



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.