



PROFESSIONALISM

1. The Interests of justice, democracy and the role of the legal profession in society

Positive indicators:

- Develops and maintains professional relationships with clients, colleagues and others.
- Understands the regulatory framework of the Law Society of Scotland in all its respects.

2. Delivering effective and competent legal services on behalf of a client/employer/the public (as appropriate)

Positive indicators:

- Updates and expands knowledge of the law and legal practice in areas of expertise without prompting
- Practices in a client-centred way and manages client service well.
- Displays good attention to detail in legal work
- Evaluates and improves on care of clients
- Can identify where clients and the public need to be protected from risks, and acts quickly
- Meets the Standards of Conduct and Services for Scottish solicitors

3. Ensuring their own continued professional development

Positive indicators:

- Takes part in, reflects on and implements what is learned from Trainee CPD in the workplace.
- Reflects on experiences and mistakes in order to improve future performance.
- Welcomes and deals with new ideas and methods, and challenges things which do not work.

Evaluates accurately the strengths and weaknesses of his or her own professional skills and knowledge and is proactive in setting learning targets.

- Ensures Trainee CPD and personal developments is treated as a priority by setting and meeting goals to develop the knowledge and skills requires for areas of expertise.
- Adheres to rules issued by the Law Society of Scotland in respect of Trainee CPD.

4. Promoting Equality and Diversity in the workplace and in the profession



Positive indicators:

- Understands the responsibilities incumbent on the Law Society of Scotland, the Scottish legal profession and the Scottish solicitor in respect of equality and diversity.
- Can identify issues of culture, disability and diversity and respond appropriately and effectively to these issues in dealings with clients, colleagues and others from a range of social, economic and ethnic backgrounds.

5. Being trustworthy, acting with honesty and integrity at all times and showing respect to clients, colleagues and others

Positive indicators:

- Treats all clients, colleagues (solicitors, paralegals and all other support staff) and others with courtesy and respect.
- Acts with honesty and integrity at all times.
- At all times conducts self in a professional manner inspiring trust and confidence of clients, colleagues and others



PROFESSIONAL COMMUNICATION

1. Professional Relationships and Team Working

(a) Develop and maintain professional relationships

Positive indicators:

- Develops and maintains professional relationships with clients, colleagues and others.
- Helps generate an open, friendly work environment through demonstrating respect for others and through supportive, professional and polite behaviour at all times.

(b) Work positively with others

Positive indicators:

- Respects the viewpoints of others.
- Can accurately summarise what a speaker has said for the purposes of accurate file notes.
- Can provide constructive criticism and receive constructive criticism, and remain positive in that process.
- Shows awareness of the impact of his or her actions on others and on the objectives of his or her employing organisation.

(c) Work effectively as part of a team

Positive indicators:

- Works cooperatively and willingly with others in own and other's teams.
- Communicates effectively across all levels using appropriate means of communication.
- Recognises personal and professional strengths and weaknesses of self and others.
- Knows when to ask for support from, or to offer support to, other team members.
- Completes tasks allocated to him or her without prompting and within required timescales.
- Effectively delegates to support staff, and supervises tasks where appropriate.
- Exercises sound judgement as to when to refer issues outside own competency level to someone more senior.
- Takes responsibility for identifying, sharing and resolving issues and honouring commitments.



- Raises any concerns/issues relating to completion of tasks and delivery of objectives with team.
- Can represent the team with confidence.
- Shares knowledge.
- Understands and adheres to good practice in project and matter management.
- Avoids negative group dynamics, through positive approach.

2. Communications with Clients

Communicate effectively with clients

Positive indicators:

- Agrees on the means and frequency of communication with the client.
- Issues letters of engagement or the equivalent explaining and defining the service to be carried out, who is responsible and the costs and fees associated with the service.
- Outlines the complaints procedure.
- Regularly updates clients on the status of matters.
- Communicates in a way which the client understands and which shows understanding of the client's objectives.
- Makes sure that the client has all relevant information in a format that is clear and understandable to the client.
- Communicates with the client at an appropriate time detailing all money relating to the client's matter which is handled by him or her.

