



Solicitors
Regulation
Authority

Qualification in other jurisdictions— international benchmarking

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Contents

Central assessments worldwide infographic	3
Introduction	4
Part A: Benchmarking of assessment routes	6
Routes to qualification	6
Workplace experience	8
Centralised assessment	10
Format of centralised assessment	12
Period of validity	13
Resit attempts allowed	13
Assessment windows per year	13
Time-limited assessment periods	14
Time taken to qualify as a lawyer	15
Part B: Impacts of SQE reform in other jurisdictions	16
Title of solicitor and eligibility to requalify in foreign jurisdictions	16
Degree, law degree and QLD status in foreign jurisdictions	18
Restrictions on practising in foreign jurisdictions under home title	19
Aspects of English and Welsh assessment route in foreign jurisdictions	20
Appendix 1 - Solicitor qualification pathways for England and Wales	22

Central assessments worldwide

We have benchmarked some of the largest and most relevant jurisdictions to establish typical and best practices worldwide

Almost
80%
of jurisdictions
looked at
offer a centralised
assessment

This is commonplace in some of the largest jurisdictions, including:



94%

require a degree
or equivalent

77%

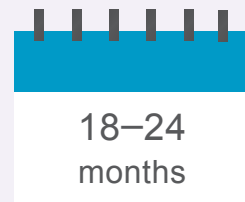
said that degree
had to be in law



15 out of **18** jurisdictions
require legal work experience prior
to qualification as a solicitor

with
1/2

requiring
the
duration
to be



Most international jurisdictions require:



A centralised
assessment



A degree or
equivalent



A period of legal
work experience

Introduction

Purpose of exercise

In order to provide points of comparison when developing our proposed routes to qualification, we have benchmarked relevant overseas jurisdictions to establish common international practice.

Key findings

The key findings of the exercise are:

- centralised assessment is commonly used
- a five to six year qualification route is most common
- a law degree is needed to qualify as a lawyer in most other jurisdictions.

We surveyed the following jurisdictions. They represent a range of jurisdictions (both EU and non-EU) and both civil and common law jurisdictions.

- | | |
|---|------------------------------|
| • Australia - New South Wales and Victoria* | • Nigeria |
| • Canada** - British Columbia | • Pakistan |
| • Canada** - Ontario | • Poland |
| • France | • Singapore |
| • Germany | • Spain |
| • Hong Kong | • South Africa |
| • Italy | • United Kingdom - Scotland |
| • India | • United States - California |
| • New Zealand | • United States - New York |

* They now form one regulatory regime under Australian Legal Profession Uniform Law 2015.

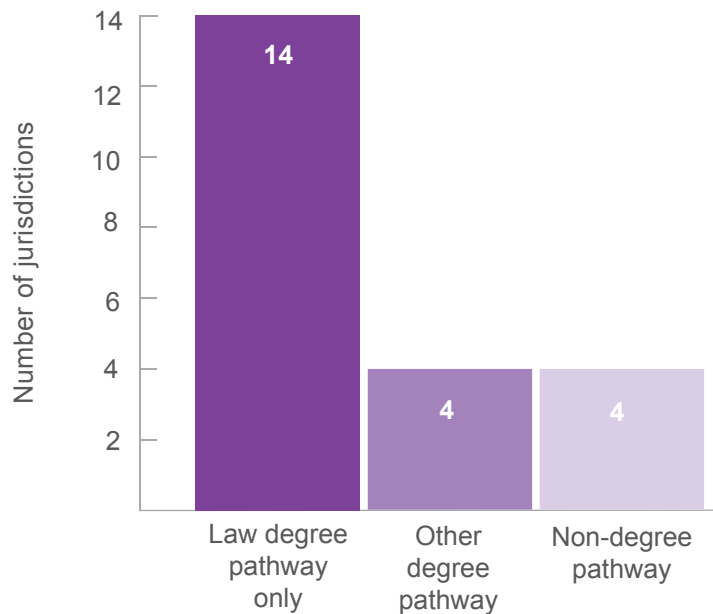
** There is a mobility agreement across Canadian jurisdictions which means that any qualification benchmarked against these jurisdictions is acceptable across Canada.

