

Sample copy of the report on the performance appraisal competencies

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Instructions

At the end of the articling placement, Principals are required to report on the candidate's performance in each of the five required tasks relating to the performance appraisal competencies. Once the final report is filed online, it will be available to the candidate through their Licensing Process web account.

Reporting on the performance appraisal competencies works much the same as reporting on experiential training competencies. A five-or three-point scale describing sample behaviours is included for each competency and the principal is asked to select a response that best exemplifies the candidate's level of performance while undertaking each of the five specified tasks. Since there are a number of behaviours in each scale to choose from, the candidate should be able to adequately perform the positive behaviour of the lower ratings if you select the higher rating.

Use this document to review the requirements, track progress or provide feedback throughout the placement. Please do not attempt to file this form with the Law Society.

You must complete your reporting requirements using the Record of Experiential Training in Articling Program (RET), an online tool developed by the Law Society that you can access through your online account.

The Law Society will not accept reporting through any other delivery method.

1. Establishing the Client Relationship

Skill Competency: Interviewing a Client.

Competency to be assessed: Establishing rapport with the client.

- *Interprets the client's nonverbal behaviours and responds in a way (verbally and nonverbally) that further establishes rapport and trust.*
Helps the client to manage the client's expressed emotions and behaviours.
- *Demonstrates empathy for the client.*
Uses positive nonverbal behaviours when meeting the client (e.g., exhibits appropriate eye contact, facial expressions and body language).
- *Communicates clearly, respectfully, and in a manner to which the client can relate.*
Communicates information required to establish trust (e.g., by explaining confidentiality).
- *Experiences a high level of difficulty when communicating with and relating to the client, but without demonstrating disrespectful behaviours.*
- *Demonstrates a lack of preparation when meeting the client (e.g., does not know the client's name, or basic facts that are important to establishing rapport).*
Demonstrates disrespectful behaviours (e.g., rudeness, tardiness, unprofessional demeanor, language that is inappropriate for the client).
- *Not applicable in this context.*

Skill Competency: Interviewing a Client.

Competency to be assessed: Eliciting information from the client.

- *Identifies and collects relevant information that exceeds the expectations of the instructing lawyer.*
Determines the level of sophistication and communication needs of the client and tailors the general level of discourse accordingly.
- *Uses active listening skills to confirm understanding of the client's responses.*
Employs an effective plan for eliciting information from the client.
- *Asks relevant questions tailored to the situation and client (e.g., open-ended or focused as required).*
Obtains sufficient information required to proceed.
- *Does not tailor the type of questions asked to the situation or client.*
Does not obtain the necessary information required to proceed.
- *Spends a disproportionate amount of time collecting irrelevant information.*
- *Obtains little or no relevant information from the client.*
- *Not applicable in this context.*

Skill Competency: Interviewing a Client.

Competency to be assessed: Determines the client's legal needs.

- *Prioritizes the client's legal needs.*
Assists the client to refine his or her understanding of his or her legal needs.
- *Distinguishes between the client's wants and legal needs.*
- *Identifies the client's legal needs accurately, but may identify some of the client's wants as legal needs.*
- *Captures some of the client's legal needs.*
Does not distinguish between the client's wants and legal needs.
- *Identifies the client's legal needs inaccurately or not at all.*
- *Not applicable in this context.*

Skill Competency: Interviewing a Client.

Competency to be assessed: Advising the client (under a lawyer's supervision) in light of the client's circumstances.

- *Recommends a preferred course of action to the client based on sound judgment.*
- *Conveys complete advice to the client including various options.*
- *Conveys accurate and sufficient advice to the client in light of the client's circumstances.*
- *Confirms the client's understanding of the advice provided.*
- *Conveys accurate but incomplete advice to the client.*
- *Conveys inaccurate advice to the client.*
- *Not applicable in this context.*

Skill Competency: Interviewing a Client.

Competency to be assessed: Documenting advice given to the client and instructions received from the client.

- Prepares a complete record of the content of the interview, including the rationale for the advice provided to the client and the client's instructions.
- Documents accurately and completely the advice given and instructions received from the client.
- Documents the advice given and instructions received from the client such that minor clarification is required.
- Documents advice given and/or instructions received from the client incompletely.
- Does not document the advice given and/or the instructions received from the client or does so inaccurately.
- Not applicable in this context.

Skill Competency: Interviewing a Client.

Competency to be assessed: Managing client expectations.

