

# Practice Skills Standards

September 2021

Candidates can only qualify through this route if they meet our transitional requirements [<https://www.sra.org.uk/become-solicitor/legal-practice-course-route/becoming-solicitor-legal-practice-course-transitional-requirements/>].

If they do not meet these, they will need to qualify under the SQE [<https://www.sra.org.uk/become-solicitor/sqe/>].

During the training period, trainee solicitors develop and apply the practice skills they will use as qualified solicitors.

The key elements of each skill – and the type of experience that will help trainees to develop that skill – are specified in the Practice Skills Standards.

Trainees develop the skills through a mixture of the following activities:

- completing work and tasks by themselves
- assisting others
- observing experienced practitioners.

Supervisors must make sure that, over the course of their training, the amount and type of work given to trainees adequately covers each skill and is of an appropriate level and complexity for the trainee in question.

## *Advocacy and oral presentation*

On completing the training period, trainee solicitors should be competent to exercise the rights of audience available to solicitors on admission.

Their experience will enable them to understand:

- the communication skills of the advocate
- the techniques and tactics of examination, cross-examination and re-examination
- the need to act in accordance with the ethics, etiquette and conventions of the professional advocate.

The tasks trainees perform must enable them to grasp the principal skills required to prepare, conduct and present a case:

- Preparing effectively by identifying and mastering relevant facts and legal principles
- Organising facts to support the argument or position

- Identifying strengths and weaknesses from different parties' perspectives
- Making appropriate reference to legal authority
- Complying with formalities
- Dealing with witnesses appropriately
- Responding effectively to questions or opposing arguments
- Presenting a reasoned argument in a clear, logical, succinct and persuasive way.

The following activities are likely to foster these skills:

- Helping to advise on pre-trial procedures
- Helping to prepare cases before trial
- With one or more lawyers, attending the magistrates' courts to observe trials, bail applications, pleas of mitigation or committal, and observing submissions in chambers, examination, cross examination and re-examination in open court
- Observing proceedings in family cases, employment tribunals, planning tribunals or other tribunals or forms of dispute resolution
- As training progresses, and under appropriate supervision, conducting interim applications before a Master or District Judge
- Becoming involved in presentations for clients or in preparing or delivering in-house training.

## *Dispute resolution*

Trainees should become familiar with contentious work and gain a full understanding of the skills and practice of resolving disputes, including settling, mediation and adjudication, in a fair, cost-effective and timely way that meets client needs.

Trainees should be given opportunities to observe and/or assist in resolving disputes so that they will understand the need to:

### *Obtain relevant facts, including:*

- Obtaining relevant information through effective use of questioning and active listening
- Finding, analysing and assessing documents to extract relevant information
- Recognising when additional information is needed
- Obtain additional information and evidence



- Interpreting and evaluating information obtained
- Recording and presenting information accurately and clearly
- Take careful instructions.

*Develop and advise on relevant options, strategies and solutions, including:*

- Understanding and assessing a client's commercial and personal circumstances, their needs, objectives, priorities and constraints
- Make sure that advice is informed by appropriate legal and factual analysis and identifies the consequences of different options.

*Plan, manage and progress legal cases and transactions, including:*

- Applying relevant processes and procedures to progress the matter effectively
- Assessing, communicating and managing risk
- Meet deadlines and keep clients informed of progress
- Draft or prepare papers to assist in resolving a contentious matter
- Represent the client and the client's interests in meetings, conferences and hearings
- Bringing the transaction or case to a conclusion by settlement or judgement and ensure that resolution is secure and enforceable.

Trainees can develop these skills by attending tribunal hearings or alternative dispute resolution meetings, observing proceedings and assisting with the preparation of cases.

Supervisors should explain how the work the trainee undertakes fits into the strategies pursued in a case and into the context of litigation as a whole. Trainees should be given feedback on work they have done and should be offered a perspective on the significance of their work to the case as a whole.

## *Case and transaction management*

Trainee solicitors must begin to acquire skills in managing and running a case or transaction.

Trainees must be given work to enable them to understand the importance of:

- producing a schedule for a case/transaction, broken up – where necessary – into phases
- planning out phases of work to include time, cost and risk management
- developing techniques to diarise, follow up and revisit matters at the appropriate time
- keeping accurate records and attendance notes
- effectively managing files
- regularly and fully reporting back to clients
- coordinating teams to review progress and revise options
- bringing matters to a timely, client-satisfactory conclusion
- wrapping up the matter, closing the file, and recovering costs and disbursements.