The document is separated into two parts:

- **Part A:** benchmarks assessment routes.
- **Part B:** looks at the potential impacts of our proposed routes to qualification in other jurisdictions.

Part A Benchmarking of assessment routes

1. Is a law degree required for qualification as a lawyer?



Additional notes for table on page 7

* In Germany, a candidate must have completed at least nine semesters of university level education on law or related subjects. Candidates are in all but name awarded a law degree but the examining authority is the Federal Ministry of Justice.

** In Scotland, three to four year training contracts are available, under which a candidate may receive some training prior to the diploma in professional legal practice.

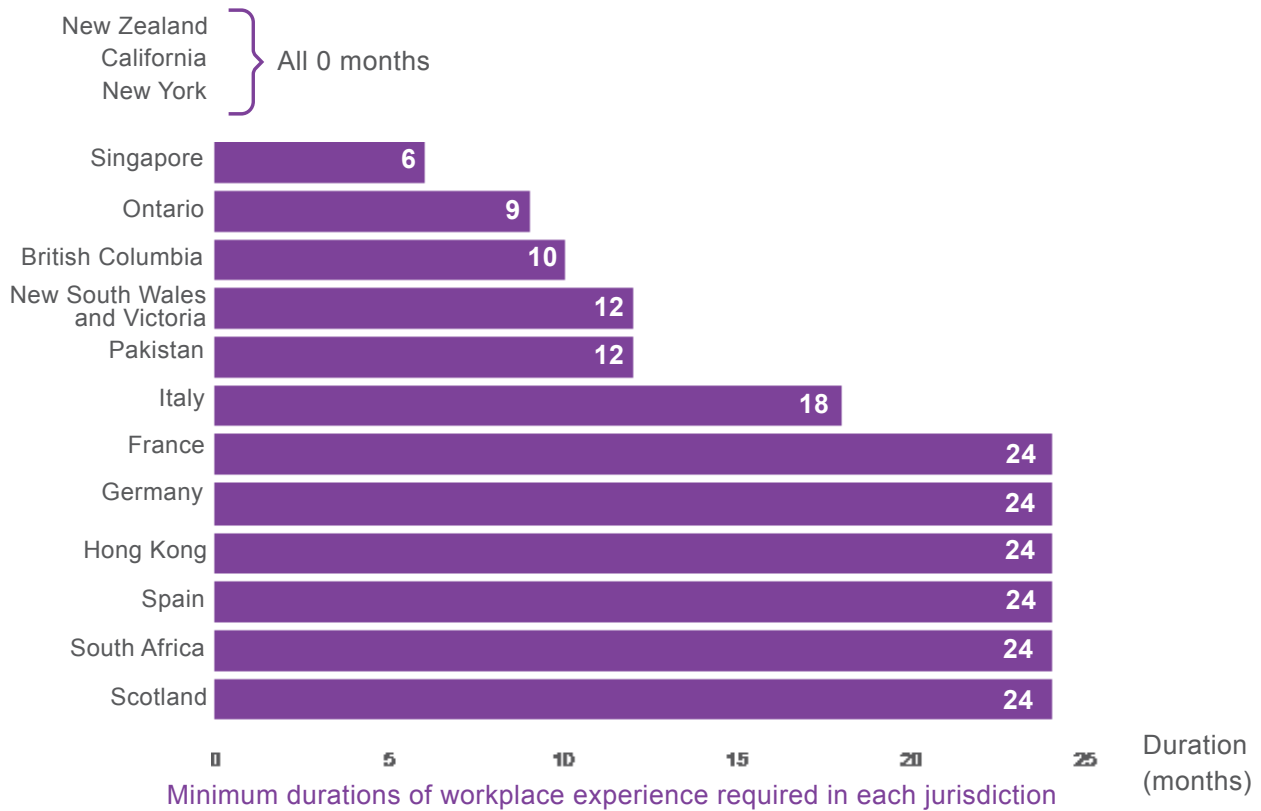
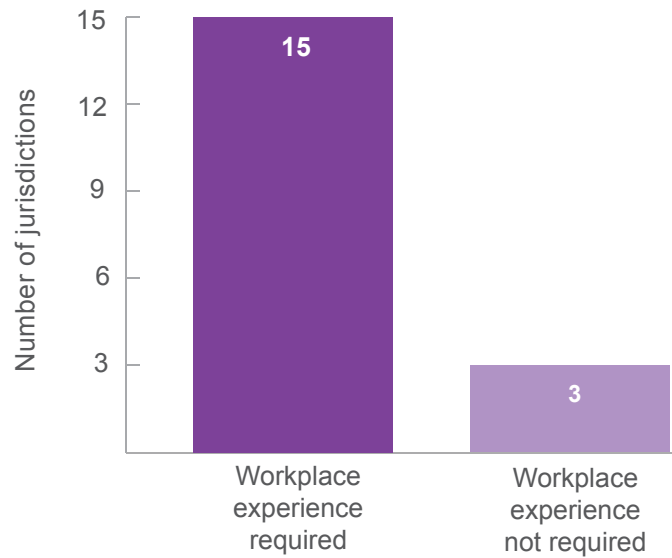
*** In California, a candidate may qualify for the bar exam via a legal apprenticeship of a minimum of four years, which exempts the candidate from the requirement to attend law school.