- Anticipates and proactively addresses issues that could lead to unreasonable client expectations.
- Takes steps to correct unreasonable expectations based on an understanding of the law and legal proceedings.
- Communicates effectively with the client to promote reasonable client expectations.
- Identifies when expectations are unreasonable and brings them to the attention of the lawyer, but does not address them with the client.
- Fails to identify unreasonable client expectations or promotes unreasonable client expectations.
- Not applicable in this context.

2. Conducting the Matter: Matter Management

Skill Competency: Draft a Legal Opinion

Competency to be assessed: Identifying the client's goals and objectives.

- *Anticipates the changing goals and objectives of the client based on information provided by the client when drafting a legal opinion.*
- *Prioritizes the client's goals and objectives when drafting a legal opinion.*
- *Identifies the client's goals and objectives accurately and completely when drafting a legal opinion.*
- *Identifies some of the client's goals and objectives when drafting a legal opinion.*
- *Does not identify the client's goals and objectives when drafting a legal opinion. Misstates the client's goals and objectives when drafting a legal opinion.*
- *Not applicable in this context.*

Skill Competency: Draft a Legal Opinion

Competency to be assessed: Gathering facts.

- *Organizes information to present a comprehensive set of facts.*
- *Identifies and gathers all relevant facts.*
- *Gathers and summarizes sufficient relevant facts from the client and other sources.*
- *Gathers accurate but incomplete facts.*
- *Gathers inaccurate facts.*
- *Not applicable in this context.*

Skill Competency: Draft a Legal Opinion

Competency to be assessed: Identifying applicable areas of law and conducting legal research and analysis.

- *Identifies and assesses the opposing position.*
- *Conducts comprehensive and accurate legal research and analysis including a consideration of analogous legal principles.*
- *Identifies the applicable areas of law and conducts accurate legal research and analysis.*
- *Identifies the applicable areas of law, but conducts incomplete or inaccurate legal research or analysis.*
- *Does not identify applicable areas of law.*
- *Not applicable in this context.*

Skill Competency: Draft a Legal Opinion

Competency to be assessed: Identifying and assessing possible courses of action and range of outcomes.

- *Takes into account all the factors in developing a range of possible outcomes (e.g., costs, time), identifies likely outcomes, and makes a recommendation.*
- *Assesses the strengths and weaknesses of the various courses of action and possible outcomes.*
- *Identifies the possible courses of action and outcomes.*
- *Identifies possible courses of action, but misses some of the realistic options or possible outcomes.*
- *Does not identify or assess possible courses of action or outcomes.*
- *Not applicable in this context.*

Skill Competency: Draft a Legal Opinion

Competency to be assessed: Developing a legal strategy in light of the client's circumstances.

- *Develops a comprehensive legal strategy that anticipates the opposing side's response and strategy.*
- *Develops a legal strategy that anticipates foreseeable changes in the client's circumstances.*
- *Develops a legal strategy taking into account the client's current circumstances.*
- *Develops a legal strategy that does not take the client's circumstances into consideration.*
- *Does not develop a legal strategy.*
- *Not applicable in this context.*

3. Conducting the Matter: Advocacy

Skill Competency: *Representation of the Client in an Appearance or through some form of alternative dispute resolution or settlement process.*

Competency to be assessed: *Formulating and articulating a well-reasoned and accurate legal argument, analysis, or submission.*

- *Articulates a persuasive legal argument that considers the opposing position.*
- *Articulates a concise and cogent legal argument.*
- *Articulates a plausible legal argument.*
- *Formulates an incomplete legal argument (e.g., inadequate review of legal authorities or facts).*
- *Uses precedents without consideration of the client's situation.*
- *Provides inaccurate analysis of legal authorities and facts.*
- *Does not formulate a legal argument or presents an implausible legal argument.*
- *Not applicable in this context.*

Skill Competency: *Representation of the Client in an Appearance or through some form of alternative dispute resolution or settlement process.*

Competency to be assessed: *Conducting a motion, application or simple hearing before an adjudicative body.*

- *Presents the case in a persuasive manner.*
Responds to nonverbal cues from the adjudicator (e.g., the adjudicator stops taking notes, starts reading the documents).
- *Presents the case in an articulate manner.*
Responds effectively to questions from the adjudicator.
- *Presents the case in an organized manner.*
- *Understands and addresses questions from the adjudicator. Demonstrates respect for the adjudicator and other parties.*
- *Presents inarticulately or does not address the adjudicator's questions.*
Presents the case in a disorganized manner.
- *Demonstrates a lack of preparation, strategy or awareness of the facts.*
- *Demonstrates disrespect towards the adjudicator or other parties (e.g., lateness, rude or unprofessional behaviour, sharp practice).*
- *Not applicable in this context.*

Skill Competency: Representation of the Client in an Appearance or through some form of alternative dispute resolution or settlement process.

