

EDUCATING FAMILY LAW COMPETENCIES

The Dean's Forum on Access to Justice and Dispute Resolution 2023



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Follow Up Report

March 9th, 2023



I. INTRODUCTION

The eleventh annual Dean’s Forum on Access to Justice and Dispute Resolution was held on March 3rd, 2023, at the University of Saskatchewan’s College of Law. This Forum Day had many participants, as we had 38 people RSVP. Many of the attendees were part of Saskatchewan’s Access to Justice Network, a multi-sector membership that meets to discuss “new initiatives, ideas, and opportunities aimed at improving access to justice in Saskatchewan”. There were two topics addressed – a family law competency project and an exploration of adjudicative family law models. Team competencies presented their policy discussion paper, titled “Educating Family Law Competencies”, and the adjudicative models team presented their paper, titled “Innovation in Adjudication: Effective Decision Making in Family Law” (the policy discussion paper). This follow-up report focuses on workshop findings of the competencies topic.

In the policy discussion paper, the concept of competency in the family law context was discussed in detail and linked to broader principles of competency development that can be applied to legal education. The paper also provides a set of principles to guide the development of competencies across the legal education continuum. These principles highlight the non-linear nature of competency development, the importance of assessment to inform stakeholders, the need for contextual competency development, and the value of self-directed learning.

Team competencies designed their morning presentation in a workshop-style, with accompanying workbook breaks which invited attendees to write out their thoughts. The purpose of the workshop-style presentation was to get Forum Day attendees comfortable with identifying and spotting competencies. A later workshop on competency development is occurring in May of 2023 which some members of the Access to Justice Network will be attending. As such, we saw our research and presentation day as a primer for the later workshop.

Specifically, the presentation began and ended by asking attendees to reflect and perform self-appraisals (see Appendix C). In the presentation, the definition of competencies in a family law context, competency frameworks, and sub-competencies were presented in detail to help clarify the often-confusing concepts. After learning the definition of each of these relevant concepts and being exposed to some examples, participants were invited to write out examples of the concepts they just learned in their workbooks (see Appendix D). This was done to help solidify their knowledge and encourage participants to work with these definitions. Participants

seemed to enjoy the workbook exercises, but a few found it hard to engage due to time constraints in completing the exercises.

Both presentations in the morning were well received and inspired discussion. Attendees spoke with each other throughout and were highly engaged during and after the presentations. The high engagement throughout the morning sessions created a great momentum for participation at the poster session during lunch time and the later breakout sessions in the afternoon.

II. KEY THEMES

A few key themes arose across our feedback and discussions during the Forum Day. **Ranking competencies and a process for implementation was of importance to attendees.** During the conversation around this topic, the participants identified opportunities for overarching competencies, such as communication competency, that should be acquired as soon as possible. Supporting and specialized competencies could be acquired later during the practice of law. For example, competency of substantial law in a niche area, such as tax, could be acquired later when the needs and timing of the practice demand it.

Another theme the group discussed was that **competencies are not linear or fixed in time!** Competencies are evolving as time goes by. The development of competencies and improvement of competencies is a constant affair and needs review over time to ensure the practitioners are still on par. The attendees constantly reaffirmed the importance of continuing to build and maintain specific competencies throughout their career.

Some participants also discussed the **costs and funding sources of the competency framework programs.** Funding for the structure of implementing a framework should be structured so that the cost of the program does not end up on the clients' shoulders. Creative and collaborative partnerships could be pursued to develop, implement, and maintain competency frameworks in order to make the most of limited resources.

¹ This notion is expanded upon in greater detail in the policy discussion paper on pages 7 and 17.

III. SUMMARY OF AFTERNOON GROUP SCENARIO QUESTIONS

In the afternoon, we moved into the Student Lounge in the College of Education to access rounded tables in order to encourage small group discussion. Once there, attendees were gathered into smaller groups of 5-6 people and given differing scenarios to engage with at each table, which tied the topic of competencies and competency education to their general expertise. **Attendees were encouraged to work with the definitions of competency, competency framework, and sub-competencies by asking them to pick some out and apply them in relevant situations.** Situations were differentiated by family compositions, such as a legally married couple versus a common law couple, and by resolution approaches to family law, such as traditional court processes and out-of-court dispute resolution. **Brief descriptions of these scenarios and the frameworks created are outlined below.**

Scenario 1: Family Relationship Breakdown

This scenario asked participants to create a competency framework for representing married clients seeking legal services in family relationship breakdown situations. They were encouraged to assume the roles of the judiciary, regulator, legal practitioner, law school professor, and member of the public when creating their framework.

