

PEAT 1 Outcomes – Professional Communication

Notes:

1. Positive Indicators are not exhaustive, and are indicators of student achievement.
2. The Society reserves the right to update the Mandatory and Core Outcomes should that be necessary, and will give sufficient notice of this.

PROFESSIONAL COMMUNICATION

By the end of the PEAT 1 programme the student will have performed effectively in simulated environment to:

PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:

Adapt personal style to develop professional relationships:

Positive Indicators:

- Is aware of how personal character, emotion and social relations form professional relations.
- Can adapt character to suit social situations (eg in negotiation).

Listen, give and receive feedback and respond perceptively to others:

Positive Indicators:

- Neither asks questions nor makes comments until speaker has finished.
- Can summarise accurately what the speaker has said without embellishment or omission. Can comment positively and with perception on the performance of others in the group.
- Respects the viewpoint of others.
- Can accept and act upon feedback from others to improve professional practice.

Understand the basic dynamics of groupwork:

Positive Indicators:

- Understands own personal style and strengths.
- Makes effort to understand others' styles and their contribution to group dynamics.
- Can communicate this understanding and discuss it with others in a group.
- Can understand the collective competences of a professional group.

Act as a group member:*Positive Indicators:*

- Takes personal responsibility for professional tasks.
- Can liaise with others over tasks.
- Can share task information, learning and knowledge.
- Can recognise positive group dynamics and encourage these.
- Is aware of negative group dynamics and can avoid them.

Lead a group effectively:*Positive Indicators:*

- Motivates the professional group.
- Organises delegation of tasks.
- Plays to group strengths.
- Is aware of collective competences of the group and maximises these.
- Is aware of risks of groupwork and manages group functions to minimise these.

Appraises and develops their skill at forming and maintaining professional relationships:*Positive Indicators:*

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.

TRANSACTIONAL RESEARCH:**Gather information relevant to a matter***Positive Indicators:*

- Can obtain factual information and methodically record the varieties of information and their sources (paper document, oral, electronic) for future analysis.
- Can plan work to research deadlines.

Analyse and prioritise factual issues

Positive Indicators:

- Can identify gaps, ambiguities and contradictions in information.
- Knows how to find further or better information.
- Can prioritise legally important facts.

Apply legal analysis to fact patterns

Positive Indicators:

- Is aware of the legal context surrounding facts.
- Can deduce legal guidelines and rules from relevant facts.
- Can identify and prioritise legal issues raised by facts.
- Can determine which rules are clear and which require further legal or factual research.

Use appropriate legal research instruments, both paper and electronic

Positive Indicators:

- Locates and uses cases and legislation, standard practitioner texts, periodical literature and the like, using research tools such as digests, citators and electronic tools such as WestLaw and Lexis Nexis.
- Keeps a precise research record.
- Can identify key research terms.
- Knows how to plan a research strategy.

Update legal information

Positive Indicators:

- Uses appropriate updating instruments, both paper-based and electronic to check information currency.

Interpret statutes

Positive Indicators:

- Can identify legislative provisions appropriate to the advice being considered.
- Identify and cite correct sections and schedules.
- Can interpret provisions within a legislative framework according to task instructions.

- Can apply and use it in drafting advice.

Providing clear and relevant advice

Positive Indicators:

- Can communicate advice that is relevant to the task.
- Uses appropriate channel of communication (letter, report, phone call, email or other appropriate method) in a form relevant to the audience and context, and does so clearly, concisely, and in appropriate and correct English.

Develop techniques for appraising and developing their own transactional research procedures

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.

INTERVIEWING:

Introduce and conclude an interview effectively

Positive Indicators:

- Has prepared for the interview.
- Meets and greets the client.
- Explains the structure of the interview.
- Demonstrates a courteous attitude to the client.
- Draws the interview to a graceful close.

Conduct a client-centred interview

Positive Indicators:

- Encourages the client to explain concerns.
- Can identify the client's goals, and help the client define priorities among the goals.
- Can confirm his/her understanding of the client's concerns.
- Uses listening techniques.
- Obtains the client's full instructions.

Use appropriate questioning techniques

Positive Indicators:

- Uses open and closed questions where appropriate.
- Can focus on a fact pattern without losing sight of the whole.

Determine what information is required from client

Positive Indicators:

- Elicits necessary information from the client.
- Can identify what further information is required, both factual and legal.
- Can identify where that information may be found.

Record the matter timeously and accurately

Positive Indicators:

- Records all factual, legal, procedural and evidential matters at the appropriate time.
- Notes legal research to be carried out.
- Notes possible courses of action.
- Confirms client action in retainer letter or precognition or other document.

Advise the client

Positive Indicators:

- Assists the client to come to a decision regarding the best course of action, taking into account costs, benefits and risks.
- Can advise on both legal and non-legal courses of action.
- Can advise on a course of action (or give persuasive reasons for absence of advice).
- Can construct a feasible timescale for future action.

Deal with appropriate professional and ethical issues during and after the interview

Positive Indicators:

- Identifies conflicts of interest and other ethical dilemmas.
- Can identify unethical modes of action and deal appropriately with these.

Develop techniques for appraising and developing their own interviewing style

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement throughout the span of the programme.

NEGOTIATION

Understand different approaches to the theory of legal negotiation including facilitated negotiation

Positive Indicators:

- Can explain the differences between at least cooperative, problem-solving, and adversarial negotiation, and the effects of each approach in practice.
- Can demonstrate differences between models in action.
- Can demonstrate an understating of the rules of mediation.

Communicate with a client throughout a negotiation

Positive Indicators:

- Is aware of, and remains within, boundaries of action plan agreed with client.
- Takes instruction from and advises the client.
- Negotiates aims with a client.
- Has a clear sense of remit.

