

LEGAL SKILLS

Law 355

Professor Mary Anne Waldron, Q.C.

January – April, 2011

Course Objectives

This course will teach the practical application of legal knowledge to the lawyer's day-to-day experience. Lawyers interact with others in their professional lives in a variety of roles in which legal knowledge is the foundation for skills exercised by the lawyer to assist clients. While students in substantive courses learn the legal principles and methods of reasoning they will need, they have little opportunity to learn and practice the skills which will help them deliver that knowledge.

This course focuses on the fundamental skills of legal practice, excluding for the most part, skills connected to advocacy. While the lawyer may often argue and conduct examinations in the court room, many of the lawyer's skills are practiced in the office, either in preparation for the court room appearance or in non-litigious situations where lawyers see clients and help them to solve their problems by other means.

The objectives of this course are:

1. To introduce the student to the legal skills of interviewing, advising and negotiating.
2. To introduce the fundamental building blocks for these skills: asking questions; providing response and legal information to clients; working with clients to develop strategies and assist them to make decisions; planning for negotiations; developing a negotiation style; responding to others' negotiating styles; and conducting negotiations.
3. To allow the student to develop his or her skills in these areas through practice, critical assessment and more practice.
4. To allow the student to understand and modify the legal skills he or she is developing through readings, discussion and written reflections.

Course materials

There are two required texts for this course, both of which have been ordered and should be available at the bookstore: *Lawyers as Counselors* by Binder, Bergman, Price and Tremblay and *Gain the Edge!* by Martin Latz.

Assessment

This is a Pass/Fail course. Assessment will be on the basis of class participation, good faith participation in the exercises, and production of a course journal and a negotiation plan. Detailed requirements to obtain a pass grade in this course are attached.

Course website

The course website is accessible through moodle@uvic.ca

Instructor contact information

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Course Requirements: Legal Skills (Law 355)

Professor M.A. Waldron

January, 2011

Legal Skills is a pass/fail course. To achieve a pass in this course the following are required:

1. You must attend all classes unless you are ill, have a family emergency or encounter another difficulty sufficient to qualify for accommodation. A great deal of the learning will take place in the classes where you will participate in exercises in the classroom. As well, your colleagues will be depending upon you to attend in order to have the right number of participants in the exercises and give everyone a fair chance to learn the skills. If you cannot attend a class or two due to illness or family emergency, make-up work will be required to achieve a pass grade.
2. You must complete and hand in the Course Journal. The Course Journal is a class-by-class report of and reflection on the exercises you have participated in for each class. The report must summarize the nature of the exercise, how the exercise related to the materials studied, what worked and what did not. It may also include constructive criticism given and received by you in the class exercises. The Course Journal should have at least 1 – 2 pages of entry for each class exercise. The purpose of the Course Journal is to allow you to consolidate your learning and to improve for future exercises.
3. You must hand in ONE negotiation plan. In the negotiations portion of the course, we will prepare a negotiation plan together. Students will have the opportunity to participate in several small and at least one more significant negotiation exercise. For one of these exercises, the negotiation plan must be submitted and completed satisfactorily.
4. You must generally have read the materials assigned for each class and participate in the discussion of the materials to a reasonable extent.
5. You must make a good-faith effort to participate in all exercises. A “good-faith effort” means that you will treat the exercise seriously and do your best to comply with the requirements of the exercise.
6. You must be prepared to give and to receive constructive criticism of your performance in the exercises from your instructor and from your colleagues. A brief introduction of how to give and receive constructive criticism will be provided.

All required written work must be handed in by the end of the exam period. Students who complete all the above requirements satisfactorily will receive a pass grade.