The participants touched on the importance of **identifying issues** and having a network of professionals at their disposal to have a **teamwork approach in practice**. Sometimes, a practitioner may wear different hats when dealing with family breakdowns. A **broad base of knowledge, skills, and attitudes** was seen as an asset as it allowed practitioners to refer the clients to proper channels to take care of their many needs during a breakup. The notion of a “jack of all trades” was deemed unrealistic in today’s complex legal practice. However, the competency of identifying issues coupled with networking and relationship-building competencies gives the practitioners a chance to send their clients to the experts that can help.

For example, a family on the edge of breaking up might have legal, financial, and emotional needs. A lawyer who is competent in both family law and financial planning and estate law might be able to help with the first two needs, but their scope of expertise might not be adequate to help advance the emotional and psychological needs of their clients. Should this be the case, the practitioner’s networking

competencies could be crucial in referring the parties to proper healthcare providers to address their emotional and psychological challenges.

Scenario 2: Dispute Resolution in Common-Law Relationship Breakdown

This scenario asked participants to create a competency framework for lawyers who specialize in Alternative Dispute Resolution (ADR) for common-law relationship breakdown. They were encouraged to assume the roles of the judiciary, regulator, legal practitioner, law school professor, and member of the public when creating their framework.

Participants in this group discussed the **competency of an ability to act in an empathetic manner** and discussed the thin line between being an empathetic practitioner and letting their client's problems affect them personally. Reflecting on their own experiences, the practitioners mentioned that young lawyers sometimes have a hard time separating the personal emotions of a case from the professional practice of legal representation. There have been times that senior practitioners have witnessed young lawyers breaking down emotionally because the facts of the case have affected them. This is an example where a competency (i.e., empathy) needs time to be more fully developed. However, **conscious awareness and self-appraisal** could help build this competency in the interim.

Scenario 3: Child Protection in Indigenous Family

In this scenario, participants were asked to create a competency framework for lawyers who work in child protection cases involving Indigenous families. They were encouraged to assume the roles of the judiciary, regulator, legal practitioner, law school professor, and member of the public when creating their framework.

Attendees expressed a discomfort in creating a competency framework to work with Indigenous people as they were not Indigenous themselves. Unfortunately, Indigenous invitees and child protection law educators who were part of this small group became unable to attend the afternoon session due to unforeseen scheduling conflicts. Still, participants were able to cautiously work with the materials and identify certain competencies they found essential to this scenario.

One of the competencies identified was **awareness of Indigenous family systems and surrounding cultural practices**. They felt as if this competency could be acquired by researching and speaking to Indigenous scholars and representatives of First

Nations. Another competency that was identified was **the awareness or recognition of other supporting systems** – the ability to identify what supports are needed and where they are. They said that this was particularly important to consider due to the legacy of residential schools and inter-generational trauma.

The last competency identified was the **ability of practitioners to understand the applicable legal system**. They stated that practitioners in this area would need to be able to distinguish between First Nations, Saskatchewanian, or federal legislation to determine what was best applicable to addressing the matter. This reflects the growing practice of Indigenous groups reclaiming control of matters such as child welfare. Cowessess First Nation, for example, has reclaimed jurisdiction to handle their own child apprehension of any member of their First Nation.²

As to the question as to where these competencies should be taught, attendees suggested that these **competencies had to start in law school, so that they learn the historical context surrounding Canada's legal system**. There was question as to whether this could begin during their pre-law school journey, but the group decided that this idea was aspirational and less practical. However, they stressed that **continued education regarding Indigenous history, custom, and substantive legal principles should occur throughout a practitioner's career**.

Scenario 4: Developing a Competency Framework for a Competency Consultant

In this scenario, the participants were tasked with developing a competency framework for a legal competency consultant. The consultant would work with regulators, legal educators, and law firms to develop and implement effective competency assessment and development programs.

