

Competency Framework for Entry to Practice

Preamble

This Competency Framework for Entry to Practice outlines the knowledge, skills, and professional behaviours expected of newly called lawyers in Newfoundland and Labrador as they transition to independent legal practice. It is intended to guide the education, supervision, and assessment of students-at-law and to promote a consistent standard of preparedness for admission to the Bar.

The framework reflects the core competencies required to practise law ethically, competently, and in the public interest. These competencies are designed to be applicable across a wide range of legal practice settings, including, but not limited to, private practice, public service, in-house counsel, legal aid, and non-profit legal work. While the examples and references used throughout the framework may sometimes reflect traditional private or civil practice, the competencies themselves are intended to support the development of capable and ethical lawyers across all areas of legal service.

It is expected that these competencies will be developed through a combination of the student's legal education, experiential learning during their articles of clerkship, and participation in the Law Society's Bar Admission Course. While the extent to which each competency is addressed may vary across these stages, together they provide an integrated foundation for entry-level practice. It is recognized that students may not have the opportunity to demonstrate each competency directly during their articling term. In such cases, both the student and their principal must be satisfied that the student understands the significance of these competencies and is capable of demonstrating them in practice following their call to the Bar.

The sequential numbering of the competency domains below does not reflect any intended prioritization. All competencies are essential to entry-level legal practice and should be viewed as interdependent.

Competency Domain 1: Ethics and Professional Responsibility

Competency 1.1 - Understanding and Complying with Ethical Standards

- Demonstrates an understanding of ethical principles and the provisions of applicable statutes, rules, and codes governing the legal profession, including the *Code of Professional Conduct*.
- Understands and upholds key ethical duties, including:
 - Duty of loyalty to clients;
 - Duty to protect information that is subject to privilege;
 - Duty to protect client confidentiality;
 - Duty to avoid conflicts of interest;
 - Duty to act with integrity and in good faith; and
 - Duty to report professional misconduct where required.
- Ensures decisions and actions align with ethical obligations.
- Identifies and resolves ethical dilemmas using appropriate frameworks.
- Recognizes reconciliation with Indigenous Peoples and respect for Indigenous legal orders as professional and ethical obligations.

Competency 1.2 – Professional Comportment

- Demonstrates honesty, integrity, accountability, and reliability in all professional activities.
- Displays professional courtesy, candour, and civility in all interactions.
- Demonstrates respect for the rule of law and the administration of justice.
- Maintains punctuality for professional commitments.
- Demonstrates professionalism and composure in high-pressure or adversarial situations, including litigation, negotiations, and regulatory proceedings.
- Recognizes when a matter falls outside one's competence and responds appropriately (e.g., seeking mentorship or referring the matter).

Competency 1.3 - Professional Development

- Engages in self-reflection to identify gaps in professional knowledge, skills, and abilities, and seeks out training, mentorship, and experiences to develop and maintain professional competency.
- Actively seeks and responds to feedback from clients, colleagues, and other members of the legal profession.

Competency Domain 2: Communication

Competency 2.1 - Effective Communication

- Uses language that is coherent, clear, effective, and appropriate for the purpose and audience.
- Uses plain language where possible to enhance understanding.
- Listens attentively and respectfully.
- Understands the challenges of virtual communications and takes steps to address them.
- Applies empathetic and sensitive communication techniques when dealing with vulnerable individuals.

Competency 2.2 - Effective Writing

- Takes steps to ensure writing is grammatically correct, clear, and well-structured.
- Drafts effective and well-organized legal documents, free of material errors and inaccuracies.
- Adapts and customizes precedents appropriately while minimizing risks of error.

Competency 2.3 - Communication in a Professional Legal Context

- Effectively elicits relevant information from clients and other parties.
- Obtains and confirms client instructions at all stages of a matter.
- Explains legal concepts in terms appropriate to the audience.
- Provides proactive status updates to those involved in a matter.
- Responds promptly to communications within a reasonable timeframe.
- Communicates difficult or sensitive information with professionalism, empathy, and clarity.
- Effectively manages and facilitates professional meetings.

Competency Domain 3: Managing Professional Relationships

Competency 3.1 - Establishing a Lawyer-Client Relationship

- Understands how a lawyer-client relationship is formed and maintained.
- Understands the importance of clearly communicating when a lawyer-client relationship has not been formed, to avoid misunderstandings about the nature of an interaction.
- Identifies and verifies client identity in accordance with Law Society rules.