3. Provide Legal Advice to Clients

Provide Legal Advice to Clients

Positive indicators:

- Identifies the relevant law and legal implications associated with an issue.
- Applies effectively knowledge and understanding of the law to factual and legal issues that are relevant to a client's needs, objectives and priorities.
- Gives clear legal advice to clients based on a clear understanding of the facts and legal implications arising from those facts.
- Assists the client to come to a decision regarding the best course of action, taking into account costs, benefits and risks.
- Understands problems and identifies solutions.
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Takes appropriate steps to inform clients of key issues including relevant facts, progress towards their objectives, and costs.

- Manages client expectations about likely outcomes.

4. Legal Research

Competently undertake legal research

Positive indicators:

- Uses research tools appropriately (cases, legislation, texts, periodicals/digests, citators and electronic tools Westlaw and LexisNexis).
- Interprets statutes and cases to assist client, applying to client problem.
- Effectively researches all sources, sufficiently far in advance to assist client, and records data for subsequent analysis.
- Knows how to update information and check accuracy.
- Analyses and prioritises factual issues.
- Identifies gaps, ambiguities and contradictions in information.
- Is confident in the correctness of facts ascertained.
- Identifies and prioritises legal issues raised by facts.
- Keeps a precise research record.
- Evaluates his or her performance in research and has displayed improvement in such evaluation to the point of qualification.

5. Interviewing

(a) Conduct a client-centred interview

Positive indicators:

- Prepares for the interview appropriately.
- Adopts a strategy for interview prior to its commencement.
- Explains structure of interview including producing an agenda if appropriate.
- Encourages the client to explain concerns.
- Can identify the client's goals, and help the client define priorities among the goals.
- Questions effectively through the use of open and close questions.
- Is generally able to listen and elicit required legal and factual information, and full instruction, from client with ease.
- Can focus on a fact pattern without losing sight of the whole.
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Confirms his/her understanding of the client's concerns and summarises the outcomes and action points of the interview before drawing the interview to a graceful close.

- Is courteous to client throughout.
- Evaluates own performance in interviewing to ensure progress.

(b) Records matter timeously, accurately and in appropriate format

Positive indicators:

- Records all relevant factual, legal, procedural and evidential matters at the appropriate time and in appropriate format.
 - Notes legal research to be carried out.
 - Notes possible and actual courses of action.
 - Confirms client action and own action in retainer letter or precognition or other document.
 - Informs supervising colleagues of actions and timescales.
- Records file note for internal future reference.

6. Negotiation

Take part in a negotiation

Positive indicators:

- Understands the theory of different approaches to negotiation, including facilitated negotiation
- Prepares for negotiation, developing a plan of action based on the factual and legal issues, an assessment of the client's objectives, strengths and weaknesses of the case.
- Negotiates according to the situation and matter in hand (cooperative, problem solving, or adversarial as appropriate) and takes client instructions throughout negotiation, staying within agreed instruction and remit, or seeking instruction where is unclear.
- Leads negotiation strategically, responds to offers and makes concessions, and remains flexible.
- Negotiates according to the practice and conventions of his or her areas of practice.
- Develops own negotiating techniques and can reflect on their success, or otherwise, in the context of a transaction.
- Demonstrates an understanding of the rules of mediation.

7. Writing and Drafting



(a) Write letters or reports appropriate for audience and which achieve their purpose

Positive indicators:

- Knows how to distil complex legal information into clear, concise and unambiguous communications suitable for clients, fellow professionals who are non-solicitors, and others.
- Tailors his or her style of communication to suit the purpose of the communication and the needs of different clients and other recipients.
- Produces communications which meet client or training solicitor instructions and which are fit for purpose.

