

ESSENTIAL SKILLS FOR LAW STUDENTS AND JUNIOR LAWYERS IN MALAYSIA

Norman Zakiyyⁱ, Noor Dzuhaidah Osmanⁱⁱ & Syahirah Abdul Shukorⁱⁱⁱ

ⁱ (*Corresponding author*). Senior Lecturer, Faculty of Syariah and Laws, Universiti Sains Islam Malaysia, 71800 Nilai, Negeri Sembilan.

zakiyy@usim.edu.my

ⁱⁱ Senior Lecturer, Faculty of Syariah and Laws, Universiti Sains Islam Malaysia, 71800 Nilai, Negeri Sembilan.

ⁱⁱⁱ Associate Professor, Faculty of Syariah and Laws, Universiti Sains Islam Malaysia, 71800 Nilai, Negeri Sembilan

Abstract

Studying a law degree programme at the tertiary level in a public university is highly stressful. Apparently, passing extremely rigorous examinations, and completing the chambering period does not guarantee a person to work competently as a lawyer. In reality, final grades are no longer the sole determining factor in deciding employability in a law firm, especially when law firms are keen to employ skilled personnel. Taking into consideration the need to produce multitasking and practice-ready law graduates, this article seeks to highlight the need to improve the efficacy of law students and junior lawyers, and then, the essential skills needed by every law student and junior lawyer in addition to the ways to achieve them. To achieve this, an analysis of the general practices of advocates and solicitors in common areas of law such as conveyances, contracts, and civil litigation practice, as well as relevant procedural rules are made. It is suggested that proper training and continuing legal education must be designed to ensure that junior lawyers in the country are equipped with the necessary essential skills for them to have comparable knowledge and skills with their foreign counterparts.

Keywords: *Essential skills, law students, junior lawyers, Malaysia.*

INTRODUCTION

Under the Malaysian education system, law students are generally exposed to a combination of theoretical aspects and essential aspects of the law. A few core courses offered in a law degree program include Legal Methods, the Malaysian Legal System, International Human Rights and Humanitarian Law, Criminal Procedure, Civil Procedure, and Moot and Advocacy Skills. Completing a law degree programme enables a person to undertake legal analysis, solve cases and provide advice on legal issues. Law degrees, in general, provide law graduates the opportunity to work in a wide variety of sectors such as teaching, banking, marketing, and management, and not limited to advisory roles in corporations. But merely possessing a law degree will not enable a law graduate to automatically be admitted as an advocate and solicitor. Law graduates intending to practice as advocates and solicitors in Peninsular Malaysia

LEADERSHIP AND TEAMWORK SKILLS

Law students are generally exposed to the importance of teamwork in moot competitions as well as in accomplishing group work assignments. Some of them may act as lead counsels in moot competitions. Teamwork refers to when a group of individuals put in the effort to achieve a common goal, namely to solve the problem as a team. Teamwork is important chiefly because it makes the difficult task simple and may include activities like sharing information, building relationships, and contributing ideas. These important aspects can best be achieved by organizing several brainstorming sessions with the litigation team (for lawyers) or team members (for mooters). Brainstorming sessions are an opportunity for junior lawyers (as well as junior mooters in moot competition) to gain experience from more experienced seniors, especially in learning how to manage a case prior to trial, and how to argue before a court of law (for junior lawyers) or a panel of moot judges (for mooters), as the case may be. junior lawyers should take advantage to ask their seniors about the evidence needed at trial and how evidence will be led.

A person who is in the position as lead counsel in moot competition or also lead counsel in a real court action is given the opportunity to demonstrate his or her leadership abilities including accountability, calm under great pressure, coaching, decision making, and information gathering. In addition, it also improves interpersonal skills of caring about others' views and collaborating with others in fulfilling a task, and active listening.