Competency to be assessed: Advocating in a non-adjudicative context.

- Communicates the client's position in a persuasive manner.
- Uses information received to determine areas of flexibility and develop effective strategies and solutions.
- Responds effectively to nonverbal cues from the other parties.
- Communicates the client's position in an articulate manner. Responds effectively to points raised by the other parties.
- Communicates the client's position in an organized manner.
- Listens to and conveys understanding of points raised by the other parties. Demonstrates respect for the other parties.
- Communicates inarticulately or does not address the other parties' questions.
- Communicates the client's position in a disorganized manner.
- Relies exclusively on an adversarial approach.
- Demonstrates a lack of preparation, strategy or awareness of the facts.
- Demonstrates disrespect towards the other parties (e.g., lateness, rude or unprofessional behaviour, sharp practice).
- Not applicable in this context.

Skill Competency: Representation of the Client in an Appearance or through some form of alternative dispute resolution or settlement process.

Competency to be assessed: Negotiating the resolution of a dispute or legal problem.

- Adapts the approach to changing circumstances during negotiations to advance the client's objectives.
 - Articulates to the client the consequences (pros and cons) that may arise from the alternatives to a negotiated resolution of the issue.
 - Understands the parties' interests, develops reasonable options for resolution of the issue and communicates them effectively.
 - Does not consider all available options for resolution of the issue.
 - Focuses exclusively on the parties' positions without considering the parties' interests.
 - Arrives unprepared to discuss the issue.
- Possesses an incomplete or incorrect knowledge of the facts and/or law. Behaves in a manner that exacerbates the dispute or legal problem.
- Not applicable in this context.

4. Ethics and Professionalism

Skill Competency: Demonstrate Professional Conduct

Competency to be assessed: Identifying ethical issues and problems.

- *Anticipates potential ethical issues and problems before they arise.*
- *Identifies ethical issues and problems from a broader perspective (e.g., impact on the administration of justice).*
- *Identifies key ethical issues and problems.*
- *Identifies some of the ethical issues and problems involved or inaccurately identifies ethical issues and problems.*
- *Does not identify ethical issues and problems.*

Skill Competency: Demonstrate Professional Conduct

Competency to be assessed: Making informed and reasoned decisions about ethical issues.

- *Weighs competing interests and takes into consideration the values of the profession when there is no clear answer in the Rules of Professional Conduct.*
- *Makes an appropriate decision regarding an ethical issue based on the Rules of Professional Conduct and consultation with other legal professionals as needed.*
- *Makes a recommendation regarding an ethical issue based on the Rules of Professional Conduct and consultation with other legal professionals as needed.*
- *Makes a decision regarding an ethical issue without referring to the Rules of Professional Conduct, or consulting with other legal professionals.*
- *Does not make a decision when an ethical issue arises. Allows ethical issues to escalate.*

5. Practice Management

Skill Competency: Use of Law Firm/Legal Practice Management Systems.

Competency to be assessed: Uses systems supporting management of potential client conflicts.

- *Uses the system successfully without assistance.*
- *Uses the system successfully with assistance.*
- *Does not use the system successfully, even with instruction.*
- *Not applicable in this context.*

Skill Competency: Use of Law Firm/Legal Practice Management Systems.

Competency to be assessed: Uses systems supporting the management of timelines and limitation periods.

- *Uses the system successfully without assistance.*
- *Uses the system successfully with assistance.*
- *Does not use the system successfully, even with instruction.*
- *Not applicable in this context.*

Skill Competency: Use of Law Firm/Legal Practice Management Systems.

Competency to be assessed: Uses systems supporting management of client records and files.

- *Uses the system without assistance.*
- *Uses the system successfully with assistance.*
- *Does not use the system successfully, even with instruction.*
- *Not applicable in this context.*

Skill Competency: Use of Law Firm/Legal Practice Management Systems.

Competency to be assessed: Uses systems supporting docketing.

- *Uses the system without assistance.*
- *Uses the system successfully with assistance.*
- *Does not use the system successfully, even with instruction.*
- *Not applicable in this context.*