



# Lawyers training systems in the EU

## Malta

Information provided by: **Chamber of Advocates**

April, 2014

### DESCRIPTION OF THE NATIONAL TRAINING SYSTEM FOR LAWYERS in Malta

#### 1. Access to the Profession

Higher education / university education	YES
A law degree is compulsory	<p>YES</p> <p>There are 2 categories of jurists in Malta: <b>Advocates</b> and <b>Legal Procurators</b>. The terms 'lawyer' and 'advocate' are used interchangeably. Holding an LL.D. degree ("Doctor of Laws") or equivalent is a prerequisite for becoming an advocate. The LL.D. is a doctorate-level academic degree in law requiring at least three years of post-graduate full-time study at the University of Malta. In terms of equivalence with other degrees, this is equivalent to an LL.M (Master of Laws).</p> <p><b>Advocates</b> have rights of audience in both upper and lower courts.</p> <p><b>Legal Procurators</b> have rights of audience in lower courts. They also assist lawyers in their role and to file written pleadings.</p> <p>Holding an LL.B. is a prerequisite for becoming a Legal Procurator.</p>
Steps to becoming a fully-fledged lawyer:	<ul style="list-style-type: none"> <li>• State exam (the exam is organised by the <a href="#">Chief Justice of Malta</a> (<i>Prim Imħallef ta' Malta</i>). The Bar provides the questions related to Ethics. Both the written as well as the oral exam are held by two members of the Judiciary)</li> <li>• Completion of induction period</li> </ul>

Alternative routes to the profession:	N/A	
<b>2. Training during induction period</b>		
Is there an induction period?	YES	<b>Legal basis:</b> Article 81 of the Maltese <a href="#">Code of Organisation and Civil Procedure</a>
Compulsory	YES	<b>Set length:</b> <b>1 year</b> (see below “Changes foreseen”)
Types of structures responsible for organising induction training	Private practices and law firms. The Bar has no specific role at this stage. There are proposals for the Bar to take upon itself a more active role.	
Form of induction training	Apprenticeship supervised by a private practice: The law only requires that a person must carry out training in Court with another lawyer for a period of at least 1 year	
Entrance exam / check before induction period	NO	
Set curriculum during induction period	NO	The law graduate must attend the office of a practicing advocate as well as sittings of the Superior Court
Specificities regarding EU law and linguistic training:	NO	
Induction period divided into different stages	NO	
Post-induction period assessment / exam	NO	
<b>3. Continuous training system</b>		
Differentiation between continuous training / specialisation training	NO	
Obligations regarding continuous training	NO	Continuous training is not stated in the state law or in the internal regulations of the Bar. However, the Chamber of Advocates is proposing to make continuous training obligatory
Obligations regarding specialized training	NO	Specialisation is not mentioned either by the state law or internal regulations

Obligations regarding learning foreign languages	No obligation	
Obligations regarding EU law content in relation to continuous / specialization training?	No obligation	
<b>4. Accreditation systems and training providers</b>		
Possibility for accreditation	N/A There is no accreditation process for training activities in Malta	
Number of training providers offering continuous training activities	Bar	
Type of training providers developing accredited continuous training activities	N/A	
<b>Activities and methods</b>		
Type of training activities accepted under the obligations of continuous or specialization training	N/A No mention in law or internal regulations: There are no continuous or specialisation training obligations for lawyers in Malta.	<b>Participation in training activities in another member state:</b> Lawyers can participate in training activities taking place in another Member State at their convenience. However, this does not replace the requirement of having to train in Court for a period of 1 year before lawyers can get admitted to the Bar.
<b>5. Supervision of training activities</b>		
Organizations involved in supervising continuous training activities	N/A	
<b>6. National reform of training system</b>		
The Chamber of Advocates has drafted and proposed to Government a new law to radically overhaul the regulation of the profession (Lawyers' Act). It is anticipated that this law will come into force in 2014.		

### Changes foreseen

**Qualifications:** The Lawyers' Act will allow for people holding a Master's Degree instead of an LL.D. to register with the Bar and to appear before the upper and lower courts. From 2016 onwards, the required qualifications will be a B.A. (Hons) for 4 years and then an one-year Master's Degree

**Induction period length:** there is a proposal by the Bar to extend the induction period length to **2 years** (only for Advocates)

**Continuous training:** It is envisaged that continuous training becomes obligatory for all lawyers in order for them to be able to retain their licence to practice. They would have to attend a number of hours on a yearly basis of accredited training.

### **EU law aspects of training**

Training on EU law aspects will be reinforced as part of the continuous training.

Enforcement of EU law aspects during the induction period might be problematic in practice but it is being considered by the Chamber.

Source: Pilot Project - European Judicial Training: "*Lot 2 – Study on the state of play of lawyers training in EU law*", carried out by the Council of Bars and Law Societies of Europe (CCBE) and the European Institute of Public Administration (EIPA)