



COMPETENCY BASED FRAMEWORK FOR LAWYERS

Office of the Attorney General
as at May, 2020

Table of Contents

I. Introductory Parts	3
1. About the Office of the Attorney General	3
2. An Understanding of a Lawyers work	3
3. Objective of the Competency Based Framework for Lawyers:	4
4. Background of Competency Based Framework for Lawyers	4
5. Scope of the CBF for Lawyers	5
6. Methodology used to develop CBF for Lawyers:	7
II. Overview of the CBF for Lawyers	7
1. Narrative of the <i>CBF for Lawyers</i>	7
a. Prosecutor/Litigator	8
b. Legal Advisor	9
c. Legislative Drafter	11
III. Graph representation of the CBF for Lawyers	13
Main Features of CBF for Lawyers	14
IV. Role Profile	14
Annexure I: <i>“Competency Area and Competencies”</i>	15
Annexure II: <i>“Competency Area, Key Competency and Behaviour Indicator”</i>	16
Annexure III: <i>“Role Clarification”</i>	19
Annexure IV: <i>“Level of Proficiencies based on the Developed Competency Areas”</i>	22
V. Systems, Processes and Training Needs	57
1. Prosecutor/Litigator	57
2. Legal Advisor	59
3. Legislative Drafter	61
III. Recommendations	62
1. Implementation plan and strategies:	62
2. Specialization in specific areas of laws and practice	63
3. Strategy for Legal Service Division and Drafting and Review Division	63

Developed for Royal Civil Service Commission on behalf of the Office of the Attorney General by:

Ms. Deki Choden Dorji
Asst. Human Resource Officer
Human Resource Section, Secretariat Services, Office of the Attorney General

Mr. Namgay Dorji
Dy. Chief Attorney
Drafting and Review Division, Department of Legal Service, Office of the Attorney General

Mr. Kinley Tshering
Sr. Attorney
Prosecution and Litigation Division, Department of Justice, Office of the Attorney General

Mr. Sangay
Sr. Attorney
Legal Service Division, Department of Legal Service, Office of the Attorney General

I. Introductory Parts

1. About the Office of the Attorney General

The Office of the Attorney General finds its purpose of existence primarily from Article 29 of the *Constitution of Kingdom of Bhutan 2008* (“Constitution”) that specifically provides for an Attorney General and the creation of an Office of the Attorney General (“OAG”), with a dedicated set of mandates, powers and responsibilities. Further, Article 27 (5) of the Constitution also stipulates a mandate of the OAG through reference by stipulating that *“Prosecution of individuals, parties or organizations on the basis of the findings of the Anti-Corruption Commission shall be undertaken expeditiously by the Office of the Attorney General for adjudication by the courts.”* These noble guidance of the Constitution establishes the Office of the Attorney General as an autonomous body, primarily with the mandate to represent the government in any legal matters, and provide legal advice to the Government and empowered it to function as per the *Office of the Attorney General Act*.

Drawing from these legislative delegations, the mission and vision of the OAG is:

Vision

“To be a premier public Organization that seeks truth and ensures justice in pursuit of a harmonious society with the rule of law and good governance”

Mission

“To deliver prosecution and legal services to the State in a fair and professional manner”

2. An Understanding of a Lawyers work

On the basis of the prevailing legal provisions, the OAG not only has a set of dedicated mandates, but also functions as a parent agency for all government lawyers in the country. Based on this reality, it is pertinent to take into account the primary functions of the Lawyers working at the OAG to have a sound basis of the scope of what lawyers really do and their responsibilities. The Attorneys with the OAG primarily work in the three areas of specialization, the ‘Prosecution and Litigation Division’ undertake criminal prosecution on behalf of the State and civil litigation representing the State. The Attorneys working for the ‘Drafting and Review Division’ undertake Drafting and Review of Government Bills and Delegated Legislations (Rules, Regulations, and Guidelines) as referred to it by the Sponsoring Ministries and Agencies of the Government. The Attorneys working in the ‘Legal Services

Division' is the primary Legal Adviser to the Government (including all agencies of the government) on all legal matters.

The three specialized Divisions at the OAG form the primary areas of work that all lawyers within the Government system subscribe to, and build their expertise on, over time. The responsibilities of the OAG provided by different enactments are pursued in different variations and means that over time will require some measure of deeply analysing leading to a definitive understanding of delegation of its powers.

This framework takes que of the three primary areas of work that all lawyers are involved in and looks at what it takes to undertake different tasks under those three areas.

3. Objective of the Competency Based Framework for Lawyers:

1. To identify the core services that the legal professionals perform
2. To identify the competency requirements for different positions of legal professionals
3. To identify training needs for professionalizing the legal professionals
4. To guide prioritization of budget for capacity development
5. To implement Competency Based Framework for all Lawyers across the Civil service

4. Background of Competency Based Framework for Lawyers

The Royal Civil Service Commission's initiative to develop the Competency-based Framework ("CBF") with the aim to cultivate the culture of identifying skill needs of employees, assisting continuous development, and professionalizing employees to deliver responsibilities effectively and enhancing efficiency is an activity that will strategically gear all the competency requirements and align them to the various thematic areas of work in pursuit of skilled and specialized civil servants.

The *CBF for Lawyers* is a way inward to identify the actual competencies needed to deliver professional tasks. This kind of exercise was not undertaken in the past and since the OAG is identified as the parent Agency for all the lawyers working in the government system as Civil Servants, this document is developed to capture all types of legal services prevalent in the government system. It is also aimed to identify clear roles and responsibilities for each position level for Lawyers which will not only help identify skills and knowledge in achieving the Organization's mission and vision but also be a guide in ensuring that the right person mans a responsibility.

