

LAW SOCIETY OF NEWFOUNDLAND

FORM 6.06A(1)

EDUCATION PLAN

(This form is to be filed within one month after commencement of Articles.)

1. Student: _____
2. Principal: _____
3. Practice Areas: The Student should acquire a reasonable knowledge of substantive law and procedure in the following areas:

- Real Estate
- Civil Practice and Procedure
- Criminal Practice and Procedure
- Family Law
- Corporate and Commercial Law
- Wills and Estates
- Administrative Law
- Tort Law
- Labour and Employment Law

4. Skills Areas: The Student should acquire reasonable exposure to skills in the following areas:

(1) **INTERVIEWING**

The Student should: discuss proper interviewing techniques and attend with a lawyer on initial interviews with new clients; observe various interviews such as interviews with witnesses, experts, clients and other persons to obtain factual information relevant to the matter being considered; prepare witness statements or affidavits for execution, based upon an interview.

(2) **FILE AND PRACTICE MANAGEMENT**

The Student should be introduced to: firm files and record keeping practices; policies and procedures for docketing time; proper use of tickler systems, note-taking and methods of documenting a file; organizational methods for individual files; methods for recording expenses and disbursements incurred on behalf of clients; procedures for opening and closing files, billing and the account rendering process; methods for keeping clients informed of progress of a matter.

(3) ADVISING

The Student should: prepare legal memoranda advising lawyers of the results of research and other tasks performed; assist in the preparation of reporting letters and opinion letters outlining options and remedies to clients; attend with lawyers at meetings with clients in which a client is advised and counseled; prepare memos to file or other records of advice given to clients.

(4) FACT INVESTIGATION

The Student should develop skills in gathering facts through: review of documentary evidence such as corporate minute books, clients' personal or internal files and files maintained by governmental administrative bodies; conduct of real estate title searches and various corporate searches; review of discovery, trial and other transcripts.

(5) LEGAL RESEARCH

The Student should: become familiar with research materials and facilities available for use in carrying out legal research; perform legal research and report all findings and conclusions both verbally and in written memoranda form.

(6) PROBLEM ANALYSIS

The Student should: discuss and analyze client problems and develop problem-solving skills which allow identification of the various options and strategies available to resolve a matter; prepare written reports of options and strategies based upon legal research and investigation.

(7) ADVOCACY

The Student should be given an opportunity to observe advocacy skills, examples of which include: the conduct of examinations for discovery, judgment debtor examinations, contested and non-contested applications, cross-examinations on affidavits, hearings before administrative tribunals, arbitrations, alternative dispute resolution hearings, pre-trial conferences, civil and criminal trials and appeals.

(8) OFFICE SYSTEMS

The Student should be introduced to procedures for: recording expenses and disbursements, including trust accounts and general accounts procedures; the organization of precedent files and office technology.

(9) DRAFTING

The Student should assist in drafting various legal documents such as: affidavits; pleadings; notices; applications; orders and judgments; correspondence including demand letters and reporting letters; corporate resolutions; opinion letters; wills; separation agreements; court briefs and factums, and the Student should discuss with the Principal methods for improving accuracy and clarity of writing style in all legal contexts.

(10) **NEGOTIATION**

The Student should discuss negotiation and file settlement negotiation techniques and strategies with the Principal and observe both telephone and in-person negotiations carried out by the Principal, and review and discuss the results of such negotiations.

(11) **PLANNING AND CONDUCT OF A MATTER**

The Student should be given instructions in methods of formulating a plan for the conduct of a matter which are consistent with the needs and expectations of the client and which achieve the desired results in a reasonable time and at appropriate cost, as well as instruction in methods of effective communication with clients and with other lawyers.

(12) **PROFESSIONAL CONDUCT AND LEGAL ETHICS**

Students must acquire reasonable skills in recognizing and dealing with issues involving professional conduct and legal ethics. All Students must have a reasonable knowledge of the content of the Law Society's Code of Professional Conduct.

The Student should be instructed in professional responsibilities related to: client confidentiality and the importance of informing clients of solicitor/client privilege; establishment of a system to recognize and to avoid potential conflicts of interest; fee structure and account rendering processes and information to be conveyed to all clients; use of trust and general accounts; discussion of conduct which may lead to breach of professional conduct rules and appropriate responses to avoid such breaches; proper approaches to advertising and business development.

The Student and Principal hereby certify that they have discussed this Education Plan and they agree to comply with this Education Plan. The Student and Principal acknowledge that compliance with this Education Plan, as approved by the Education Committee of the Law Society, is one of the pre-requisites to the admission of the Student as a member of the Law Society of Newfoundland.

Dated at _____ **this** _____ **day of** _____ **20** _____.

Principal

Student