**** In New York a candidate may qualify for the bar exam via a legal apprenticeship, on the condition that they have also undertaken at least one full year of studies at a law school.

Jurisdiction	Law degree pathway only?	Other degree pathway?	Non-degree pathway?
Australia - New South Wales and Victoria	✓		
Canada - British Columbia	✓		
Canada - Ontario	✓		
France	✓		
Germany		*	*
Hong Kong	✓		
Italy	✓		
India	✓		
New Zealand	✓		
Nigeria	✓		
Pakistan	✓		
Poland	✓		
Singapore	✓		
Spain	✓		
South Africa	✓		
United Kingdom - Scotland		✓ **	✓ **
United States - California		✓ ***	✓ ***
United States - New York		✓ ****	✓ ****

See page 6 for notes

2. Is workplace experience required for qualification?



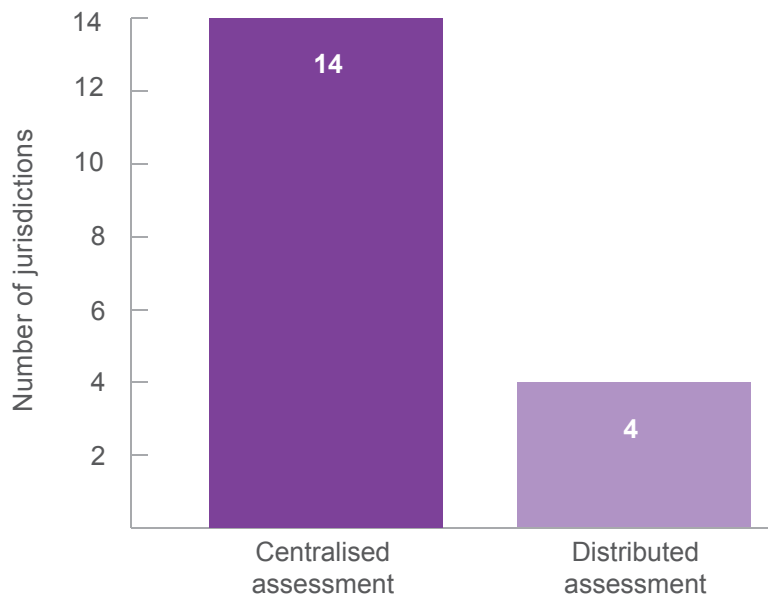
India and Nigeria are not included because the minimum durations of workplace experience are not specified. Poland is also not included because the period of workplace learning is variable, depending on the candidate's academic qualifications.