5. Scope of the CBF for Lawyers

The OAG has the responsibility to carry out the responsibilities within the domain and authority of the government and such other legal matters as may be entrusted. The Attorney General as the Chief Legal Officer is required to give legal advice and be the legal representative of the Government. As the Chief Legal Officer, the functions of legal advice also extends to any legal matters either legal opinions on matters of law, legal services in the form of drafting or reviewing of legislations, carrying out dissemination of legal information to the general public and legal personnel's to raise the awareness and understanding of the law in the country. Further, the office is also bound by the provisions of the *Office of the Attorney General Act 2015* that has specific provisions regarding the responsibilities of the office in carrying out its functions. In addition to these, since the legal profession comes under the purview of the *Jabmi Act 2003* and also the *Civil and Criminal Procedure Code 2001*, there are specific provisions in matters of Code of Conduct applicable to the lawyers. Further, since the Prosecutors/Litigators in their capacity as Advocates/Barristers¹ appear before the court representing the state, the Bar Council of Bhutan has an oversight responsibility especially in matters of code of conduct, professional training, and more importantly certifying a person as a *Jabmi* (Legal Practitioner who are certified legal professionals having the right of appearance before courts in Bhutan representing a client) through the conduct of Bar Council Examinations. Here it is also important to note that a person without the certification of the Bar Council will not be eligible to practice or be called a lawyer in Bhutan even if that individual possesses a Law Degree.

Further, it is to be noted that a Law Degree is a mere meeting of criteria to make one eligible to sit for Bar Exams conducted by the Bar Council of Bhutan which is the Competent Authority to examine and certify whether an individual is fit to be called a *Jabmi* which is a privilege that cannot be extended to any other person. As of now the concept of Solicitor is also not prevalent in Bhutan and generally Solicitors are legal professionals who have a law degree and are certified to be advising clients, undertaking preparation of documentations for clients, and has limited scope of appearance before courts.

¹ The term Advocate or Barrister generally means a person who is professionally qualified and has a right of appearance before courts to represent clients who are legally aggrieved. These terms are however not prevalent in the Laws of Bhutan and only the concepts are captured in some form.

At present, there are many lawyers working under the government system wherein many serve in Ministries, Departments, Authorities, autonomous offices, and constitutional offices. These lawyers undertake varying tasks that sometimes have an administrative touch to it. Like all professions these are the general acceptable norms of the day in light of compact, small and efficient civil service. It is however important to narrow down on what exactly is the task of Lawyers who function in the capacity of legal officers in different offices. To understand this, we must first embark on understanding what the role and mandate of these different kinds of offices are and under that, what is the specific task required to be performed by lawyers. Understanding the different offices and the types of works undertaken or within the ambit and purview of those offices is a herculean task especially in light of the absence of clear delineation of powers, functions and responsibilities of the specific offices. It is also imperative that one must objectively understand the existence of the different offices and how they fit into the larger scheme of things *vis-a-vis* the government system. In most offices that are outside the purview of the OAG, the work of lawyers in terms of authorized mandate that requires legal professionals performing in-house is limited to the extent of delegation through legislation and is largely confined to tasks arising out of administrative arrangements. Therefore, the works in the different offices in respect of legal professionals is largely confined to advisory roles advising the office about specific legal issues within the domain and authority of that office, in addition these officers are also involved in advising on legislations and often, these officers are engaged in legislations either as a focal between the office and the drafter (who are consultants) or in some cases they are made to draft the legislations within the purview of the office. Besides these, some of the officers are also involved in representing their office in the courts of law, either as a representative of that office when they are being taken to court by other people who have unresolved issues with that office, or to litigate on matters of arrears in payment of fees, taxes and other forms of monies which are contractual in nature.

Taking que of these varying tasks undertaken by Lawyers of Ministries, Departments, Autonomous offices, etc., the work of the lawyers essentially boil down to the three areas of key competency that this framework has pinned down on. Likewise, the Lawyers working with the OAG are primarily segregated into three categories according to functions and responsibilities under the three divisions currently reflected in the OAG's office organogram.

This framework does not cover Court Registrars although they are equivalent to the lawyers joining OAG and government agencies at P4 level. This is because the competency areas for

Court Registrars are entirely different in terms of practical experiences. It is also due to the fact that the mandates of lawyers in the OAG and agencies are different from lawyers placed as registrars in the Judiciary. The Court Registrars are judicial officers governed by *Judicial Service Act 2007* performing judicial functions, the function of which is entirely different from practice of law and legal advocacy. It is for this professional reason that this CBF for Court Registrars must be treated separately and excluded from this current framework. Similarly this CBF will not cover lawyers working with corporations and doing private practices for the obvious reason that they do not fall under the ambit of civil servants under the *Civil Service Act*.

6. Methodology used to develop CBF for Lawyers:

The task was carried out through a consultative process to identify role profile, competency areas, competencies, behaviour indicators and the proficiency levels. To understand these, the team embarked on seeking inputs from all the lawyers working in Ministries, Agencies, Dzongkhags, Autonomous and Constitutional offices, etc. to find competency requirements for lawyers. These inputs were analysed and form a basis of how specific deficiencies and tasks a lawyer is required to do were identified.

II. Overview of the CBF for Lawyers

1. Narrative of the CBF for Lawyers

This Framework identifies three primary Roles: 1. *Prosecutor or Litigator*, 2. *Legal Advisor*, and 3. *Legislative Drafter*. These three roles are the main sources of specialized areas that all lawyers perform in some way or the other irrespective of whichever office they are placed. Under Role 1, the Competency Areas identified are Practice Skills focussing on the professional competencies and Professional Ethics and Responsibility with the focus on the ethical and integrity aspects. Similarly, Role 2's Competency Area is segregated into Advisory Skills and Professional Ethics and Responsibility, and Role 3's Competency Area into Drafting Skills and Professional Ethics and Responsibility with similar focus as that of Role 1.

This document sets out the parameters of competent practice that will assist the reader in maintaining standards both of those entering legal practice and training. This will also be useful for those involved in the design and delivery of training for the lawyers. This document can also be used to inform the development of materials (including outcomes and assessment) and pathways. This document describes the knowledge, skills and attributes which should be

developed in order for all lawyers recruited into the government. This will help aspiring lawyers make informed decisions about their future development.

