

# Early Career Lawyer Capability Framework

Victorian Legal Services  
**BOARD + COMMISSIONER**

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# Introduction

This capability framework is for early career lawyers, particularly those undertaking their mandatory period of supervised legal practice (SLP).

SLP is a vital period of professional development, and our research shows that many supervisees and supervisors want more guidance about the capabilities lawyers should develop during SLP.

This capability framework is designed to improve the experience of SLP for all parties. You're not obligated to comply with the framework, but it will assist:

- **supervisors** to think about suitable work for their supervisees, and identify development opportunities
- **supervisees** to understand the capabilities they need to develop in their 18–24 month SLP period.

## Supporting resources

We recommend supervisors and supervisees use this framework together with our supporting resources:

### **Supervision Plan Template**

Designed to help supervisors plan appropriate work for their supervisees and take a structured approach to supervision.

### **Reflective Practice Template**

Designed to assist supervisees to undertake periodic self-reflection on their progress and development needs.

To access these resources, and for general guidance on SLP, visit the Victorian Legal Services Board and Commissioner (VLSB+C) website at [lsbc.vic.gov.au/SLP](https://lsbc.vic.gov.au/SLP).

# How is the capability framework structured?

The framework is divided into five ‘capability domains’:

01	Ethics and professional responsibility
02	Legal knowledge and application
03	Interpersonal and communication skills
04	Professional skills
05	Professional development and wellbeing

Each capability domain covers the capabilities required for independent legal practice (practising without an SLP condition on your practising certificate).

Each specific capability has at least one ‘performance indicator’ to help supervisees and supervisors evaluate what development of the capability looks like in practice. The performance indicators are not ordered by complexity or importance and are not exhaustive examples – each is an important sign that a capability has been (or is on the way to being) developed.

Each capability falls within at least one of the four streams of continuing professional development (CPD) that solicitors must complete each year under the **Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015: rule 6**.

Supervisees who need to develop a particular capability may choose to undertake a CPD activity for this capability – and at the same time, gain points to help them fulfil their CPD obligations.

# Using the capability framework

## Supervisees

Anyone currently undertaking SLP (or about to start SLP) can use this framework to better understand the capabilities they need to develop to transition to independent practice.

We recommend using the framework alongside our [Reflective Practice Template](#), which is designed to help you reflect on your capability development and identify any further training or support you need to embed a capability. This will help ensure you are well-equipped for independent practice in the future.

This framework encompasses the diversity of legal practice. Because early career lawyers work in a variety of legal workplaces, with different areas of practice, there may be situations where some performance indicators in the framework will not be directly relevant to you. Your supervisor should discuss which performance indicators are appropriate for your circumstances.

## Supervisors

If you are supervising an early career lawyer, you can use the framework along with our [Supervision Plan Template](#) to:

- plan work for your supervisees
- set out a supervision structure
- articulate your expectations
- identify ways to support your supervisees to develop the skills they need to practise independently.

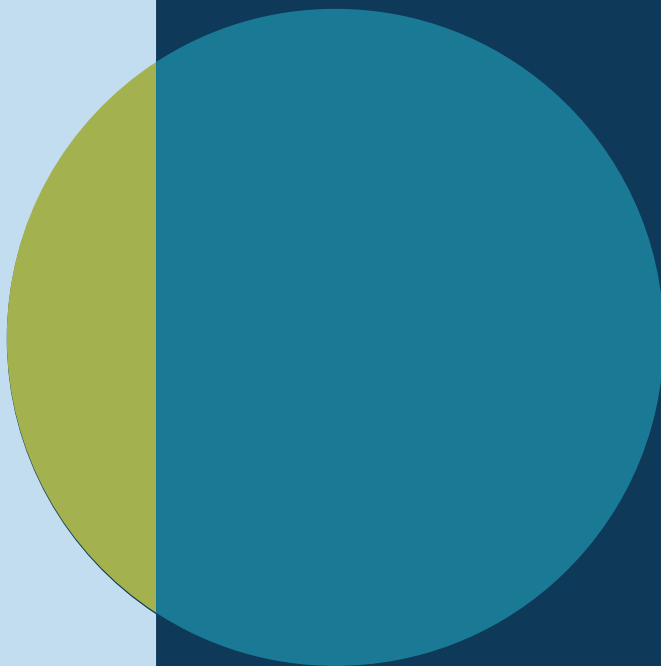
This framework sets out capabilities that supervisees should develop over the course of SLP. It's not reasonable to expect your supervisees to have these capabilities when they start SLP, or that they will rapidly develop them. Like any capability, they will be developed over time – with exposure to a wide range of work and appropriate oversight, feedback and training.