- Inquires about and documents the source of funds related to the legal services provided in accordance with Law Society rules.
- Understands how to assess a client’s capacity and suitability for representation.
- Determines whether independent legal advice may be required.
- Determines the scope of the retainer and documents it in a written agreement to be reviewed with the client, addressing:
 - Services to be provided;
 - Fees, disbursements, and payment structure;
 - Who will be providing instructions (if applicable);
 - Client obligations and expectations; and
 - Circumstances that may lead to termination of the retainer.
- Identifies and manages risks such as conflicts of interest or language barriers.

Competency 3.2 - Relationship Management

- Builds and sustains trust-based relationships with clients, colleagues, and stakeholders.
- Demonstrates courtesy, respect, and professionalism in all interactions.
- Maintains professional boundaries with clients and others.

Competency 3.3 - Conflict Management

- Identifies and effectively mediates conflicts.
- Expresses disagreements respectfully and thoughtfully.
- Handles dissatisfaction or negative feedback professionally.
- Concludes or transitions client relationships appropriately when necessary.

Competency 3.4 - Effectively Working in a Diverse Environment

- Demonstrates awareness, acceptance, and appreciation of diversity.
- Fosters inclusivity in professional and client relationships.
- Recognizes personal biases and their potential impact on interactions and decisions.
- Develops cultural awareness appropriate to the diverse populations and communities served in Newfoundland and Labrador.
- Adheres to human rights principles and anti-discrimination laws.

- Demonstrates cultural humility and trauma-informed approaches when working with equity-denied communities.
- Understands the impact of systemic racism, privilege, and oppression on legal outcomes.

Competency Domain 4: Truth and Reconciliation

Competency 4.1 - Understanding Indigenous Legal Perspectives

- Demonstrates knowledge of the historical and ongoing impact of colonial laws on Indigenous Peoples in Canada.
- Understands systemic discrimination and racism and its intergenerational effects on Indigenous Peoples in Canada.
- Recognizes the distinct histories and experiences of colonization of Indigenous groups in Newfoundland and Labrador.
- Understands the existence and authority of Indigenous legal orders and their coexistence with Canadian common and civil law systems.

Competency 4.2 - Integrating Reconciliation into Legal Practice

- Demonstrates an understanding of the Truth and Reconciliation Commission's Calls to Action and the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls, as they relate to legal practice.
- Considers the applicability of Indigenous legal traditions, perspectives, and cultural values in legal matters.
- Understands, from an anti-racist perspective, the importance of engaging with Indigenous clients and communities in a culturally competent and respectful manner, incorporating Indigenous legal perspectives where applicable.
- Demonstrates awareness of constitutional, statutory, and international legal obligations to Indigenous Peoples in Canada.

Competency Domain 5: Critical Thinking and Legal Analysis

Competency 5.1 – Collect and Evaluate Relevant and Material Information

- Identifies and assesses relevant legal, practical, and client issues.
- Determines when due diligence is necessary and gathers information through interviews, searches, document review, and other appropriate methods.
- Understands what information is protected by legal privilege and applies this understanding in practice.
- Proactively seeks out new information and responds to changing circumstances in a timely and appropriate manner.

Competency 5.2 – Conduct Legal Research

- Identifies when legal and/or factual research is required.
- Conducts research using available tools and resources.
- Notes up cases, legislation, and other legal authorities to ensure resources and citations are valid, current, and applicable.
- Interprets and evaluates substantive common law, statutes, regulations, procedural rules, policy, and legal theory effectively.

Competency 5.3 – Perform Legal Analysis and Engage in Strategic Thinking

- Applies legal reasoning and advocacy techniques to research findings and case information.
- Draws reasonable conclusions based on legal issues, relevant facts, and applicable law.
- Identifies and evaluates potential alternatives for resolving issues or disputes.
- Clearly and accurately reports research findings and analysis.
- Develops matter-specific strategies, formulates practical recommendations, and advises on potential legal outcomes.

Competency Domain 6: Advice and Advocacy

Competency 6.1 – Understand Client Goals and Set Expectations

- Identifies and confirms client goals, objectives, interests, and expectations.
- Considers the client’s broader circumstances, including diversity, age, language, disability, socioeconomic and cultural context, business interests, and organizational structure.
- Assesses potential courses of action and probable outcomes.
- Sets and manages client expectations regarding potential legal options, timeframes, fees, risks, and likely results.
- Ensures clients understand the advice provided.

Competency 6.2 - Providing Legal Advice

- Engages in critical thinking and analysis (see Competency Domain 5).
- Recognizes when external resources (e.g., accountants, social workers, realtors) may benefit a client’s matter.
- Acts on client instructions within legal and professional obligations.
- Develops and implements strategies aligned with the client’s goals and circumstances.

- Advises on the advantages and disadvantages of legal options to support informed decision-making.
- Adapts legal strategies as circumstances evolve.
- Documents client instructions and legal advice provided.