Primarily, this document describes the essential knowledge, skills and attributes that government lawyers expect of themselves and their peers. Further, this document may be used to inform an understanding of the government lawyer's role and the service consumers can expect to receive.

a. Prosecutor/Litigator

Under the Role of Prosecutor/Litigator's competency area of Practice skills, there are three key competencies wherein the Behaviour Indicator ("BI") of Legal Knowledge and analytical skills is that the Lawyer "applies effective analytical and evaluative skills to their work to identify the relevant facts and apply their legal and procedural knowledge to those facts to analyse the issues."

This BI is broken down into four descriptors for the Proficiency Level ("PL") of an Expert, three descriptors for PL of an Advanced, two descriptors for PL of an Experienced and two descriptors for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from 'standard analysis' for Foundation, 'professional analysis' for Experienced, 'advanced analysis' for Advanced, to 'Critical analysis' for Expert.

The BI for Drafting, conveyancing and Pleadings is that the lawyer undertakes "drafting court submissions with clarity and precision entailing facts, issues, charges, claims and evidence, and the applicable legal principles."

This BI is broken down into three descriptors for the PL of an Expert, two descriptors for PL of an Advanced, three descriptors for PL of an Experienced and two descriptors for PL of a Foundation. Here, it may be noted that in the descriptors, the key terms begin from 'standard court submission' for Foundation, 'professional court submission' for Experienced, 'advanced court submission' for Advanced, to 'most effective court submission' for Expert.

The BI for Advocacy skill is that the lawyer "articulates legal arguments in the most compelling manner and applies court procedures and requirements with precision."

This BI is broken down into three descriptors for the PL of an Expert, three descriptors for PL of an Advanced, two descriptors for PL of an Experienced and one descriptor for PL of a Foundation. Here, it may be noted that in the descriptors, the key terms begin from ‘standard oral submissions’ for Foundation, ‘professional and comprehensive oral submissions’ for Experienced, ‘advanced comprehensive and persuasive oral submissions’ for Advanced, to ‘comprehensive, persuasive and compelling oral submissions’ for Expert.

Under the Role of Prosecutor/Litigator’s competency area of Professional Ethics and Responsibility, there is one key competency which trickles down to two BI’s of “Displays Professionalism and compliance to lawyers code of conduct” and “Ensures accountability and transparency in relation to determination of charges/claims, sharing of information, consideration of evidence and record keeping and case discussion processes.”

The BI of Displays Professionalism and compliance to lawyers code of conduct is broken down into one descriptor for the PL of an Expert, one descriptor for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from ‘professional etiquettes & compliance’ for Foundation, ‘standard professional etiquettes & compliance’ for Experienced, to ‘highest standard of professionalism and compliance’ for Advanced, and ‘highest standard of professionalism and compliance’ for Expert.

The BI of Ensures accountability and transparency in relation to determination of charges/claims, sharing of information, consideration of evidence and record keeping and case discussion processes is broken down into two descriptors for the PL of an Expert, two descriptors for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from ‘adheres to the requirement’ for Foundation, ‘demonstrates standard of adherence’ for Experienced, to ‘demonstrates highest standard of adherence’ for Advanced, and ‘highest standard of adherence’ for Expert.

b. Legal Advisor

Under the Role of Legal Advisor’s competency area of Advisory skills, there are three key competencies wherein the BI of Analytical is that the Lawyer “applies effective analytical and

reasoning skills, based on advanced legal research and excellent understanding of law and policy, to address advisory requests to resolve issues.”

This BI is broken down into three descriptors for the Proficiency Level (“PL”) of an Expert, three descriptors for PL of an Advanced, two descriptors for PL of an Experienced and two descriptors for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from ‘able to identify’ for Foundation, ‘able to analyse’ for Experienced, to ‘able to critically analyse’ for Advanced, and ‘able to critically analyse’ for Expert.

The BI for Legal writing is that the lawyer “drafts clear, concise and accurate legal opinions in clear language which focuses on the issue relevant to the legal opinion.”

This BI is broken down into two descriptors for the PL of an Expert, two descriptors for PL of an Advanced, two descriptors for PL of an Experienced and one descriptor for PL of a Foundation. Here, it may be noted that in the descriptors, the key terms begin from ‘Drafts legal opinions’ for Foundation, ‘Drafts effective legal opinions’ for Experienced, ‘Drafts accurate and effective legal opinions’ for Advanced, to ‘Drafts the most accurate and effective legal opinions’ for Expert.

The BI for Advocacy is “Being able to clearly connect and communicate effectively and assertively with the audience/client displaying good presentation skills.”

This BI is broken down into one descriptor for the PL of an Expert, one descriptor for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation. Here, it may be noted that in the descriptors, the key terms begin from ‘communicates’ for Foundation, ‘convincingly communicates’ for Experienced, ‘communicates assertively’ for Advanced, to ‘displays effective and assertive communication and advocacy skills’ for Expert.

Under the Role of Legal Advisory’s competency area of Professional Ethics and Responsibility, there is one key competency ‘Ethics and confidentiality’ which corresponds to one BI of “Ensures ethics and confidentiality of the request for legal opinion and all the information and documents received for that purpose are maintained at the highest standard.”

This BI is broken down into three descriptors for the PL of an Expert, three descriptors for PL of an Advanced, three descriptors for PL of an Experienced and two descriptors for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from ‘Maintains ethics and confidentiality’ for Foundation, ‘Maintains the standard ethics and confidentiality’ for Experienced, to ‘Maintains the highest standard of ethics and confidentiality’ for Advanced, and ‘Maintains the highest standard of ethics and confidentiality’ for Expert.

c. Legislative Drafter

Under the Role of Legislative Drafter’s competency area of Drafting skills, there are two key competencies wherein the BI of Practical Knowledge of the legislation making process is “Advice clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and ways of achieving a policy objective.”

This BI is broken down into two descriptors for the PL of an Expert, two descriptors for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from ‘provides advice’ for Foundation, ‘provides clear advice’ for Experienced, ‘provides very clear advice’ for Advanced, to ‘provides succinct/definitive advice’ for Expert.

The second BI of Practical Knowledge of the legislation making process is “Advice clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.”

This BI is broken down into one descriptor for the PL of an Expert, one descriptor for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation. Here, it may be noted that in the descriptors, the key terms begin from ‘makes inputs to the recommendations’ for Foundation, ‘makes recommendations’ for Experienced, ‘provides advice’ for Advanced, to ‘provides expert advice’ for Expert.