To develop these skills, trainees should work on larger cases or transactions as members of a team, or they should be given smaller transactions to run themselves, under close supervision.

## *Communication skills*

Trainees should understand the need to refine their communication skills so that they can present oral and written communication in a way that achieves its purpose and is appropriate to the recipient.

*They should be given work that will help them to communicate clearly and effectively, orally and in writing, including:*

- Making sure that communication achieves its intended objective
- Responding to and addressing individual characteristics effectively and sensitively
- Using the most appropriate method and style of communication for the situation and the recipient(s)
- Using clear, succinct and accurate language avoiding unnecessary technical terms
- Using formalities appropriate to the context and purpose of the communication
- Maintaining the confidentiality and security of communications
- Imparting any difficult or unwelcome news clearly and sensitively.

Trainees can develop these skills by:



- drafting letters, internal notes and memos
- reporting to clients and others by telephone
- taking notes in meetings
- dictating notes and letters.

The importance of regulatory requirements around service and competence in the Code of Conduct for Solicitors, RELs and RFLs

[<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>] should be emphasised to trainees. Trainees should be given regular advice, guidance and feedback on their performance.

## *Establishing and maintaining professional relationships*

### *Establish and maintain effective and professional relations with clients, including:*

- Treating clients with courtesy and respect
- Providing information in a way that clients can understand, taking into account their personal circumstances and any particular vulnerability
- Understanding and responding effectively to clients' particular needs, objectives, priorities and constraints
- Identifying and taking reasonable steps to meet the particular service needs of all clients including those in vulnerable circumstances
- Identifying possible courses of action and their consequences and assisting clients in reaching a decision
- Managing clients' expectations regarding options, the range of possible outcomes, risk and timescales
- Agreeing the services that are being provided and a clear basis for charging
- Explaining the ethical framework within which the solicitor works
- Informing clients in a timely way of key facts and issues including risks, progress towards objectives, and costs
- Responding appropriately to clients' concerns and complaints.

### *Establish and maintain effective and professional relations with other people, including:*

- Treating others with courtesy and respect
- Delegating tasks when appropriate to do so
- Supervising the work of others effectively

- Keeping colleagues informed of progress of work, including any risks or problems
- Acknowledging and engaging with others' expertise when appropriate
- Being supportive of colleagues and offering advice and assistance when required
- Being clear about expectations
- Identifying, selecting and, where appropriate, managing external experts or consultants.

## *Drafting*

Trainees should recognise the need for and be able to produce documents that are clear, precise and achieve their purpose.

*They should be given work that enables them to draft documents which are legally effective and accurately reflect the client's instructions including:*

- Being able to draft documents from scratch as well as making appropriate use of precedents
- Addressing all relevant legal and factual issues
- Complying with appropriate formalities
- Using clear, accurate and succinct language.

Trainees can develop these skills by drafting:

- Witness statements and affidavits
- Corporate resolutions
- Wills and trust deeds
- Statements of case
- Transfer of property documents
- Leases
- Instructions to counsel
- Contracts.

The complexity of trainees' work should be increased incrementally, and they should be given opportunities to amend drafts of documents received from the other side and to practise using standard forms and precedents.

## *Interviewing and advising*

Trainees should understand the importance of identifying the client's goals along with the need to take accurate instructions. They should be given opportunities to observe and to conduct interviews with clients, experts, witnesses and others.

They should be given work that helps them understand the need to:

- prepare for an interview
- allow clients or professional advisers to explain their concerns
- identify the client's goals and priorities
- use appropriate questioning techniques
- determine what further information is required
- identify possible courses of action and their consequences
- help the client decide the best course of action
- agree the action to be taken
- accurately record the interview, confirming the instructions and the action that needs to be taken
- establish a professional relationship with the client, and deal with any ethical problems that may arise.

Trainees can develop these skills by observing and taking notes of meetings and interviews, whether face to face or on the telephone.

The purpose of a meeting should be explained to the trainee, and the conduct of the meeting should be reviewed with them afterwards. Where a trainee is conducting an interview, the supervisor should carefully monitor any advice given by the trainee during the meeting and give guidance and feedback on the trainee's performance after the meeting.

## *Legal research*

Trainees should learn to find solutions by investigating the factual and legal issues, analysing problems and communicating the results of their research.