You can assess progress towards reaching a good standard of capability by considering how well your supervisees:

- handle matters with increasing autonomy and less supervision
- take responsibility for increasingly complex matters
- routinely achieve an acceptable standard of work
- apply a depth of understanding of the law and awareness of legal principles to solve problems and progress a matter
- identify and produce constructive options and form judgements about possible courses of action and ways forward.

If you're not familiar with all the skills listed in the framework, we recommend seeking external training opportunities for your supervisees.

# Capability domains



# Ethics and professional responsibility

All lawyers must understand and act in accordance with their ethical and professional responsibilities.

## 1.1 Ethics and professional responsibility

Capabilities	Performance indicators
Fulfills professional, ethical and legal obligations	<ul style="list-style-type: none"> <li>Engages in legal practice only under the supervision of a qualified supervisor, and does not supervise the work of others while under an SLP condition</li> <li>Are familiar with and meet the ethical and professional obligations of solicitors set out in the <b><u>Legal Profession Uniform Law</u></b> (as set out in Schedule 1 to the <i>Legal Profession Uniform Law Application Act 2014</i> (Vic)) and associated <b><u>Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 (Conduct Rules)</u></b>; complies with the <b><u>Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (CPD Rules)</u></b></li> <li>Understands and upholds the paramount duty to the court and the administration of justice in the Conduct Rules, and is confident explaining the duty to clients when needed</li> <li>Recognises and carefully considers perceived, potential and actual ethical issues and conflicts, seeks guidance from supervisor or peers about how to manage them, and acts to address them in a timely and professional manner</li> <li>Seeks additional ethical support from appropriate sources (e.g. the <b><u>Law Institute of Victoria Ethics Help Line</u></b>, or more experienced colleagues) as required</li> <li>Protects client confidentiality in all communications, and understands the limited exceptions to the duty of confidentiality</li> <li>Resists pressure to overlook, accept, or engage in unethical behaviour, and recognises the consequences of failing to do so</li> </ul>
Behaves professionally and exercises good judgement	<ul style="list-style-type: none"> <li>Demonstrates, professional courtesy, candour, honesty and integrity in dealings with clients, colleagues, the courts, the VLSB+C and others</li> <li>Accurately assesses their own suitability to take on legal matters, considering their level of expertise and capacity</li> </ul>

# Legal knowledge and application

All lawyers must have relevant substantive legal knowledge and practical legal skills.

## 2.1 Substantive legal knowledge

Capabilities	Performance indicators
Understands and complies with relevant law and procedure	<ul style="list-style-type: none"> <li>Identifies and applies frequently used legislative instruments, case law and other sources of authority accurately in relevant practice area(s). Can identify when the law is unsettled in respect of key legislative provisions and case law</li> <li>Keeps up to date with legislative, case law and policy developments in relevant practice areas</li> <li>Understands other laws and formal requirements relevant to legal practice, including the <u><i>Civil Procedure Act 2010 (Vic)</i></u> and court rules</li> </ul>

## 2.2 Practical legal skills

Capabilities	Performance indicators
Gathers relevant facts and information	<ul style="list-style-type: none"> <li>Efficiently gains relevant facts and information through client intake, interviews, document review and other forms of due diligence</li> <li>Accurately identifies inconsistencies and gaps in available information</li> <li>Seeks clarification and further information where necessary</li> <li>Organises materials in a coherent way, including making appropriate records</li> <li>Responds appropriately when new information becomes available</li> </ul>
Undertakes effective legal research	<ul style="list-style-type: none"> <li>Recognises when legal research is needed, and undertakes research using appropriate tools and relevant, current and authoritative sources</li> <li>Personally verifies the accuracy of case citations and legal authorities</li> </ul>

