

New York Bar Skills Competency Requirement

Skills Competency and Professional Values

The New York Bar's Skills Competency Requirement, which applies to all students who begin their JD studies in the fall of 2016 or later, requires bar applicants to demonstrate that they have received essential practical-skills training and gained sufficient understanding of our profession's values. The Bar established five separate pathways to prove sufficient skills competency. Pathway One, requires each school to identify and incorporate into its curriculum the "skills and professional values" necessary for its graduates' "basic competence and ethical participation in the profession." This document describes those skills and values, and identifies the relevant courses where students can learn them.

At Berkeley Law we believe that a law school must train its graduates to analyze and interpret the law, reflect on competing viewpoints, present persuasive arguments in a variety of forums, and develop insightful and effective policies affecting broad swaths of society. By the conclusion of their legal education, therefore, all Berkeley law students will develop the following **core competencies**:

- (1) Knowledge and understanding of substantive and procedural law;
- (2) Legal analysis and reasoning, problem-solving, and written and oral communication in the legal context;
- (3) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (4) The ability to use the law to solve real-world problems and to create a more just society.

Berkeley Law also strives to instill in our students the key professional values. By the conclusion of their legal education, all Berkeley law students will gain an understanding of the following **core values**:

- (1) Provision of competent representation;
- (2) promotion of justice and fairness;
- (3) improvement of the legal profession; and
- (4) professional self-development.

One of the hallmarks of Berkeley Law, however, is the diversity of its student body, faculty, and curriculum. Such diversity is critical in a law school that is committed not only to teaching the core competencies and values listed above, but also to preparing students for diverse legal careers. Our students work in the public, private, government, and nonprofit sectors; some perform direct client services while others create policy that impacts the broader society; their varied careers involve litigation, planning, advising, doing deals, and scores of other lawyering

responsibilities. This career diversity demands flexibility for our students as they choose which lawyering skills to focus on while in law school. By the conclusion of their legal education, therefore, all Berkeley Law students will develop at least one **career path-dependent lawyering competency**. These competencies include, but are not limited to, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Coursework

A passing grade in the following required classes provides evidence that a bar applicant possesses the requisite skills and is familiar with the professional values required for effective, ethical and responsible practice in New York.¹

Core Competencies

1. Knowledge and understanding of substantive and procedural law: Civil Procedure, Torts, Contracts, Criminal Law, Property Constitutional Law, Legal Research and Writing, Written and Oral Advocacy, Legal Ethics and Professional Responsibility.
2. Legal analysis and reasoning: Civil Procedure, Torts, Contracts, Criminal Law, Property Constitutional Law, Legal Research and Writing, Written and Oral Advocacy, Legal Ethics and Professional Responsibility.
3. Legal Research: Legal Research and Writing, Written and Oral Advocacy
4. Problem Solving: Civil Procedure, Torts, Contracts, Criminal Law, Property Constitutional Law, Legal Research and Writing, Written and Oral Advocacy, Legal Ethics and Professional Responsibility.
5. Written and Oral Communication in the Legal Context: Legal Research and Writing, Written and Oral Advocacy, Upper-Level Writing Requirement
6. Exercise of proper professional and ethical responsibilities to clients and the legal system: Legal Ethics and Professional Responsibility, Legal Research and Writing, Written and Oral Advocacy
7. The ability to use the law to solve real-world problems and to create a more just society: Civil Procedure, Torts, Contracts, Property, Criminal Law, Constitutional Law, Legal Research and Writing, Written and Oral Advocacy, Professional Responsibility.

Core Values

1. Provision of competent representation: Legal Ethics and Professional Responsibility, Legal Research and Writing, Written and Oral Advocacy

¹ Students will, of course, continue to develop these skills through their elected curriculum.

2. Promotion of justice and fairness: Civil Procedure, Torts, Contracts, Property, Criminal Law, Constitutional Law, Legal Research and Writing, Written and Oral Advocacy, Legal Ethics and Professional Responsibility
3. Improvement of the legal profession: Legal Ethics and Professional Responsibility
4. Professional self-development: First-year courses that include formative assessments (particularly the small-mod doctrinal course), Legal Research and Writing, Written and Oral Advocacy.

Career Path-Dependent Lawyering Competencies

1. All Berkeley Law students, beginning with the class of 2019, must take and pass at least four-units worth of classes that teach skills such as interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation. These courses include simulations, field placements, and clinics.