They should be given work that makes use of traditional and computerised research tools and sources, business information and other relevant sources, including:

- Recognising when legal research is required
- Using appropriate methods and resources to undertake the research



- Identifying, finding and assessing the relevance of sources of law
- Interpreting, evaluating and applying the results of the research
- Recording and presenting the findings accurately and clearly.

Trainees could be required to:

- research specific legal issues and factual, historical or commercial matters
- prepare for client interviews
- analyse corporate searches
- investigate title to property and other relevant searches
- review title documents and clients' papers
- assist with due diligence enquiries.

The person allocating the work should give the trainee:

- background information on the context and purpose of the research
- clear instructions
- defined tasks
- information about any limitations to be imposed on their research
- guidance on where to begin.

Trainees must also be given guidance and feedback on their performance.

## *Negotiation*

Trainees should understand the processes involved in negotiations and appreciate the importance to the client of reaching agreement or resolving a dispute.

They should be given opportunities to observe negotiations conducted by experienced practitioners and/or to conduct negotiations under close supervision. They should be given work that will help them understand the process of negotiation including:

- Identifying all parties' interests, objectives and limits
- Developing and formulating best options for meeting parties' objectives
- Presenting options for compromise persuasively
- Responding to options presented by the other side
- Developing compromises between options or parties



Guidance should be given on the purpose of negotiation, and feedback should be provided on the outcome and on the trainee's performance.

## *Ethics, professionalism and judgement*

*Act honestly and with integrity, in accordance with legal and regulatory requirements and the SRA Principles and Code of Conduct for Solicitors, RELs and RFLs including:*

- Recognising ethical issues and exercising effective judgement in addressing them
- Understanding and applying the ethical concepts which govern their role and behaviour as a lawyer
- Identifying the relevant SRA principles and rules of professional conduct and following them
- Resisting pressure to condone, ignore or commit unethical behaviour
- Respecting diversity and acting fairly and inclusively.

*Maintain the level of competence and legal knowledge needed to practise effectively, taking into account changes in their role and/or practice context and developments in the law, including:*

- Taking responsibility for personal learning and development
- Reflecting on and learning from practice and learning from other people
- Accurately evaluating their strengths and limitations in relation to the demands of their work
- Maintaining an adequate and up-to-date understanding of relevant law, policy and practice
- Adapting practice to address developments in the delivery of legal services.

*Work within the limits of their competence and the supervision which they need, including:*

- Disclosing when work is beyond their personal capability
- Recognising when they have made mistakes or are experiencing difficulties and taking appropriate action
- Seeking and making effective use of feedback, guidance and support where needed
- Knowing when to seek expert advice.



*Draw on a sufficient detailed knowledge and understanding of their field(s) of work and role in order to practise effectively, including:*

- Identifying relevant legal principles
- Applying legal principles to factual issues, so as to produce a solution which best addresses a client's needs and reflects the client's commercial or personal circumstances.

Spotting issues that are outside their expertise and taking appropriate action, using both an awareness of a broad base of legal knowledge [<https://www.sra.org.uk/solicitors/resources-archived/continuing-competence/cpd/competence-statement/>] (insofar as relevant to their practice area) and detailed knowledge of their practice area.

*Apply understanding, critical thinking and analysis to solve problems, including:*

- Assessing information to identify key issues and risks
- Recognising inconsistencies and gaps in information
- Evaluating the quality and reliability of information
- Using multiple sources of information to make effective judgements
- Reaching reasoned decisions supported by relevant evidence.

## *Managing themselves and their own work*

*Initiate, plan, prioritise and manage work activities and projects to make sure that they are completed efficiently, on time and to an appropriate standard, both in relation to their own work and work that they lead or supervise, including:*

- Clarifying instructions so as to agree the scope and objectives of the work
- Taking into account the availability of resources in initiating work activities
- Meeting timescales, resource requirements and budgets
- Monitoring, and keeping other people informed of, progress
- Dealing effectively with unforeseen circumstances
- Paying appropriate attention to detail.

*Keep, use and maintain accurate, complete and clear records, including:*

- Making effective use of information management systems (whether electronic or hard copy), including storing and retrieving information
- Complying with confidentiality, security, data protection and file retention and destruction requirements.

*Apply good business practice, including:*

- Demonstrating an adequate understanding of the commercial, organisational and financial context in which they work and their role in it
- Understanding the contractual basis on which legal services are provided, including where appropriate how to calculate and manage costs and bill clients
- Applying the rules of professional conduct to accounting and financial matters
- Managing available resources and using them efficiently.