(b) Follow internal protocols, convention and audience requirements

Positive indicators:

- Follows models preferred by employer organisation (e.g. in use of addresses, date, salutation, heading style, etc).
- Selects appropriate forms of communication according to message being conveyed (letter, email, phone).
- Knows what detail different clients require.
- Prioritises the information being communicated appropriately.
- Times communications carefully.
- Is sensitive to the implications of communications to clients.

(c) Produce well-organised and factually accurate and valid 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.
- Ensures legal documents, and legal advice are clear and free from ambiguity.
- Exercises the appropriate standard of care.
- Ensures all documents are validly executed and where appropriate, registered in relevant registers.



(d) Use precedent bank and drafts bespoke documents as appropriate

Positive indicators:

- Where appropriate uses the appropriate form or style of document.
- Can adapt a style to a particular context, bearing in mind substantive and procedural legal context, audience, possible future audiences and possible litigation context.
- Drafts bespoke documents and contracts where this is appropriate.

(e) Evaluate own performance in writing and drafting

Positive indicators:

- Evaluates his or her writing skills and has displayed improvement in writing and drafting style to the point of qualification.

8. Use of Technology

(a) Use telephony effectively to communicate with clients and others

Positive indicators:

- Can use telephone technology efficiently to carry out legal business on the telephone, and report on that thereafter.
- Can recognise passive, aggressive and assertive callers and respond appropriately (remaining calm, flexible and professional) whilst maintaining professionalism.
- Can handle complaints in accordance with relevant complaints processes whilst maintaining professionalism.
- Remains calm, flexible and professional where callers are assertive, aggressive or demanding.

(b) Use electronic communications effectively in the provision of legal services taking care to protect client confidentiality

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 the difference between letters and emails and when the latter are most appropriate.
- Avoids risk by properly managing e-communications and takes care to protect client confidential information.
- Can use technological aids such as electronic diaries and electronic tasks to plan time on task.
- Archives mail safely and accurately and uses relevant employer matter references to assist accurate filing.
- Can use other forms of e-communication where appropriate e.g. client internet access, website form, blog, IM, wiki.

(c) Use computers and associated technology to expedite progress in matters and work for client

Positive indicators:

- Uses available technology effectively and efficiently in the provision of legal services to clients taking care to protect client confidential information.
- Uses computers and word processors to draft appropriately.
- Uses electronic bank of styles effectively.
- Uses case management systems and maintains electronic files where appropriate.
- Archives versions of documents in electronic folders or case management systems as appropriate.
- Checks changes to electronic documents using electronic comparison software where appropriate.
- Can use electronic dictation to a basic level

9. Advocacy

The Society understands that not all trainees will appear in court during PEAT 2. With this in mind advocacy should only be considered where relevant to a trainee's area of practice. Therefore, all trainees should be able to demonstrate competence in practice in the PEAT 1 advocacy Outcomes.

Positive indicators:



'The Qualifying Solicitor' should be able to advocate a case on behalf of a client effectively and efficiently and exercise solicitors' rights of audience in both the civil and criminal courts in accordance with relevant rules and procedure.

10. Presentation

Communicate effectively with the ability to present on a matter to clients, colleagues or others

Positive indicators:

- Confidently contributes to group discussions.
- Instigates, arranges and leads meetings on own matters.
- Is able to answer confidently when questioned by supervising colleagues or clients.
- Is articulate.
- Maintains good eye contact.
- Displays no distracting gestures.
- Displays confidence in own improving performance.
- Makes smooth transitions between topics.
- Can summarise the content of a discussion to convey key points.
- Thoroughly prepares the content of a presentation.
- Is up to date on the law and facts applicable to the presentation.
- Ensures that all presentations are clear and understandable to clients, colleagues or others.
- Allows for questions and is able to answer questions.
- Prepares suitable accompanying documentation for a presentation.



PROFESSIONAL ETHICS AND STANDARDS

1. Regulatory Framework and Professional Standards

(a) Understand the role of the Law Society of Scotland generally and the role it and other regulatory bodies have in relation to the profession in Scotland

Positive indicators:

- Maintains an awareness of the various functions of The Law Society of Scotland including representation and regulation.
- Understands the complaints regime in Scotland (service complaints dealt with the SLCC, conduct complaints dealt with by the Society).
- Understands and adheres to the regulations applying to the provision of legal services to the client.
- Appreciates the difference between conduct and service issues and negligence.