The scope of consultancy work to promote competencies is large and requires **extensive stakeholder collaboration**. For example, the participants in this exercise identified 31 organizations, fields, institutions, and communities to consult with to create a holistic approach in competency work to provide an effective solution to the legal needs of our province. To name a few, the participants contemplated that a competency consultant should speak with government staff, judiciary staff, judges and lawyers, social workers, indigenous communities, LGBTQ2S+ communities, child protection staff, domestic violence workers such as the police, academic and

² <https://globalnews.ca/news/8005532/cowessess-first-nation-child-welfare-law/>

scholars, and other professionals that have competency framework in place such as medicine and pharmacy.

The scope of practice for the role demands **long-term relationship building and extensive fieldwork that requires a permanent position or even a committee of experts to carry out the job**. This position would **develop and evaluate competency frameworks** for the proposed programs in the legal field. The competency consultant could **implement and oversee the processes and outcomes** as needed.

In conclusion, the role needs someone that can establish deep roots in different social and professional communities and use their expertise to bring everyone around the table to create a competency framework that is innovative and holistic.

Scenario 5: Evaluate a Fictional Competency Development Pilot Project

In this scenario, participants were asked to imagine they were starting a pilot project which developed competencies in pre-service family law practitioners (i.e., undergraduate law students and articling students), and to consider how the pilot project would be evaluated.

The group began by **discussing what the pilot project could look like so they knew what they would be evaluating**. It was determined that opportunities for simulated service delivery, ones that provide the learner a chance to learn substantive knowledge in its practical application, would be paramount. Together, a thorough list of **substantive knowledge, non-substantive knowledge, and procedural knowledge** was brainstormed.

The conversation turned next to **what service delivery simulations are best**. Ideas such as utilizing actors or students from other faculties in simulated scenarios were brought forward, so the pre-service practitioner could practice fact investigation and communication with a “client”. The group felt that pre-service practitioners would benefit from the more realistic interaction with individuals of limited legal knowledge. It was also suggested that, since practitioner competence is measured on performance of a client matter, that utilizing “clients” outside of the legal field could help provide feedback on the pre-service practitioner’s client interaction skills.

Group participants suggested that **an ideal pilot project would be a simulation where they focused on one substantive issue at a time**, for example, a divorce. The group felt that by participating in only one simulation at a time, pre-service practitioners

would be more willing and able to engage in reflective practice, since there would not be competing priorities splitting their time and attention. Allowing participants to work through the issue from start to finish would also provide the pilot project administrators to measure and determine what competencies were necessary, prevalent, or non-important to the specific simulation. Documenting competencies utilized by pre-service practitioners in the simulations would provide for a point of evaluation and better education as the pilot project is administered over time.

Towards the end of the session, the **discussion briefly covered the proper evaluation of the pilot project**. Group participants brainstormed a list of evaluators, including simulation clients, non-legal observers, practitioner observers, practitioner mentors, judiciary observers, legal educators, peer-reviews, self-reflection, and self-appraisal.

Finally, and most importantly, **the group felt that the best way to truly evaluate a pilot project was to complete some form of longitudinal study** which measured the performance of pre-service practitioners who completed the pilot project into practice, and to measure them against a baseline of performance by pre-service practitioners who were educated through traditional legal education methods. There was limited time remaining in the activity to discuss true evaluation measures for the longitudinal study, but a discussion of possible evaluators similar to the list brainstormed to evaluate the pilot project was brought forward.

The group felt it was **important that any evaluation methods would focus on authentic work completed on behalf of a client**, and may include client reviews, judiciary assessment on submitted court documents or oral submissions, experienced practitioner mentor reviews, self-reflection, or self-appraisal assessments. No matter the form of evaluation, it was stressed that the evaluation metrics must be built to succeed in lowering practitioner risk and protecting the public, which would require involvement and direction of the regulator in collaboration with assessment experts.

III. NEXT STEPS: THE FRAMEWORK

At the outset of our research project, we expected to create a family law competency framework. We learned throughout our consultations that a competency framework should only be created with input and vetting by multiple stakeholders. We also learned that practitioner competence is extremely contextual. **Instead of developing a family law competency framework, our research led us to develop a structured process by which stakeholders can collaborate to develop contextually appropriate frameworks.**

In our report, we outlined four principles to guide future family law competency frameworks. The first is that **competency development is not a linear process**, the second is that **assessment of competencies informs the regulator, educator, and practitioner**, the third is that **the whole competency approach enhances contextual competency development**, and lastly that **self-directed learning supports individualized competency development**. This approach aligns with the principles that came out of our research and consultations, which we carried into our interactive approach with attendees on Forum Day. Instead of teaching attendees about competencies, we approached the presentation and workshop with a practical and experiential approach.