The BI of Drafting skills is “Drafts legislations satisfying policy objectives and drafting instructions and produce quality, clear, concise, readily understandable and accurate text.”

This BI is broken down into one descriptor for the PL of an Expert, one descriptor for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation. Here, it may be noted that in the descriptors, the key terms begin from 'satisfies' for Foundation, 'effectively and efficiently satisfies' for Experienced, to 'Has a demonstrated aptitude of a high order which includes effectively and efficiently satisfying' for Advanced, and 'Has a demonstrated aptitude of a high order which includes effectively and efficiently satisfying' for Expert.

Under the Role Legislative Drafter's competency area of Professional Ethics and Responsibility, there are two key competencies of 'Legal Knowledge and skills' with the BI "Review draft legislation of less experienced drafters and train/Mentors less experienced drafters" and the other key competency of 'Interpersonal skills' with the BI "Work with more experienced drafters to produce more difficult or sensitive legislation and undertake peer review and quality assurance processes."

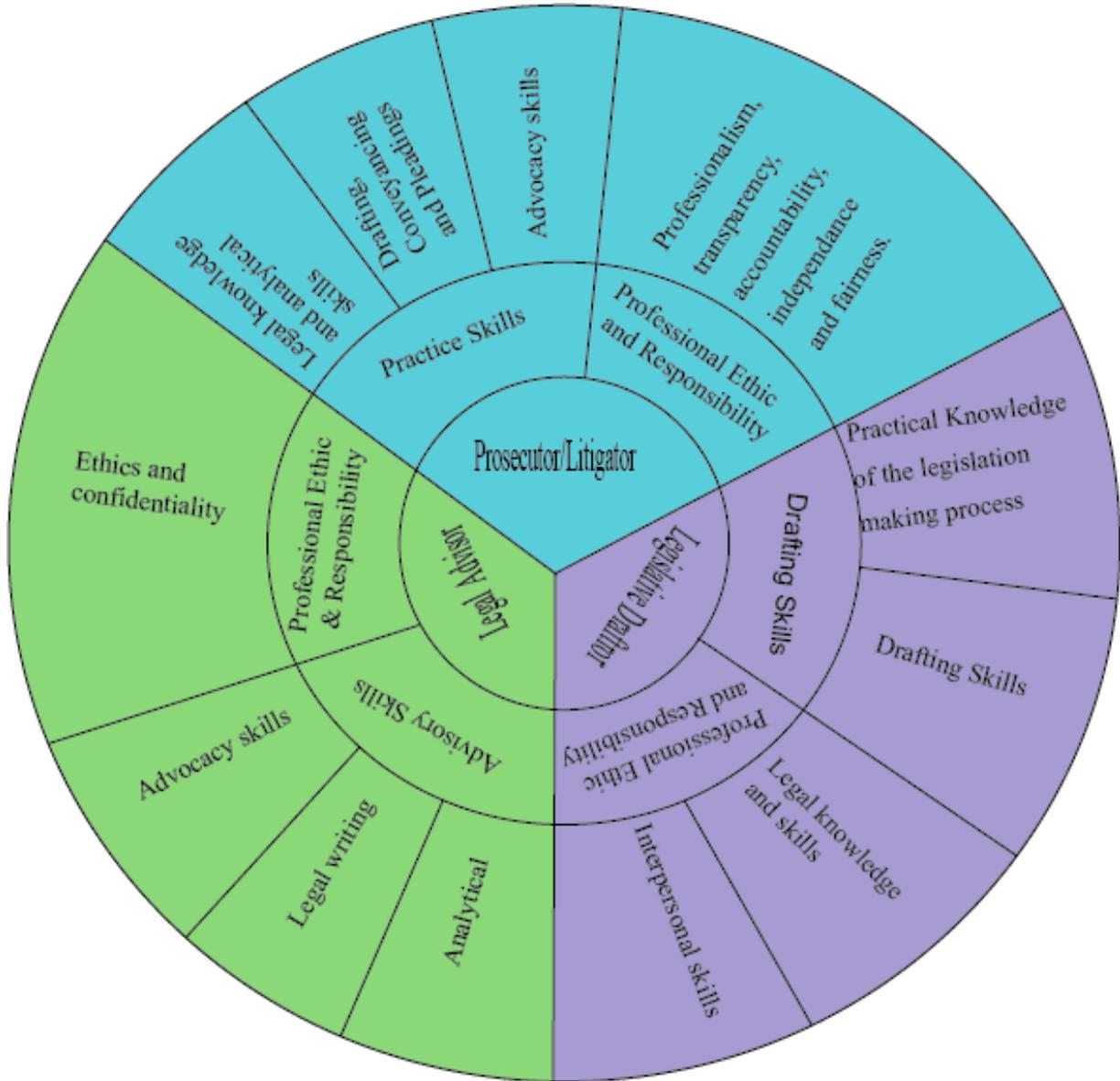
This BI "Review draft legislation of less experienced drafters and train/Mentors less experienced drafters" is broken down into one descriptor for the PL of an Expert, one descriptor for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from 'makes inputs' for Foundation, 'makes recommendations' for Experienced, to 'reviews draft of less experienced drafters and makes critical observations' for Advanced, and 'reviews draft of less experienced drafters and makes critical observations' for Expert.

