

## **LAWYER'S SKILLS**

*This information has been taken from Schedule 3 of the Legal Profession (Admission) Rules 2008. Each applicant for admission to the legal profession is required to provide evidence that the applicant has achieved the requisite competence in each element.*

### **Descriptor:**

An entry lawyer should be able to demonstrate oral communication skills, legal interviewing skills, advocacy skills, negotiation and dispute resolution skills, and letter writing and legal drafting skills.

### **Element. 1. Communicating effectively**

#### *Performance criteria*

The lawyer has competently:

- identified the purpose of a proposed communication, the most effective way of making it, an appropriate communication strategy, and the content of the proposed communication.
- presented thoughts advice, and submissions in a logical, clear, succinct and persuasive manner, having regard to the circumstances and the person or forum to whom the communication is made.
- identified and appropriately dealt with verbal, non-verbal and cross-cultural aspects of the proposed communication.
- taken any follow-up action in accordance with good practice.

### **Element. 2. Interviewing clients**

#### *Performance criteria*

The lawyer has competently:

- prepared for the interview properly, having regard to relevant information available before the interview and the circumstances.
- conducted the interview using communication techniques appropriate to both the client and the context.
- ensured that the client and lawyer have both obtained all the information which they wanted from the interview in a timely, effective and efficient way, having regard to the circumstances.
- ensured that the lawyer and client left the interview with a common understanding of the lawyer's instructions (if any) and any future action that the lawyer or client is to take.
- made a record of the interview that satisfies the requirements of law and good practice.
- taken any follow-up action in a timely manner.

### **Element. 3. Writing letters**

#### *Performance criteria*

The lawyer has competently:

- identified the need for, and purpose of, the letter.

- written the letter in simple, straightforward English which conveys its purpose clearly and can be easily understood by the person to whom it is sent.

#### **Element. 4. Drafting other documents**

##### *Performance criteria*

The lawyer has competently:

- identified the need for, and purpose, of the document.
- devised an effective form and structure for the document having regard to the parties, the circumstances, good practice, principles of writing simple, straightforward English and the relevant law.
- drafted the document effectively having regard to the parties, the circumstances, good practice, principles of writing simple, straightforward English, and the relevant law.
- considered whether the document should be settled by counsel.
- taken every action required to make the document effective and enforceable in a timely manner and according to law (such as execution by the parties, stamping, delivery and registration).

#### **Element. 5. Negotiating settlements and agreements**

##### *Performance criteria*

The lawyer has competently:

- prepared the client's case properly having regard to the circumstances and good practice.
- identified the strategy and tactics to be used in negotiations and discussed them with an obtained approval from the client.
- carried out the negotiations effectively having regard to the strategy and tactics adopted, the circumstances of the case and good practice.
- documented any resolution as required by law or good practice and explained it to the client in a way the client can easily understand.

#### **Element. 6. Facilitating early resolution of disputes**

##### *Performance criteria*

The lawyer has competently:

- identified the advantages and disadvantages of available dispute resolution options and explained them to the client.
- performed in the lawyer's role in the dispute resolution process effectively, having regard to the circumstances
- documented any resolution as required by law or good practice and explained it to the client in a way the client can easily understand.

#### **Element. 7. Representing a client in court**

##### *Performance criteria*

The lawyer has competently:

- observed the etiquette and procedures of the forum.

- organised and presented in an effective, strategic way:
  - factual material;
  - analysis of relevant legal issues; and
  - relevant decided cases.
- presented and tested evidence in accordance with the law and good practice.
- made submissions effectively and coherently in accordance with law and good practice.

*Explanatory Note*

this competency standard applies to “composite” skills which require a lawyer to synthesise several generic skills and apply them in a specific legal context. Lawyers must be able to exercise such skills effectively.

Representation refers to advocacy on behalf of a client in a court, tribunal or other forum. It includes:

- an aspect of preliminary or pre-trial civil or criminal proceedings;
- an aspect of first instance trial advocacy in a simple matter;
- leading evidence-in-chief and making submissions.

Representation includes cross-examination and re-examination.

Dispute resolution options include:

- negotiation;
- mediation;
- arbitration;
- litigation;
- expert appraisal.