IV. NEXT STEPS: BEYOND THE FRAMEWORK

Beyond the specific discussions regarding competency development, this Forum Day engaged a variety of stakeholders and asked them to re-imagine what legal education for family law across the continuum could look like in Saskatchewan. **Forum Day inspired all attendees to think about what part they can play in continual competency development for legal professionals in the province. The collaborative setting also had the effect of encouraging attendees from different legal settings to work together and share creative ideas with one another.**

To keep this momentum going, continued collaboration among stakeholders is imperative. Successful implementation of competency-based education requires engagement from practitioners, educators, regulators, and judiciary to ensure that whatever competency framework is developed is effective and reflective of a competent lawyer. As the world outside the legal sphere continues to change, the legal field must be prepared to come together to address these changes via the acquisition and development of specific competencies.

V. CONCLUSION

The eleventh annual Dean's Forum on Access to Justice and Dispute Resolution gathered many stakeholders from different areas of the family justice system to discuss competency framework development and proposals for different adjudicative models in family law. The participants contributed significantly to the discussion and developed themes and ideas to make innovations in family justice a reality in Saskatchewan.

Appendix A: PRESENTATION SLIDES



Welcome!

Please take a moment to complete Self-Appraisal #1
before we begin.

DEVELOPING COMPETENT FAMILY LAW PRACTITIONERS

Competencies & Competency Frameworks

Introductions

- **Project Team**

- Sam Rezazadeh
- Stephanie Varsanyi
- Jakaeden Frizzell

- **Supervisors**

- Brea Lowenberger
- Allyse Cruise
- Professor Michaela Keet

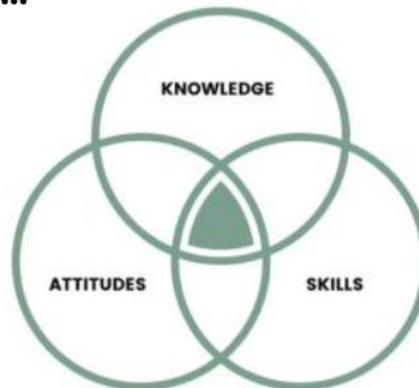
Workshop Overview

What are we doing today?

Competencies are ...

- Skills
- Knowledge
- Attitudes

... required to perform a task in a specific context (on behalf of a client).



*Cited to Dr. Annie Rochette's unpublished work and the Law Society of Saskatchewan's Code of Professional Conduct.

Competency Frameworks are ...

- A categorized inventory of competencies required of a practitioner when completing a matter on behalf of a client
- Attempt to be comprehensive
- Not standards
- A regulatory tool (risk) and an educational tool (develop)

Why family law?

- Family law was chosen because despite everyone's best efforts, family law is still described as being in a "state of crisis".
- Competent family law practitioners provide better family law services in an increasingly complex environment.

Situating Our Work

- Landscape of work being completed in this area
 - Dr. Annie Rochette
 - Dr. Gemma Smyth
 - College of Law
 - Court of King's Bench
 - Law Society of Saskatchewan
- Our project is one small piece of the larger puzzle
- Consider the process on a larger scale

Workshop Preamble

- Everyone here has a unique background to bring to the discussion of competencies.
- Beginning with a basic understanding of competencies, we want to involve you in creating a family law competency framework.

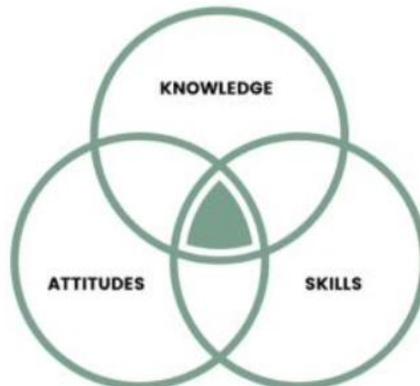
Workshop Objectives

- We want you to become our informal “competency consultants”.
 - Identify competencies for Family Law practitioners
 - Break down identified competencies into sub-competencies
 - Understand competency frameworks as an inventory of *possible* competencies required of practitioners
- Provide shared language and knowledge to support collaboration between local stakeholders

Competency

What are we talking about?