Jurisdiction	Workplace experience required	Workplace experience not required
Australia - New South Wales and Victoria	✓	
Canada - British Columbia	✓	
Canada - Ontario	✓	
France	✓	
Germany	✓	
Hong Kong	✓	
Italy	✓	
India	✓	
New Zealand		✓
Nigeria	✓	
Pakistan	✓	
Poland	✓	
Singapore	✓	
Spain	✓	
South Africa	✓	
United Kingdom - Scotland	✓	
United States - California	✓*	✓**
United States - New York	✓*	✓**

* Non-degree route only

** There are learning requirements relating to legal skills

3. Is there centralised assessment for qualification?



In the majority of jurisdictions, qualification and certification to practise depend upon passing a centralised assessment.

There is often a close link between the centralised assessment and practice in advocacy, litigation and other key legal areas (analogous to the reserved areas of practice in England and Wales). This link appears, for example, in the European jurisdictions and California and New York. Other jurisdictions not surveyed (such as the rest of the United States and China) also follow this pattern.

The jurisdictions where centralised assessment is not required are all common law jurisdictions, which appear to follow the existing distributed assessment approach used in England and Wales.

Jurisdiction	Centralised assessment	Distributed assessment
Australia - New South Wales and Victoria		✓
Canada - British Columbia		✓
Canada - Ontario	✓	
France	✓	
Germany	✓	
Hong Kong		✓*
Italy	✓	
India	✓	
New Zealand	✓	
Nigeria	✓	
Pakistan	✓	
Poland	✓	
Singapore	✓	
Spain	✓	
South Africa	✓	
United Kingdom - Scotland		✓
United States - California	✓	
United States - New York	✓	

* Hong Kong has plans to move to a centralised assessment in the near future. Exact timescales are not yet available.

4. What is the format of centralised assessment in those jurisdictions that use it?

Jurisdiction	Written exam	Practical skills test	Multiple choice questions	Oral exam/ interview
Australia - New South Wales and Victoria				
Canada - British Columbia				
Canada - Ontario			✓	
France	✓	✓		✓
Germany	✓			
Hong Kong				
Italy	✓			
India	✓			
New Zealand	✓			
Nigeria	✓		✓	
Pakistan				✓
Poland	✓			
Singapore	✓			
Spain	✓			
South Africa	✓			
United Kingdom - Scotland				
United States - California	✓	✓	✓	
United States - New York	✓	✓	✓	

Information was obtained only from regulators requiring centralised assessment.

The subjects most commonly assessed are set out in appendix 1 (see page 22).

5. What is the period of validity?

- In Ontario, the work experience must be completed and the assessment taken within a three-year period.
- In New Zealand, the beginning-to-end process of qualification must be completed within ten years.
- In New York, all the elements of the bar exam must be passed within a three-year period.
- In California, the bar exam and the character and suitability requirements must be completed within five years of passing the exam. Character determinations are valid for three years.

In New South Wales and Victoria academic qualifications and completion of the practical legal training course are deemed valid for five years, but validity can be extended on application.

6. How many resit attempts are permitted?

Information on the number of resits permitted by most regulators surveyed is not available. However:

- California and New York explicitly state there are no limits on the number of resits a candidate may take.
- In Ontario, a candidate who fails the centralised assessment has two further attempts.
- In South Africa, a candidate who fails the centralised assessment may have five further attempts.

7. How many exam windows are there per year?

This information is gathered from regulators who responded or provided information online.

