

A photograph of three professionals (two women and one man) sitting around a wooden table in a modern office setting, engaged in a meeting. A laptop and a cup of coffee are on the table. The background features a large, curved architectural element.

THE LAW SOCIETY OF NEW SOUTH WALES

SOLICITOR CAPABILITY FRAMEWORK



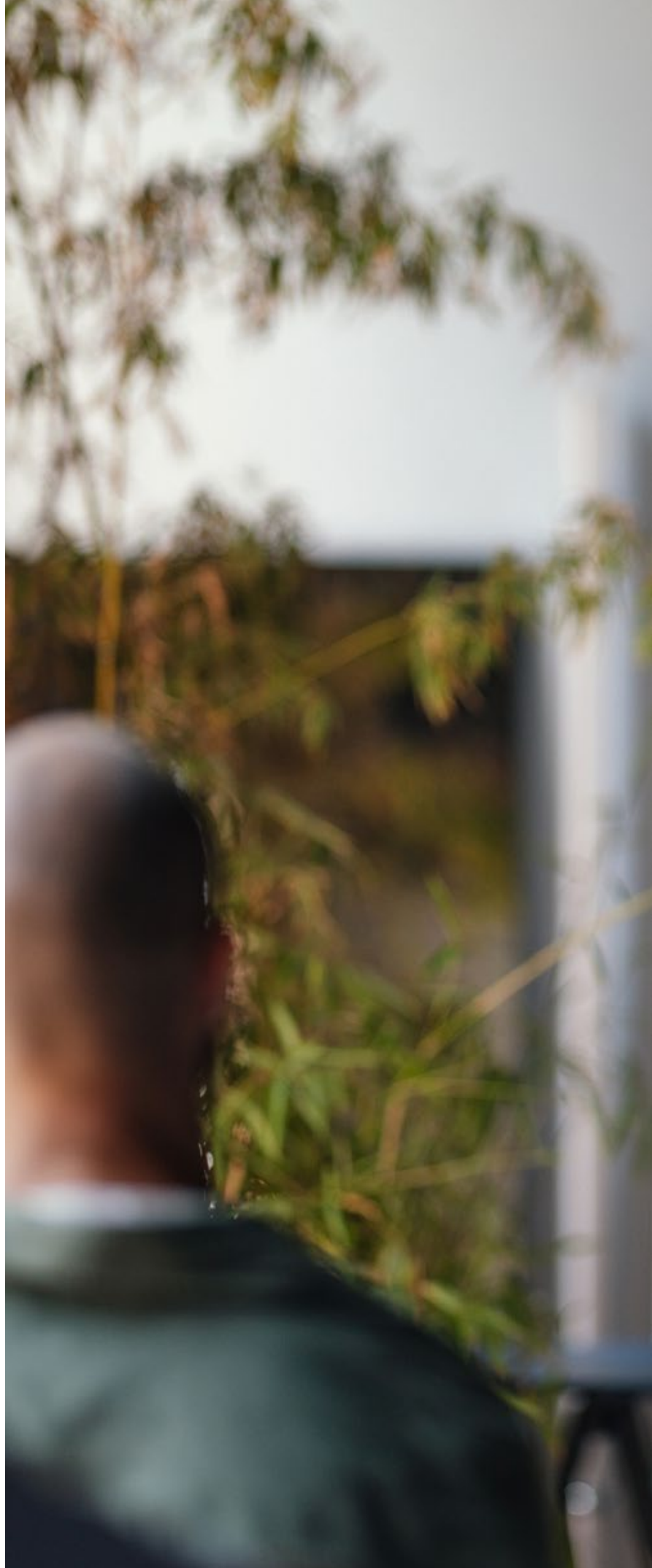
THE LAW SOCIETY
OF NEW SOUTH WALES

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INTRODUCTION

This document sets out a capability framework for solicitors in New South Wales. Recognising the diverse and changing nature of the profession, this document focuses on the priority capabilities that might be expected of solicitors at different stages of their career.

The Solicitor Capability Framework (“the Framework”) includes seven capabilities which the Law Society has identified as being of highest relevance for growth and development in the current legal professional environment. These capabilities cover the enduring, non-technical skills and behaviours required by solicitors seeking to work in any sector or area of practice.