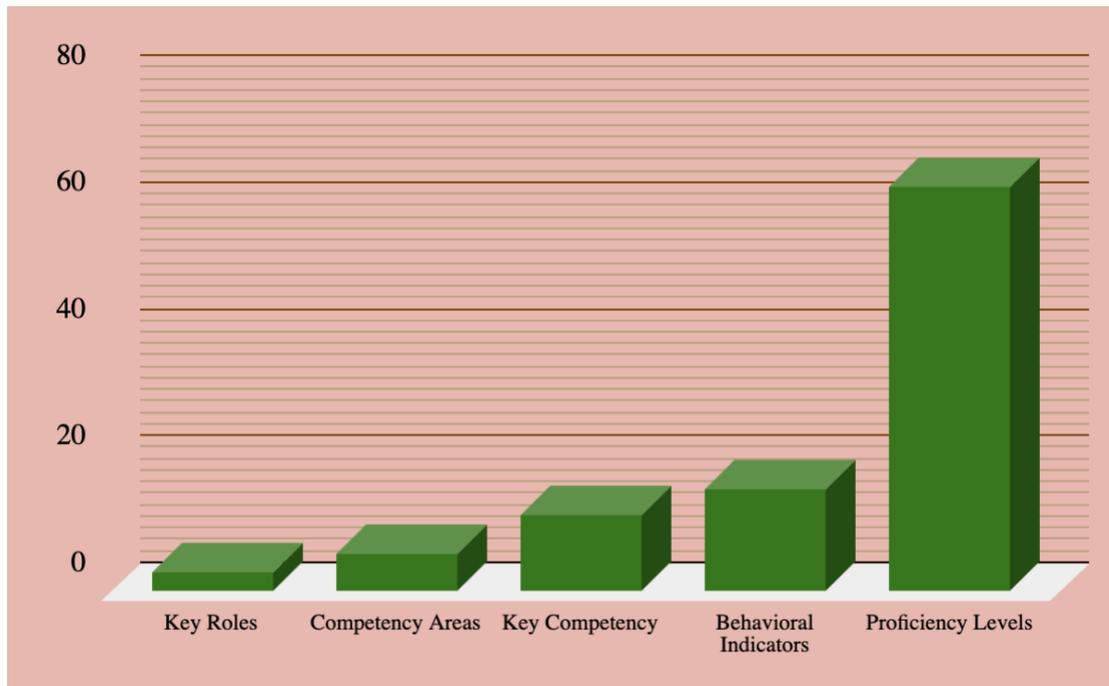
The second BI for the key competency of Interpersonal skill is "Participate in office business including the implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General" and is broken down into one descriptor for the PL of an Expert, one descriptor for PL of an Advanced, one descriptor for PL of an Experienced and one descriptor for PL of a Foundation.

Here, it may be noted that in the descriptors, the key terms begin from 'provides inputs' for Foundation, 'provides recommendations' for Experienced, to 'provides strategic direction' for Advanced, and 'provides strategic direction' for Expert.

III. Graph representation of the CBF for Lawyers



Main Features of CBF for Lawyers



Considering the Knowledge, Skills and Abilities (KSA) concepts, the CBF taskforce members identified 3 Key Roles, 6 Competency Areas, 12 Key Competencies and 16 Behaviour Indicators and 64 different Proficiency levels.

IV. Role Profile

The three role profiles were developed by deliberating within the taskforce members. Feedbacks and inputs were sought from lawyers working within the Government system through an online questionnaire survey and the final validation and finalization was undertaken with the Management after having incorporated the changes provided by the Management.

Annexure I is based on the exercise carried out by the CBF taskforce that formed the basis of and the exploration into the understanding and capturing those into what exactly are the competencies requirements for Lawyers in general and working in the Government systems in particular.

Annexure I: “Competency Area and Competencies”

Core Purpose	Main Customer	Needs of the customer	Desired outcomes	Most important Things to do	3 important roles
1. Prosecution and litigation, 2. Legal Advice, and 3. Legislative Drafting	1. Investigating Agencies, 2. Government Agencies referring civil matters.	1. Expeditious prosecution and litigation. 2. Effective enforcement. 3. Transparency and accountability	1. Ensure justice 2. Restitution of illegal proceeds or compensation and claims 3. Accountable and transparent decisions	1. Develop skills through learning from best practices 2. Develop processes for every aspect of the task (SOP and TAT) 3. Develop in-house comprehensive capacity to render specialized trainings	1. <u>Skilled and experienced “Prosecutor”/ “Litigator”</u> : <ul style="list-style-type: none"> for sound application and interpreter of laws Coordinate with investigating/referring agencies, and facilitate courts (effective coordination mechanism established) Customized training programs (specialised prosecution)
	1. Government agencies	1. Effective and consistent Legal Advice 2. Draft & Review laws of the highest standard 3. Develop processes for providing legal services	1. Enhance confidence in the legal advise 2. Rationalized laws based on detailed policy guideline of the government (consistent, implementable, simple and plain language) 3. Processes developed	1. Train legal personnel to gain experience 2. Advice on the need for detailed policy guideline based on evidence 3. Develop effective SDS and processes	2. <u>“Legal Advisor” for Govt. + Ministry & Agency</u> : <ul style="list-style-type: none"> carrying out Advance legal research and writing to give Sound legal opinion : 3. <u>Legislative drafter / Draftsman</u> : <ul style="list-style-type: none"> specialised service of drafting various legislations Develop SDS for Legal Services for both the roles
	1. General public	1. Targeted dissemination of laws 2. Timely delivery of services 3. Public concerns and rights are taken into account	1. Higher awareness of laws 2. Efficient delivery system 3. Public consultation where required in undertaken	1. Research and consider data 2. Effective working relationship with the public 3. Undertake public consultation when a decision is going to affect them adversely	1. Convincing presentation 2. Dedication 3. Create a public avenue to raise concerns (public engagement forums) (These sub-roles are for Legal Advisor)

Annexure II: “Competency Area, Key Competency and Behaviour Indicator”**Role 1: Prosecutor/Litigator**

Competency Area	Key Competency	Behaviour Indicator
1. Practice skill	1. Legal Knowledge and Analytical Skill	Applies effective analytical and evaluative skill to the work to identify the relevant facts and apply legal and procedural knowledge to those facts to analyse the issue
	2. Drafting, Conveyancing and Pleading	Drafts court submission with clarity and precision entailing fact, issue, charge, claim and evidence, and the applicable legal principle and provision
	3. Advocacy Skill	Articulates legal argument in the most compelling manner and applies court procedure and requirement with precision
2. Professional Ethics and Responsibility	1. Professionalism, transparency, accountability, independence and fairness	1. Displays professionalism and compliance to lawyers code of conduct
		2. Ensures accountability and transparency in relation to determination of charge/claim, sharing of information, consideration of evidence and record keeping, and case discussion process

