

INTRODUCTION

The Law Society recognizes that individual articling experience varies according to the setting in which the student articles. Students may article in a large or small firm, a general or specialized firm, in the public sector, or elsewhere in the private sector. Necessarily, therefore, the specific functions which students perform on a day-to-day basis will differ; however, certain practice skills should be developed by each student irrespective of the firm, department or corporation at which the student articles.

The following is a list of skill areas in which **all** students should receive experience. If principals cannot provide experience in a particular area, the student and principal should ensure that the student is exposed to that skill area in conjunction with another lawyer.

Ideally, the student experience in each skill area will include significant responsibility, whether under supervision or by assisting a lawyer. Student performance should be carefully monitored. In instances where the student is only observing rather than actively participating, the principal and student should fully discuss what the student has observed.

I. **PROBLEM-SOLVING**

Students should be involved in analyzing problems with a view to achieving an optimal result. In most instances, students will not be initially equipped to perform this function without significant involvement by a lawyer.

Fact investigation is part of problem-solving. It includes obtaining evidence or information by client interviews and other means, e.g. telephone contacts and letters, etc. Students should have an opportunity to both observe and then participate in the gathering of facts required in connection with various matters.

To develop competent problem-solving skills, students should have an opportunity to observe and participate in the following activities related to client files:

- Identification of relevant facts
- Identification of legal, practical and client issues
- Research arising from these issues
- Identification of client goals and objectives
- Analysis of the results of research
- Application of the law to the facts
- Formation of an opinion as to client's legal entitlements
- Identification and assessment of possible remedies

- Development of a plan of action
- Implementation of a plan of action

II. LEGAL RESEARCH

Students should perform practical legal research, but should **not**, however, find that their articling experience in a particular area (for example, litigation) is substantially confined to legal research. The lawyer should review the approach to legal research and the result with the student in order to assist the student in developing research skills. To develop competent legal research skills the students should perform the following activities:

- Identification of questions of law
- Selection of sources and methods of research, including searches
- Conduct research, including searches
- Analyze and apply guiding principles of case law
- Analyze and apply statutes
- Identify, interpret and apply results of research
- Communicate the results of research

III. WRITING

Students should write letters, reports and opinions. Again, almost all such writing should be reviewed by a lawyer to ensure both accuracy and clarity of expression. Competent writing should:

- Identify the purpose of the communication
- Use correct grammar and spelling
- Use language suitable to the comprehension of the reader and the purpose of the communication
- Present the subject of the communication in a logical, organized, clear and succinct manner
- Be persuasive, where appropriate
- Be accurate and well-reasoned in legal content and analysis

IV. DRAFTING

Students should develop their legal drafting skills in the context of their specific type of articles. For example, students should be involved in the drafting of a contract, a will, an affidavit, or pleadings. A supervising lawyer should ensure both accuracy and clarity of expression. To develop competent drafting skills, students require experience in:

- Organizing the form and structure of the document
- Drafting an original transactional document without a precedent
- Using precedents appropriately
- Using clear language appropriate to the document
- Drafting a legally effective and enforceable document

V. INTERVIEWING AND ADVISING

Interviews are typically of clients, experts or witnesses. The student should be actively involved

in, initially, observing interviews by lawyers, with discussion subsequent to the interview, and then conducting interviews, with and then without the involvement of the principal.

One of the primary tasks of a lawyer is to give advice. The student should have an opportunity to observe and participate in the giving of advice, both orally and by the provision of a written opinion.

If it is the student who actually gives the advice, the advice should be monitored with particular care by the lawyer.

To develop competent interviewing and advising skills, the student should have the opportunity to:

- Determine the client's goals, objectives and legal entitlements
- Use appropriate questioning techniques to ensure the interview is thorough, effective and efficient
- 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 and advice

VI. ADVOCACY, NEGOTIATION AND DISPUTE RESOLUTION

Articling should provide an opportunity for enhancing advocacy skills. While not all students can (or will want to) be exposed to the special skills of trial advocacy, general advocacy skills, including effective argument and persuasion, whether in the office, a boardroom, or before a tribunal, should be developed during the articling year.

Student involvement in the negotiation process should include being educated as to various approaches to negotiation, together with active participation in negotiations.

To develop competent skills in these areas, students should have an opportunity to:

- Advocate to advance a client's position
- Represent a client in trial or hearing
- Prepare, present and test evidence
- Represent a client at a mediation
- Negotiate on behalf of a client
- Follow the procedures and etiquette of the forum

VII. PERSONAL PRACTICE MANAGEMENT

Students should be instructed in and their activities monitored in relation to:

- Time management
- Project management
- Document management
- Diaries and limitation reminders
- Timely and on-going client communications

- Client development
- Risk avoidance
- Technology
- Balancing professional life with personal life

VIII. OFFICE MANAGEMENT

Students should become familiar with the firm's systems related to:

- Quality control
- Billing and collection
- Trust and general accounting
- File and precedent organization
- Conflict of interest checks
- Diaries and limitation reminders
- Record keeping, archiving and file destruction

IX. ETHICS AND PROFESSIONALISM

The principal should ensure that the student understands the special role of the lawyer as a professional in a self-governing profession. Students should be given the opportunity to develop proper attitudes and behaviours so that they:

- 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 their ability to handle a matter and seek help where appropriate
- Recognize circumstances that give rise to ethical problems or conflicts
- Recognize and discharge all duties and undertakings
- Protect confidences
- Know and apply ethical standards