The Framework also lists a further seven capabilities of importance to the legal profession. However, these will not be the focus of the Framework in its current form.

BACKGROUND

About the Solicitor Capability Framework

What is the Framework?

The Framework defines the key capabilities (skills and behaviours) that establish the non-technical professional practice benchmarks for solicitors in NSW.

How is the Framework used?

The Framework can be used by solicitors in different ways, for example for assessing personal capabilities and development needs, career planning, prioritising education and continuing professional development (CPD), and recognising personal or professional achievements.

What is the difference between a capability framework and technical skill or competency descriptions?

The Framework describes human or non-technical capabilities that research shows are important for all solicitors during their career. Capabilities place an emphasis on what a person can do and demonstrate. They complement the technical skills, knowledge and competencies that are relevant to specific roles or areas of practice.

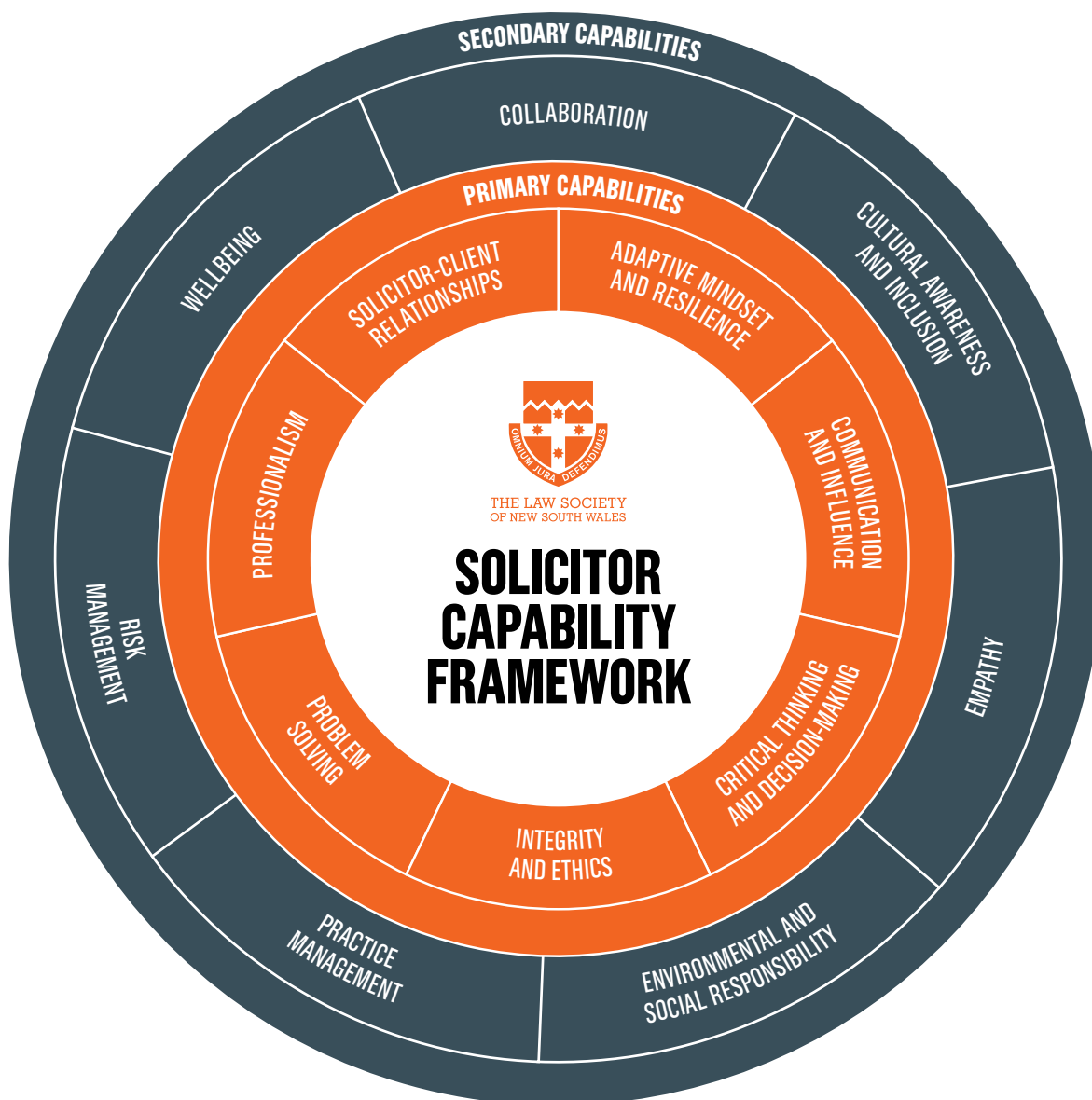
How was the Framework developed?

