

## The Submission Summary

The **Legal Skills in Action** multimedia learning experience was developed by The Canadian Centre for Professional Legal Education (CPLED) as an integral part of the new Bar Admission program for students seeking to become lawyers in Alberta, Saskatchewan and Manitoba. This *Legal Skills in Action* module represents a radical departure from the historical design of CPLED's Bar admission program. The legacy program was largely a collection of readings and assignments. Students provided feedback that they were not confident that it would help them become more effective lawyers.

The initial step of the redesign of the Bar admission program, was to develop a Competency Framework to help guide the content developers, students, instructors, assessors and communicate to other stakeholders what specific skills and abilities the Practice Readiness Education Program (PREP) will help Bar-called lawyers develop over their articling period. CPLED's competency framework (Document 1) consists of three key categories:

### 1. Lawyer Skills: What a Lawyer Does (the focus of this multimedia module)

- Communication – Language, cross-cultural communication, oral and written communication and drafting/legal writing skills
- Legal matter management – taking a legal matter from initiation, planning, research, analysis and resolution.

### 2. Practice and Self-Management: How a Lawyer Practises

- Risk management
- Trust accounting
- Technology skills
- Time/project management
- Conflict management
- Relationship management
- Self-management

### 3. Professional Ethics and Character: Who a Lawyer is and How a lawyer behaves

- Knowledge of the Code of Conduct
- Decision-making regarding ethical issues
- Complying with fiduciary duties and professional conduct
- Protecting confidences
- Avoiding conflicts of interest
- Professional development
- Ethical, courteous and honest
- Non-discriminatory, principled and respectable
- Honest, trustworthy and honourable

The Legal Skills in Action multimedia focuses on the Lawyer Skills above and is placed within the program as an integrated exercise after the student has finished studying the content and participated in the interactive content of the Lawyer Skills content modules.

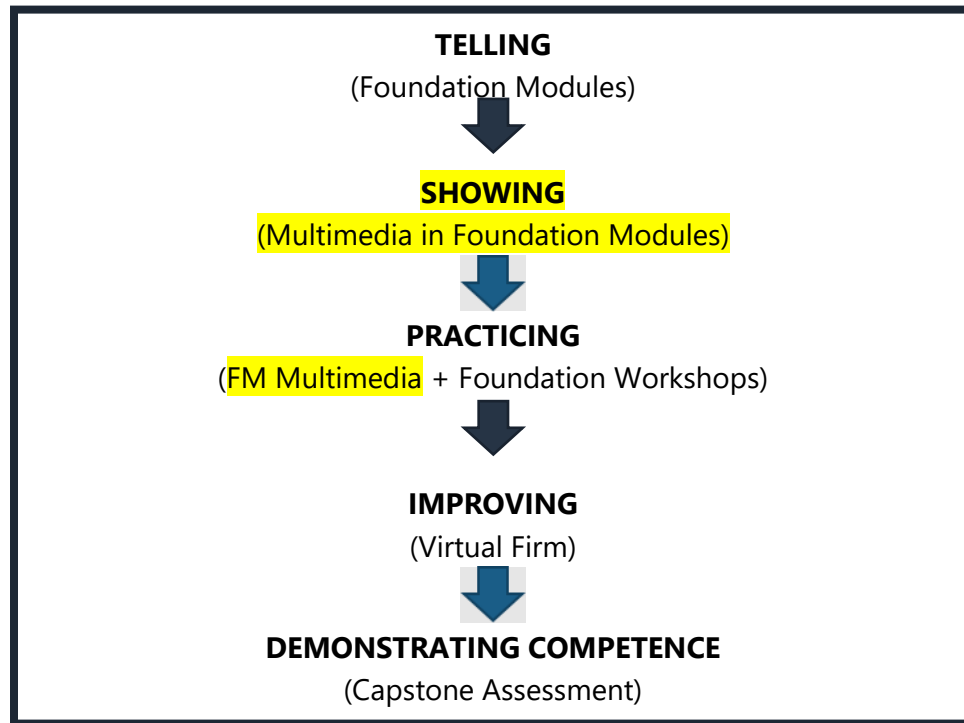
#### Aims of the Practice Readiness Education Program

The PREP is a four-phase program and the following table gives an overview of each of the four phases, and the place multimedia plays within it.

Program Phase	Description
<b>PHASE 1</b>  <b>Foundation Modules</b>	<p>Twelve online modules, consisting of background readings, module content, self-assessment supplemented with interactive multimedia interactive learning:</p> <ol style="list-style-type: none"><li>1. Professional Ethics and Character</li><li>2. Indigenous Law, Cultures, and People</li><li>3. Oral Communication Skills: CRM</li><li>4. Oral Communications: Interviewing</li><li>5. Oral Communications: Negotiating</li><li>6. Oral Communications: Advocacy</li><li>7. Legal Research, Fact Gathering, and Case Management</li><li>8. Written Communication: Drafting</li><li>9. Written Communication: Legal Writing</li><li><u>Lawyer Skills in Action (multimedia)</u></li><li>10. Technology Skills and Tools for Lawyers</li><li>11. Practice Management and Trust Accounting Fundamentals <u>Practice Management in Action (multimedia) (subject of this submission)</u></li><li>12. The Effective Lawyer: Personal Attributes and Relationships</li></ol>
<b>PHASE 2</b>	<ol style="list-style-type: none"><li>1. Social introductions and working with other students, and facilitators.</li></ol>

