**Independent Residency**

**Mitchell Hamline School of Law**

Student Resident: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Site Supervisor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Fundamental Lawyering Skills Rubric[[1]](#footnote-1)**

* **To be completed by the Site Supervisor at the mid-point and again at the completion of the Independent Residency.**

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| **MacCrate Skill 1 - Problem Solving** | | | | |
| A lawyer must be able to develop and evaluate strategies for solving a problem or accomplishing an objective. | | | | |
| **Resident displays ability to:** | | | | |
| **Identify and diagnose problems.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Generate alternative solutions and strategies.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Develop a plan of action.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Implement the plan.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Keep the planning process open to new information.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |
| **MacCrate Skill 2 - Legal Analysis** | | | | |
| A lawyer must be able to analyze and apply legal rules and principles. | | | | |
| **Resident displays ability to:** | | | | |
| **Identify and formulate legal issues.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Formulate relevant legal theories.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Elaborate legal theories.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Evaluate legal theories.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Criticize and synthesize legal argumentation.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |
| **MacCrate Skill 3 - Legal Research** | | | | |
| A lawyer must be able to identify legal issues and research them thoroughly and efficiently. | | | | |
| **Resident displays:** | | | | |
| **Knowledge of the nature of legal rules and institutions.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Knowledge of and ability to use the most fundamental tools of legal research.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Understanding of the process of devising and implementing a coherent and effective research design.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |
| **MacCrate Skill 4 - Factual Research** | | | | |
| A lawyer must be able to plan, direct, and (where applicable) participate in factual investigation. | | | | |
| **Resident displays ability to:** | | | | |
| **Determine the need for factual investigation.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Plan a factual investigation.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Implement the investigative strategy.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Memorialize and organize information in an accessible form.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Decide whether to conclude the process of fact-finding.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Evaluate the information that has been gathered.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |

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| **MacCrate Skill 5a – Communication** | | | | |
| A lawyer must be able to communicate effectively in writing. | | | | |
| **Resident displays ability to:** | | | | |
| **Assess the perspective of the recipient of the communication.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Accurately describe pertinent authority and underlying policy considerations.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Synthesize authority and policy into legal rules applicable to fact situation.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Persuasively present facts.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Persuasively analogize to favorable legal authority and distinguish unfavorable legal authority.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |

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| **MacCrate Skill 5b - Communication** | | | | |
| A lawyer must be able to communicate effectively through oral presentation. | | | | |
| **Resident displays ability to:** | | | | |
| **Assess the perspective of the recipient of the communication.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Accurately describe pertinent authority and underlying policy considerations.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Convey credibility and conviction.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Effectively use voice, gestures, and eye contact.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Respond appropriately to questions.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |

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| **MacCrate Skill 6 - Client Counseling** | | | | |
| A lawyer must be able to counsel clients about decisions or courses of action. | | | | |
| **Resident displays ability to:** | | | | |
| **Establish a counseling relationship that respects the nature and bounds of a lawyer’s role.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Gather information relevant to the decision to be made.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Analyze the decision to be made.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Counsel the client about the decision to be made.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Ascertain the client’s decision.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |
| **MacCrate Skill 7 - Negotiation** | | | | |
| A lawyer must be able to negotiate in either a dispute-resolution or transactional context. | | | | |
| **Resident displays ability to:** |  |  |  |  |
| **Prepare for negotiation.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Conduct a negotiation session.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Counsel the client about the terms obtained from the other side in the negotiation and implement the client’s decision.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |

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| **MacCrate Skill 8 - Strategic Planning** | | | | |
| A lawyer must understand the potential functions and consequences of litigation and alternative dispute resolution. | | | | |
| **Resident displays knowledge of the fundamentals of:** |  |  |  |  |
| **Litigation at the trial-court level.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Litigation at the appellate level.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Advocacy in administrative and executive forums.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Proceedings in other dispute-resolution forums.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |

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| **MacCrate Skill 9 - Organization and Management of Work** | | | | |
| A lawyer must be familiar with the skills and concepts required for efficient management. | | | | |
| **Resident displays ability to:** |  |  |  |  |
| **Formulate goals and principles for effective practice management.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Develop systems and procedures to ensure that time, effort, and resources are allocated efficiently.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Develop systems and procedures to ensure that work is performed and completed at the appropriate time.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Develop systems and procedures for effectively working with other people.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Develop systems and procedures for efficiently administering a law office.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |

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| **MacCrate Skill 10 - Ethical Analysis and Conduct** | | | | |
| A lawyer must follow ethical standards when representing clients. | | | | |
| **Resident displays knowledge of:** |  |  |  |  |
| **The nature and sources of ethical standards.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **The means by which ethical standards are enforced.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **The processes for recognizing and resolving ethical dilemmas.** | ☐ Consistently | ☐ Usually | ☐ Sometimes | ☐ Not Observed |
| **Comments:** | | | | |

1. Based on the Report of the ABA Task Force on Law Schools and the Profession: Narrowing the Gap (The MacCrate Report) 1992.

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