The Solicitor Capability Framework was developed by The Law Society of NSW with support from both The Institute for Working Futures and Capability.Co as project lead consultants, and Dr Pamela Hanrahan as a legal consultant. The development process began in March 2024 and involved significant input and validation from the NSW legal profession to ensure the Framework would be applicable to and accurately reflect the current and prospective landscape of legal practice.

A Steering Committee, comprising members of the Law Society Council, approved the parameters of the project and oversaw the development process. In addition, an SME/Working Group of highly experienced representatives of the legal profession across various sectors and practice areas was formed to meet with the consultants and offer feedback and insights. The Working Futures™ Human Capability Standards Reference Framework provided access to research into flexible, durable, transferable, and globally recognised benchmarks for capability.

Following this, a Law Society member survey sought feedback on the relevance and priority of a range of possible capabilities. Several focus groups consisting of volunteer solicitor members were also convened and met with The Institute for Working Futures and Capability.Co to discuss in detail the proposed capabilities. From both this quantitative and qualitative data, seven key capabilities emerged as being of universal priority and relevance (the **Primary Priority Capabilities**) which form the basis of this Framework. Another seven capabilities were identified as important but of lower ranking (the **Secondary Priority Capabilities**). These have been listed at the end of this Framework for reference.

The draft Framework was further reviewed and refined by the SME/Working Group, Dr Pamela Hanrahan and the Law Society's internal working group, before the final Framework was presented to and approved by the Law Society Council.



PROFICIENCY LEVELS IN THE SOLICITOR CAPABILITY FRAMEWORK

The use of proficiency levels is essential in any professional capability framework. It helps to personalise development solutions to reflect different stages of career development. By setting personal priorities solicitors can:

- Isolate capabilities required to best prioritise and advance their personal, work or career goals
- Complete development experiences or learning opportunities that build the knowledge and skills required to strengthen a capability and grow their expertise.

Table 1 Three levels of professional proficiency in the Solicitor Capability Framework

Developing	Proficient	Expert
Those at the Developing level understand many of the essential skills and practices required by solicitors but seek guidance and support on non-routine and more complex professional problems and situations and actively learning from peers and more experienced colleagues. As they develop their knowledge through study and/or practice, they increasingly work autonomously and gain confidence in their abilities. As their skills increase, they may take the lead in specific initiatives and, in larger teams, may have some responsibility for the activities of others. Practical learning is supported by education relating to their area of practice, as well as CPD targeting skills and behaviours, and experiences.	Those at the Proficient level show a breadth of understanding of the skills, practices and behaviours required by solicitors. They are trusted advisers to colleagues, a source of guidance for junior solicitors, and in larger practices, may lead other professionals. They can work fluently in their own area of practice and build highly effective relationships within the profession. They have defined experience and accountability and, in teams, will actively contribute to the capability development of more junior solicitors. Their practical proficiency is extended through more challenging experiences and CPD that is focused on refreshing, updating and extending their knowledge, skills or practice.	Those at the Expert level show mastery in their work and play a valued part in professional and strategic leadership of others. They may fill senior leadership positions or be esteemed in their areas of practice. They are frequently consulted and have extensive practical experience, and they can also work fluently beyond their own area of practice. They actively support the development of other solicitors and professional peers, both within their practice and across the profession. They use their experience and deep understanding to assist others to successfully navigate unfamiliar or challenging situations. They will complete CPD that deepens their expert knowledge while promoting broader capability to work with others and resolve increasingly complex and often ambiguous problems.