Role 2: Legal Adviser

Competency Area	Key Competency	Behaviour Indicators
1. Advisory skill	1. Analytical	1. Applies effective analytical and reasoning skill, based on advanced legal research and excellent understanding of law and policy, to address advisory request to resolve issue
	2. Legal Writing	1. Drafts clear, concise and accurate legal opinion in clear language which focuses on the issue relevant to the legal opinion
	3. Advocacy	1. Able to clearly connect and communicate effectively and assertively with the audience/client displaying good presentation skill
2. Professional Ethics and Responsibility	1. Ethics and Confidentiality	1. Ensures ethics and confidentiality of the request for legal opinion and all the information and documents received for that purpose are maintained at the highest standard

Role 3: Legislative Drafter

Competency Area	Key Competency	Behaviour Indicators
1. Drafting Skill	1. Practical Knowledge of the legislation making process	1. Advise clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and ways of achieving a policy objective
		2. Advise clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of Clear and Detailed Policy Guideline, Drafting Instructions, Explanatory Notes and Notes on Clauses
	2. Drafting	1. Drafts legislation satisfying policy objective and Drafting Instruction and produce quality, clear, concise, readily understandable and accurate text
		2. Drafts legislation using current drafting practice relying on dictionary, narrative style, examples and notes, plain english techniques and in compliance with principles/documents of statutory interpretation
2. Professional Ethics and Responsibility	1. Legal knowledge and skill	1. Review draft legislation of less experienced drafter and train/Mentor less experienced drafter
	2. Interpersonal skill	1. Work with more experienced drafter to produce more difficult or sensitive legislation and undertake peer review and quality assurance processes
		2. Participate in office business including the implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General

Annexure III: “Role Clarification”

Sl. No	Key roles	Key role description
1.	Prosecutor	<ol style="list-style-type: none"> 1. Review facts and analyse applicable laws to the facts 2. Accurate determination of admissibility, relevance and sufficiency of Evidence to provide a realistic prospect of conviction against the suspect’s charge based on the prosecutor’s objective assessment of the evidence, including the impact of any defence and any other information that the suspect has put forward or on which they might rely (It means that an objective, impartial and reasonable judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged. A court may only convict if it is sure that the defendant is guilty.) 3. Consult with relevant investigating person/agency to have clarity on the issue to avoid miscarriage of justice 4. Draft charge sheet 5. Consult victims and witnesses and inform their roles and rights to ensure their concerns are taken into account and examinations are fairly conducted 6. Facilitate the court to reach a just conclusion to an issue before it (<i>Amicus curiae</i>) 7. Undertake Diversion program and facilitate alternative measures for Child in Conflict with the Law 8. Efficient and Effective Advocacy skill in the Court 9. Exemplary Ethics, Integrity and Court Etiquette (determinations based on law, accepted principles and precedence, and unbiased independent and objective assessment) 10. Professional written submissions in accordance with the court procedures (Opening Statement, Rebuttals, Evidence, Witness Examination, and Closing) 11. Most appropriate prayers in the submissions 12. Timely enforcement of judgements and appeal within due date

	Litigator	<ol style="list-style-type: none"> 1. Effective review of claims and analysis of applicable law and fact 2. Accurate determination of admissibility, relevance and sufficiency of the Evidence to provide a realistic prospect of defending a claim/ petitioning a claim 3. Effective review of claims of the petitioner against the government and prepare legally acceptable defence/response 4. File claims on behalf of the government against private entities/parties/person(s)/ or prepare response to claims against the government 5. Effective Advocacy skill displayed in the court 6. Exemplary Ethics, Integrity and Court Etiquette (determinations based on law, excepted principles and precedence, and unbiased independent and objective assessment) 7. Professional writing submissions in accordance with the court procedures (rebuttals, evidence, closing) 8. Most appropriate prayers in the submissions
3.	Legal advisor	<ol style="list-style-type: none"> 1. Conduct of legal research based on current laws and legal principles to provide sound and efficient opinion/advice 2. Consultation & discussion with stakeholders including people whose interests are involved or at stake (if required) to clearly understand the issues presented 3. Prepare legal opinion in the form of legal memo as per standardised format. This requires drafting skills including application of laws, analysis of issues, and findings with recommendation pursuant to the issues considered. 4. Presentation to communicate legal opinion or advice to relevant officials of the government 5. Reviewing and vetting of international legal instruments such as treaties, protocols, agreements, and MoUs between RGoB/government agencies and government/agencies/ entities outside Bhutan 6. Negotiate, or negotiate and draft agreements and other inter jurisdictional legal instruments

		<ol style="list-style-type: none"> 7. Leading meetings and workshops to resolve legal issues and advise on a way forward 8. Dissemination of legal information on need-based, especially on current issues to contribute towards prevention of crime 9. Maintain information storage and retrieval system including the law library and other legal research facilities and tools, and database of treaties and other international instruments
4	Legislative Drafter	<ol style="list-style-type: none"> 1. Advice on the preparation of Clear and Detailed Policy Guideline (preparation of Regulatory/legislative impact assessment report) 2. Analyse the Clear Detailed Policy Guideline and maintain communication with the Drafting Instructor (PPDs) of sponsoring Ministry/Agency; 3. Consultation & discussion with stakeholders to address the issue to be addressed by a legislative proposal 4. Prepare the Bill/Delegated Legislation or Review them and correspond with the Drafting Instructor (PPD) sponsoring Ministry/Agency 5. Presentation to present the bill to the sponsoring ministry / government 6. Lead meetings and workshops regarding drafting of legislation 7. Develop or Review Service Delivery Standards (Guidelines, SOPs, Manuals, handbooks etc) for all aspects of the functions of the office. 8. Maintain information storage and retrieval system including legal research facilities and tools, database of statutes and subsidiary legislation

Annexure IV: “Level of Proficiencies based on the Developed Competency Areas”**Role 1: Prosecutor/ Litigator**

