2023 CLA CASE COMPETITION

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Case Title:

A Collaborative, Learning and Adapting Approach: Pioneering the Maldives First Bar Exam

Name:

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Organization:

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Summary:

Through a culture of open collaboration and a collective willingness to adapt, the American Bar Association Rule of Law Initiative (ABA ROLI) and the Bar Council of the Maldives (BCM) have successfully implemented the Maldives' inaugural bar exam. This landmark achievement in standardizing the legal profession required proactive engagement and iterative processes.

BCM and ABA ROLI embraced the principles of Collaborating, Learning, and Adapting (CLA), fostering a culture of transparency and knowledge exchange among stakeholders, including BCM, ABA ROLI, and USAID. This collaborative environment stimulated innovative thinking, informed decision-making, and yielded improved outcomes. It emphasizes the significance of relationship building and networking, as strong connections were established with the BCM secretariat, subject matter experts, legal professionals and the Executive Committee. These relationships provided essential expertise, support, and resources, bolstering the collaboration's overall effectiveness.

The case study exemplifies the transformative power of collaboration and adaptive strategies in overcoming challenges and attaining development outcomes. The successful implementation of the bar exam, amidst evolving circumstances, underscores the efficacy of the CLA approach in strengthening the legal profession in the Maldives.

1. **WHAT: What is the general context in which the case takes place? What organizational or development challenge(s) or opportunities prompted you to collaborate, learn, and/or adapt?**

The Bar Council of the Maldives (BCM), established in 2019 by the Legal Profession Act (LPA), faced the expectation of developing and administering the inaugural Maldives' Bar Exam that met international standards, within a tight timeline. According to the LPA, law students who complete their law degree after the Act came into effect, must pass the bar exam, and complete a 1-year training program to become licensed to practice as a lawyer in the Maldives. Due to the covid-19 pandemic, law students were unable to complete the training requirement leaving them uncertain about their licensing prospects.

To address this issue, the Maldivian Parliament amended the LPA, to grant an interim solution, whereby law students could obtain a temporary license after completing a one-month special licensing training program (SLTP) administered by the BCM, with the condition that they would be permanently licensed after passing the exam. This further increased the pressure on BCM to develop the bar exam as soon as possible so that SLTP lawyers can be permanently licensed. In 2020, ABA ROLI, through USAID's Strong and Inclusive Maldivian Democracy program, stepped in to offer support by providing subaward funding, and technical assistance and expertise on exam development and administration.

The BCM also faced additional pressure resulting from the advocacy efforts of law students; a court case seeking to halt or delay the exam, and proposed amendments to the LPA. The amendment proposed by the opposition sought to exempt students who started their studies before the LPA's implementation from taking the exam, while the government proposed exempting students who completed the SLTP from taking the exam. Navigating this dynamic environment required BCM and ABA ROLI to collaborate and seek feedback from stakeholders, engage in iterative processes and adapt their strategies accordingly.

2. **What two CLA Sub-Components are most clearly reflected in your case?**

Scenario Planning

Adaptive Management

3. HOW: What steps did you take to apply CLA approaches to address the challenge or opportunity described above?

In the face of a court case, and multiple amendments being submitted to the parliament, BCM and ABA ROLI took a proactive approach to monitor whether the original assumptions in the theory of change still held true, by closely monitoring political developments and opinions expressed by key stakeholders, including the parliament, judiciary, law students, legal professionals, and the public on media and social media platforms. This enabled us to remain informed about potential impacts on program activities, seize opportunities and address challenges by conducting proactive scenario planning and developing contingency plans accordingly.

Scenario 1 which proposed exempting law students who started studying before the LPA came into effect, from sitting the bar exam, would significantly reduce the number of examinees, as only students who graduated in 2023 would be required to sit the exam. Scenario 2, which proposed exempting lawyers who completed the Special Licensing Training Program from the bar exam, would result in more students sitting the exam. The number of students who sat the exam was important for donors, because BCM could use these funds to develop the next exam. Scenario 3 acknowledged the court case could possibly delay the bar exam, meaning that the BCM had to prepare to push back the exam. These scenarios assumed that students would be willing to sit for the exam. Based on the results of our monitoring exercise, this was found to be inaccurate.

ABA ROLI and BCM collaborated to assess the first two scenarios based on stakeholder consultations. Through these discussions, BCM identified three major concerns shared by potential examinees. Firstly, students felt that the exam fee was prohibitively high for new law graduates. To address this, BCM adapted by decreasing the examination fees by 35%, encouraging more graduates to register and participate, even if it meant that BCM would receive less revenue to develop the subsequent exam. Secondly, students expressed a lack of revision materials to prepare for the bar exam. In response, given the lack of its own human resources, BCM collaborated with experienced lawyers, judges, and justices in the Maldives to develop a reading list. BCM also provided students with practice questions to familiarize them with the exam questions, alleviating their anxieties about sitting the first-ever bar exam in the Maldives.