It is important to recognise that some individuals could be working at different levels of proficiency across the capabilities depending on their role, practice area, experience, or career path.

STRUCTURE OF A CAPABILITY

Here is an example of how a capability is structured in this Framework, including important definitions.



CRITICAL THINKING AND DECISION-MAKING

Critically examines and assesses existing information, thinking, assumptions and issues to present well-reasoned insights that inform decision-making.

Behaviours

The key behaviours associated with this capability include:

- Applying **logic** and **reasoning** to make decisions, and suggesting solutions or actions that are context appropriate and achievable
- Displaying **clarity** in decision-making and action, with awareness of and sensitivity to consequences
- Being **objective**, methodical and systematic in evaluating options, drawing from experience, and being able to focus on the essential elements when approaching a problem

Skills

	Developing	Proficient	Expert
Analytical thinking	Identifies and correctly applies a systematic approach to the analysis of complex problems or issues	Appreciates the strategic environment and the emotional drivers influencing how key decision-makers will respond to new challenges	Collaborates across a variety of contexts and disciplines to transform existing thinking
Reasoning	Builds a logical argument supporting a conclusion	Makes evaluative and complex arguments	Understands how broader issues and contexts can shape complex arguments and can critically assess and apply these
Objectivity	Gathers and analyses legal research and data	Promotes evidence-based arguments in a logical and unbiased manner	Participates in the active exchange of ideas and research between experts or institutions
Decision-making	Systematically analyses and synthesises information to improve decisions or choices	Draws on experience and expertise to exercise professional judgement and make sound decisions	Makes complex and strategic professional judgements in a clear and considered manner

SOLICITOR-CLIENT RELATIONSHIPS

Works to build positive client relationships sensitive to the client's expectations and stated goals, priorities and broader interests.

Behaviours

The key behaviours associated with this capability include:

- Being **authentic**, open-minded and easy to approach, and genuinely interested in a client's experiences
- Honouring commitments, consistently caring about clients' needs, and being **honest**, transparent and clear when communicating
- Communicating proactively, **respecting** the judgement of others and diverse cultural and societal perspectives, and valuing long term relationships

Skills

	Developing	Proficient	Expert
Connections	Identifies client needs and expectations, as well as potential outcomes	Analyses and confirms diverse and often complex client expectations and the specific options and potential outcomes	Identifies and manages a range of complex and often competing client needs
Relationships	Builds trust and instils confidence through mutually respectful, two-way communication	Manages client expectations and is transparent when considering any options and potential outcomes	Fosters a culture that builds a professional and trusting solicitor-client relationship
Advocacy	Engages effectively to ensure clients understand information and advice provided	Liaises effectively with peers and senior practitioners to support specific client options or outcomes	Works with others to inform and improve client outcomes



PROFESSIONALISM

Appreciates their personal strengths and weaknesses and conducts themselves in a courteous, respectful and responsible manner.

Behaviours

The key behaviours associated with this capability include:

- Being organised, detail-oriented and **efficient** in scoping and planning priorities and actions
- Taking **responsibility**, showing initiative and diligence, and actively seeking ways to mitigate risks, including risks to the safety or wellbeing of oneself and others
- Being **accountable** through having a sense of purpose and confidence in own abilities, and envisioning what is required and translating this into action

Skills

	Developing	Proficient	Expert
Planning	Plans and completes own responsibilities and actions in a professional manner to agreed priorities and deadlines	Initiates and aligns team or operational activities and resources to optimise outcomes	Tracks, reports and analyses plans and progress across the practice to optimise outcomes
Professional outlook	Displays motivation and a proactive commitment to a high-performance work ethic and completion of allocated responsibilities	Assures work output and activities of self and others meet professional standards	Benchmarks practice performance against relevant professional and commercial standards
Accountability	Holds oneself accountable for overcoming obstacles and achieving allocated responsibilities	Takes responsibility for addressing unexpected situations or unplanned contingencies that affect agreed outcomes	Holds oneself and others accountable for obstacles and unexpected situations that may arise and seeks to build a culture of responsibility
Wellbeing	Recognises own signs of stress or overwork and acts to improve physical, mental, and emotional health	Improves health and wellbeing of self and others by prioritising and managing workflow to address causes of stress and overload	Identifies and introduces resources and initiatives that improve personal health and remove factors that interfere with safe work practices

PROBLEM SOLVING

Uses information and insights to define and analyse problems, generate optimal solutions and make recommendations.