Competencies are ...



The Duty of Competence

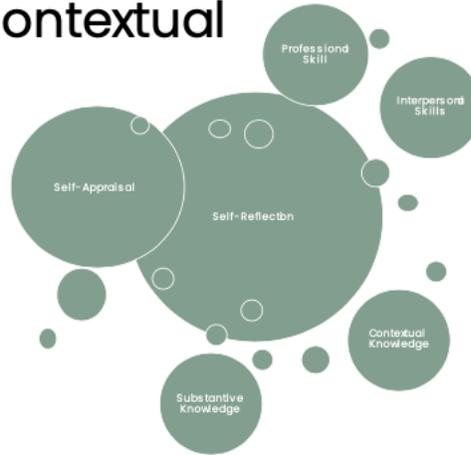
- For practitioners:
 - LSS Code of Professional Conduct, Rule 3.1-1
- Code sets out the standards a competent practitioner must meet
 - It is not a competency framework
- Meeting standards requires using competencies appropriate for each client matter
 - Competence is contextual

The Duty of Competence

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Competence is Contextual

- To complete a matter *on behalf of a client*, practitioners draw on acquired competencies.
- Specific competencies grow and decline over time.
 - Ex) Knowledge of Criminal Law; Knowledge of Court Processes



Competencies are Complex

Understanding how to resolve a client's relationship breakdown.

Knowledge Skills Attitudes

Knowledge		Skills		Attitudes	
Knowledge of understanding of the client's situation	Knowledge of understanding of the client's situation	Skill of self-regulation to help client understand being supported	Skill of understanding	Attitude of understanding	Attitude of understanding
Knowledge of understanding of the client's situation	Knowledge of understanding of the client's situation	Skill of understanding	Skill of understanding	Attitude of understanding	Attitude of understanding
Knowledge of understanding of the client's situation	Knowledge of understanding of the client's situation	Skill of understanding	Skill of understanding	Attitude of understanding	Attitude of understanding

- The overarching competencies required for a client matter is supported by sub-competencies.

Workbook
Break #1
~3 mins

Read Contextual Scenario

Identify 1-3 brief descriptors
for the overarching
competency(ies)

Review

- Competencies

- Are contextual to the matter at hand **on behalf of a client**
- Are complex and supported by sub-competencies
- “the **skills, knowledge,** and **attitudes** required to perform a task in a specific context”

CPLED Competency Example

1.2.4 Analysis and Problem Solving

1.2.4.1 Analyzing legal issues and results of research and information gathering

- Applies broad legal concepts from secondary research for overall guidance and direction.
- Evaluates and interprets the applicability of cases to the matter.
- Evaluates and interprets the applicability of statutory provisions to the matter.
- Evaluates the results of information gathering, including conflicting information and interprets applicability to the matter.

Workbook Break #2 ~2 mins

Write Out The Competency(ies) identified in Workbook Break #1

Descriptor = Process Investigation

Competency = Evaluates the results of information gathering, including conflicting information and interprets applicability to the matter.

A General Family Law Competency Framework

What did we do?

Our Process

- We:
 - Met with experts
 - Interviewed 18 stakeholders
 - Performed our own research
- We learned:
 - Competency frameworks
 - must be continually vetted
 - are complex to create
 - are tools to develop competency
- Competence is contextual.

Competencies vs Frameworks

- **Competencies**

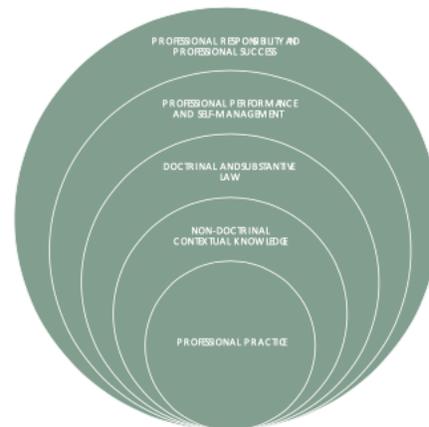
- “the **skills, knowledge, and attitudes** required to perform a task in a specific context.”