Competency 6.3 - Advocating for Client Interests

- Formulates and presents persuasive, well-reasoned legal arguments.
- Selects and employs advocacy techniques appropriate to the factual and legal context.

Competency 7: Litigation and Transactional Skills

Competency 7.1 - Litigation Skills

- Negotiates dispute resolution effectively.
- Drafts effective pleadings, applications, and responses.
- Understands and fulfils disclosure obligations in criminal, civil, and family proceedings, recognizing the distinct rules and processes that apply in each context.
- Conducts effective examinations for discovery.
- Interviews and prepares witnesses effectively.
- Prepares for and conducts simple appearances, hearings, trials, or appeals before:
 - Mediators or arbitrators;
 - Administrative tribunals; and
 - Courts at all levels in Newfoundland and Labrador.

Competency 7.2 - Transactional Skills

- Incorporates and organizes corporate entities to meet client needs.
- Completes corporate record-keeping requirements.
- Analyzes agreements, identifying and communicating risks and benefits.
- Engages in contract negotiations effectively.
- Facilitates the timely completion of transactions.

Competency 7.3 - Drafting Legal Documents

- Can draft the following documents:
 - Opinion letters;
 - Demand letters;

- Deeds of conveyance;
- Affidavits/statutory declarations;
- Written submissions;
- Simple contracts/agreements;
- Simple articles of incorporation, corporate by-laws, and resolutions;
- Legal accounting documents;
- Releases;
- Pleadings;
- Court orders;
- Wills; and
- Powers of attorney.

Competency Domain 8: Practice Management

Competency 8.1 - Work and File Management

- Prioritizes and manages tasks effectively to meet deadlines and comply with limitation periods.
- Uses a bring-forward system or equivalent to track deadlines, follow-ups, and file progress to ensure timely action.
- Maintains complete, accurate, organized, and secure client files.
- Properly documents client instructions, legal advice, and key decisions.
- Recognizes potential indicators of money laundering and fraudulent activity and takes appropriate steps to monitor for suspicious conduct during the course of the retainer.
- Utilizes practice checklists efficiently to ensure thorough case management.
- Understands when to impose, accept, or refuse trust conditions and undertakings.
- Identifies appropriate tasks for delegation and determines the necessary level of supervision.
- Ensures the quality of work produced, both personally and by those to whom tasks have been delegated.
- Addresses all client concerns at the conclusion of a matter and drafts a reporting letter summarizing key advice, outcomes, and next steps.

Competency 8.2 - Technology and Cybersecurity

- Uses legal practice management software effectively.
- Understands the risks and ethical considerations of AI and legal technology.
- Implements cybersecurity best practices to protect client confidentiality and mitigate ethical and legal risks associated with digital threats.

Competency 8.3 - Financial and Business Management

- Understands professional obligations related to billing and trust accounting.

Competency Domain 9: Knowledge of the Law

Competency 9.1 – The Canadian Legal System

- Understands the core concepts related to:
 - Constitutional law, including the Charter of Rights and Freedoms;
 - Human rights principles and the rights of Canada's Indigenous Peoples;
 - Key principles of common law and equity;
 - Administration of the law in Canada; and
 - Statutory construction and interpretation.

Competency 9.2 – Substantive Law

- Understands the core concepts related to:
 - Contracts;
 - Property;
 - Torts;
 - Family Law;
 - Corporate and Commercial Law;
 - Wills and Estates;
 - Criminal Law;
 - Administrative Law; and
 - Evidence.

Competency 9.3 – Legal Procedure

- Understands the core concepts related to:
 - Civil rules of procedure;
 - Criminal rules of procedure;
 - Family rules of procedure;
 - Administrative rules of procedure;
 - Procedures applicable to commercial transactions;
 - Procedures applicable to real estate transactions; and
 - Procedures applicable to the preparation of wills and the probate/administration of estates.

Competency Domain 10: Fostering Well-Being

Competency 10.1 - Personal Well-Being

- Recognizes stressors in legal practice and takes steps to manage mental and physical health.
- Seeks support through professional assistance programs, including the Law Society's Professional Assistance Program, and other available resources when needed.
- Recognizes the value of seeking informal mentoring from experienced lawyers when unsure how to proceed on a matter.
- Manages personal financial resources to live and work sustainably.

Competency 10.2 - Contributing to a Healthy Work Environment

- Supports and cultivates a positive and respectful workplace culture.
- Identifies and responds to inappropriate workplace behaviour.
- Participates in mentorship and knowledge-sharing initiatives.
- Contributes to access to justice efforts through *pro bono* work or community service.