Behaviours

The key behaviours associated with this capability include:

- Identifying key issues quickly by asking appropriate questions, gathering information to assist with problem solving, and **evaluating** complex interrelationships impacting a problem
- **Focusing** on the essential elements of a problem to make logical arguments and formulate clear options
- Making linkages between seemingly unrelated but important issues and using **insight** to take new, novel and objective approaches to known problems

Skills

	Developing	Proficient	Expert
Problem Identification	Uses tools and techniques to identify and anticipate potential problems	Can classify and sort multi-dimensional or complex problems into component parts	Identifies and displays deep understanding of multi-dimensional and complex problems and oversees the strategic risk and response
Analysis and insight	Analyses and understands interrelationships, issues and potential consequences to generate possible solutions	Proactively plans out approaches and processes, and demonstrates insight into complex legal problems and recommends optimal solutions	Sponsors and promotes systematic approaches to analysis and problem solving. Monitors, analyses and reviews complex information to determine the long-term impact of trends or events
Solutions focus	Uses information or insights to address problems and uncertainties in a specific context	Uses information and insights to evaluate often complex options and assesses short- and medium-term impact of solutions	Takes responsibility for making hard decisions or advocating for specific strategic choices

COMMUNICATION AND INFLUENCE

Communicates in a clear, courteous and meaningful way to create emotional connection and influence action.

Behaviours

The key behaviours associated with this capability include:

- Being **responsive**, by actively seeking opinions and ideas from others, crafting meaningful and purposeful communication, and willingly providing support to others
- **Persuasiveness**, such as having the ability to engage with and positively influence others and confidently deal with complex issues or topics
- Appreciating other **perspectives**, by seeking out different opinions, listening and understanding other viewpoints
- Responding with **sensitivity** to different backgrounds and cultures, and respecting and protecting privacy and confidentiality

Skills

	Developing	Proficient	Expert
Meaning	Prepares and presents advice using a range of communication methods	Prepares and communicates in a purposeful manner that reflects strong interpersonal skills	Drives practice- or profession-wide action using meaningful and compelling communication
Inclusion	Establishes mechanisms to promote inclusion, feedback and meaningful engagement across diverse groups	Establishes communication channels to clarify and better appreciate diverse opinions and perspectives	Models and promotes communication that embraces diversity principles and inclusive practices across the practice and profession
Negotiation	Negotiates effectively having regard to client needs, context, and professional obligations	Prepares strategies, identifies outcomes, and advances negotiations on behalf of a client	Reaches solutions to complex client issues and requirements
Influence	Uses a variety of communication techniques to influence outcomes	Prepares and delivers compelling communications to influence others	Represents their firm/ practice with integrity, authority and credibility

INTEGRITY AND ETHICS

All legal practitioners must abide by the Australian Solicitors' Conduct Rules (ASCR), which assist solicitors to act ethically and in accordance with the principles of professional conduct established by common law and the ASCR. The skills and key behaviours identified in this capability are not intended to countermand or further comment on the ASCR, but to demonstrate how a practitioner may develop and apply their personal and professional ethical integrity and conform with social, regulatory and professional standards of conduct in their day-to-day work.

Behaviours

The key behaviours associated with this capability include:

- Being **accountable**, by acting in good conscience, demonstrating integrity and independence and keeping commitments
- Acting **responsibly** and respecting social expectations
- Demonstrating **commitment, reliability** and **trustworthiness**, and learning from mistakes and experience