WRITING AND DRAFTING SKILLS

One practical skill much needed by lawyers and law students is mastering the technique of writing and drafting legal documents for transactions and for court action. Junior lawyers and law students must learn to master the stylistic way of writing legal documents such as agreements and pleadings. In their early years of practice, junior lawyers are exposed to preparing documents for litigation matters (such as pleadings, notices of applications, and documents for appeal) and contractual documents. It is expected that lawyers are familiar with drafting various types of applications such as follows:

- a) Drafting a notice of application for substituted service
- b) Drafting an application for the renewal of the writ of summons (or originating summons)
- c) Drafting an application for leave to serve a pleading (for example, a statement of claim) out of time
- d) Drafting application for reinstatement of the writ of summons

Drafting these documents can be time-consuming for the inexperienced and must be done vigilantly to ensure that the rights of the parties concerned are safeguarded. For court documents, it is essential to follow the prescribed forms stated in procedural rules (such as the Rules of Court 2012 and the Criminal Procedure Code). In addition, it is advisable to obtain guidance from senior associates and precedents from fellow lawyers as supporting guide to preparing such documents. Currently, lawyers and law students may refer to Atkin's Court Forms Malaysia which is an encyclopaedia of civil litigation forms and procedures. This encyclopaedia provides lawyers and law students with a collection of procedural documents in civil proceedings.

In drafting contracts, it is essential for the lawyer to ensure that the following process has been taken: (1) the clauses of the contract are in line with local laws and rules governing the subject matter of the contract; and (2) The parties have been given the opportunity to discuss with each other, especially on terms that can be mutually agreed.

The type of interpersonal skill involved prior to drafting contractual documents is the ability of the lawyer to interact, communicate, and listen attentively to his client's instructions. One of the lawyer quote state as follows, "As a lawyer, I can assure you that a lot of document drafting is repetitive, involving cutting and pasting from templates. But the best lawyers bring a unique perspective to the process and anticipate clients' problems." (Ro Khanna Quotes, Brainy Quote).

Once the aforesaid matter has been taken, then only the lawyer should begin to draft the necessary document by taking into consideration the details provided by the parties, the general terms and conditions of a typical contract, and the governing law on the subject matter. A checklist of the general terms and conditions of legal documents should be used containing crucial information such as rights, responsibilities, mode of service of documents (including court documents) terms of payment, disclaimers, dispute resolution clauses, warranties, and governing law. Nowadays, legal drafting can be less stressful by using legal drafting tools (such as the Lexis®Clause Intelligence) that enable the analysis and selection from a large bank of clauses, authored by legal experts.

Writing effective legal opinions needs practice. Legal opinions should be tailored according to the client's needs and use plain language so that client can easily understand (Trudeau, 2011). Effective communication of thoughts and ideas is essential for the smooth delivery of the legal system (Miner, 1989). An important essential skill is a skillset in writing legal opinions in an organized and easy-to-understand manner.

CRITICAL THINKING AND STRATEGY SKILLS IN SOLVING ISSUES AND IN GATHERING EVIDENCE

Law students are generally exposed to critical thinking in attempting problem-based questions in examinations and assignments. This is a basic way of training them to analyze intently the facts of a given situation and decide reasonable arguments with the support of relevant case laws. Accordingly, in essentiality, this is one crucial skill a junior lawyer must progress in his career. for ideal usage leading to an effective legal career.

Strategy in handling a litigation case is important. To win his case, a junior lawyer must analyze the evidence provided by his client and strategize an effective plan. Important aspects of what is required to know and do include the mastery and familiarity of the facts, presenting the theory of the case in a logical and persuasive version, conducting in-depth research, finalizing logical and legal arguments with the support of relevant authorities, and the ability to refute his opponent's arguments. Apart from that, the junior lawyer must communicate effectively with the adversary's lawyer whether through letters or teleconversation lawyers. This is especially important in negotiating a settlement on behalf of his or her client.

Junior lawyers must have a comprehensive understanding of the Evidence Act 1950 on important rules such as statements in documents that need not be proved by calling the makers or the need to produce the originals. Essentially, a junior lawyer must learn to identify what are the relevant documents that must be included in the Bundle of Agreed Documents, including documents referred to in the witness statement of a witness and the procedural rules pertaining to the marking of documents as Part A, Part B, and Part C (see O.34, r. 2(b)(c) & (d) Rules of Court 2012.). Essentially, the junior lawyer in his capacity as Plaintiff's counsel shall also identify documents that must be included in the Bundle of Non-Agreed Documents, for documents for which agreement cannot be reached by the parties. These documents shall be in separate bundles & marked as follows: Part B – documents where their authenticity is not disputed but the content is disputed; and Part C – documents where both authenticity and content are disputed (See Order .34, rules (2)(e) RC 2012).