- **Competency Frameworks**

- An inventory of competencies a practitioner may require
- Regulators -> manage risk
- Educators -> develop target competencies

Categories of Competence (for Family Law)

1. Professional Practice
2. Non-Doctrinal Context
3. Doctrinal and Substantive Law
4. Professional Performance & Self-Management
5. Professional Responsibility & Professional Success



Category 1: Professional Practice

Categories Supporting Professional Practice					
Legal Research <ul style="list-style-type: none"> • Techniques • Databases • Discussion • Education • Consultation • Technology 	Legal Writing <ul style="list-style-type: none"> • Technology • Collaboration • Editing • Grammar • Suggesting • Drafting 	Document Drafting <ul style="list-style-type: none"> • Briefs • Memos • Affidavits • Contracts • Factums • Reports • Agreements • Corporate Docs • Forms 	Legal Dispute Resolution Processes <ul style="list-style-type: none"> • Negotiation • Mediation • Arbitration • Litigation • Collaborative Lawyering 	Legal Technology Tools <ul style="list-style-type: none"> • Proficiency with computers • Ability to effectively use legal software 	Investigating Facts <ul style="list-style-type: none"> • Active Listening • Interview Techniques • Note Taking • Perspective • Critical Thinking

Category 2: Non-Doctrinal Context

Categories Supporting Non-Doctrinal Context			
Context of Law <ul style="list-style-type: none"> • Colonial Law • Indigenous Law • Civil Law • Other Legal 	Context of Client <ul style="list-style-type: none"> • Cultural Awareness • Religion • Values • Psychology 	Context of Access to Justice Issues <ul style="list-style-type: none"> • Affordability • Diversion from court system • Creative Billing 	Context and Use of Legal Technology <ul style="list-style-type: none"> • Active Listening • Interview Techniques • Note Taking • Perspective • Critical Thinking

Category 3: Doctrinal and Substantive Law

Categories Supporting Doctrinal and Substantive Law

Legal Terms	Legal Theories and Principles	Identifying Issues	Substantive Law
<ul style="list-style-type: none"> • Acronyms • Synonyms • Different Contexts 	<ul style="list-style-type: none"> • Identifying legal principles • Distinguishing facts 	<ul style="list-style-type: none"> • Identifying Legal issues • Distinguishing non-legal issues 	<ul style="list-style-type: none"> • Legislation/Statute • Case law • Regulations • Family specific • Property • Indigenous law • National Requirement Courses



Category 4: Prof. Performance & Self-Mngmt

Categories Supporting Professional Performance and Self Management

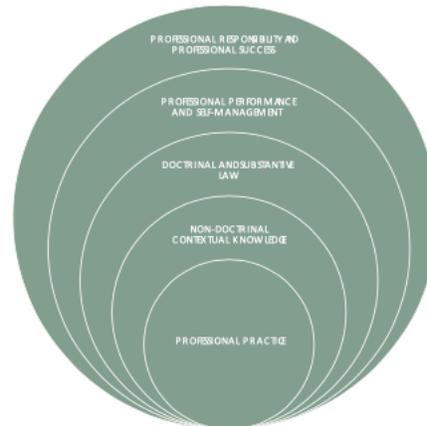
Self-Management Skills	Client Interaction Skills	Practice Management	Professional Collaboration
<ul style="list-style-type: none"> • Setting Boundaries • Self-Regulation • Mental Health Strategies • Emotional Intelligence • Self-Reflection • Self-Appraisal 	<ul style="list-style-type: none"> • Trauma-informed • Emotional Impacts and Behaviour • Cultural Competence • Empathy 	<ul style="list-style-type: none"> • Time Management • Task Management • Email Management • Calendar Management • Communication Methods • Email Letter Phone In-Person Video 	<ul style="list-style-type: none"> • Delegation • Shared Work • Assisting • Consulting • Board Work • Management

Category 5: Prof. Responsibility & Success



Categories of Competence (for Family Law)

1. Professional Practice
2. Non-Doctrinal Context
3. Doctrinal and Substantive Law
4. Professional Performance & Self-Management
5. Professional Responsibility & Professional Success



Workbook Break #3 ~3 mins

Write out short descriptors of sub-competencies that support the competency in Workbook Break #2 (ex: delegation)

HINT: You can use the competence categories, sub-categories, and descriptors we provided as a guide!

