**Fundamental Lawyering Skills**

***Report of the ABA Task Force on Law Schools and the Profession: Narrowing the Gap (“The MacCrate Report”) 1992***

**Skill § 1:**
In order to develop and evaluate strategies for solving a problem or accomplishing an objective, a lawyer should be familiar with the skills and concepts involved in:

1.1 Identifying and Diagnosing the Problem;

1.2 Generating Alternative Solutions and Strategies;

1.3 Developing a Plan of Action;

1.4 Implementing the Plan;

1.5 Keeping the Planning Process Open to New Information and New Ideas.

**Skill § 2:** In order to analyze and apply legal rules and principles, a lawyer should be familiar with the skills and concepts involved in:

2.1 Identifying and Formulating Legal Issues;

2.2 Formulating Relevant Legal Theories;

2.3 Elaborating Legal Theory;

2.4 Evaluating Legal Theory;

2.5 Criticizing and Synthesizing Legal Argumentation.

**Skill § 3:** In order to identify legal issues and to research them thoroughly and efficiently, a lawyer should have:

3.1 Knowledge of the Nature of Legal Rules and Institutions;

3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;

3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.

**Skill § 4:**In order to plan, direct, and (where applicable) participate in factual investigation, a lawyer should be familiar with the skills and concepts involved in:

4.1 Determining the Need for Factual Investigation;

4.2 Planning a Factual Investigation;

4.3 Implementing the Investigative Strategy;

4.4 Memorializing and Organizing Information in an Accessible Form;

4.5 Deciding Whether to Conclude the Process of Fact-Gathering;

4.6 Evaluating the Information That Has Been Gathered.

**Skill § 5:** In order to communicate effectively, whether orally or in writing, a lawyer should be familiar with the skills and concepts involved in:

5.1 Assessing the Perspective of the Recipient of the Communication;

5.2 Using Effective Methods of Communication.

**Skill § 6:** In order to counsel clients about decisions or courses of action, a lawyer should be familiar with the skills and concepts involved in:

6.1 Establishing a Counseling Relationship That Respects the Nature and Bounds of a Lawyer's Role;

6.2 Gathering Information Relevant to the Decision to Be Made;

6.3 Analyzing the Decision to Be Made;

6.4 Counseling the Client About the Decision to Be Made;

6.5 Ascertaining and Implementing the Client's Decision.

**Skill § 7:** In order to negotiate in either a dispute-resolution or transactional context, a lawyer should be familiar with the skills and concepts involved in:

7.1 Preparing for Negotiation;

7.2 Conducting a Negotiation Session;

7.3 Counseling the Client About the Terms Obtained From the Other Side in the Negotiation and Implementing the Client's Decision.

**Skill § 8:**
In order to employ-or to advise a client about-the options of litigation and alternative dispute resolution, a lawyer should understand the potential functions and consequences of these processes and should have a working knowledge of the fundamentals of:

8.1 Litigation at the Trial-Court Level;

8.2 Litigation at the Appellate Level;

8.3 Advocacy in Administrative and Executive Forums;

8.4 Proceedings in Other Dispute-Resolution Forums.

**Skill § 9:**In order to practice effectively, a lawyer should be familiar with the skills and concepts required for efficient management, including:

9.1 Formulating Goals and Principles for Effective Practice Management;

9.2 Developing Systems and Procedures to Ensure that Time, Effort, and Resources Are Allocated Efficiently;

9.3 Developing Systems and Procedures to Ensure that Work is Performed and Completed at the Appropriate Time;

9.4 Developing Systems and Procedures for Effectively Working with Other People;

9.5 Developing Systems and Procedures for Efficiently Administering a Law Office.

**Skill § 10:** In order to represent a client consistently with applicable ethical standards, a lawyer should be familiar with:

10.1 The Nature and Sources of Ethical Standards;

10.2 The Means by Which Ethical Standards are Enforced;

10.3 The Processes for Recognizing and Resolving Ethical Dilemmas.