**PREP Virtual Law Firm (VLF) Assessor and Capstone Evaluator**

**Applicant Assignment – January 2025**

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| **First & Last Name** |  |
| **Number of years in active practice** |  |
| **Canadian jurisdiction(s) where called to the Bar** |  |

**Part 1: Scoring a Sample Submission**

Candidates were asked to write an interoffice memorandum to Bella London, the supervising lawyer, discussing whether a conflict of interest exists. An interoffice memorandum assignment is an internal ethics, practice management or client relationship management memo from the Candidate to the supervising lawyer.

In the text box below is a Candidate submission that you will be scoring and providing feedback on:

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| **Sample Candidate Submission**  **Interoffice Memorandum**  From: PREP Candidate  To: Brendan Wakefield (Kasey Bonner’s Lawyer)  Date: October 16, 2024  Re: Ethics Assignment #1   1. **Facts**   Mr. Wakefield,  I am an articling student at PREP LLP. I am writing to request your consent for my supervisor, Bella London, to represent Jan Akintola in a legal matter involving Jan’s former spouse, your client Kasey Bonner, in relation to Kasey’s alleged non-compliance with the terms of a Court order regarding parenting.  The facts are as follows:  After an initial consultation with Jan, Bella recalled meeting with your client, Kasey Bonner, for an initial consultation about four months ago. Upon reviewing her notes, Bella remembered providing Kasey with legal advice and background information at that time. However, Kasey did not follow up with PREP LLP, and we understand that she has since retained your office.  Given this situation, I have reviewed the Law Society’s Code of Conduct to assess whether there is a potential conflict of interest for Bella in representing Jan. Based on my findings, there does not appear to be a conflict that would prevent Bella from representing Jan.   1. **Issues**   For your reference, I have included the applicable rules below to address the issue of whether Bella can retain Jan as a client.   1. **Rules**   The applicable Rules from the Law Society or Barristers Society of [Your Province] Code of Conduct are as follows:  Confidential Information  3.3-1 A lawyer at all times must hold in strict confidence all information concerning the business and affairs of a client acquired in the course of the professional relationship and must not divulge any such information unless:  (a) expressly or impliedly authorized by the client;  (b) required by law or a court to do so;  (c) required to deliver the information to the Society; or  (d) otherwise permitted by this rule.  [5] Generally, unless the nature of the matter requires such disclosure, a lawyer should not disclose having been:  (a) retained by a person about a particular matter; or  (b) consulted by a person about a particular matter, whether or not the lawyer-client relationship has been established between them.  Use of Confidential Information  3.3-2 A lawyer must not use or disclose a client’s or former client’s confidential information to the disadvantage of the client or former client, or for the benefit of the lawyer or a third person without the consent of the client or former client.  Acting Against Former Clients  3.4-6 Unless the former client consents, a lawyer must not act against a former client: (a) (b) (c)  [1] in the same matter, in any related matter, or except as provided by Rule 3.4-7, in any other matter if the lawyer has relevant confidential information arising from the representation of the former client that may prejudice that client.  [2] A person who has consulted a lawyer in the lawyer's professional capacity may be considered a former client for the purposes of this rule even though the lawyer did not agree to represent that person or did not render an account to that person (see commentary below regarding “Prospective Client”).   1. **Analysis**   My analysis in applying these Rules to the facts is as follows:  Section 3.3-1 of the Code of Conduct requires lawyers to maintain confidentiality and not disclose having been retained or consulted unless the nature of the matter necessitates disclosure. Bella believes it is important for Jan to be aware that she has previously been consulted by Kasey regarding this matter. Bella is seeking your and your client’s permission to disclose the existence of this consultation to Jan before Jan formally retains Bella.  Section 3.3-2 prohibits lawyers from disclosing a former client’s confidential information to their disadvantage without consent. The initial consultation between Bella and Kasey was brief and remained at a high level. Bella’s notes and recollection contain no information that would inadvertently disclose Kasey’s confidential information to Jan.  Rule 3.4-6 requires lawyers not to act against a former client unless consent is obtained. Kasey was never retained as a client, so this rule is unlikely to prevent Bella from representing Jan, however we are still seeking consent out of courtesy.  In conclusion, it appears that there are no conflicts or restrictions preventing Bella from representing Jan.   1. **Conclusion and Request**   Based on my analysis of the above rules, it appears there are no conflicts or restrictions preventing Bella from representing Jan. Bella can maintain confidentiality, and Kasey was never formally retained as a client. We are writing to request your consent for Bella to represent Jan. Please consult with your client and advise us of your response at your earliest convenience.  Sincerely,  **PREP LLP** |

