

COMPETENCY PROFILE

This competency profile outlines the knowledge, skills and behaviours expected of entry-level lawyers. It lays the foundation for a renewed bar admission course and is a building block in the Western Canada Law Societies' mobility initiative.

A newly called lawyer must demonstrate competency in the following four areas:

1. Lawyering skills;
2. Practice and management skills;
3. Ethics and professionalism;
4. Legal knowledge.

1. Lawyering Skills

A newly called lawyer shall have and maintain the following lawyering skills:

(i) Problem-Solving

A newly called lawyer must:

- identify relevant facts
- identify legal, practical, and client issues and conduct the necessary research arising from those issues
- ascertain the clients' goals and objectives
- analyze the results of research
- apply the law to the facts
- form an opinion as to the client's legal entitlements
- identify and assess possible remedies
- develop and implement a plan of action

(ii) Legal Research

A newly called lawyer must:

- identify the question(s) of law
- select sources and methods and conduct research
- select sources and methods and conduct search(es)
- analyze and apply guiding principles of case law
- analyze and apply statutes
- identify, interpret, and apply results of research
- effectively communicate the results of research

(iii) **Writing**

A newly called lawyer must:

- clearly identify the purpose of the proposed communication
- use correct grammar and spelling and use language suitable to the comprehension of the reader and the purpose of the communication
- present the subject of the communication, advice, or submissions in a logical, organized, clear and succinct manner
- be persuasive where appropriate
- be accurate and well-reasoned in legal content and analysis
- communicate with civility

(iv) **Drafting**

A newly called lawyer must:

- identify the purpose of the document
- effectively organize the document
- be able to draft an original transactional document without a precedent
- use precedents appropriately
- use clear language appropriate to the document
- draft a legally effective and enforceable document
- understand and be able to explain a legal document
- identify and implement all necessary steps to enforce a legal document

(v) **Interviewing and Advising**

A newly called lawyer must:

- determine the clients' goals, objectives and legal entitlements
- use appropriate questioning techniques to ensure the interview is thorough, effective and efficient
- be understood by the interviewee
- manage client expectations
- establish and maintain rapport and an open communication relationship with the client
- clarify instructions and retainers
- explain and assess possible courses of action with the client
- document the interview

(vi) **Advocacy and Dispute Resolution**

A newly called lawyer must:

- advocate persuasively to advance a client's position
- represent the client effectively in trial or hearing
- effectively prepare, present and test evidence
- represent the client effectively at a mediation
- negotiate effectively on behalf of a client
- advocate effectively on behalf of a client
- know and observe procedures and etiquette of the forum

2. Practice and Management Skills

A newly called lawyer shall have and maintain the following practice and management skills:

(i) **Personal Practice Management**

A newly called lawyer must implement effective practices, procedures or systems for:

- time management
- project management
- diaries/limitation reminders
- timely and on-going client communications
- client development
- risk avoidance
- technological proficiency
- balancing professional life with personal life
- effectively managing documents

(ii) **Office Management**

A newly called lawyer must understand and be able to implement effective practices, procedures or systems for:

- quality control
- billing and collection
- trust and general accounting
- file and precedent organization
- avoiding conflicts of interest
- diaries/limitation reminders
- record-keeping/archiving/file destruction

3. Ethics and Professionalism

A newly called lawyer shall:

- (i) with respect to professionalism:
 - demonstrate professional courtesy and good character in all dealings
 - maintain and enhance the reputation of the profession
 - recognize an obligation to pursue professional development to maintain and enhance legal knowledge and skills
 - act in a respectful, non-discriminatory manner
 - recognize the limitations on one's abilities to handle a matter and seek help where appropriate

- (ii) with respect to ethics:
 - recognize circumstances that give rise to ethical problems or conflicts
 - recognize and discharge all duties and undertakings
 - protect confidences
 - know and apply professional ethical standards

4. Legal Knowledge

A newly called lawyer shall have a general knowledge of the substantive law and current practice and procedures of the areas of law that are likely to be encountered in the early years of a general practice.¹

¹ The "areas of law likely to be encountered in the early years of a general practice" include:

- Real Estate – which may include, for example, builders' liens, undertakings, contracts, aboriginal lands, tax, foreclosure;
- Civil Procedure - which may include, for example, mediation, negotiation, arbitration, administrative tribunals, evidence, contracts, torts;
- Death and Disability - which may include, for example, wills, estates, planning, probate, representation agreements, wills variation, capacity, aboriginal issues, tax;
- Business - which may include, for example, corporate, commercial, personal property, securities, intellectual property, tax, aboriginal business;
- Criminal procedure which may include, for example, Charter of Rights and Freedoms, bail, sentencing, elections, evidence and aboriginal issues;
- Debtor/Creditor - which may include, for example, collections, aboriginal issues, bankruptcy and insolvency;
- Family Relationships - which may include, for example, divorce, custody, maintenance, access, aboriginal issues, same-sex unions; common-law relationships, tax, property rights and distribution, settlement.