



ICW UNIVERSAL COMPETENCY PROFILE FOR IN-HOUSE COUNSEL

Transcending geographical and jurisdictional boundaries



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Statement

Lawyers, including in-house counsel throughout the world who advise organizations, businesses, associations, and governments, share commonalities that transcend geographical and jurisdictional boundaries. These commonalities create a competency profile that comprises a unique set of skills, knowledge, and attributes. This competency profile defines what an in-house counsel does and who an in-house counsel is.

Assumption

An in-house counsel provides legal advice and, as such, must be a competent Lawyer in good standing, licenced and/or holding a qualification in Law recognized by a jurisdiction. Without legal training and education by an accredited law school, the skills and knowledge required in the competency set will be lacking. Furthermore, without legal training and education by an accredited law school, the understanding and adherence to the unique ethical and behavioural codes, practices, powers and regulations demanded of lawyers and required by the competency set will be missing.

Some of the specific requirements will vary according to the type of organization and nature of the business where an in-house counsel is employed, as well as the jurisdiction within which an in-house counsel operates. Additionally, the specific role an in-house counsel fills may vary by organization. The competency areas identify a common set of knowledge attributes and skills with which each in-house counsel must demonstrate an understanding.

Competency Areas

The Universal Competency Profile comprises several areas, all of which must be demonstrated, to ensure a lawyer will be effective in the role of in-house counsel. These areas are:

1. Knowledge of Corporate or Organizational Governance:

- Understands the role and duties of boards and governing bodies as a whole, and the officers individually, including executive and non-executive functions
- Understands current legal rules, laws and regulations relating to the particular industry within which the organization operates
- Understands current legal rules, laws and regulations relating to corporate and organizational governance matters for boards, directors, and officers
- Understands the differences in legal rules, laws and regulations in the different jurisdictions in which the organization operates

2. Adherence to Professional Conduct and Ethics Codes, Practices, Policies and Regulations

- Knows and adheres to applicable professional codes, practices and policy rules and obligations
- Knows and adheres to specific rules and obligations for in-house counsel
- Able to identify conflict of interest situations between obligations applicable to all lawyers, and those obligations unique to in-house counsel and make, where applicable, full disclosure of such conflicts

3. Appreciation of In-house Culture:

- Understands the role of in-house counsel and the differences between the roles of external counsel and in-house counsel for each organization
- Understands that the role of legal advice is to further organizational goals and is not an end to itself, yet does not compromise ethics or integrity
- Appreciates the role and responsibilities placed on the in-house counsel position by other members of the organization, including directors, officers, executives, departments, employees and stakeholders
- Devises strategies and techniques to create optimal working relationships with various groups internal and external to the organization
- Understands the role that legal advice plays in the creation and maintenance of the public profile of the organization and its personnel

4. Demonstrated Legal Knowledge:

- Understands the legal rules, laws and regulations relating to the industry or sector within which one operates
- Has general knowledge in substantive law areas common to all in-house counsel
- Has general knowledge of procedural aspects of various settings (i.e. courtrooms – original jurisdiction and courts of review, administrative tribunals, board rooms)
- Understands how to use legal advice in social media for the benefit of the public profile of the organization and its personnel

5. Understanding of Dispute Resolution Options:

- Knows various dispute resolution options and related processes
- Approaches an issue from a solutions-oriented perspective grounded in the client's needs
- Able to negotiate, influence and persuade
- Able to manage the dispute resolution process internally as well as through external service providers

6. Well-versed in Communication and Advocacy Skills:

- Able to advise and advocate effectively in a variety of situations (board room, tribunal, meeting room, informal gathering) and demonstrates ability to adapt advice and advocacy style to situation
- Able to assess legal environment
- Able to formulate strategic approaches to situations using client's goals and states outcomes
- Able to gather relevant information from clients, including unstated goals, appropriate and compatible outcomes, and alternate pathways to success
- Able to adapt communication style to situation and audience
- Able to clearly, concisely, and accurately draft documents
- Clearly identifies the intended purpose and recipient of the proposed communication
- Communicates professionally, with tact, civility and clarity
- Understands, assesses, and drafts business-related policies, guidelines and procedures

7. Understanding of Legal Department Management:

- Creates and manages the in-house legal department, including fiscal and human resources, to create and add value for the organization
- Able to assess current and future staff or resource needs and source appropriate services, internally or externally, to address these needs
- Manages internal relationships amongst the organization's departments and personnel; manages external relationships with service providers and stakeholders
- Applies performance management techniques within the legal department in order to create and deliver desired outcomes

ATTRIBUTES AND AREAS OF SKILLS AND KNOWLEDGE

A combination of attributes, skills, and knowledge populate the competency areas. Technical skills and spheres of knowledge establish the tangible set of quantifiable skills which each in-house counsel must possess to perform the legal work required; the list of attributes forms the perspectives, outlooks, and dispositions which each in-house counsel needs to thrive in an in-house environment. Below is a list of these recommended personal attributes, skills and areas of knowledge:

Attributes

- Unwavering Adherence to Codes of Ethics and Integrity: demonstrates understanding and appreciation for legal advice/opinions as a means to advance ideas
- Intellectually Curious: demonstrates desire to learn new skills and practice areas of law
- Political Acumen: demonstrates tact, diplomacy and ability to adapt communication styles to fit different situations
- Relationship Builder: able to work with diverse groups and different working styles; able to work with others to achieve common goals; able to manage conflict
- Self-Motivated: flexible; adaptable; resilient; optimistic; organized; open to and embraces change
- Analytical: strategic thinker; demonstrates good judgement; results-oriented; committed to success

Skills and Knowledge

Practice areas of the law

- Commercial and Mercantile
- Contracts
- Employment Law
- Mergers and Acquisitions
- Intellectual Property
- Insurance
- Privacy and Data Protection and Security
- Business Rescue and Insolvency
- Organizational Governance
- Regulatory Compliance
- Tax and Finance
- Financial Transactions/Securities Law
- Business Law
- Corporate Governance
- Information Technology
- Health and Safety
- Environmental

General areas of skills and knowledge

- Lawyers' Ethics and Regulatory Codes
- Social Media Literacy
- Technology, including project management and process tools
- Budget Development
- Performance Management
- Financial Literacy
- Research and other investigatory tools
- Government and other regulatory rules
- Human Resources and Labour Relations
- Governmental Relations and Affairs
- Change Management
- Risk Management Assessment
- Communication
- Drafting
- Logistics
- Company Secretarial
- Litigation/Dispute Resolution/Negotiation
- Leadership



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