(b) Adhere to the Standards of Conduct and Service for Scottish Solicitors laid down by the Law Society of Scotland from time to time

Positive indicators:

- Displays awareness of the Master Policy and other types of insurance required of solicitors in Scotland
- Understands and adheres to the regulations applying to the provision of legal services to the client
 - Appreciates the difference between conduct and services issues and negligence
 - Displays knowledge of, and compliance with, the Accounts Rules as they relate to his or her areas of practice
 - Displays an awareness of the role of the Guarantee Fund
 - Adheres to the Standards of Conduct and Service for Scottish Solicitors laid down by the Law Society of Scotland

2. Duties to the Court

(a) Where relevant to his or her areas of practice, exhibit the professional obligations of a solicitor to the Court

Positive indicators:



- Behaves with respect towards the court and states the law and the facts honestly and accurately.
- Understands the duty to the court to ensure that those give evidence only give truthful and honest statements which they can accurately remember
- Treat those who give evidence with the appropriate respect and courtesy
- In questioning a person in court who is representing him or herself without a solicitor, cooperates with the court in allowing that person to state their case
- Responds to letters, email and telephone calls from the courts within the appropriate timescale.

(b) Where relevant to his or her areas of practice, resolve a breach of the duty to the Court

Positive indicators:

- Understands the options available where the duty has been breached
- Correctly identifies an appropriate solution to the breach
- Selects an appropriate method of communicating with the client or the Court (as appropriate)

3. Duties to the Profession

Treat other solicitors with respect and in a manner consistent with persons who have mutual trust and confidence in each other

Positive indicators:

- Understands the options available where the duty has been breached
- Correctly identifies an appropriate solution to the breach
- Selects an appropriate method of communicating with the client or the Court (as appropriate)
- Acts with other solicitors in a manner consistent with persons having mutual trust and confidence in each other
- Does not knowingly mislead other solicitors or, where they have given their word, go back on it
- Only communicates with a person believed to be the client of another solicitor in accordance with the Standards of Conduct laid down by The Law Society of Scotland.
- Responds to letters, emails and telephone calls within an appropriate or agreed timescale



Treats other solicitors with politeness and respect taking into account diversity and rules of non-discrimination

- Understands that it is against the law for anyone, including solicitors to discriminate because of race, sex, marital status, disability, sexuality, religion and belief or age and this applies to all their professional dealings with employees or other lawyers.
- Negotiates ethically, treating all those involved with truthfulness, honesty and civility.

4. The Client-Solicitor Relationship

(a) Comply with all rules, regulations and any internal processes of his or her employer organisation to client identification and client and matter acceptance

Positive indicators:

- Is sensitive to how the situation of clients affects client care.
- Is aware of statutory requirements e.g. Anti-Money Laundering regulations and their impact on the client relationship
- Demonstrates an awareness of diversity and equality issues in relation to clients and their affairs.
- Complies with all rules, regulations
- Complies with all rules, regulations and any internal processes of his or her employer organisation relating to client identification and client and matter acceptance.

(b) Act in the best interest of his or her client

Positive indicators:

- Acts in the client's best interest by identifying the client's objectives and best interests in a matter and representing the same.
- Balances this duty with the duties he or she has to others such as the courts and others in the legal profession and his or her duty to remain independent.
- Where there is a conflict between the client's wishes and his or her other duties, identify an appropriate solution to the conflict in compliance with the Standards of Conduct for Solicitors laid down by the Law Society of Scotland.