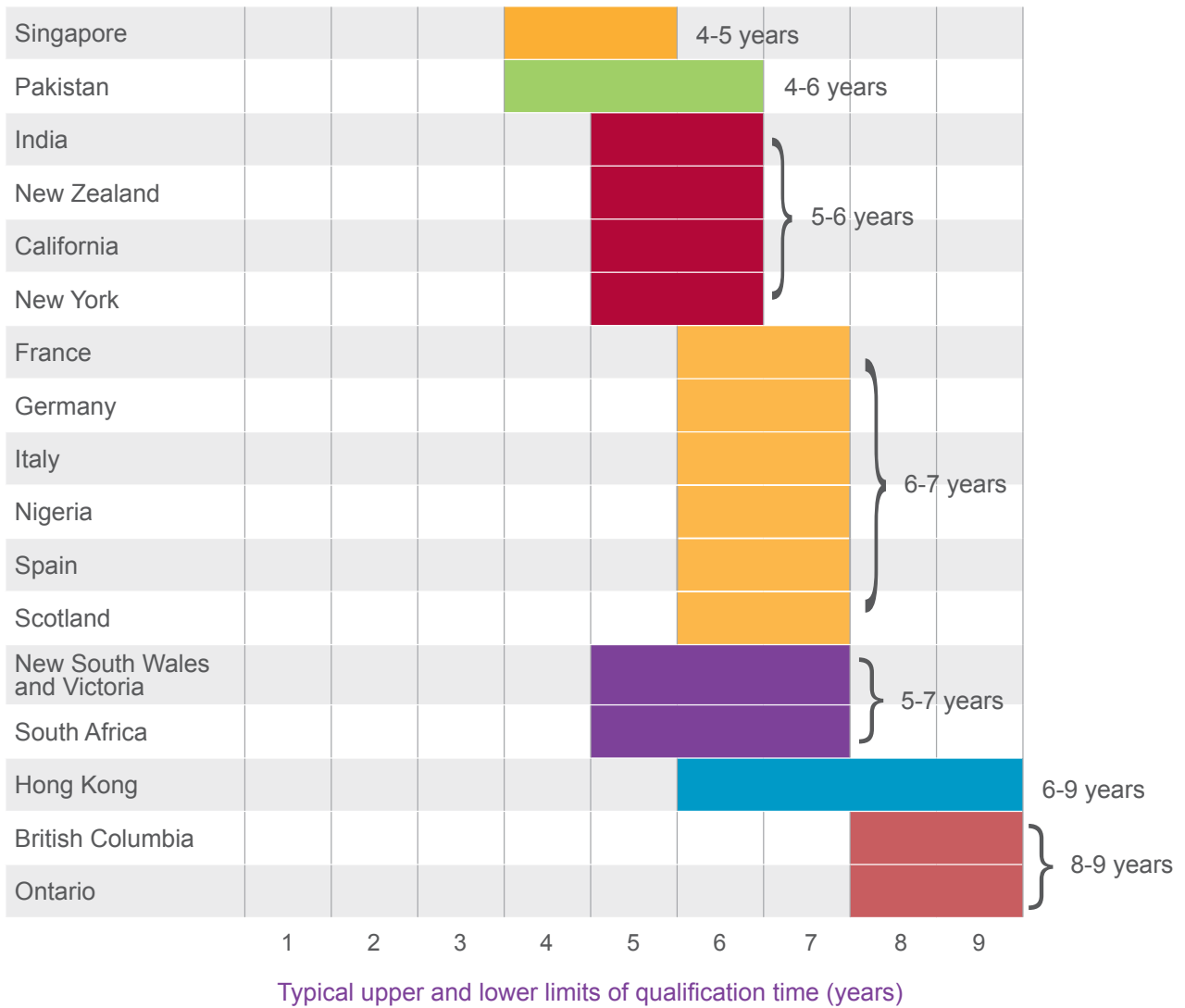
One per year	Two per year	Three per year
India Nigeria Poland Singapore	California New Zealand New York South Africa	Ontario