CONCLUSION

Based on the emphasis on the general legal fraternity, this article provides a general overview of the essential skills that need to be mastered by a law student as well as a junior lawyer. This means that a junior lawyer must hone not only practical skills (drafting and advocacy) but also other essential skills to enable him to perform legal analysis, solve cases, advise his clients on legal issues, work independently as well as a team and manage his cases in a professional way. Some of the essential skills for lawyers involve skills relating to communication (advocacy, advising clients, and

gathering evidence), management, teamwork, research, and critical thinking. These essential skills are life-long skills that must be improved by regular practice and by attending professional training and workshop from time to time.

In addition, it is suggested that proper training and continuing legal education must be designed to ensure that junior lawyers in the country are equipped with the necessary essential skills for them to have comparable knowledge and skills with their foreign counterparts.

REFERENCES

- Astro Awani. (February 6, 2022). "To moratorium or not: The future of legal education in Malaysia". <https://www.astroawani.com/berita-malaysia/moratorium-or-not-future-legal-education-malaysia-345342> (assessed on 15 September 2022).
- Baskind, E. Mooting, The Definitive Guide. Routledge, 2018 (E-Book).
- Bakkar, A.K. 2022. Family Interactions. Dakwah Corner Publications. Petaling Jaya, Selangor.
- Beazley, M.B. A Essential Guide to Appellate Advocacy. Wolters Kluwer, 2019 (5th Ed) (E-Book).
- Chapman, J. 2000. Interviewing and Counselling. Cavendish Legal Skills Series. Cavendish Publishing Limited. London.
- Chief Registrar's Office Federal Court of Malaysia. website link at <https://www.kehakiman.gov.my/ms/what-do-i-do-trial>.
- Economic Research Institute (Malaysia),
<https://www.erieri.com/salary/job/lawyer/malaysia>
- Holland, J. & Webb, J.S. 2003. Learning Legal Rules. 6th Edition. London: Blackstone Press Ltd.
- Human Resources and Skills Development Canada. 2009. What are Essential Skills? https://www.nwtliteracy.ca/sites/default/files/pdf/2018-06-20/gcs_9_essential_skills_0.pdf (accessed on 25 September 2022).
- Jayakumar, S. 2007. Client Counselling for Tomorrow's Lawyers. Published in All India High Court Cases January 2007. Journal Section Page 13.
- Jayakumar, S. (2003). in citing M Robert M. Bastress and Joseph D. Harbaugh: Interviewing, Counselling and Negotiating Skills for Effective Representation, Little Brown and Company.
- Legal Profession Act 1976 (Act 166)

- Malaysian Bar, General Statistics, <https://www.malaysianbar.org.my/article/about-us/malaysian-bar-and-bar-council/about-us/figures/general-statistics> (accessed 8 September 2022).
- Miner, R.J. 1989. *Confronting the Communication Crisis in the Legal Profession*. New York Law School Law Review. Vol XXXIV. No.1.
- Majdah Zawawi, Shahrul Mizan Ismail & Siti Aliza Alias, 2018. *All You Need to Know About Mooting*. Law Professors.
- McLeod, Ian. 2005. *Legal Method*. 5th Edition. London: Palgrave Macmillan.
- Megranathan, M. *Counselling in Dorothy M. Stewart Management Skills*, Infinity Books, Delhi 2003. p99
- Nagaraj, V. and Block, F. *Interviewing and Counselling in N,.R. Madhava Menon, Clinical Legal Education*, Eastern Book Co. Lucknow, 2003
- Pathmanathan, N. 2020. *Bullen & Leake & Jacob's Malaysian Precedents Of Pleadings*, 2nd Edition. Sweet & Maxwell.
- Pope, D. & Hill, D. 2015. *Mooting and Advocacy Skills*. Sweet & Maxwell, 2015 (3rd Ed.)
- Plessis, T. Du. 2008. *Competitive Legal Professionals' Use Of Technology In Legal Practice And Legal Research*. 2008 Vol. 11 No 4
- Ro Khanna Quotes (Brainy Quote). At <https://www.brainyquote.com/authors/ro-khanna-quotes> (accessed on 20 September 2022).
- Skills Canada Newfoundland and Labrador. (2022). *Essential Skills*. <https://skillscanadanl.ca/programs-events/essential-skills/> (accessed on 25 September 2022).
- Trudeau, R.C. (2011-2012). *The Public Speaks: An Empirical Study of Legal Communication*. 14 *Scribes J. Leg. Writing* 121 (2011-2012), 121-
- Hasniza Hussain. (17 Julai 2020). *Sinar Harian*. <https://www.sinarharian.com.my/article/92517/BERITA/Nasional/Khidmat-guaman-percuma-bantu-individu-bermasalah> (accessed on 4 July 2021).
- Klinik Bantuan Guaman Universiti Malaya <https://kbg.um.edu.my/perkhidmatan-kami>. <https://kbg.um.edu.my/community-outreach-programme> (accessed on 2 July 2021).
- Klinik Bantuan Guaman Universiti Kebangsaan Malaysia; <http://www.ukm.my/monline/khidmat-bantuan-guaman-percuma-di-ukm.html>) (accessed on 4 July 2021)