Review

- **Competencies**
 - “the **skills, knowledge, and attitudes** required to perform a task in a specific context.”
- **Competency Frameworks**
 - An inventory of competencies required of a practitioner
- **Sub-competencies**
 - Competencies that support other competencies or overarching competencies

Workbook Break #4 ~3 mins

Write out 3+ of the sub-competency descriptors you identified

Descriptor = Process Investigation

Competency = Evaluates the results of information gathering, including conflicting information and interprets applicability to the matter.

Questions?

Thank you for your time and willingness to work!



What's Next?

In our workshop session, you will collaborate with your small group to develop a competency framework for a specific scenario.

You will be provided the scenario and small group assignment in the afternoon. At the end of the day, we'll ask how the collaboration went 😊

Appendix B: DEAN'S FORUM AGENDA

MORNING SESSION

Main Boardroom (Room 254), College of Law

- 9:00–9:30 **Registration and Coffee** (outside of Law Boardroom)
- 9:30–9:45 **Welcome and Introductions**
Opening welcome from Dean Phillipson
- 9:45–10:30 **Presentation & Kick Off of Competencies Design Lab**
Led by Stephanie Varsanyi and Jakaeden Frizzell
- 10:30–10:45 **Morning Coffee Break** (outside of Law Boardroom)
- 10:45–11:30 **Presentation & Launch of Adjudicative Models Workshop**
Led by Megan Ripplinger and Tiffany Xu
- 11:30–1:00 **Lunch and Research Poster Competition** (provided outside of doors of Law Boardroom)
View the College of Law and CREATE Justice 11th annual Student Research Poster Competition on display outside of the Indigenous Law Centre and vote for your favourite poster.

AFTERNOON SESSION

Education Student Lounge (Education 1005), Education Building

- 12:45–1:00 **Find Designated Table** (Education 1005)
- 1:00–2:15 **Small Groups: Evaluating Family Law Adjudicative Models**
Introduced by Tiffany Xu; led by student facilitators
- 2:15–2:30 **Afternoon Coffee Break** (provided in Education 1005)
- 2:30–3:30 **Small Groups: Designing a Competent Family Law Lawyer**
Introduced by Sam Rezazadeh; led by student facilitators
- 3:30–4:00 **Large Group Discussion, Self-Appraisal, and Conclusion**
Led by Michaela Keet and Heather Heavin

Appendix C: SELF APPRAISALS

A. SELF-APPRAISAL #1: Pre-Workshop or at Introductions

CORE COMPETENCIES AND NON-CORE COMPETENCIES OF A COMPETENCY CONSULTANT

First, draw a circle around the competencies that you believe you have already acquired of the competencies listed below. Next, draw a square around the competencies you believe are underdeveloped within your personal competency repertoire. Make notes as needed – you will return to this at the end of the workshop.

1. **Competency framework development:** The ability to develop a comprehensive framework of the competencies required for a specific client situation, considering relevant regulations, best practices, and stakeholder needs.
 - Identifying relevant regulations and best practices
 - Incorporating stakeholder feedback and perspectives
 - Developing a clear and comprehensive competency framework

2. **Competency assessment:** The ability to assess the competencies required for a specific client situation and determine the most effective approach to evaluating those competencies.
 - Conducting research and analysis to identify the competencies required for a specific situation
 - Identifying the most effective approach to evaluating those competencies
 - Assessing the current competency level of practitioners

3. **Stakeholder engagement:** The ability to engage with stakeholders, including legal practitioners, regulators, legal educators, and members of the public, to understand their needs and perspectives and incorporate them into the competency framework.
 - Building relationships with stakeholders
 - Facilitating discussions and consultations with stakeholders

- Incorporating stakeholder feedback into the competency framework
4. **Training and development:** The ability to design and deliver training and development programs that help legal practitioners to develop the competencies required for a specific legal situation.
 - Designing effective training programs based on the competency framework
 - Delivering training programs in an engaging and effective way
 - Providing ongoing support and feedback to legal practitioners
 5. **Evaluation and improvement:** The ability to evaluate the effectiveness of the competency framework and training programs and make improvements based on feedback and evaluation results.
 - Conducting evaluations of the competency framework and training programs
 - Identifying areas for improvement and making recommendations for change
 - Implementing changes and monitoring their effectiveness

Non-core competencies that may also be useful for a legal competency consultant could include skills in project management, data analysis, and communication, among others.