**Rubrics – Assessment Guide**

Below are excerpts from a current Assessment Guide. The guide explains the assignment requirements and sets out objective assessment criteria that assessors must consider and apply when assessing an assignment. Candidates who achieve the learning outcome(s) and/or include the required components are to be scored EC (entry-level competence). Failure to meet the learning outcome will result in a lower score, depending on the extent of the content that is missing.

After reviewing the Rubrics – Assessment Guide below, please answer the questions in the section “Applicant Scoring”.

The four (4) possible scores are:

**EC** – Entry level competence

* The student achieved the learning outcome(s) in full. All required components and/or indicators of performance were demonstrated

**RC** – Reaching entry-level competence

**NC** – Nominal competence

**NA** – No competence

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| **1. Structure**  **Learning Outcome:** Utilize an appropriate structure to organize the communication.  **Required Components:**   * **Introduction** * **Facts** * **Issues** * **Rules/Principles** * **Analysis** * **Conclusion** | | | | |
| **Performance Indicator** | **NA** | **NC** | **RC** | **EC** |
|  | Candidate does not use the structure provided for an interoffice memorandum. | Candidate demonstrates a limited understanding of the proper structure of an interoffice memorandum by using minimal or incorrect components. | Candidate demonstrates a basic understanding of the proper structure of an interoffice memorandum by using some components or using components in the wrong order. | Candidate demonstrates a strong understanding of the structure of an interoffice memorandum by using the correct components in the correct order. |

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| **2C. Content - Citation**  **Learning Outcome**: Apply appropriate citation methodology for the given written communication.  **Indicator of Appropriate Citation:**   * **Properly cites sources as per the McGill Guide or COAL** | | | | |
| **Performance Indicator** | **NA** | **NC** | **RC** | **EC** |
|  | The Candidate does not apply the appropriate citation methodology. | The Candidate rarely applies the appropriate citation methodology. | The Candidate sometimes applies the appropriate citation methodology. | The Candidate often applies the appropriate citation methodology. |

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| **3. Audience**  **Learning Outcome**: The interoffice memorandum is expected to be written and formatted in consideration of its audience. This would include the use of plain language, professional tone, correct level of formality and mode of communication, and the appropriate use of headings, type face, margins and white space.  **Indicators of audience consideration:**   * **Uses plain language and professional tone** * **Uses the correct mode of communication and level of formality** * **Correctly classifies the audience** * **Demonstrates respect for the audience** * **Appropriate use of headings, type face, margins and white space** | | | | |
| **Performance Indicator** | **NA** | **NC** | **RC** | **EC** |
|  | The Candidate does not apply the skills required to effectively communicate with the given audience. | The Candidate rarely uses the applicable skills required to effectively communicate with the given audience. | The Candidate sometimes uses the applicable skills required to effectively communicate with the given audience. | The Candidate often uses the applicable skills required to effectively communicate with the given audience. |

**Applicant Scoring**

Using the above rubrics, please score the sample submission for each of the following three criteria:

1. Your assessment score (NA, NC, RC, or EC) for 1. Structure: \_\_\_\_\_
   1. Provide 1 sentence explaining to the candidate the reason for your score:
2. Your assessment score (NA, NC, RC, or EC) for 2C. Citation: \_\_\_\_\_
   1. Provide 1 sentence explaining to the candidate the reason for your score:
3. Your assessment score (NA, NC, RC, or EC) for 3. Audience: \_\_\_\_\_
   1. Provide 1-2 sentences explaining to the candidate the reason for your score:

**Part 2: Candidate Feedback**

CPLED provides practical legal skills training in three key categories: oral skills, legal writing and drafting, and ethics/client relationship management/practice management. The Virtual law Firm (VLF) offers Candidates the opportunity to practice and develop their skills in each of the three categories by submitting assignments that assessors then mark. Assessor feedback during VLF is critical to helping guide Candidates through their learning. The purpose of assessor feedback on assignments is to provide 1-1 feedback on how the Candidate can improve their work product to further develop in each of the three skills categories moving forward. Feedback should be geared towards how the candidate can improve moving forward, rather than only identifying what they did wrong on the specific assignment.

Please provide examples of assessor feedback that you would give in each of the scenarios described below:

1. If a candidate submitted a legal research assignment that contained irrelevant facts, what feedback would you provide? Please limit your response to no more than 3 sentences.
2. In VLF, Candidates often write a high-level analysis that is primarily legal conclusions. The expectation is that they provide a well-reasoned analysis that supports a legal conclusion. What feedback would you provide to help a candidate understand how to write a legal analysis and what is meant by feedback that their analysis is “not in-depth enough.” Please limit your response to no more than 4 sentences.
3. The following are examples of questions received from VLF candidates. How would you answer each question? Please limit your responses to no more than 2 sentences per question.
   1. For my criminal research memorandum what jurisdiction should I base my research on? I am a Manitoba candidate. Does that mean I should only use Manitoba case law?
   2. In my legal memorandum, I have copied and pasted a long paragraph from a case. Because the entire paragraph is copied from the same case, can I put a citation at the end of the last sentence of the paragraph?
4. For the ethics assignment, I identified the issue as “What Code provisions are triggered by this scenario?”. My assessor provided me feedback that my issue was too broad to be effective and that I should have identified the legal issue as “Is there a conflict of interest given Bella’s prior meeting with Jan’s former partner, Kasey?” A conflict of interest is a Code provision, so I don’t understand why my issue isn’t sufficient. My issue is broader than what my assessor said the issue was, but it is still correct, isn’t it?

**Part 3: Tell us about you**

1. Assessors are assigned to assess assignments based on the following categories:

Group A: Interviewing -and- Ethics/Client Relationship Management/Practice Management

Group B: Legal Research -and- Legal Writing (Legal Memorandum and Opinion Letter)

Group C: Negotiation -and- Legal Drafting (Affidavit and Contract)

Group D: Oral Advocacy (Contested and Uncontested Application)

* 1. Describe your experience and interest in one or more of the above categories. Please limit your response to no more than 4 - 5 sentences in total.

1. Assessors are required to attend a mandatory calibration meeting prior to assessing each assignment. Assessors are typically provided with calibration meeting dates 2-3 weeks in advance. Is there anything in your schedule that would prevent you from attending these meetings, provided you were given 2-3 weeks' notice?
2. In the application form, you will see a link to the schedules for Accelerated PREP 2025 and PREP 2025-26 that include assessment periods and the approximate number of assignments each assessor will mark in the VLF and Capstones. In Accelerated PREP 2025, assessors will have 7 days to complete their assessments, and in PREP 2025-26 they will have 7 to 10 days. Is there anything that would prevent you from completing your group of assessments within these deadlines?

***THANK YOU FOR COMPLETING THIS ASSIGNMENT***

***PLEASE UPLOAD A COMPLETED COPY WITH YOUR ONLINE APPLICATION***

***QUESTIONS? EMAIL: ADMIN@CPLED.CA***