Plan a negotiation

Positive Indicators:

- Identifies factual and legal issues.
- Understands client's objectives and can prioritise these.
- Can discern strengths and weaknesses in a matter including BATNA.
- Develops a plan of action based on rational assessment of objectives, strengths and weaknesses.

Select strategies to conduct a negotiation

Positive Indicators:

- Choose strategies that will achieve client objectives.
- Can modify strategies flexibly.
- Can create a structure that allows negotiation to take place in a coherent manner.
- Is persuasive.
- Uses legal logic to further the client's case.
- Responds to offers and makes concessions appropriately.

Negotiate according to the practice and conventions of at least one area of law

Positive Indicators:

- Demonstrates an awareness of practitioner conventions and situated negotiation practice e.g. sale of house or personal injury transaction.
- Knows and can use relevant procedural and substantive law to achieve client objectives.

Negotiate ethically

Positive Indicators:

- Identifies and deals with conflicts.
- Treats client, legal agents and others with truthfulness, respect and civility.
- Records strategy and results in accurate and timeous notes to file.
- Is aware of different approaches to structuring a deal.
- Deals with pecuniary matters honestly and promptly.

Develop techniques for appraising and developing their own negotiating style

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.

WRITING AND DRAFTING:

Write letters or reports that achieve their purpose

Positive Indicators:

- Ensures the documents achieve client goals.
- Performs according to client, supervisor or tutor instructions.
- Seeks information.
- Communicates only relevant information.
- Relates structurally to other documents or advice – all of this in an effective manner as regards purpose of communication.

Write documents that are structured according to convention and audience requirements

Positive Indicators:

- Follows models (eg in use of addresses, date, salutation, heading style etc)
- Demonstrates awareness of audience requirements as to form of communication (letter, email, phone).
- Displays legal literacy.
- Understands detail of information will vary.
- Prioritises information.
- Times communications appropriately.
- Is aware of sensitivity of content.

Draft well-organised and factually accurate documents

Positive Indicators:

- Uses correct spelling and appropriate grammar, syntax and punctuation.
- Writing is fluent and reader-friendly.
- Lexical choice is appropriate to genre and audience.
- Ensures relevant legal and factual issues are addressed.
- Can articulate argument and identify options.
- Exercises the appropriate standard of care.

Demonstrate use of a precedent bank of styles to progress a transaction

Positive Indicators:

- Uses the appropriate form or style.
- Can adapt a style to a particular context, bearing in mind substantive and procedural legal context, audience, possible future audiences and possible litigation context.

Organise the transactional context of writing

Positive Indicators:

- Can organise a transactional file.
- Creates, drafts and files documents within an ordered hierarchy, and to a time limit.
- Provides own commentary upon formal and informal writings within a file where appropriate (eg notes to file).

Develop techniques for appraising and developing their own writing and drafting styles

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme

USE OF TECHNOLOGY:

Use telephony effectively to communicate with client and others

Positive Indicators:

- Can use telephone technology efficiently to carry out legal business
- Can deal with and note complex legal matters during a call and report on these thereafter.
- Can recognise passive, aggressive and assertive callers and respond appropriately.
- Can handle complaints.
- Remains calm, flexible and professional.

Communicate electronically with clients and others

Positive Indicators:

- Can use email format efficiently (clear subject line, use of signature file, appropriate timing of email).
- Understands and uses proper business and professional etiquette within an electronic environment.
- Understands risk management of e-communications.
- Can use technological aids to plan time on task.
- Archives mail safely and accurately.
- Can use other forms of e-communication where appropriate eg client internet access, website form, blog, IM, wiki.

Can use electronic drafting tools to create legal documents

Positive Indicators:

- Can adapt use of word processors to draft appropriate.
- Uses electronic bank of styles effectively.
- Can use elements of a case management system.
- Can use electronic dictation to a basic level.
- Is aware of technologies such as speech-to-text.

Understand how technology is used in at least three areas of legal practice in Scotland, including the administration of justice in courts and elsewhere

Positive Indicators:

- Knows and can explain how technology affects current legal practice in Scotland in three areas of legal practice (eg document assembly, case management, practice management systems, use of e-communications).
- Can discuss direction of future trends in legal office technology.

Develop techniques for appraising and developing their skill at forming and maintaining communicational skills using technological tools

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.

ADVOCACY:

Plan a coherent and persuasive submission

Positive Indicators:

- Gathers relevant facts and legal principles, including case and/or statutory citations.
- Forms a theory of the case.
- Structures speech or submission.

Present a submission using legal authorities and relevant facts within a cogent structure

Positive Indicators:

- Deploys factual and legal evidence at appropriate junctures during submission.
- Structure of submission is clear and cogent.
- Adheres to client or supervisor instructions.
- Can relate client objectives to decision-maker at appropriate juncture in submissions.
- Can respond appropriately to points raised by decision-maker or opponent.

Use documentation in preparation for, and during, a submission

Positive Indicators:

- Makes use of fact-based documents (eg affidavits).
- Uses relevant extracts from documentation to affirm own case or answer points raised by decision-maker or opponent.

Use effective communication skills

Positive Indicators:

- Communicates clearly and at a pace which is understandable.
- Does not distract from presentation with gestures.
- Displays confidence in own improving performance.
- Makes smooth transitions between topics.

Demonstrate an understanding of the ethics and conventions of advocacy in the Court of Session, Sheriff Court and tribunals

Positive Indicators:

- Can demonstrate in performance duties to the Court, to client and to opponent.
- Shows an awareness of conventions including forms of address, forms of language appropriate to the submission, format of submission and social structure of event.

Develop techniques for appraising and developing their own advocacy skills

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.