are required to complete a nine-month period of essential training called "chambering" or "pupillage" (Legal Profession Act, 1976, section 12). The pupil should take this opportunity to gain essential skills from his master. He should treat this period as an important learning process for it equips him with essential skills expected of a full-fledged lawyer.

ISSUES IN QUALITY OF LAWYERS

The proliferation of law programs around the world and also in Malaysia has seen an increase in law graduates. Currently, as of 2021, there are around nine local institutions in Malaysia that have received full recognition from the Legal Profession Qualifying Board, with the latest being Universiti Sains Islam Malaysia.

Malaysia's legal profession is seeing signs of growth based on the yearly breakdown of the statistics according to figures released in years ranging between 2010 - 2022 by the Malaysian Bar. In 2010, there were 14,517 practicing lawyers, whereas, in 2021, there were 20,284 practicing lawyers (General Statistics, Malaysian Bar, 2022). As of 31 August 2022, there are 21,926 practicing lawyers in Peninsular Malaysia. These practitioners are qualified to practice under various recognized routes of qualifications such as articleship, Certificate in Legal Practice, Gray's Inn, Inner Temple, International Islamic University, and various local varsities. According to the statistics of the Malaysian Bar, there has also been an increase in junior lawyers (namely those who possess less than 7 years of experience). In the year 2013, there were 4964 junior lawyers whereas, in 2022, there are 6762 junior lawyers.

Despite the high quality of legal education in Malaysia, there have been complaints that many law graduates in Malaysia are ill-prepared to undergo pupillage. Among the common complaints (whether substantiated or otherwise) include that law graduates are not knowledgeable in the law and lack practical skills. Nevertheless, skills are no doubt important to equip law students and junior lawyers starting out their careers as advocates and solicitors, judicial and legal services officers, or legal executives in various types of establishments. In fact, any skill gained is better compared to limited or no exposure at all during the duration of a law student's studies. Thus, the mere stating of relevant skills in a resume (especially for a fresh law graduate) is in a better position for gaining employment.

Notably, a number of 'practical' law courses are meant to expose law students to important skills that they need to undertake professional work as lawyers. The names of some of these courses are as follows: Civil Procedure, Criminal Procedure, Evidence, Moot, and Insolvency Law. However, with the increasing number of lawyers, it seems that legal education should necessarily focus on acquiring essential skills useful for legal practice, in addition to the aforesaid professional courses.

ESSENTIAL SKILLS

Nowadays, local law students are exposed to a basic knowledge of substantive and procedural laws throughout the duration of their law programme. The job scope of the lawyer (advocate and solicitor) is concerned with the practice of law which is an extension of what the law graduates have learned in law schools. In addition, the job scope of the lawyer requires him to be familiar with essential skills in drafting, and advocacy that should be developed by practice. However, there are many other essential skills that should be mastered by law students and junior lawyers.