Competency Area: Practice Skill; Key Competency: Legal Knowledge and Analytical Skill; Behaviour Indicator: Applies effective analytical and evaluative skill to the work to identify the relevant facts and apply legal and procedural knowledge to those facts to analyse the issue.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Able to Critically Analyse the most relevant information and immediately identify inconsistencies in the Case Report and provide recommendation in an expert manner	Not Adequate	1. Lack of access to legal resources (Legal Journals, Databases, Court Judgements, etc)	1. Subscription to legal resources and Training on updation of use of technology	1. Access to Legal Resources helps the users gain access to academic journals, Databases, Reports etc. that will give a comparative perspective on legal issues
	2. Able to reach Expert Decisions supported by the most relevant Evidence and able to explain and justify the Analysis and Evaluation succinctly	Not Adequate	1. Limited exposure to learning from Best Practices/learning by working with peers from Developed Jurisdictions	1. Learning from Attachment Programs by working in developed jurisdictions with offices having similar functional similarities	1. Should be able to clearly reason out the Decisions taken focusing on the most relevant Evidence and be able to articulate such in the most effective and succinct way
	3. Mentor and Train lawyers on expert legal knowledge, review and critically analyse case Documents, to identify inconsistencies to reach a reasoned decision	Not Adequate	1. Limited Mentoring and Training Program including development of training modules	1. Develop Mentoring and Training program relevant to enhance Prosecutorial Skill necessary for lawyers to Critically Analyse the most relevant Information to identify inconsistencies and gaps to reach reasoned decisions	1. Should be able to Develop Mentoring and Training Program for lawyers to critically analyse case documents to identify inconsistencies and gaps to reach reasoned decisions
	4. Able to provide expert analysis in Constitutional Matters/International law	Adequate	NA	NA	NA

Advanced (P2)	1. Able to provide Advanced Analysis of relevant information and identify inconsistencies and gaps in information	Not Adequate	1. Limited exposure to learning from best practices/learning by working with peers from Developed Jurisdictions	1. Learning from Attachment Program by working in Developed Jurisdiction with offices having functional similarities	1. Should be able to take the experience of how peers in Developed Jurisdictions with offices having functional similarities analyse information and identify gaps
			2. Limited training in analysing expert and medical reports to identify the inconsistencies and gaps in the information	2. Develop Specialized Training for Construction related cases, Procurement, Financial Auditing, Tendering process, Tax matters, Cyber Crimes, Computer Offences etc. Review the Rules of Procedure and incorporate provisions on how to analyse gaps and inconsistency	2. Should be able to identify/explore applicable laws relevant to scrutinizing investigation reports
	2. Able to reach Advanced Decisions supported by relevant Evidence and able to explain their Analysis and Evaluation	Not Adequate	1. Limited exposure to learning from best practices/learning by working with peers from Developed Jurisdictions	1. Learning from Attachment Program by working in Developed Jurisdictions with offices having similar functional similarities	1. Should be able to take the experience of how peers in Developed Jurisdictions with offices having functional similarities analyse information and identify gaps
			2. Limited Training in Analysis and Evaluation	2. Training on Analysis and Evaluation	2. Should be able to Analyse and Evaluate relevant information and evidence
			3. Limited Training in Presentation to be able to explain the Analysis and Evaluation in a convincing manner	3. Training in Presentation to be able to explain the Analysis and Evaluation in a convincing manner	3. Should be able to present and explain the Analysis and Evaluation in a convincing manner
	3. Mentors and Trains lawyers on advanced legal knowledge, review to analyse the relevant information, including expert and medical reports to identify	Not adequate	1. Limited Mentoring program and Training Program.	1. Develop Mentoring programs and training programs aimed towards enhancement of legal knowledge and analytical skills.	1. Should be able to develop mentoring and training programs that will sharpen the legal knowledge and analytical skills.

	inconsistencies and gaps.				
Experienced (P3)	1. Able to provide professional analysis of information and identify inconsistencies and gaps in information.		1. Limited training in analysing expert and medical reports to identify the inconsistencies and gaps in the information	1. Develop training programs to analyse the information and identify inconsistencies and gaps. Review the Rules of Procedure and incorporate provisions on how to analyse gaps and inconsistency	1. Should be able to identify/explore applicable laws relevant to scrutinizing investigation reports.
	2. Able to reach professional decisions supported by evidence and able to explain.	Not adequate	1. Limited Training in analysis and evaluation	1. Training on analysis and evaluation	1. Should be able to analyse and evaluate relevant information and evidence
			2. Limited Training in Presentation to be able to explain the analysis and evaluation in a convincing manner	2. Training in Presentation to be able to explain the analysis and evaluation in a convincing manner	2. Should be able to present and explain the analysis and evaluation in a convincing manner
Foundation (P4)	1. Able to maintain standard analysis of information and identify gaps in information.	Not adequate	1. Lack of a systematic and practical training program for beginners to identify gaps	1. Training on a systematic and practical training program for beginners to identify gaps	1. Should be able to analyse the issues and provide a reasoned conclusion through participation in Training on a systematic and practical training program for beginners to identify gaps
	2. Able to make standard decisions with evidence of legal matters.	Not Adequate	1. Lack of a proper practical and structured beginners training course to train the new recruits on the practical application of law and procedures.	1. Introduce a proper practical and structured beginners training course to train the new recruits on the practical application of law and procedures.	1. Should be able to take up cases and apply the law and procedures practically.

Competency Area: Practice Skill; Key Competency: Drafting, Conveyancing and Pleadings; Behaviour Indicator: Drafts court submission with clarity and precision entailing fact, issue, charge, claim and evidence, and the applicable legal principle and provision.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Drafts the most effective court submissions with expertise and precision entailing the most relevant facts, issues, charges, claims and evidence, and the most appropriate legal principles and provisions	Adequate	NA	NA	NA
	2. Able to give expert directive and instructions with regard to court submissions and other official documents related to cases	Adequate	NA	NA	NA
	3. Able to Draft Constitution Matter submissions with the expert arguments	Not Adequate	1. Limited exposure to learning from best practices/learning by working with peers from developed jurisdictions	1. Learning from attachment programs by working in developed jurisdictions with offices having functional similarities.	1. Should be able to take the experience of how peers in developed jurisdictions with offices having functional similarities analyse information and identify gaps
Advanced (P2)	1. Drafts advanced Court Submission with clarity, precision, organization and content	Not adequate	1. Limited Training to acquire high level of clarity in drafting court submissions of high clarity, precision, organization and content	1. Training program to acquire high level of clarity in drafting court submissions of high clarity, precision, organization and content	1. Should be able to draft court submissions of high clarity, precision, organization and content

