

## COMPETENCY BASED LAWYERING

*What are Competencies?*

*A combination of practical and theoretical **knowledge**, cognitive **skills**, **attitudes**, and **values** used to improve performance; or as the state or quality of being adequately or well qualified, having the ability to perform a specific role.*

### KNOWLEDGE

- Laws and regulations (e.g., constitutional law, contracts, torts, civil procedure, criminal law, etc.)
- Commercial awareness
- Financial literacy

### SKILLS<sup>1</sup>

- Legal method and analysis
- Oral Communication (*speaking and active listening*)
- Written Communication (*e.g., agreements, memos, emails*)
- Research
- Negotiation
- Problem solving/Solutions and strategies
- Practice management
- Project management
- Teamwork
- Interviewing
- Investigation
- Dispute resolution
- Court representation/advocacy
- Networking
- Sales/Business Development

### ATTITUDES

- Ethical
- Client-service focused
- Constant learning
- Technology affinity
- Innovation and Creativity

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<sup>1</sup> The following competency framework was based off the framework presented in the research paper entitled: *Mapping Lawyer Competencies onto the Law School Curriculum to Confirm that the Curriculum Prepares Graduates for Practice* by Nelson P. Miller.

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Skills	Elements
<b>Legal method and analysis</b>	<ul style="list-style-type: none"> <li>• <i>facts</i>: identify relevant facts and recognize and assemble fact patterns</li> <li>• <i>theory</i>: formulate and elaborate relevant legal theories and options</li> <li>• <i>issues</i>: identify unresolved legal and factual issues</li> <li>• <i>authority</i>: identify controlling and advisory authority relating to issues</li> <li>• <i>analysis</i>: apply law to facts analyzing merits and predicting outcomes</li> <li>• <i>evaluation</i>: evaluate and critique theories and analysis</li> <li>• <i>synthesis</i>: synthesize complex law and facts into meaningful order and solutions</li> <li>• <i>diversify</i>: employ multiple measures for evaluating legal problems</li> </ul>
<b>Oral Communication</b>	<ul style="list-style-type: none"> <li>• <i>understanding</i>: know reliable communication practices and principles</li> <li>• <i>status</i>: identify the need for, systematize, and maintain communications</li> <li>• <i>discernment</i>: discern communication culture, strategy, and norms</li> <li>• <i>content</i>: generate communication content</li> <li>• <i>feedback</i>: modify communication forms to responses</li> <li>• <i>opinions</i>: communicate opinions regarding disputed issues</li> <li>• <i>demands</i>: communicate demands regarding rights and obligations</li> <li>• <i>interests</i>: communicate within firms and teams regarding interests</li> </ul>
<b>Written Communication</b>	<ul style="list-style-type: none"> <li>• <i>need</i>: identify the need for and purpose of documents</li> <li>• <i>planning</i>: plan document form and structure</li> <li>• <i>drafting</i>: draft effective pleadings, court papers, and documents in format</li> <li>• <i>execution</i>: properly execute, route, and store writings; attention to detail</li> </ul>
<b>Research</b>	<ul style="list-style-type: none"> <li>• <i>need</i>: identify the need for legal research</li> <li>• <i>planning</i>: articulate and implement a research plan</li> <li>• <i>memorializing</i>: memorialize research results in an appropriate form</li> <li>• <i>monitoring</i>: monitor law changes affecting completed research</li> <li>• <i>technology</i>: use electronic research tools</li> </ul>
<b>Negotiation</b>	<ul style="list-style-type: none"> <li>• <i>goals</i>: determine client goals</li> <li>• <i>consent</i>: obtain consent for negotiation</li> <li>• <i>preparation</i>: prepare for negotiation including identifying tactics</li> <li>• <i>implementation</i>: conduct negotiations to achieve goals</li> <li>• <i>documentation</i>: document negotiation and results</li> </ul>