Essential skills are the skills that a person needs to possess for learning, employment, and daily life (Human Resources and Skills Development Canada, 2009). They are used in society and the workplace, in different ways and at different levels of difficulty. The nine (9) essential skills required in the workforce are Oral Communication, Working with Others, Continuous Learning, Reading Text, Writing, Thinking, Document Use, Numeracy, and Digital (Skills Canada Newfoundland and Labrador, 2022). Important skills for lawyers are related to mooting, pre-trial procedures, negotiations, interviewing and counselling, preparing conveyance documents and pleadings, and legal aid (Jayakumar, 2007). According to the Economic Research Institute (Malaysia), five top skills for lawyers are as follows: (1) Advises clients; (2) Gathers evidence; (3) Interviews Clients; (4) Represents clients; and (5) Advises Individuals.

Taking into consideration the above, this article discusses the main essential skills that are necessary for law students and junior lawyers. These skills are discussed below.

EFFECTIVE COMMUNICATION SKILLS

The nature of the job of a lawyer requires him to engage in a two-way process involving the transmission of ideas and thoughts between him and his client(s), witnesses, and the courts.

Client Communication

Most clients of law firms are lay persons. Thus, a lawyer must learn to communicate in a clear, concise, and persuasive manner. If a lawyer is unable to communicate effectively, he will not be able to identify and analyze the problems faced by his client. Two-way communication is involved in the process of interviewing, counselling, and advising clients. It is vital for the lawyer to gain the trust of his or her client right at the first interview session.

An interview is the sharing of information between a lawyer and his or her client (Jayakumar, 2003). During interviews, lawyers must learn to be good listeners. To become one, they must learn to engage in lively conversations with their clients by giving affirmative replies and asking follow-up questions. According to Jayakumar (2003), it is important for a lawyer to impress a client with his ability to solve his or her problem. For client interviews, Chapman (2000) pointed out the importance of first impressions in a client interview. Some of the important factors that contribute to first impressions are physical appearance (such as hair, dress, and age) and attitude (facial expression, voice tone, handshake, scent). Effective client communication such as greeting the client, showing interest to solve the client's problem, and reflecting on your understanding of what has been said are actually examples of interpersonal skills.

Effective communication and interpersonal skills can be gained by law students by participating actively in legal aid clinics programs organized by the law faculty. In Malaysia, there are several universities that operate legal aid clinics such as Universiti Sains Islam Malaysia (USIM), University of Malaya (UM), Universiti Kebangsaan Malaysia (UKM), and Kolej Universiti Antarabangsa Islam Selangor (KUIS). For example, the UKM Legal Aid Clinic provides free legal advice and provides civil and Syariah case advice. The client will brief the law student on duty who will then refer to the lecturer who has given consent to provide services at the clinic according to the lecturer's area of expertise. If there is no such expertise, the case will be referred to an outside lawyer who is willing to provide services at the clinic. When there is a case that needs to be brought to court, the clinic will extend the case either to the Selangor Bar Committee or the Legal Aid Department of Malaysia which will represent the client without payment but subject to the specified monthly income conditions. Participation of law students in such activities enables them to learn the skill of good client communication.

The lawyer must also advise and provide counseling to his or her client after gathering sufficient information from a client. Client counselling is the process by which a lawyer communicates advice to a client (Nagaraj, & Block, 2003), and facilitates decision-making by the client (Jayakumar, 2007). According to Megranathan (2003), the process of counselling has two functions: (1) To help the person talk about, explore, and understand his or her thoughts and feelings and workout that what he or she might do before taking action; and (2). To help the person in deciding how his problem can be sorted out under the laws. Effective interview sessions would most likely allow the lawyer or the law student to identify issues and the legal context of the case.

Oratory Skills

Eloquence in speaking is an important skill for lawyers especially in representing their clients in a court of law. In general, law students are exposed to speaking to a live audience. This exposure is usually in the form of face-to-face communication of a single person to a group of listeners. Public speaking skills are important for a lawyer in carrying out his professional duty as a spokesperson for his client. Law schools have emphasized public speaking or oratory skills in relevant courses such as Moot and Advocacy Skills and Civil Procedure. A moot is a form of simulated appeal court hearing whereby law students argue the legal merits of a fictitious civil or criminal case before a mock judge or a panel of mock judges (Pope, & Hill, 2011). Many law schools around the world have encouraged their law students to participate in moot competitions. Thus, junior lawyers were mostly equipped with certain levels of public speaking skills. In Malaysia, numerous law schools encourage their law students to participate in intramural moot competitions (such as the Tun Zaki Azmi Intramural Moot Court Competition), national as well as international moot competitions (such as LAWASIA International Moot Competition, Philip C. Jessup International Law Moot Court Competition, Willem C. Vis International Commercial Arbitration Moot and Asia International Arbitration Centre (AIAC) Pre-Moot).