B. SELF-APPRAISAL #2

CORE COMPETENCIES AND NON-CORE COMPETENCIES OF A COMPETENCY CONSULTANT

Return to your Self-Appraisal #1. Do you agree with your initial assessment now that you've learned more about competencies and competency frameworks? Are there core competencies that you weren't aware you had already developed? Were there core competencies that you thought you had developed but realized weren't developed in the specific context of a competency consultant? Did any of your competencies grow or improve today?

Share your thoughts here (optional):

Appendix D: COMPETENCY PRESENTATION: WORKBOOK QUESTIONS

Workbook Break #1

You have three minutes to complete the following exercise. First, read the scenario:

You are a senior partner at a big law firm in Saskatoon. It is 10:00 AM on a Friday. You were just CC'd on an urgent email sent to one of your associates, who is on vacation for two more weeks. The urgent email is from a client who is going through a divorce. He wants to "know ASAP what this new Judicial Case Conference step is". You had specifically assigned the client's divorce case to the associate because your caseload is full, and you have a big trial starting Monday. The client only agreed to work with this associate because you assured him you would work closely with the associate.

You know that the associate's automatic out-of-office email has already been sent to the client. Before leaving on vacation, your associate came to you complaining how difficult this client was; he is a powerful and demanding local businessman used to ordering people around. Knowing the client, he has likely already read about the JCC on the Court's website but still expects a lawyer's explanation.

Back in your day, you would never have taken a full two-week vacation, never mind ignoring a client email that was also sent to a partner. But your firm's COO and Executive committee have been impressing on the partners that they must respect associates' work/life balance. You suspect your COO would strongly disapprove of you asking the associate to respond to any email from you or the client.

You haven't yet taken the time to learn about the new JCC because you knew your associate had reviewed it. You asked your associate to do so specifically for situations like this. This client email is the last thing you want to deal with right now, but the client needs a response before the end of the day and you know they will not be happy if it comes from anyone but you or your associate.

Next, identify one, two, or three overarching competencies. Write down a descriptor word for the competency(ies) you have identified. *Ex. "Legal Analysis"*

Workbook Break #2

You have two minutes to complete the following exercise. Multiple attempts are allowed!

a. Consider how the overarching competency(ies) is/are being used. *Ex. The competency is used to apply the facts of the client's relationship breakdown to applicable legal principles to inform divorce proceedings.*

Write out your competency. Don't forget your action word(s)!

Ex. Applies broad legal concepts from secondary research for overall guidance and direction.

Workbook Break #3

You have three minutes to complete the following exercise. Under the five competence categories provided, write down descriptors for the sub-competencies you think might support the competency(ies) you wrote out in Workbook Break #2

(Hint: find the categories and possible descriptors on the next page of your workbook).

1. Professional Practice. *This category encompasses the use of appropriate practices, procedures, methods, and techniques required for the provision of legal services in each client matter.*
2. Non-Doctrinal Context. *This category encompasses the use of extra-legal knowledge and knowledge of a client's personal realities to understand the applicable law contextually and to select an appropriate dispute resolution mechanism for a client's matter.*

3. Doctrinal & Substantive Law. *This category encompasses knowing and selecting substantive law and principles applicable to each client's legal matter.*
4. Professional Performance & Self-Management. *This category encompasses the personal habits which allow a practitioner to provide consistent, competent legal services to each client over an extended period.*
5. Professional Responsibility & Professional Success. *This category encompasses an understanding of the range of professional requirements and professional opportunities available so practitioners can choose the context of professional practice that adequately meets personal or professional goals and needs.*

Workbook Break #4

You have three minutes to complete the following exercise. Write out competencies from the descriptors of the sub-competencies you have identified. Try to get through 3-4 but do as many as you would like!

1. Professional Practice
2. Non-Doctrinal Context
3. Doctrinal & Substantive Law
4. Professional Performance & Self-Management
5. Professional Responsibility & Professional Success