Skills

	Developing	Proficient	Expert
Integrity	Recognises ethical issues and promptly seeks assistance where appropriate	Ethically manages potential threats to the integrity of legal services being provided	Promotes a culture of integrity, trustworthiness, respect and non-discrimination
Principled conduct	Consistently conducts legal practice in an honest, trustworthy, and courteous manner	Identifies and acts ethically to resolve issues that arise in legal practice	Leads work with clients, co-workers, colleagues, the legal profession and the public in a transparent, clear, decisive and ethical manner
Diligence	Delivers legal services competently, diligently and as promptly as reasonably possible	Analyses and correctly delivers legal services competently, diligently and promptly, and establishes and maintains ethical relationships with clients, colleagues and the broader profession	Implements practices and procedures that ensure individual and practice-wide diligence in the delivery of legal services in accordance with professional and regulatory obligations
Compliance	Complies with regulatory obligations and professional standards and recognises when independence or personal integrity may be at risk	Builds and embeds a culture of compliance with regulatory obligations and professional standards in legal practice	Promotes effective processes and procedures to ensure legal services are delivered in accordance with laws and professional standards



ADAPTIVE MINDSET AND RESILIENCE

Adjusts to change and maintains curiosity while dealing with disruption, pressure and setbacks in a resilient, positive manner.

Behaviours

The key behaviours associated with this capability include:

- Having the **flexibility** to manage ambiguity and complexity, and taking a big-picture view when considering best outcomes for a client
- Having the **courage** to persist and act when faced with challenges or adversity, and looking for other pathways when the way ahead is blocked
- Demonstrating self-belief and **confidence** and embracing challenges and new situations

Skills	Developing	Proficient	Expert
Optimism	Exhibits credibility and poise under difficult or adverse operating conditions	Provides the steadfast confidence required to inspire others to navigate uncertainty or challenges	Champions practice- and profession-wide actions that stabilise and positively influence responses to disruption or difficult situations
Persistence	Possesses a strong will to pursue a course of action based on moral or strategic purpose	Provides the resources and capacity for people to overcome challenges and respond to difficult situations	Creates a climate which encourages and supports openness, persistence and genuine debate around critical issues that respects the views of others
Courage	Promotes controlled risk taking and recognises that taking the initiative, even in the face of adversity and ambiguity, is an essential aspect of learning	Overcomes strategic obstacles	Plans and coordinates decisive responses to widespread, complex and disruptive challenges
Resilience	Possesses the tools and self-awareness to successfully adapt to difficult or challenging workplace situations	Consistently demonstrates resilience and self-care when faced with challenging workplace situations and empowers others to do the same	Plays a stabilising and compassionate influence in even the most challenging workplace situations

SECONDARY PRIORITY CAPABILITIES

Throughout the course of developing the Solicitor Capability Framework, these Secondary Priority Capabilities were also determined to be important when considering best practice for solicitors in NSW. While these capabilities will not be the focus of the Framework at this present time, high-level descriptions of each have been included in recognition of their relevance.

	Description	Behaviours	Skills
Practice Management	Maintains a sharp focus on priorities and results while holding self and others accountable for delivery of efficient and effective legal services.	• Conscientiousness • Strategic management • Execution	• Managing self and others • Responsibility • Prioritisation • Outcome oriented
Risk Management	Anticipates and assures the systematic assessment and consideration of risk and uncertainty that may affect the delivery of legal services or viability of their practice.	• Responsibility • Detail orientation • Compliance	• Identifies risk • Assesses risk • Manages risk • Monitors risk
Collaboration	Works collaboratively with all types of people, contributes to teamwork and builds relationships and networks across a range of people or groups.	• Cooperation • Respect • Tolerance	• Cooperation • Guides a positive workplace culture • Engagement
Empathy	Recognises and regulates their own emotions in any situation and identifies and respects the needs and feelings of others.	• Care • Sensitivity • Patience	• Respect • Mindfulness • Self-awareness • Inclusivity
Wellbeing	Maintains their physical, mental and emotional wellbeing.	• Care • Sensitivity • Regard for others	• Personal health • Resilience • Wellbeing • Psychological safety
Cultural Awareness and Inclusion	Engages others with sensitivity and regard for diversity and understands social or cultural differences influencing behaviour.	• Inclusiveness • Sensitivity • Citizenship	• Understands and supports diversity and inclusion • Cultural sensitivity • Drives positive values
Environmental and Social Responsibility	Ensures that their practice is transparent as to its environmental and social impact and aligns with broader societal expectations of sustainability.	• Commitment • Business responsibility • Sustainability	• Future focus • Social licence • Impact • Improvement



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