

# National Admission Standards Project



## National Entry to Practice Competency Profile for Lawyers and Quebec Notaries

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# NATIONAL ENTRY TO PRACTICE COMPETENCY PROFILE FOR LAWYERS AND QUEBEC NOTARIES

## 1. SUBSTANTIVE LEGAL KNOWLEDGE

All applicants are required to demonstrate a general understanding of the core legal concepts applicable to the practice of law in Canada in the following areas:

### 1.1. Canadian Legal System

- (a) The constitutional law of Canada, including federalism and the distribution of legislative powers
- (b) The Charter of Rights and Freedoms
- (c) Human rights principles and the rights of Aboriginal peoples of Canada and in addition for candidates in Quebec, the Quebec Charter of Human Rights and Freedoms
- (d) For candidates in Canadian common law jurisdictions, key principles of common law and equity. For candidates in Quebec, key principles of civil law
- (e) Administration of the law in Canada, including the organization of the courts, tribunals, appeal processes and non-court dispute resolution systems
- (f) Legislative and regulatory system
- (g) Statutory construction and interpretation

### 1.2 Canadian Substantive Law

- (a) Contracts and in addition for candidates in Quebec: obligations and sureties
- (b) Property
- (c) Torts
- (d) Family, and in addition for lawyers and notaries in Quebec, the law of persons
- (e) Corporate and commercial
- (f) Wills and estates
- (g) Criminal, except for Quebec notary candidates
- (h) Administrative
- (i) Evidence (for Quebec notaries, only as applicable to uncontested proceedings)
- (j) Rules of procedure
  - i. Civil
  - ii. Criminal, except for Quebec notary candidates
  - iii. Administrative
  - iv. Alternative dispute resolution processes

- (k) Procedures applicable to the following types of transactions:
  - i. Commercial
  - ii. Real Estate
  - iii. Wills and estates

### **1.3 Ethics and Professionalism**

- (a) Principles of ethics and professionalism applying to the practice of law in Canada

### **1.4 Practice Management**

- (a) Client development
- (b) Time management
- (c) Task management

## **2. SKILLS**

All applicants are required to demonstrate that they possess the following skills:

### **2.1 Ethics and Professionalism Skills**

- (a) Identifying ethical issues and problems
- (b) Engaging in critical thinking about ethical issues
- (c) Making informed and reasoned decisions about ethical issues

### **2.2 Oral and Written Communication Skills**

- (a) Communicating clearly in the English or French language, and in addition for candidates in Quebec, the ability to communicate in French as prescribed by law
- (b) Identifying the purpose of the proposed communication
- (c) Using correct grammar and spelling
- (d) Using language suitable to the purpose of the communication and the intended audience
- (e) Eliciting information from clients and others
- (f) Explaining the law in language appropriate to audience
- (g) Obtaining instructions
- (h) Effectively formulating and presenting well-reasoned and accurate legal argument, analysis, advice or submissions
- (i) Advocating in a manner appropriate to the legal and factual context. This item does not apply to applicants to the Chambre des notaires du Québec
- (j) Negotiating in a manner appropriate to the legal and factual context

### 2.3 Analytical Skills

- (a) Identifying client's goals and objectives
- (b) Identifying relevant facts, and legal, ethical, and practical issues
- (c) Analyzing the results of research
- (d) Identifying due diligence required
- (e) Applying the law to the legal and factual context
- (f) Assessing possible courses of action and range of likely outcomes
- (g) Identifying and evaluating the appropriateness of alternatives for resolution of the issue or dispute

### 2.4 Research Skills

- (a) Conducting factual research
- (b) Conducting legal research including:
  - i. Identifying legal issues
  - ii. Selecting relevant sources and methods
  - iii. Using techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues
  - iv. Identifying, interpreting and applying results of research
  - v. Effectively communicating the results of research
- (c) Conducting research on procedural issues

### 2.5 Client Relationship Management Skills

- (a) Managing client relationships (including establishing and maintaining client confidence and managing client expectations throughout the retainer)
- (b) Developing legal strategy and advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (c) Advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (d) Maintaining client communications
- (e) Documenting advice given to and instructions received from client

## 2.6 Practice Management Skills

- (a) Managing time (including prioritizing and managing tasks, tracking deadlines)
- (b) Delegating tasks and providing appropriate supervision
- (c) Managing files (including opening/closing files, checklist development, file storage/destruction)
- (d) Managing finances (including trust accounting)
- (e) Managing professional responsibilities (including ethical, licensing, and other professional responsibilities)

## 3. TASKS

All applicants are required to demonstrate that they can perform the following tasks:

### 3.1 GENERAL TASKS

#### 3.1.1 Ethics, professionalism and practice management

- (a) Identify and resolve ethical issues
- (b) Use client conflict management systems
- (c) Identify need for independent legal advice
- (d) Use time tracking, limitation reminder, and bring forward systems
- (e) Use systems for trust accounting
- (f) Use systems for general accounting
- (g) Use systems for client records and files
- (h) Use practice checklists
- (i) Use billing and collection systems

#### 3.1.2 Establishing client relationship

- (a) Interview potential client
- (b) Confirm who is being represented
- (c) Confirm client's identity pursuant to applicable standards/rules
- (d) Assess client's capacity and fitness
- (e) Confirm who will be providing instructions
- (f) Draft retainer/engagement letter
- (g) Document client consent/instructions
- (h) Discuss and set fees and retainer

### 3.1.3 Conducting matter

- (a) Gather facts through interviews, searches and other methods
- (b) Identify applicable areas of law
- (c) Seek additional expertise when necessary
- (d) Conduct legal research and analysis
- (e) Develop case strategy
- (f) Identify mode of dispute resolution
- (g) Conduct due diligence (including ensuring all relevant information has been obtained and reviewed)
- (h) Draft opinion letter
- (i) Draft demand letter
- (j) Draft affidavit/statutory declaration
- (k) Draft written submission
- (l) Draft simple contract/agreement
- (m) Draft legal accounting (for example, statement of adjustment, marital financial statement, estate division, bill of costs)
- (n) Impose, accept, or refuse trust condition or undertaking
- (o) Negotiate resolution of dispute or legal problem
- (p) Draft release
- (q) Review financial statements and income tax returns

### 3.1.4 Concluding Retainer

- (a) Address outstanding client concerns
- (b) Draft exit/reporting letter

## 3.2 ADJUDICATION/ALTERNATIVE DISPUTE RESOLUTION

**3.2.1.** All applicants, except for applicants for admission to the Chambre des notaires du Québec, are required to demonstrate that they can perform the following tasks:

- (a) Draft pleading
- (b) Draft court order
- (c) Prepare or respond to motion or application (civil or criminal)
- (d) Interview and brief witness
- (e) Conduct simple hearing or trial before an adjudicative body

**3.2.2** All applicants are required to demonstrate that they can perform the following tasks:

- (a) Prepare list of documents or an affidavit of documents
- (b) Request and produce/disclose documents
- (c) Draft brief

### 3.3. TRANSACTIONAL/ADVISORY MATTERS

**3.3.1** Applicants for admission to the Chambre des notaires du Québec are required to demonstrate that they can perform the following tasks:

- (a) Conduct basic commercial transaction
- (b) Conduct basic real property transaction
- (c) Incorporate company
- (d) Register partnership
- (e) Draft corporate resolution
- (f) Maintain corporate records
- (g) Draft basic will
- (h) Draft personal care directive
- (i) Draft powers of attorney