8. Must candidates take all elements of the centralised assessment within a single sitting?

We have information on three jurisdictions, as follows:

- In South Africa, candidates must take and pass all four written papers of the centralised assessment within a two-day period. We believe that this may have a link to the specified, but large (five) number of further attempts permitted.
- The California bar exam must be taken in one sitting over three days, although the additional requirement, the Multistate Professional Responsibility Examination can be taken at any time prior to admission.
- The New York bar exam contains three elements which must all be taken in one sitting.

9. What is the typical beginning-to-end duration to complete all the requirements for qualifying as a lawyer?



The typical beginning-to-end period is measured from the commencement of undergraduate study.

Some jurisdictions have a more variable period than others, but we make the broad conclusion that between five and seven years is a normal period for most jurisdictions.

The long qualification period in Canada is because of a longer period of study at law school in addition to the required first degree.

Part B Impacts of SQE reform

1. Does possession of the title “solicitor of England and Wales” confer an eligibility to requalify as a lawyer of the jurisdiction?

Jurisdiction	No eligibility arising from solicitor title	Solicitor title in itself gives eligibility to requalify
Australia - New South Wales and Victoria	✓	
Canada - British Columbia		✓
Canada - Ontario		✓
France		✓ *
Germany		✓ *
Hong Kong		✓
Italy		✓ *
India	✓	
New Zealand		✓
Nigeria	✓	
Pakistan		✓
Poland		✓ *
Singapore		✓
Spain		✓ *
South Africa	✓	
United Kingdom - Scotland		✓
United States - California		✓
United States - New York	✓	

* In EU jurisdictions, the mutual recognition of title and being able to practise on a permanent basis in another EU member state under one’s own home country professional title derive from a combination of the Mutual Recognition of Professional Qualifications Directive 2005/36/EC (as amended by the Professional Recognition Directive 2013/55/EU) and the Establishment Directive 98/5/EC. This however may be affected by the UK’s exit from the EU.

If the title does not confer eligibility, a solicitor of England and Wales will either:

- have their existing study and experience assessed on an individual basis in order to determine what additional courses or practical work they must undertake, or
- be required to requalify 'from scratch' as if they were a domestic candidate with no prior qualifications.

If the title does confer eligibility, a solicitor must meet further conditions in all the jurisdictions to requalify.

Apart from degree and/or QLD status, examples of further conditions are as follows:

- In British Columbia and Ontario, as in the rest of Canada, the solicitor title permits application to the National Committee on Accreditation for a requalification certificate, following issue of which an application may be made to the provincial Law Society for admission.
- In Pakistan, the solicitor title permits an application to be made to the Enrolment Committee of the Bar Council.
- In Scotland, a solicitor may take the Intra-UK Transfer Test to requalify.
- In California, a solicitor is eligible to sit the state bar examination without the requirement to complete additional legal education.

2. If a solicitor of England and Wales is eligible for requalification, do they also need to hold a degree, law degree or QLD to requalify?

Jurisdiction	No degree necessary**	Degree necessary - any subject	Law degree necessary	QLD necessary
Australia - New South Wales and Victoria				
Canada - British Columbia			✓	
Canada - Ontario			✓	
France	✓			
Germany	✓			
Hong Kong	✓			
Italy	✓			
India			✓ ₁ ***	
New Zealand			✓	
Nigeria			✓ ₂ ***	
Pakistan	✓		✓	
Poland	✓			
Singapore			✓	
Spain	✓			
South Africa			✓ ³	
United Kingdom - Scotland	✓			
United States - California			✓	
United States - New York			✓*	

1. [Rules of Legal Education, Bar Council of India](#)

2. [Legal education, Nigerian law](#)

3. [Government Gazette, Republic of South Africa Vol. 591, September 2014](#)

Additional notes for table on page 18

* A candidate with a non-law degree who has qualified via the Graduate Diploma in Law (GDL) route is eligible to sit the New York (NY) Bar Exam only after completing an American Bar Association (ABA) approved LLM in the US. Solicitors who qualified via the law degree route may proceed directly to the NY Bar Exam.