## 2.2 Practical legal skills continued

Capabilities	Performance indicators
Applies critical thinking and analysis	<ul style="list-style-type: none"><li>Analyses facts and evaluates the quality and accuracy of information</li><li>Uses legal knowledge, experience and research to identify potential legal, practical or client issues</li><li>Draws reasoned conclusions to inform the development of credible and practical legal options and advice in a way that helps the client weigh the consequences of different options and make an informed decision</li><li>Generates constructive strategies and case plans</li></ul>
Drafts high quality legal documents	<ul style="list-style-type: none"><li>Drafts documents independently, including by adapting precedent documents, template letters and standard file notes that are appropriate to specific client circumstances</li><li>Writes clearly and concisely, accurately addressing all relevant legal and factual issues</li><li>Drafts legally effective documents that conform with applicable legal and procedural requirements</li><li>Carefully reviews and proofreads drafted documents</li></ul>
Manages legal matters effectively	<ul style="list-style-type: none"><li>Accurately assesses the likely time and resources a matter requires</li><li>Monitors progress of matters using relevant practice management systems, centralised calendars and reminder systems</li><li>Identifies where early resolution is achievable and undertakes dispute resolution, where appropriate</li><li>Conducts litigation efficiently and effectively in accordance with relevant court and/or tribunal rules and procedures</li><li>Adjusts strategy and case plan in response to changing circumstances</li></ul>
Advocates effectively for clients	<ul style="list-style-type: none"><li>Analyses available options to achieve their client's objectives, and ensures their client understands the relative merits of options</li><li>Seeks to understand all parties' interests, objectives and limitations to advocate effectively for their client</li><li>Organises facts, evidence and applicable legal principles coherently to advance arguments or positions</li><li>Presents case and negotiates options to compromise when necessary or advantageous for their clients</li><li>Behaves respectfully towards other parties</li></ul>
Maintains accurate files	<ul style="list-style-type: none"><li>Keeps accurate client files, containing up-to-date file notes, client records and documents</li><li>Understands and complies with their employer's document and file management systems and protocols</li></ul>

# Interpersonal and communication skills

All lawyers must be able to professionally and effectively communicate with clients, colleagues, witnesses, judicial officers, the courts and court staff, the VLSB+C and others.

## 3.1 Working with people

Capabilities	Performance indicators
Communicates clearly and effectively	<ul style="list-style-type: none"> <li>• Tailors their engagement and communication style to meet the needs of different audiences, understanding how individuals' characteristics, experience and background may influence how they give, receive, or comprehend information</li> <li>• Listens actively and carefully, asking appropriate questions and seeking to clarify issues</li> <li>• Structures and delivers information clearly, concisely and logically</li> <li>• Manages difficult conversations by delivering unwelcome information clearly and sensitively and constructively engages with differences in opinion</li> <li>• Responds to communications from others within a reasonable timeframe and provides proactive status updates to relevant parties as needed</li> <li>• Understands the impact their own emotions have on communication style and tone when interacting with others</li> </ul>
Maintains professionalism and courtesy	<ul style="list-style-type: none"> <li>• Is courteous and professional in dealings with the courts, other lawyers, clients, the VLSB+C and others</li> </ul>
Develops First Nations cultural capability	<ul style="list-style-type: none"> <li>• Uses the <b>Framework for First Nations Cultural Capability in the Legal Profession</b> to identify areas where they need to grow their First Nations cultural capability, and seeks opportunities to build capability</li> </ul>



### 3.2 Client-centric skills

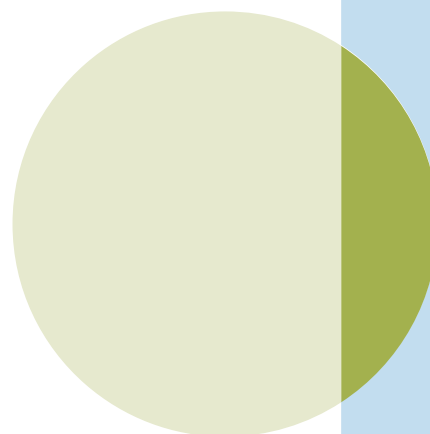
Capabilities	Performance indicators
Establishes and manages client relationships	<ul style="list-style-type: none"><li>• Treats their client courteously and with respect, fostering a trusting relationship</li><li>• Accurately identifies who their client is or who is providing instructions, including ensuring compliance with ‘know your customer’ and verification of identity requirements</li><li>• Considers their client’s circumstances holistically and how legal advice given aligns with their needs, goals, priorities and constraints</li><li>• Establishes and revisits their client’s expectations about the scope of the retainer, options, likely costs, timeframes, potential outcomes and risks</li><li>• Establishes and maintains appropriate professional boundaries with their client and recognises when referrals to other professionals are needed (e.g. to a social worker, psychologist, financial planner or accountant)</li><li>• Responds to their client’s concerns and complaints in a timely and respectful way</li></ul>
Adjusts approach to meet the needs of clients experiencing vulnerability	<ul style="list-style-type: none"><li>• Identifies whether their client is experiencing vulnerability (e.g. due to age, race, disability, socio-economic background, sexual orientation or gender identity, migration status or other circumstances)</li><li>• Identifies whether the client has (and continues to have) capacity to provide instructions</li><li>• Considers the client’s legal capability (i.e. the client’s legal knowledge, skills, attributes, resources to deal with legal problems and any vulnerability factors) in relation to all aspects of their matter</li><li>• Tailors their communication style to support client understanding and agency, and endeavours to take a trauma-informed approach, where appropriate</li><li>• Verifies that their client understands the information and advice provided</li></ul>

