

PROBLEM SOLVING

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 level lawyer should be able to investigate and analyse facts and law, provide legal advice and solve legal problems.

Element. 1. Analysing facts and identifying issues

Performance criteria

The lawyer has competently:

- identified and collected all relevant facts as far as is practicable.
- analysed the facts to identify any existing or potential legal issues.
- distinguished facts that might be used to prove a claim from other facts, if the matter so requires.

Element. 2. Analysing law

Performance criteria

The lawyer has competently:

- identified any questions of law raised by the matter.
- researched those questions of law properly, having regard to the circumstances.
- identified and interpreted any relevant statutory provisions and applied them appropriately to the facts.

Element. 3. Providing legal advice

Performance criteria

The lawyer has competently:

- applied the law to the facts of the matter in an appropriate and defensible way.
- given the client advice in a way which the client can easily understand
- kept up with any developments that might affect the accuracy of previous advice and told the client about the effect of those developments.

Element. 4. Generating solutions and strategies

Performance criteria

The lawyer has competently:

- identified the problem and the client's goal as fully as is practicable.
- investigated the facts and legal issues as fully as is practicable.
- developed creative options and strategies to meet the client's objectives.
- identified the advantages and disadvantages of pursuing each option or strategy.

- assisted the client to choose between those options in a way consistent with good practice.
- developed a plan to implement the client's preferred option.
- acted to resolve the problem in accordance with the client's instructions and the lawyer's plan of action.
- remained open to new information and ideas and updated advice to the client where necessary.

Explanatory Note

This competency standard applies to:

- analysing facts;
- analysing legal and practical issues;
- analysing law;
- interpreting statutes;
- giving advice;
- solving problems in the context of legal practice.

Analysing law includes researching legal issues using;

This competency standard applies to:

- law libraries;
- online searches;
- electronic data bases;
- legal citators and digests.

Analysing law also includes applying principles of precedent and statutory interpretation.