** It is not necessarily the case that a degree is not required but more the case that authorities do not look behind the title of solicitor.

*** In India and Nigeria, solicitors are not eligible for requalification under their title alone. However, UK law degrees may be recognised for qualification purposes, subject to fulfilment of additional local requirements (eg LPC equivalent or work experience) and nationality requirements.

A candidate may also need to have a degree to be eligible for requalification in another jurisdiction, even if an English and Welsh solicitor title gives an entitlement to requalify.

If a jurisdiction requires a degree, we asked regulators if they need the degree to be in law. If a jurisdiction requires a law degree, we also asked if the requirement was simply for a degree in law from a university, or whether the law degree needs to be a QLD as defined by the SRA.

Essentially, this question considers the issue of whether a jurisdiction views the practice of law as a graduate profession.

Some jurisdictions, including those in Europe, do not look further than the solicitor title in respect of a candidate's entitlement to requalify. For those jurisdictions which look for more than the solicitor title, the key criterion is a law degree. The SRA's concept of a QLD is not used.

3. Are solicitors of England and Wales able to practise in the jurisdiction under their home title?

Generally, the practice of English and Welsh law overseas as a foreign lawyer depends on overseas jurisdictions' law and government, rather than on regulators. Most jurisdictions are consistent in permitting English-qualified solicitors to practise English law as foreign lawyers, except that:

- India does not allow the establishment of foreign lawyers, but does allow some limited fly-in-fly-out practice.
- California and New York require foreign lawyers to register as foreign legal consultants. Registration is only available to lawyers who have already practised in their home jurisdiction for a specified number of years.

4. Does the jurisdiction use, or recognise, aspects of our qualification for their home route to qualification?

Jurisdiction	Recognition process exists for the following qualifications:		
	Degree	QLD	LPC
Australia - New South Wales and Victoria	✓		
Canada - British Columbia	✓		✓
Canada - Ontario	✓		✓
France	✓		
Germany	✓		
Hong Kong	✓	✓	
Italy	✓		
India	✓		*
New Zealand	✓		✓
Nigeria	✓		
Pakistan	✓		
Poland	✓		
Singapore	✓		
Spain	✓		✓
South Africa			
United Kingdom - Scotland	✓		
United States - California	✓		
United States - New York	✓		
Bermuda (please see note below)	✓	✓	✓

* In India, depending on the awarding institution of a candidate's degree, an additional requirement may be imposed that the candidate's degree was immediately followed by the LPC.