(c) Act only on the instructions of the client

Positive indicators:



- Can identify that they have their client's permission to act, and, if not, are confident that they are merely progressing routine work for which it is impossible or impractical to get the client's permission.
- Understands that they may be required to act in response to an instruction from a court with authority on the matter.
- Understands that work must not be done which is illegal or contrary to solicitors' professional standards other than advising on the law and implications of suggested courses of action.
- Understands that working for a client does not equal support for the client's political, social or moral views or activities.

(d) Adopt strategies to achieve client goals and practise good client care

Positive indicators:

- Can carry out effective fact analysis, take account of commercial considerations and what the client is trying to achieve in the context in which they are seeking advice, advise on options, consequences and potential costs of actions.
- Suggests courses of action which optimise results for client even if not legally the most obvious route.
- Is aware of and acts according to professional rules that apply in a given situation, e.g. Standards of Conduct, retainer letter, terms & conditions, etc.
- Gives objective advice to a client. At all times acts professionally towards the client and to third-party professionals.

(e) Act competently on behalf of client

Positive indicators:

- Maintains the relevant legal knowledge and skill to provide a competent and professional service in all areas of his or her practice.
 - Is thorough and prepared.
 - Ensures that those to whom work is delegated are properly supervised.
- Understands the principle of only agreeing to work for client and carry out work if the nature and complexity of the work is something which they have the appropriate level of professional skills to do.
- Ensures that they maintain their competence through continuing professional development.



(f) Act diligently on behalf of client

Positive indicators:

- Delivers on commitments.
- Maintains and reviews systems of work, ensures there are prompt and transparent fee arrangements.
- Responds to letters, emails and telephone calls within an appropriate or agreed timescale.
- Only agrees to act where work can be done within a reasonable timescale and with adequate service to the client.
- Ensures fees to be charged are promptly notified to client and that a clear explanation and breakdown is provided.
- Ensures that where there is variation in fees previously discussed that this is explained.
- Promptly responds to clarification sought by the client.

(g) Withdraw from acting if appropriate

Positive indicators:

- Understands that solicitors must have good reason to stop working for a client.
- Informs the client of the reason when work is stopped.
- Gives client reasonable notice that they will no longer work for them and that they should seek another source of legal advice.

(h) Evaluate the relationship with clients

Positive indicators:

- Regularly looks at ways to improve their relationship with clients.

5. Conflict Of Interest

(a) Deal with conflict situations, both legal and commercial

Positive indicators:

- Is aware of and remains within the boundaries set by practice rules and the Standards of Conduct for Solicitors.



- Demonstrates an awareness of the impact of a conflict of interest to a client, to the solicitor and to the business of his or her employer organisation.
- Understands the difference between legal conflicts (i.e. a conflict of interests under practice rules and the Standards of Conduct for Solicitors) and commercial conflicts.

(b) Anticipate conflicts of interest and acts appropriately

Positive indicators:

- Is aware of the possibility of a conflict of interest arising and the implications of that.
- Identifies conflict scenarios (both actual and which might reasonably arise) and refers to supervising colleagues.
- Able to apply the practice rules and the Standards of Conduct for Solicitors correctly.

(c) Prevent a potential conflict from arising

Positive indicators:

- Ensures conflict checks are undertaken before instructions are accepted.
- Reviews progress of a transaction to ensure no conflict has subsequently arisen or might reasonably arise.

(d) Resolve a conflict of interest

Positive indicators:

- Understands the options available in a conflict situation.
- Correctly identifies an appropriate solution to the conflict.
- Selects an appropriate method of communicating with the client when conflict is identified.
- Even where conflict is only a potential conflict acts carefully and with the full knowledge and agreement of all relevant clients.

(e) Identify and disclose a personal interest

Positive indicators:

- Notifies the client of any personal interest he or she has in a matter, allowing the client to decide whether or not they should continue to act in the transaction.



- Declines to act and advises client to seek another solicitor when the personal interest is so significant it would affect the independence of the solicitor's advice.
- Discloses to clients information about payments received for referring clients to others such as mortgage brokers.
- In particular in relation to the drafting of wills does not write a will where they, or anyone close to them such as a spouse or business partner, would benefit from the will.
- Appreciates that exceptions exist for his/her own spouse, or when only a token is left to the solicitor but understands that the general rule is to advise the client to use another firm of solicitors.

