
Overview of Lawyering Skills and Values

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Have you ever wondered just what legal employers are looking for in an ideal candidate? The following discussion, derived from an ABA task force report on the legal profession (the "MacCrate Report"), outlines fundamental lawyering skills. Of course, no one person, except perhaps for Gerry Spence, exhibits all of these skills. Many of them you will have acquired before entering law school, so you will just need to identify them. Some skills will be learned here at Hastings. Others will only be acquired over time.

If the jobs you held prior to law school were non-legal, ask yourself how the skills you learned are transferable to a legal setting. For example, you might not have "criticized and synthesized legal argumentation" in a college research job, but such positions certainly rely on analytical and reasoning skills more generally. Or, you might not have engaged in "legal problem solving" as a customer service representative, but those jobs do hone problem solving skills. Employers want to know that you possess at least some of these skills because they will be used on the job, even in your first summer.

Once you have had a chance to review this list, go back over your cover letters and resumes to make sure that you have highlighted some of these skills. Have you given concrete examples of their use? Go over your interview "pitch," *i.e.*, how you present yourself in the interview. Do you have anecdotes which illustrate these skills, or are you simply reciting your job description? You don't want to make the interviewer work to see what skills you acquired and honed in the course of each job--instead spell them out. The key is to show employers how your past experience translates into transferable skills which will allow you to make a significant contribution to their organization.

FUNDAMENTAL LAWYERING SKILLS:

- ! Problem Solving
 - ! Identifying and diagnosing problems
 - ! Generating alternative solutions and strategies
 - ! Developing a plan of action
 - ! Implementing the plan
 - ! Keeping the planning process open to new information and new ideas

- ! Legal Analysis and Reasoning
 - ! Identifying and formulating legal issues
 - ! Formulating relevant legal theories
 - ! Elaborating legal theory
 - ! Evaluating legal theory
 - ! Criticizing and synthesizing legal argumentation

- ! Legal Research
 - ! Knowledge of the nature of legal rules and institutions
 - ! Knowledge of and ability to use the most fundamental tools of legal research
 - ! Understanding of the process of devising and implementing a coherent and effective research design

- ! Factual Investigation
 - ! Determining the need for factual investigation
 - ! Planning a factual investigation
 - ! Implementing the investigative strategy
 - ! Memorializing and organizing information in an accessible form
 - ! Deciding whether and when to conclude the process of fact-gathering
 - ! Evaluating the information that has been gathered

- ! Communication
 - ! Assessing the perspective of the recipient of the information
 - ! Using effective methods of communication

- ! Counseling
 - ! Establishing a counseling relationship that respects the nature and bounds of a lawyer's role
 - ! Gathering information relevant to the decision to be made
 - ! Analyzing the decision to be made
 - ! Counseling the client about the decision to be made
 - ! Ascertaining and implementing the client's decision

- ! Negotiation
 - ! Preparing for negotiation
 - ! Conducting the negotiation session
 - ! Counseling the client about the terms obtained from the other side in the negotiation and implementing the client's decision

- ! Litigation and Alternative Dispute Resolution Procedures

- ! Litigation at the trial-court level
- ! Litigation at the appellate-court level
- ! Advocacy in administrative and executive forums
- ! Proceedings in other dispute-resolution forums

- ! Organization and Management of Legal Work
 - ! Formulating goals and principles for effective practice management
 - ! Developing systems and procedures that ensure that time, effort and resources are allocated efficiently
 - ! Developing systems and procedures to ensure that work is performed and completed at the appropriate time
 - ! Developing systems and procedures for effectively working with other people
 - ! Developing systems and procedures for efficiently administering a law office

- ! Recognizing and Resolving Ethical Dilemmas
 - ! Understanding the nature and sources of ethical standards
 - ! Knowing the means by which ethical standards are enforced
 - ! Following the processes for recognizing and resolving ethical dilemmas

GENERIC CHARACTERISTICS IMPORTANT FOR LAWYERING

- ! Energy
- ! Initiative
- ! Motivation
- ! Follow-through
- ! Ability to juggle multiple tasks and prioritize
- ! Ability to pick up new information quickly
- ! Ability to deal with time pressures and tight deadlines
- ! Ability to work well in a team
- ! Creativity