Oratory skills are important to enhance the ability of junior lawyers to speak confidently throughout the phases of a litigation process which includes making an opening statement, examining witnesses based on witness statements, and making submissions. Nevertheless, in the aspect of honing advocacy skills, it is essential to learn how to communicate effectively in an oral presentation, by using plain and appropriate language. Effective oratory skills must also be accompanied by the ability to adhere to the prescribed manner of conducting the trial by referring to the guidance from the official website of the Chief Registrar's Office Federal Court of Malaysia. Some of the important guidelines are on the sequence of addressing the court (order of speeches, the method of cross-examining witnesses, and submissions after trial. In addition, it also improves interpersonal skills such as the ability to use clear communication and collaborate with others in fulfilling a task.

Arguing and Dialoguing

It is pointless to involve oneself in a verbal battle with little knowledge for it only breeds hatred and discontentment among fellow lawyers. It is also mentally exhausting to argue over a point of view without possessing sufficient knowledge. As such, it is important to learn the art of arguing, and dialoguing. As pointed out by Abdul Karim Bakkar (2022), a person 'argues' when he has not acquired sufficient knowledge, refinement of character, and patience; whereas dialoguing involves considering the opinions of others, and refuting them if unsatisfactory. 'Dialoguing' is healthy for it creates a non-obligatory acceptance for the listener of a view advanced by the person who shares his view. It encourages good mannerisms and a polished

attitude in communication. In addition, it also improves interpersonal skills of caring about others' views, collaborating with others in fulfilling a task, and the ability to resolve disputes or problems.

MANAGEMENT SKILLS

Nowadays, with the advent of technology, lawyers are generally required to possess business management skills including development skills, computer literacy skills, and digital tools. (Plessis, 2008). Lawyers need to be technology savvy in line with the changing legal landscape and are an integral part of the management of a modern law firm. Thus, junior lawyers should master essential technological skills such as word processing, time management, billing, and practice-related software applications to remain employable in the near future. Mastery of communications technology such as email, video conferencing, and related technology is already expected nowadays. Apart from that, lawyers need to learn how to manage the opening and closing of a file in a systematic manner especially on matters relating to sending final bill, compiling original documents for the return to their owners, sending necessary correspondence to clients and relevant authorities, and the acknowledgment of the receipt of client instructions.

For litigation matters, lawyers should now be aware of the need to become acquainted with the use of computerized litigation, and document management software. Good management skills in litigation matters related to the preparation of pre-trial documents within specified timelines. Preparations prior to trial would include the following: (a) Early Preparation/ Strategy; (b) Case Management; and (c) Organization of Documents. During undergraduate law studies, it is a common practice for the instructors for procedural courses such as Civil Procedure or Advocacy Skills to provide students with the "Bundle of Pleadings" and "Relevant Documents". Students are then required to prepare the necessary documents (such as the Statement of Agreed Facts; Statement of Issues To Be Tried; Summary of Plaintiff's case; Summary of Defendant's case; and Witness Statement for Plaintiff and Defendant) within specified timelines. This is a good exposure in their undergraduate years for it teaches the law students to manage wisely the litigation case that they are handling. Such exposure also enlightens junior lawyers to conduct in a befitting manner to that of an advocate and solicitor and in assisting the court in the dispensation of justice. During the pre-trial stage, it is essential to emphasize evidence (documentary evidence and witnesses) by learning how to prepare the Bundle of Pleadings, Bundle of Documents, Issues to be Tried, Statement of Agreed Facts, and Witness Statements.