6. Confidentiality

(a) Respect the confidentiality of clients and matters

Positive indicators:

- Adheres to all practice rules and Standards of Conduct relating to client confidentiality; knows that the client, Parliament or court can override this duty.
- Knows that confidentiality does not apply if a client informs them that they intend to commit a crime.
- Understands that a client can consent to the disclosure of confidential information.

(b) Deal appropriately with situations where there is a conflict between the duty of confidentiality and other professional duties

Positive indicators:

- Proposes an appropriate course of action where a conflict arises.
- Communicates an actual or potential breach of confidentiality to clients appropriately.
- Demonstrates awareness of the consequences of breaching the duty of confidentiality.



BUSINESS, COMMERCIAL, FINANCIAL AND PRACTICE AWARENESS

1. Business, Commercial and Financial Awareness

(a) Demonstrate an understanding of the external business context of his or her work

Positive indicators:

- Demonstrates an understanding of the financial, commercial, personal and other priorities and constraints of clients in respect of each matter in which he or she is engaged and shapes advice accordingly.
- Identifies the risks, costs and benefits of alternative courses of action in relation to business decisions and shapes advice accordingly.

(b) Understand the regulatory and fiscal frameworks relevant to the work he or she conducts on behalf of a client

Positive indicators:

- Demonstrates an understanding of the potential tax implications of matters on which he or she is working (e.g. VAT, SDLT, IHT, Income Tax, CGT) and, where appropriate, provides advice or liaises with supervising colleagues or external experts on that.
- Understands the regulatory and fiscal frameworks relevant to the work which he or she conducts on behalf of a client.

2. Practice Awareness and Work Management

(a) Demonstrate an understanding of the internal business context of his or her work

Positive indicators:

- Demonstrates an awareness and understanding of the business model of his or her employer organisation.
- Demonstrates an understanding of the business objectives of his or her employer organisation and the role which he or she plays in achieving those objectives.
- Demonstrates an understanding of budgeting, cost control, time management, WIP management, matter management and billing.



(b) Understand the key features of partnerships and limited liability partnerships, and alternative business structures

Positive indicators:

- Understands the differences between partnerships and limited liability partnerships, as business structures for the provision of legal services.
- Is aware of the implications of alternative business structures delivering legal services in Scotland and the UK.

(c) Demonstrate ability to manage personal workload and to manage effectively a number of concurrent client matters

Positive indicators:

- Manages personal workload with no noticeably detrimental effects on others.
- Manages a number of tasks concurrently so as to meet all objectives, priorities and deadlines relating to those tasks.
- Can switch effectively between different client matters.

(d) Can manage time and risk capably in legal transactions/matters

Positive indicators:

- Exercises effective judgement regarding the effective use of his or her time.
- Exercises effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives.
- Can plan deadlines, work to them and deal with unexpected work-loads.
- Understands risk in the context of client care policy and any complaints procedure of his or her employer organisations.
- Seeks support or advice from other colleagues or experts when aware that expert knowledge and skills (beyond his or her knowledge and skills) are required.

(e) Comply with all quality standards, risk management, HR and other policies and processes of his or her employer organisation; use business systems and resources appropriately

Positive indicators:



- Use all business systems and processes appropriately and effectively.
- Is punctual, can be relied on to arrive for work over the course of the working week, has a positive attitude to the demands of the office and is suitably dressed according to the rules of the office.
- Record accurately his or her work to a level of detail appropriate to the work and the employer organisation.

(f) Adopt good file management practices

Positive indicators:

- Can open a new file.
- Files emails, documents and versions of documents in the course of a matter in date order.
- Maintains correspondence and paper files as appropriate.
- Keeps filing up to date during transaction.
- Takes accurate file notes of telephone exchanges and meetings and ensures these are documented in the file.
- Closes matter and associated file at the end of engagement.