Thirdly, BCM identified that there were negative perceptions and misinformation around the introduction of a bar exam. ABA ROLI helped BCM develop a communication strategy to boost the popularity of the exam, and gain stakeholder buy-in. This strategy involved communicating the importance of the bar exam to various stakeholders, including legal professionals, government officials, and the public, through a targeted social media campaign to foster support, understanding, and increase participation in the bar exam.

The third scenario, involving the court case, raised concerns about potential changes in BCM leadership. To minimize this, exam processes were designed such that BCM secretariat staff would be working on the exam, under the guidance of a Committee of Experts and Subject Matter Experts who would remain unchanged.

This collaborative approach enabled BCM to address the evolving circumstances and complexities it faced. By incorporating stakeholder perspectives and adapting their strategies accordingly, BCM ensured that the bar exam development and administration met stakeholder needs, addressed changing requirements and effectively tested aspiring lawyers in the Maldives. Through the joint efforts of the BCM, ABA ROLI, the Maldivian legal profession and other stakeholders, the Maldives successfully implemented its first-ever standardized bar exam, which assessed the examinees' skills, analytical abilities, and legal knowledge, setting the benchmark for admission to the legal profession in the Maldives.

4. RESULTS: Choose one of the following questions to answer.

We know you may have answers in mind for both questions; However please choose one to highlight as part of this case story

A. DEVELOPM ENT RESULTS

In November 2022, BCM successfully administered the Maldives' first bar exam. 173 candidates took the exam with over 68% passing the exam, marking a landmark achievement in standardizing the legal profession of the Maldives. Without the CLA approach, it is highly unlikely for the bar exam to have been administered, which would have hindered the justice and legal sector reform efforts in the country. The scenario planning exercise conducted by BCM and ABA ROLI enabled it to anticipate and address potential obstacles and challenges and adapt their strategies. This proactive approach to scenario planning showcased the importance of CLA in navigating the complex legal and political landscape, ensuring that the necessary prerequisites for the exam were met.

The engagement with stakeholders, including students, through meetings and consultations played a significant role in shaping the exam development process. By actively listening to their concerns and taking actionable steps to address them, such as reducing exam fees and providing study materials, BCM demonstrated the responsiveness and adaptability inherent in a CLA approach. By collaborating with ABA ROLI, and building partnerships with other key players, BCM was able to leverage expertise from the Maldivian legal profession to develop practice questions and conduct revision lectures. The active involvement of these stakeholders not only contributed to the credibility and legitimacy of the exam but also fostered a sense of ownership and support within the legal profession and the wider community. The successful administration of the exam, against the backdrop of evolving circumstances and challenges, showcases the efficacy of the CLA approach in overcoming obstacles and achieving development outcomes.

5. **ENABLING CONDITIONS: How have enabling conditions - resources (time/money/staff), organizational culture, or business/work processes - influenced your results? How would you advise others to navigate any challenges you may have faced?**

Through the adoption of CLA principles, several key aspects of our collaboration have been positively impacted, resulting in tangible benefits for ABA ROLI. One notable change brought about is the cultivation of a culture of openness and transparency. This shift has allowed for the free exchange of ideas and the sharing of insights between ABA ROLI, BCM, and USAID. The atmosphere of open dialogue has fostered pause and reflect sessions, reviews of the theory of change assumptions and whole team buy-in to address challenges, leading to informed decision-making and improved outcomes. Our collaborative efforts have been greatly strengthened through the relationships and networks established during the project. We have relied heavily on the strong relationships built with the BCM secretariat, Committee of Experts, Subject Matter Experts, Members of Parliament, and both the old and new Executive Committee members of the BCM. These connections have provided us with valuable expertise, support, and resources, enhancing the overall effectiveness of our collaboration.

It has also played a significant role in ensuring appropriate stakeholder involvement in decision-making processes. By actively engaging key stakeholders, we have been able to make collective and well-informed decisions. This inclusive approach has fostered stakeholder ownership and commitment, ultimately aligning our actions with the needs and aspirations of the Maldivian legal profession. While it is too early to fully evaluate the long-term effects of our approach, we have high expectations for its continued positive impact. The culture of openness and transparency is expected to fuel ongoing collaboration, innovation, and problem-solving within our team. Building on the relationships and networks established, we anticipate opportunities for sustained knowledge sharing and future collaborative initiatives as it has significantly influenced our team and organization, fostering a culture of openness, strengthening relationships and networks, and promoting inclusive decision-making.