Since Pretrial Case Management is an important phase in the litigation process, the junior lawyer must equip himself or herself with good management skills in complying with the following matters:

- (1) Compile all their client's documents and identify potential witnesses.
- (2) Identification of the issues, documents, and witnesses.
- (3) The timelines are given by the Court for the filing of documents

In relation to managing a case effectively, it is crucial to learn how to: (a) identify the chronology of events, leading to a dispute; (b) identify issues to be tried (see Order 33, rule 2 of the Rules of Court 2012); (c) identify matters which are debatable or doubtful, and (d) integrate all disputed and undisputed evidence during trial for the purpose of illuminating the evidence most favorable to the party who is being represented in an action.

Essential ways of managing a case are important to ensure the delivery of quality services, to the client and the court. At the trial stage, a highly effective lawyer will ensure that he or she knows how to prepare his or her case. A highly effective lawyer would have periodically reviewed the thoroughness of his or her preparation for trial. He or she would have made final arrangements such as preparing speaking notes or an outline of his submission and arranging for witnesses relating to matters on timing, arrival, and order of testimony. He or she would have also arranged for a translator and arrange for physical evidence (e.g. chart stand, video player, etc.) if needed to do so. He or she would have also conducted final interviews with the client and witnesses, reviewed exhibits according to the chronology of events, collect and arrange a bundle of pleadings, agreed and non-agreed bundle of documents, statement of agreed facts, statement of disputed facts, statement of issues to be tried and witness statements.

A highly effective lawyer would have periodically reviewed the thoroughness of his or her preparation for trial. He or she would have made final arrangements such as arranging for witnesses: timing, arrival, and order of testimony. He or she would have also arranged for a translator and arrange for physical evidence (e.g. chart stand, video player, etc.) if needed to do so. He or she would have also conducted final interviews with the client and witnesses, reviewed exhibits according to the chronology of events, collect and arrange a bundle of pleadings, agreed and non-agreed bundle of documents, statement of agreed facts, statement of disputed facts, statement of issues to be tried and witness statements. Not forgetting, he or she will prepare an outline of his or her proposed submission and brief authorities which are reader-friendly.

A highly effective lawyer will endeavor to build an effective client relationship by guiding his client on the importance of preparation that he needs to know before appearing in a trial. The lawyer should brief the client and his witnesses about their

responsibilities when testifying and giving evidence in court by reminding them of the following:

- (1) Use simple language in court.
- (2) Take oath in the witness stand/box with a loud and clear as while lifting your right hand at the shoulder.

In addition, good management is also an interpersonal skill which is reflected by the act of collaborating with others in fulfilling a task (such as communicating and working with the adversary's lawyers in preparing the Bundle of Agreed Documents).

LEGAL RESEARCH SKILLS

In reality, preparing the pre-trial documents would not suffice if it is not followed by doing thorough/in-depth legal research. Undoubtedly, legal research is an important phase in the litigation process as well as in preparing the memorial in moot competitions. This is simply because legal research is the method of identifying and retrieving vital information necessary to support legal arguments in a court of law (and also in a moot competition). Legal sources typically include case laws, legislation, and commentaries on the law (such as legal encyclopaedias, legal dictionaries, looseleaf publications, journals, bulletins, digests, and newsletters).

In order to refute the opponent's case, it is essential to conduct research to identify case laws relevant to the issues. Nowadays, doing legal research is not a hassle for mooters and lawyers, due to the existence of publishing companies that offer internet resources. Available search engines that offered accurate and reliable online resources are such as Westlaw Online Casemaker, Casetext, Legal Research, Fastcase, ROSS Intelligence, and LexisNexis. One great advantage of online resources to an online user is that it enables him or her to obtain up-to-date information than the print version, in addition, to reported and unreported case laws and specialist commentaries. A number of universities do provide an internet link to their students to explore databases such as Current Law Journal, EBSCOHOST, EMERALD, HeinOnline, and LAWNET.

It is important for junior lawyers and law students to master the essential way of doing research. Beginners must know how to do the following: (1) Using the search tools by using the right keyword, (2) Knowing how to refine a search if the keyword does not generate the desired result, (3) Optimizing the use of the resources on the internet and pay attention to the following aspects, namely the acceptability of the courts on each of the said internet sources (4) Distinguishing between relevant and irrelevant materials; and (5) Extracting the key points from, and correctly citing those materials in written submissions.