# Professional skills

All lawyers must have the professional skills to work effectively in a legal workplace.

## 4.1 Professional skills

Capabilities	Performance indicators
Manages work and client files effectively	<ul style="list-style-type: none"> <li>• Considers resources, capacity, time and budget when taking on matters</li> <li>• Follows appropriate client intake processes to identify and record the scope of the retainer and factors such as urgency or sensitivity</li> <li>• Effectively takes and accurately records their client’s instructions, and updates instructions as needed</li> <li>• Organises their workload to manage time effectively and make sure they can meet their commitments</li> <li>• Follows their employer’s established workflows for matter types to ensure consistent handling</li> <li>• Uses their employer’s practice management systems, centralised calendars and reminder systems to track the progress of matters and critical dates, and to prioritise and manage competing deadlines, according to importance and urgency</li> <li>• Provides timely progress updates to their client and other parties as needed</li> <li>• Draws on the expertise of their colleagues and leverages professional relationships to improve the quality of their work</li> </ul>
Proactively identifies and manages risks	<ul style="list-style-type: none"> <li>• Takes steps to identify potential risks, warning signs and required steps (e.g. by using employer checklists, if available)</li> <li>• Manages identified risks before they become problems by taking proactive steps and escalating concerns with their supervisor, where appropriate</li> </ul>
Uses technology appropriately and complies with cyber-safe work practices	<ul style="list-style-type: none"> <li>• Uses the internet, social media and other digital platforms appropriately</li> <li>• Understands the benefits and risks of various types of legal technology – including generative artificial intelligence (GenAI) tools</li> <li>• Uses technology (including GenAI) in a way that is consistent with professional and ethical obligations, and complies with relevant laws and regulatory guidance, including guidance issued by the VLSB+C and the courts</li> <li>• Understands key cybersecurity risks and complies with cyber-safe work practices, including the VLSB+C’s <b><u>Minimum Cybersecurity Expectations</u></b> and employer requirements</li> </ul>



#### 4.1 Professional skills continued

Capabilities	Performance indicators
Identifies and responds appropriately to mistakes or errors	<ul style="list-style-type: none"> <li>Identifies and seeks to resolve mistakes or errors as soon as possible, seeking guidance as needed, and proactively works to minimise the impact of mistakes on client outcomes</li> <li>Is honest and upfront when errors happen, doesn't try to cover up mistakes or errors from their workplace, supervisor, clients, the courts or the VLSB+C</li> <li>Learns from near misses, complaints and mistakes by reflecting on what went wrong and implementing process improvements</li> </ul>

#### 4.2 Understands cost disclosure and trust money obligations

Capabilities	Performance indicators
Understands and complies with costs obligations	<ul style="list-style-type: none"> <li>Understands costs disclosure obligations set out in the <b><u>Legal Profession Uniform Law</u></b></li> <li>Accurately scopes legal work and estimated client costs, and provides compliant costs disclosure (including updated costs disclosure, if required) in accordance with Legal Profession Uniform Law obligations</li> <li>Takes all reasonable steps to make sure their client understands and gives consent to proposed costs</li> </ul>
Understands and complies with trust money obligations	<ul style="list-style-type: none"> <li>Understands and complies with the <b><u>Legal Profession Uniform Law</u></b> obligations that apply in relation to the receipt and disbursement of trust money</li> <li>Understands and complies with their obligation to report irregularities and suspected irregularities in trust accounts via the <b><u>VLSB+C trust account irregularity reporting form</u></b>.</li> </ul>

# Professional development and wellbeing

All lawyers should regularly reflect on, and address, their professional development and wellbeing needs.

