

PROFESSIONAL SKILLS PRACTICAL GUIDE



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TABLE OF CONTENTS

HOW TO USE THIS PRACTICAL GUIDE	3
1. ORAL COMMUNICATION	4
1.1 CLIENTS	4
1.2 SUPERVISING SOLICITORS	5
1.3 ORAL ASSESSMENT TIPS	6
2. TAKING INSTRUCTIONS FROM CLIENTS	7
3. PROBLEM-SOLVING.....	10
3.1 PROOF MAKING.....	10
3.2 MANAGING RISKS	11
4. WRITTEN COMMUNICATION	13
4.1 LETTERS OF ADVICE	13
4.2 WRITTEN SUBMISSIONS	21
5. NEGOTIATION	25
6. COURTROOM ADVOCACY	26
6.1 PREPARATION, PREPARATION, PREPARATION	26
6.2 ROLE PLAY ADVOCACY ASSESSMENT TIPS	26
6.3 EXAMPLE OF A TRANSCRIPT FOR A PLEA	28
7. TIME MANAGEMENT AND WORK/LIFE BALANCE.....	35
7.1 TIME MANAGEMENT	35
7.2 WORK/LIFE BALANCE	37
SOURCES CONSULTED.....	37

HOW TO USE THIS PRACTICAL GUIDE

This practical guide has been developed for your assistance in the practical legal training unit Professional Skills. This guide is structured in a way that aims to aid your development of professional skills to work towards tasks including:

1. Interviewing clients;
2. Drafting;
3. Negotiating and resolving disputes; and
4. Courtroom representation of clients.

The professional skills lawyers require to complete these tasks include:

1. Oral communication;
2. Taking instructions from clients;
3. Problem-solving, including proof making and managing risks;
4. Written communication including drafting documents;
5. Negotiation;
6. Courtroom advocacy;
7. Time management and work/ life balance.

The types of assessment in this practical legal training unit currently include participation in tasks to a satisfactory standard. Lawskool Pty Ltd recommends that you follow this practical guide in the order as it appears, and work through the fact scenario to each practical task in a way that ensures you understand the steps taken along the way.

Throughout your studies, you may adopt an engaged learning style, which enables you to actively explore ideas and issues about a topic, and connect with your peers and mentors about real life situations and how they apply to the topic. Lawskool Pty Ltd hopes that you may use this practical guide as a tool in your engagement about professional skills in your practical legal training course.

1. ORAL COMMUNICATION

- Oral communication skills are required in numerous situations for lawyers, commonly including the following:
 - Taking instructions from clients;
 - Giving clients advice over the phone or in face to face conferences;
 - Conferring with other solicitors in the office, including supervising solicitors and taking instructions for tasks from them;
 - Conferring with Barristers over the phone or in face to face conferences;
 - Conferring with experts, such as medico-legal doctors and occupational therapists, usually over the phone when discerning whether to brief these experts in a matter;
 - Giving instructions to professional or para-professional staff, such as other solicitors, paralegals and secretaries;
 - Taking part in settlement negotiations;
 - Presenting at in-house conferences, such as on new case law or risk management improvements for the firm's policies;
 - Appearing in Court before a Magistrate or Judge, such as at a mention or for a plea.
- At all times, it is essential that solicitors exercise professional, courteous oral communication with all people in the course of their work.

1.1 CLIENTS

- It is essential that solicitors speak clearly and concisely to clients, ensuring that they convey all of the necessary information to clients in a way they can understand.
- It is important to convey a sense of confidence to clients.
- Part of effective communication is clearly conveying and establishing the client's realistic expectations for the costs of the matter, as well as the likely outcomes.

- Some solicitors follow the maxim “under promise and over deliver,” so that clients get a sense that their outcome is better (in monetary terms) than they expected based on what their solicitor advised.
- Be timely with your client communication. Use professional courtesy to return phone calls and send letters in a timely manner.
- If you say you are going to do something, *do it!*

1.2 SUPERVISING SOLICITORS

- When conferring with supervising solicitors, it is important to ensure that you understand the nature of the task you are being instructed to complete. It is very time costly to walk away from a conference with a supervising solicitor and not know exactly *what* it is that you are to achieve, and *how* you are to achieve it.
- It is advisable to clarify any aspects of a task that you may be unclear about straight away, during the conference. A useful way to ensure that you do have an accurate understanding is to repeat instructions back to your supervising solicitor in an effort to clarify them. However, be wary that this may get quite tiring or cumbersome for your supervising solicitor and that after a few times of receiving similar tasks, you are not to undergo this process unnecessarily.
- A useful way to think of your supervising solicitor is like a Judge. When you bring your completed tasks to them, such as a draft of a letter, a chronology or a brief, these should be revised, thoroughly checked and your best work for the stage you are at. What this means is that you should aim for any corrections or feedback made by your supervising solicitor to be of the nature that you have not learned previously, such that you are consistently applying what you have already learned in an effective way.
- Be wary that some supervising solicitors will continue to correct your work even when you think it is of your best standard, or hitting the instructions. This may simply be a matter of preference. You are working to consistently produce quality work, not infallible work.
- Ensure that you speak to your supervising solicitor in a courteous, respectful and inquisitive manner, so that you show your humility as well as areas you might like

to ask questions about or show you might approach a task differently, explaining why, and seeking clarification about whether this is okay with them.

- Remain confident and calm at all times, even when you feel like someone has cut a knife through your work. You are always learning, and if you show that you are, you will go a long way.
- If you say you are going to do something, *do it!*
- Be honest.

1.3 ORAL ASSESSMENT TIPS

- The oral assessment (also known as a “viva voce”) in your practical legal training course is an opportunity for you to demonstrate your knowledge, your presentation and speaking skills.
- Preparation is a fundamental key to successful performance.
- Know the material. Read, read and read the documents. Have notes or a tagging system to ensure you have flagged where the crucial points are and be ready to refer to them with your oral statements.
- Know the content of your oral statements in a flexible and coherent way so that you are able to answer questions asked of you and then continue with your oral statements.
- Practice taking turns asking questions to classmates and answering them if possible.
- Practice talking in front of a mirror so that you can evaluate your body language and/or record your answers on audio tape and play it back to see how you sound. This will also hopefully aid in your memory of your oral statements.



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