<b>Foundation Workshops</b>	<ol style="list-style-type: none"> <li>2. Opportunities to role-play with different participants in simulated legal matters and develop the skills required of lawyers.</li> <li>3. Work through practice matter management scenarios, and trust accounting skills and <b>assignments in the multimedia modules</b> introduced in Phase 1</li> <li>4. Workshops to merge and apply the learnings on Professional Ethics and Character, Technology Skills &amp; Tools.</li> </ol>
<b>PHASE 3 Virtual Firm Simulations</b>	<p>This Phase consists of three simulated transactions in four practice areas. Students will:</p> <ol style="list-style-type: none"> <li>1. Interview a simulated client.</li> <li>2. Transact simulated matters in four practice areas of business law, criminal law &amp; family law (civil procedure) and real estate.</li> <li>3. <b>Use video tools to demonstrate relevant professional performative skills (advocacy, negotiating, interviewing)</b></li> <li>4. <b>Undertake legal research and legal writing and drafting in the course of the simulated matters.</b></li> <li>5. Complete practice management tasks as appropriate and assigned within each simulation, e.g., record contacts, record time, manage files, manage conflicts, perform trust accounting activities, etc.</li> </ol>
<b>PHASE 4 Capstone</b>	<p>This Phase consists of two elements: a reflective account of the student's learning throughout PREP, and one simulated transaction. In it, students will:</p> <ol style="list-style-type: none"> <li>1. <b>Interview a simulated client, advocate on behalf of a client, negotiate on behalf of a client.</b></li> <li>2. <b>Transact simulated matters.</b></li> <li>3. Use video tools and live role-plays to demonstrate relevant professional performative skills.</li> <li>4. Complete practice management tasks as appropriate and assigned within the simulation, which may include tasks such as recording contacts, recording time, setting up and managing a client file, identifying conflicts, trust account transactions, etc.</li> <li>5. Students will need to organize their files, their tracked progress and personal comments in MyPortfolio and write a reflective account of their learning upon the program, in the context of their Articling experience and their experience throughout their legal education.</li> </ol>

The four phases follow spiral education design as students develop the competencies required for Bar admission:



### The role of Multimedia in PREP

For the launch of the new program, two multimedia learning experiences were developed to deliver on the 'show' and 'practice' elements of the spiral education design. The first is Legal Skills in Action, which was designed to offer students an opportunity to interact with and analyze textual and video samples of lawyer skills in interviewing, negotiating, advocacy, legal writing, legal drafting and legal research. The second is practice management, risk management, professional ethics in practice and technology skills.

Students entering PREP have graduated from Canadian and international law schools. They come to the program with good knowledge of substantive law but little exposure and often no experience with the practical skills and competencies required to be an effective practicing lawyer. This teaching approach for legal practice is unprecedented in Bar admission training programs. In this module, two legal matters are presented that provide students an opportunity to practice lawyer skills.

This innovative module consists of two matters:

## **1. Wills & Estates (Client: Jordan Dunlop):**

Jordan Dunlop's father has died intestate. Jordan's mother predeceased her father. Jordan has four sisters. Jordan wants to be the administrator of her father's estate and believes this is what her father wanted. One of Jordan's sisters, Amelia, insists that Jordan owes money to the estate. Jordan is worried that Amelia is going to oppose her administering the estate or otherwise cause problems over the alleged debt. Jordan's lawyer advises that they should try to resolve the issues with Amelia before applying for administration. It is discovered that while most siblings received funds from their parents at some point in time, Amelia did not. It is also discovered that Amelia needs a place to live as she is going through a divorce. The parties agree that Amelia will rent the condo owned by the estate ("Condo") for a period for a cost equivalent to the condo fees and utilities and Jordan and Amelia will act as co-administrators of the estate. Jordan's sister approaches the lawyer to give instructions in respect of her own will.

- Recorded initial Interview between the lawyer and the client, Jordan Dunlop.
- Student Writing Activity - an engagement letter to Jordan Dunlop.
- Student Writing Activity - letter to Amelia setting out Jordan's position in advance of negotiation.
- Negotiation between the lawyer for Jordan Dunlop and the lawyer for Amelia Dunlop. The negotiation is resolved by an agreement that Amelia will rent the condo owned by the estate for a period for a cost equivalent to the condo fees and utilities and Jordan and Amelia will act as co-administrators of estate.
- Student Drafting Activity - Minutes of Settlement.
- Student Drafting Activity – Rental Agreement re: condo.
- Jordan's sister approaches the lawyer to give instructions for her own will. (A different type of Interview)

## **2. Probation Advocacy (Client: Ryan Sabey):**

Ryan Sabey was charged with common assault, to which he pleaded guilty taking full responsibility for the offence and acknowledging the existence of

his criminal record, which included one previous conviction for common assault. The court sentenced Ryan to six months' probation in the form of a suspended sentence. One of the conditions of his probation is to abide by a daily curfew. Due to a change in his hours of work, Ryan must apply to vary his probation order as it relates to the curfew. Ryan seeks legal advice.

- Student Research Activity – Before an application can be made, there needs to be research of s.732.2(3)(a) of the Criminal Code.
- Oral Advocacy – application by defense counsel for variation of the probation order.

Over the coming year, students will refer back to this module. We will be following student performance in the formative assessments introduced in this module and will be assessed on these skills during Phase 3 of PREP, Virtual Firm scenarios in Business Law, Criminal Law and Real Estate.