practice relating to Evidence;
- (d) Termination of proceedings, enforcement of judgments, costs;
- (e) Law, practice and procedure relating to specific proceedings: Insolvency Proceedings, Judicial Review, Appeals to the Court of Appeal, Appeals to Privy Council, other Administrative Proceedings;
- (f) Summary Court and Grand Court Attendance;
- (g) Tribunals; and
- (h) Criminal law and Family law specific practice issues.

### **16.2 Trust, Wills and Probate Seat**

- (a) Cayman Trusts regime including an understanding of issues relating to Trustees and Beneficiaries;
- (b) Wills; and
- (c) Probate – general grants and resealing.

### 16.3 Commercial/Corporate/Funds/Finance Seats

- (a) General Corporate:
  - (i) Stamp Duty Law;
  - (ii) Notarisation, Apostilling and legalisation;
  - (iii) Powers of Attorney; and
  - (iv) General commercial contracts, loan agreements, guarantees, security deeds, promissory notes.
- (b) Companies Law:
  - (i) Various aspects of the Companies Law and, in particular, the characteristics and incorporation or registration requirements for various types of Cayman Islands companies; and
  - (ii) Director and shareholders meetings and the procedures to be followed in relation thereto.
- (c) Partnerships and Exempted Limited Partnerships and drafting Partnership Agreements.
- (d) Offering documents and structuring issues in relation to registration of mutual funds.
- (e) Licensing Issues in relation to local entities and licensing of entities with the Cayman Islands Monetary Authority (including Banks, Trust, Insurance, Mutual Fund, and Securities Investment Business companies).
- (f) Cayman Islands Stock Exchange listing procedures for debt and equity securities.
- (g) Ship and aircraft finance and registration procedures.