

WHAT MAKES A GOOD LAWYER?

What are the qualities of a good lawyer?

RB: One of the things I like about the programme at CityU, and indeed at the other providers now, it's very skills-based training. And I think we are looking for those skills. We are looking for problem-solving, we are looking for analytical skills, we're looking for being able to produce that advice in a comprehensible, understandable way.

KK: I think a good lawyer, firstly he must have a great deal of knowledge about different areas of law. When you have a good foundation of the knowledge of law, then you use the legal sense to spot the issues and solve the problem. Another quality of a good lawyer I think is good research skills and reading skills because in a real case usually in order to prepare a legal strategy, you need to do a great amount of research in order to find useful information that is helpful to your case. To effectively communicate with the client involves the ability to listen to the clients, to know their needs and to know the blind spot and the missing information of their case, so only when a lawyer understands the client's case then they can develop and encourage and facilitate the client's case in a more effective way.

JL: I think as a good lawyer there are probably two main aspects. I think first of all is to be able to entertain the needs of the clients and to be able to understand exactly what they want and to be able to deliver and meet their expectations. At the same time I think as a good lawyer in addition to meeting the client's needs they also need to be professional in terms of what they do and that will of course include to be compliant with their professional duties as well as their duty towards the courts. And I think these two elements together, if fulfilled, will make a good lawyer.

What is the role of excellent English and communication skills?

KK: Although in cases involving local clients, the oral communication are always conducted in Cantonese, but legal English is very relevant when we read and draft legal materials. These include for example legal documents, contracts, lease, deed, or court pleadings, for example statement of claims, defence, written submissions, and it is also relevant when we read laws, including case laws

and statutes, and also nowadays legal correspondence are conducted in English mainly. So the ability to write accurately with legal English is very important.

RB: It's not good enough to be right legally, you have to present that advice in a way that the client understands it. We certainly have an expression here 'don't tell me what it says, tell me what it means'. And more than that 'what it means for me', in my particular circumstances, that's very important. Another big point that we try and stress is 'who are you writing for?' Know your audience. And if that's another lawyer then it's going to be more legalistic in tone than a lay client or somebody else, who perhaps doesn't need that level of legal detail in it.

JL: I think as a lawyer, I think the services that we provide to the clients are primarily in the form of written form or in the oral form and communication plays a very important part because that's kind of the lubricant or the facilitation between the two, the two mediums, namely the client and the lawyer. And English is the most common medium that is being used to communicate between the client and the lawyer. And having good English communication skills will definitely be helpful, in order to maximize the effectiveness of that kind of communication.

What are the main challenges facing novice lawyers?

KK: In an academic work you can discuss multiple possibilities about the law without giving a conclusive answer. But in practice you cannot just cite the law without really advising your client on the strong or weak parts of his case. So I think the most difficult part is to, how to analyze the case, and to present it in a logical and structural way.

RB: There's a tendency I think for junior lawyers to not ask enough questions. I think they have a fear of asking questions, perhaps because they think they won't be considered good if they ask, you know, too many questions. We certainly say here that there are no stupid questions. I would much rather, and indeed we always ask you know, 'have you understood?', 'is there anything else you want to ask?' So we would give them an opportunity, but I think they need to take that opportunity.

JL: And I think in terms of the legal, the use of legal English in today's legal practice is more towards the simple, simple English. So it's not necessarily making it a bit easier, but it's kind of getting more complex messages being communicated in simpler terms. And I think this is what the clients, especially in the commercial sector, would be kind of keen to see our lawyers be able to deliver. Kind of quality products whilst at the same time be cut to the point.

What advice do you have for aspiring lawyers?

KK: I think for law students they can treat every exercise in law school as a practice, to practice their English language. And it is always good to get feedback from their teachers and to talk with their teachers what they can improve about their work.

JL: I think for law students regardless of their years of their studies I think practice is always very important. They should always seize any opportunity to practice their English either in writing or in kind of spoken form. And the best way to do is basically to write more, to talk more, and just to correspond with lawyers. And even kind of going into the courtroom to kind of see how the lawyers actually do their job, how the judges deliver their judgment, I think that's always very useful experience to kind of improve their English on an ongoing basis.

RB: There seems to be a tendency for junior lawyers to think that they have to sound lawyerly and to use jargon or legalese, they seem to think that the client isn't going to accept the quality of the advice unless it's presented in a very legalistic way, a very lawyerly way, sounding lawyerly. And I think that's completely wrong, I think the reverse is true, that clients prefer advice which is presented in a plain English way. I don't mean simple English, you know some of the things we are dealing with obviously are complicated, but no matter how complicated they are, you can still break them down. You know what is it that as lawyers, as solicitors, as barristers, what is it that we sell? And what we sell is our advice. Our advice is our product, if you want to view us as a producer, a manufacturer. So that's what we sell and that's what we are judged on definitely.