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Skills	Elements
<b>Problem solving/ Solutions and strategies</b>	<ul style="list-style-type: none"> <li>• <i>identification</i>: identify client goals and objectives</li> <li>• <i>investigation</i>: investigate relating to client goals and objectives</li> <li>• <i>generation</i>: generate options and strategies to achieve goals and objectives</li> <li>• <i>evaluation</i>: evaluate options and strategies</li> <li>• <i>advising</i>: advise clients as to options and strategies</li> <li>• <i>planning</i>: plan for chosen options and strategies</li> <li>• <i>implementation</i>: implement options and strategies</li> </ul>
<b>Practice management</b>	<ul style="list-style-type: none"> <li>• <i>objectives</i>: establish practice management goals and objectives</li> <li>• <i>marketing</i>: develop and implement a marketing plan for legal services</li> <li>• <i>scheduling</i>: maintain a scheduling system for time and resources</li> <li>• <i>prioritizing</i>: identify and follow work priorities to achieve objectives</li> <li>• <i>recordkeeping</i>: employ a file management system</li> <li>• <i>management</i>: manage cases and projects to achieve objectives</li> <li>• <i>billing</i>: record work and bill timely, effectively, and ethically</li> <li>• <i>compensation</i>: provide for equitable compensation arrangements</li> <li>• <i>documentation</i>: memorialize events and communications</li> </ul>
<b>Project management</b>	<ul style="list-style-type: none"> <li>• <i>initiating</i>: determine the nature and scope of the project</li> <li>• <i>planning</i>: plan time, costs and resources adequately to estimate work needed and to effectively manage risk during project execution</li> <li>• <i>producing or executing</i>: ensure the project management plan's deliverables are executed accordingly</li> <li>• <i>monitoring and controlling</i>: observe project execution so that potential problems can be identified in a timely manner and corrective actions can be taken</li> <li>• <i>closing</i>: complete and settle the project</li> </ul>
<b>Teamwork</b>	<ul style="list-style-type: none"> <li>• <i>conduct</i>: identify common ground and work effectively with other attorneys and staff to address issues and complete assignments</li> <li>• <i>collaboration</i>: is viewed as a contributing member—one who encourages cooperation, collaboration, and respectful candor with all attorneys and staff</li> <li>• <i>conflict management</i>: deal effectively and maturely with interpersonal conflict among team members</li> </ul>
<b>Interviewing</b>	<ul style="list-style-type: none"> <li>• <i>preparation</i>: prepare for client and other interviews</li> <li>• <i>conduct</i>: conduct appropriate interviews</li> <li>• <i>monitoring</i>: monitor and adapt interviews for effectiveness</li> <li>• <i>documentation</i>: document interview outcomes</li> <li>• <i>action</i>: act on interview results</li> </ul>

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<b>Investigation</b>	<ul style="list-style-type: none"> <li>• <i>need</i>: identify the need for investigation</li> <li>• <i>planning</i>: articulate investigation and discovery plans</li> <li>• <i>gathering</i>: identify and gather evidence needed to prove cases</li> <li>• <i>evaluation</i>: evaluate the evidence that has been gathered</li> <li>• <i>ediscovery</i>: preserve and obtain electronically stored information</li> <li>• <i>experts</i>: retain and prepare experts and discover expert opinions</li> </ul>
<b>Dispute resolution</b>	<ul style="list-style-type: none"> <li>• <i>options</i>: evaluate and advise as to alternative dispute resolution options</li> <li>• <i>conduct</i>: conduct alternative dispute resolution</li> <li>• <i>documentation</i>: document resolution</li> </ul>
<b>Court representation/advocacy</b>	<ul style="list-style-type: none"> <li>• <i>discernment</i>: identify court rules, procedures, and etiquette</li> <li>• <i>conduct</i>: observe court rules, procedures, and etiquette</li> <li>• <i>discovery</i>: conduct and respond to written discovery</li> <li>• <i>depositions</i>: notice and conduct depositions</li> <li>• <i>conferences</i>: conduct pretrial conferences</li> <li>• <i>subpoenas</i>: compel the attendance of witnesses</li> <li>• <i>evidence</i>: offer and test evidence</li> <li>• <i>advocacy</i>: advocate in court proceedings</li> <li>• <i>instructions</i>: present and challenge jury instructions</li> <li>• <i>findings</i>: present and challenge proposed findings of law and</li> <li>• <i>judgments</i>: present and challenge proposed judgments and orders</li> <li>• <i>appeals</i>: preserve and pursue appeal rights</li> </ul>
<b>Networking</b>	<ul style="list-style-type: none"> <li>• <i>identification</i>: identify goals and objectives for networking</li> <li>• <i>reflection</i>: reflect on your personal brand and company/organization brand and how it relates to networking goals and objectives</li> <li>• <i>planning</i>: create a list of tasks and activities that promote your personal brand/company brand and can help you achieve the networking goals and objectives</li> <li>• <i>execution</i>: execute your tasks and activities</li> <li>• <i>evaluation</i>: evaluate the results of the networking tasks and activities</li> <li>• <i>modification</i>: modify tasks and activities based on results, including personal development in improving networking skills</li> </ul>
<b>Sales/Business Development</b>	<ul style="list-style-type: none"> <li>• <i>expertise</i>: identify your areas of expertise and what you want to promote to prospective clients</li> <li>• <i>pain point</i>: identify your prospective clients' pain points through effective research, questioning, and active listening</li> <li>• <i>storytelling</i>: create a story that illustrates how your expertise can address your prospective clients' pain points</li> <li>• <i>closing</i>: reach an agreement with the client on what services and deliverables you will provide and the terms</li> <li>• <i>feedback</i>: follow-up regularly with client to gather feedback regarding the project, including strengths and areas of improvement</li> </ul>