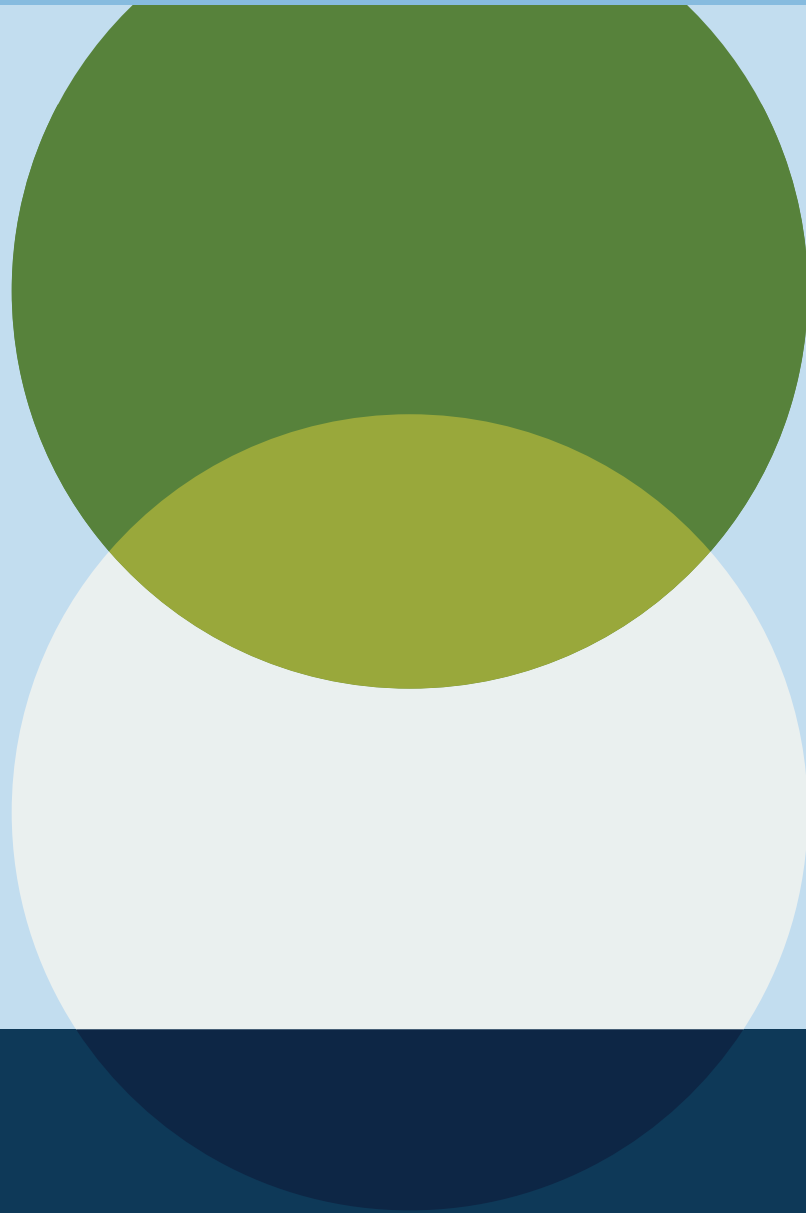
## 5.1 Professional development

Capabilities	Performance indicators
Reflects on and addresses professional development needs	<ul style="list-style-type: none"> <li>• Meaningfully engages in reflective practice in relation to their own knowledge, skills and abilities (e.g. by using the VLSB+C's <b>Reflective Practice Template</b>)</li> <li>• Identifies when further development or training is needed to improve their own professional performance</li> <li>• Undertakes continuing professional development activities to address identified development needs and complies with CPD Rules</li> <li>• Actively seeks feedback (e.g. via supervision or mentoring) on professional performance and acts on this feedback to enhance professional practice</li> </ul>

## 5.2 Wellbeing

Capabilities	Performance indicators
Reflects on and addresses wellbeing issues	<ul style="list-style-type: none"> <li>• Understands the factors that can negatively affect workplace and personal wellbeing and psychosocial health (e.g. high workload, stress, vicarious trauma, negative workplace behaviour and culture)</li> <li>• Establishes and sustains strategies to support personal resilience, health and wellbeing</li> <li>• Recognises signs of poor wellbeing (including vicarious trauma and burnout) and takes steps to ameliorate work-related stressors (e.g. by proactively discussing concerns and possible solutions with their supervisor or accessing their Employee Assistance Program)</li> </ul>
Contributes to a positive workplace culture	<ul style="list-style-type: none"> <li>• Treats others with respect</li> <li>• Understands what unlawful discrimination, bullying, sexual harassment and victimisation are, and options for reporting or making a complaint about this conduct</li> </ul>





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