

CPLED Alberta

Competency Profile

This competency profile is the foundation of the CPLED Program. 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

The assignments and competency evaluations are designed to assist students in developing the relevant knowledge, skills and behaviors that they will require after they are admitted to the Bar.

1. Lawyering Skills

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

(A) Problem-Solving

- Identify relevant facts
- Identify legal, practical and client issues and conduct the necessary research arising from those issues
- Ascertain the client's 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

(B) Legal Research

- 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 and search(es)
- Effectively communicate the results of research and search(es)

- (C) **Writing**
- 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 when appropriate
 - Be accurate and well-reasoned in legal content and analysis
 - Communicate with civility
- (D) **Drafting**
- 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
- (E) **Interviewing and Advising**
- Determine the client's 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
- (F) **Advocacy and Dispute Resolution**
- Advocate persuasively to advance a client's position
 - Represent the client effectively in a trial or a 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:

(A) Personal Practice Management

- 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

(B) Office Management

- 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

With respect to ethics and professionalism, a newly called lawyer shall:

- 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 of one's abilities to handle a matter and seek help when appropriate
- 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 builders’ liens, undertakings, contracts, aboriginal lands, tax and foreclosure;
- Civil Procedure, which may include mediation, negotiation, arbitration, administrative tribunals, evidence, contracts and torts;
- Death and Disability, which may include wills, estates, planning, probate, representation agreements, wills variation, capacity, aboriginal issues and tax;
- Business, which may include corporate, commercial, personal property, securities, intellectual property, tax and aboriginal business;
- Criminal Procedure, which may include the Charter of Rights and Freedoms, bail, sentencing, elections, evidence and aboriginal issues;
- Debtor/Creditor, which may include collections, aboriginal issues, bankruptcy and insolvency;
- Family Relationships, which may include divorce, custody, maintenance, access, aboriginal issues, same-sex unions, common-law relationships, tax, property rights and distribution settlements.