The SRA Practice Skills Standards

During the training contract, 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 it – are specified in the Practice Skills Standards.

Trainees develop the skills through a mixture of the following activities

1. completing work and tasks by themselves
2. assisting others
3. observing experienced practitioners.

Supervisors must ensure 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 contract, trainee solicitors should be competent to exercise the rights of audience available to solicitors on admission.

Their experience will enable them to understand

1. the communication skills of the advocate
2. the techniques and tactics of examination, cross-examination and re-examination
3. 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:

1. identifying the client’s goals
2. identifying and analysing relevant factual and legal issues, and relating them to one another
3. summarising the strengths and weaknesses of the case
4. planning how to present the case
5. outlining the facts in simple narrative form
6. formulating a coherent submission based on the facts, general principles and legal authority in a structured, concise and persuasive manner.

The following activities are likely to foster these skills:

1. helping to advise on pre-trial procedures
2. helping to prepare cases before trial
3. 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
4. observing proceedings in family cases, industrial tribunals, planning tribunals or other tribunals or forms of dispute resolution
5. as training progresses, and under appropriate supervision, conducting interim applications before a Master or District Judge
6. becoming involved in presentations for clients or in preparing or delivering in-house training.
**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

1. producing a schedule for a case/transaction, broken up – where necessary – into phases
2. planning out phases of work to include time, cost and risk management
3. developing techniques to diarise, follow up and revisit matters at the appropriate time
4. keeping accurate records and attendance notes
5. effectively managing files
6. regularly and fully reporting back to clients
7. co-ordinating teams to review progress and revise options
8. bringing matters to a timely, client-satisfactory conclusion
9. 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.
Client care and practice support

To enable trainees to work effectively in an efficient practice, they must develop the skills required to manage time, effort and resources.

They should be given work that will enable them to

1. prioritise tasks
2. set and meet deadlines
3. review and report progress on matters
4. balance immediate and long-term objectives
5. keep appropriate records
6. understand the processes of setting fees and billing clients.

Activities that will help them to achieve this include

1. planning work by the use of their diaries
2. using email, word-processing, scheduling and organisational systems regularly and appropriately
3. working effectively with support staff
4. recording expenses and disbursements and obtaining reimbursement
5. opening and closing files.

Trainees should develop good working habits, and supervisors should check this regularly.
**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

1. select appropriate methods of communication
2. express ideas concisely, clearly and logically
3. use appropriate language
4. use correct grammar, syntax and punctuation
5. pay attention to detail by proof-reading, checking the format and numbering of documents, cross-referencing and using consistent terminology
6. listen actively and speak effectively

Trainees can develop these skills by

1. drafting letters, internal notes and memos
2. reporting to clients and others by telephone
3. taking notes in meetings
4. dictating notes and letters

The importance of keeping clients regularly informed of the progress of a matter and the client care outcomes in Chapter 1 of the SRA Code of Conduct should be emphasised to trainees. Trainees should be given regular advice, guidance and feedback on their performance.
**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

1. take careful instructions
2. identify the client’s purpose and advise on the possible outcomes and costs
3. thoroughly research the parties’ liabilities
4. gather evidence from witnesses or elsewhere
5. consider all the options for resolving a dispute
6. meet deadlines and keep clients informed of progress
7. draft or prepare papers to assist in resolving a contentious matter
8. control information central to the dispute throughout the proceeding
9. represent the client and the client’s interests through meetings, conferences and hearings
10. ensure that settlements and judgements are secure and enforceable

Trainees can develop these skills by attending tribunal hearings or ADR 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.
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

1. maintain a standard of care that protects client interests and meets client objectives
2. address all relevant and factual legal issues
3. identify relevant options
4. demonstrate a critical use of standard forms and precedents
5. draft documents that
   a. are consistent and coherent
   b. are clear and precise
   c. meet any requirements of form and style

Trainees can develop these skills by drafting

1. witness statements and affidavits
2. corporate resolutions
3. wills and trust deeds
4. statements of case
5. transfer of property documents
6. leases
7. instructions to counsel
8. 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

1. prepare for an interview
2. allow clients or professional advisers to explain their concerns
3. identify the client’s goals and priorities
4. use appropriate questioning techniques
5. determine what further information is required
6. identify possible courses of action and their consequences
7. help the client decide the best course of action
8. agree the action to be taken
9. accurately record the interview, confirming the instructions and the action that needs to be taken
10. 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.

Trainees could be required to

1. research specific legal issues and factual, historical or commercial matters
2. prepare for client interviews
3. analyse corporate searches
4. investigate title to property and other relevant searches
5. review title documents and clients’ papers
6. assist with due diligence enquiries.

The person allocating the work should give the trainee

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

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

Trainees should understand the processes involved in contentious and non-contentious 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:

1. identifying the central issues and explaining them to the client
2. assessing the bargaining-positions of each party
3. planning a negotiation
4. establishing an agenda at the start
5. listening actively
6. using appropriate questioning techniques
7. generating alternative solutions to resolve the issues
8. using an appropriate negotiating style
9. identifying the strategy and tactics used by the other side
10. documenting the agreement or settlement
11. explaining the benefits and disadvantages of the agreement or settlements

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