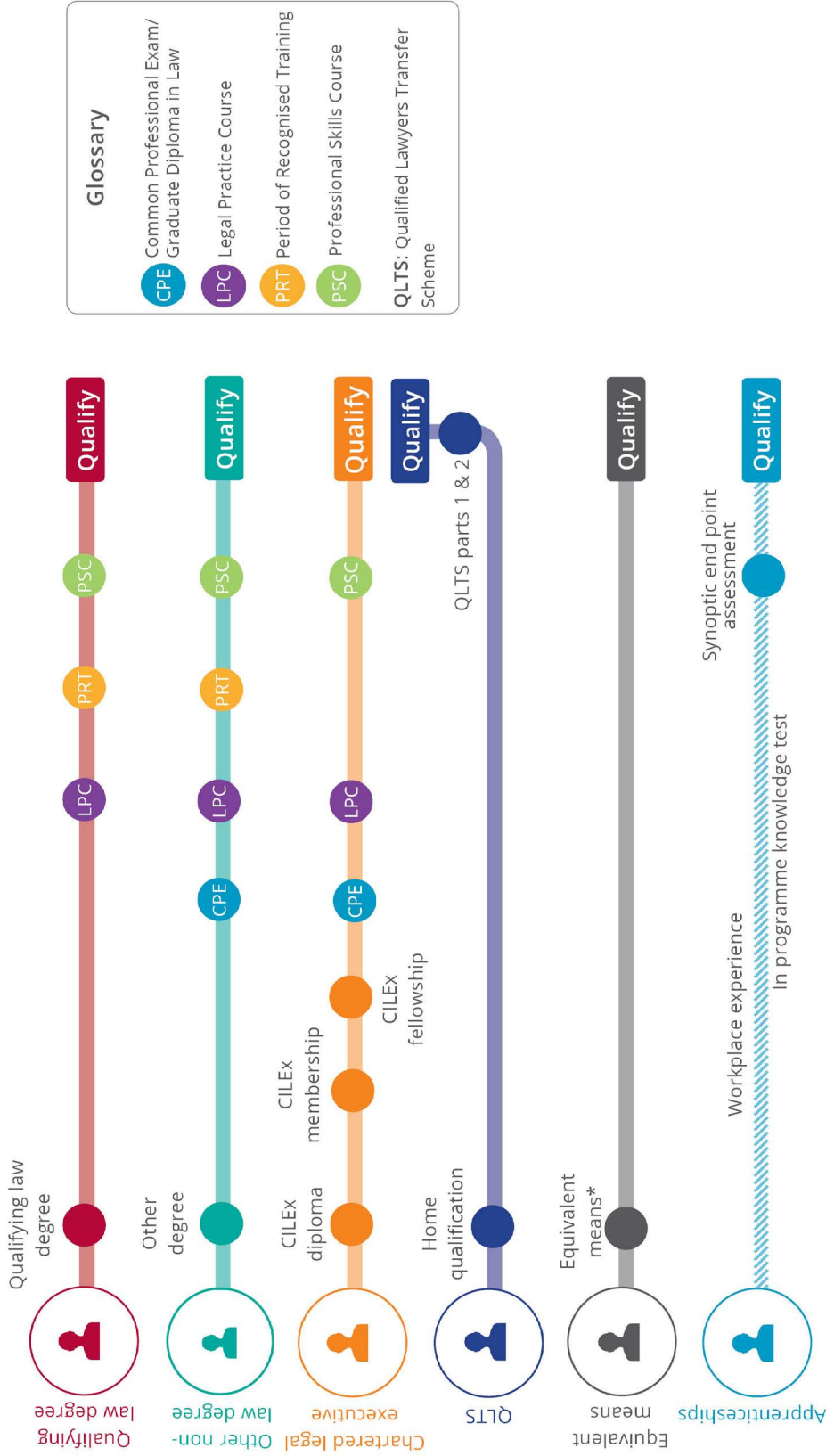
We looked at whether elements of our current qualification process (degree, the degree's QLD status, legal practice course (LPC)) were recognised or counted towards other jurisdictions' domestic qualification process.

Bermuda and other Commonwealth jurisdictions

We also contacted Commonwealth jurisdictions in Africa, the Atlantic and Caribbean for this question, in case the jurisdictions used elements of the English qualification process as part of their domestic qualification route. Only Bermuda responded, and confirmed that it recognises and uses English degrees, the degree's QLD status and the LPC as part of their own qualification process.

Appendix 1

Solicitor qualification pathways for England and Wales 2016



*Regulation 2.2 of the Training Regulations 2014 allows the SRA to recognise that the knowledge and skills outcomes (and the standard at which they must be acquired) may have been achieved by an individual through other assessed learning and work based learning. Where this is the case, we may grant exemption from all or part of the academic or vocational stages. For example, we may agree that an individual has through a different course of assessed learning or work-based experiential learning, met the outcomes required on Stage 2 of the Legal Practice Course and so grant exemption from this stage.