	2. Able to Draft advanced Constitutional Matter submissions with compelling arguments	Not Adequate	1. No exposure to learning from best practices/learning by working with peers from developed jurisdictions.	1. Learning from attachment programs by working in developed jurisdictions with offices having functional similarities.	1. Should be able to take the experience of how peers in developed jurisdictions with offices having functional similarities analyse information and identify gaps
Experienced (P3)	1. Drafts professional submissions with proper structure and clarity	Not Adequate	1. Clarity is a challenge due to lack of adequate high level of training in terms of scrutiny of information	1. Training program (advanced level) for scrutiny of information	1. Should be able to scrutinize information in limited time to have definite standard structure and clarity in submissions
	2. Able to Draft Constitutional Matter submissions with a professional manner	Not Adequate	1. No exposure to learning from best practices/learning by working with peers and mentoring	1. Learning from attachment programs by working with peers and mentors	1. Should be able to take the experience of how peers and mentors have advice and Draft effective Constitutional matter submissions
	3. Able to provide professional translate legal documents from Dzongkha to English and English to Dzongkha	Not Adequate	1. No Training on professional legal translations	1. Comprehensive training on professional legal translations	1. Should be able to translate legal documents at a professional level
Foundation (P4)	1. Able to draft standard court submissions	Not Adequate	1. Lack of a systematic and practical training program for beginners to draft submissions in a prescribed format.	1. Training on a systematic and practical training program for beginners to draft submissions in a prescribed format	1. Should be able to draft submissions in a set format through participation in Training on a systematic and practical training program for beginners
	2. Able to provide standard legal translation.	Not Adequate	1. No Training on professional legal translations	1. Comprehensive training on professional legal translations	1. Should be able to translate legal documents at a professional level

Competency Area: Practice Skill; Key Competency: Advocacy skill; Behaviour Indicator: Articulates legal argument in the most compelling manner and applies court procedure and requirement with precision.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Able to make comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with expert level of clarity.	Not Adequate	1. Limited experience as a prosecutor/litigator appearing before courts and no exposure to learning from best practices/learning by working with peers from developed jurisdictions.	1. Undertake Prosecution/litigation for a minimum of three years to have hands-on practice and also get exposure by working with peers from developed jurisdictions to learn the best practices from experts working in similar offices having functional similarities.	1. Should be able to make comprehensive persuasive and compelling oral submissions and precise cross-examination of witnesses with a high level of clarity.
	2. Mentors and Trains lawyers to critically make comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with expert level of clarity.	Not adequate	1. No proper Mentoring program and Training Program.	1. Develop Mentoring programs and training programs aimed towards critically making comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with high level of clarity.	1. Should be able to develop mentoring and training programs that will sharpen the legal knowledge and analytical skills.
		Not adequate	2. No ability to develop training modules that is relevant to develop high level of Advocacy skills geared towards enhancement of making comprehensive, persuasive and compelling oral submissions and precise cross-examination of	2. Training in development of Training programs aimed towards enhancement of making comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with high level of clarity	2. Should be able to Mentor and Train Lawyers develop high level of Advocacy skills geared towards enhancement of making comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with high level of clarity

			witnesses with high level of clarity		
	3. Provides expert recommendations in oral submission and cross-examination of witnesses.	Not Adequate	1. Lack of comprehensive experience as a prosecutor/litigator appearing before courts and no exposure to learning from best practices/learning by working with peers from developed jurisdictions	1. Undertake Prosecution/litigation for a minimum of three years to have hands-on practice and also get exposure by working with peers from developed jurisdictions to learn the best practices from experts working in similar offices having functional similarities.	1. Should be able recommend improvement in making comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with high level of clarity.
Advanced (P2)	1. Able to make advanced comprehensive and persuasive oral submissions and accurate cross-examination of witnesses with clarity.	Not adequate	1. Limited experience as a prosecutor/litigator appearing before courts and no exposure to learning from best practices/learning by working with peers from developed jurisdictions.	1. Undertake Prosecution/litigation for a minimum of three years to have hands-on practice and also get exposure by working with peers from developed jurisdictions to learn the best practices from experts working in similar offices having functional similarities.	1. Should be able to make comprehensive and persuasive oral submissions and accurate cross-examination of witnesses with a high level of clarity.
	2. Mentors and Trains lawyers to critically make advanced, comprehensive and persuasive oral submissions and precise cross-examination of witnesses with clarity	Not adequate	1. No proper Mentoring program and Training Program.	1. Develop Mentoring programs and training programs aimed towards critically making comprehensive and persuasive oral submissions and accurate cross-examination of witnesses with high level of clarity.	1. Should be able to mentor and train lawyers to critically make comprehensive and persuasive oral submissions and accurate cross-examination of witnesses with high level of clarity.

	3. Able to make advanced recommendations regarding improvements in the oral submission and cross-examination.	Not Adequate	1. Lack of comprehensive experience as a prosecutor/litigator appearing before courts and no exposure to learning from best practices/learning by working with peers from developed jurisdictions	1. Undertake Prosecution/litigation for a minimum of three years to have hands-on practice and also get exposure by working with peers from developed jurisdictions to learn the best practices from experts working in similar offices having functional similarities.	1. Should be able to assist in making recommendations in making improvements in oral submissions and accurate cross-examination of witnesses with high level of clarity.
Experienced (P3)	1. Able to make professional and comprehensive oral submissions and undertake without difficulty cross-examination of witnesses with clarity.	Not Adequate	1. No exposure to learning from best practices/learning by working with peers from developed jurisdiction and lack of knowledge and experience sharing program/information sharing forum.	1. Exposure by working with peers from developed jurisdictions to learn the best practices from experts working in similar offices having functional similarity and Institutionalise formal knowledge and experience sharing forum within the office	1. Should be able to make comprehensive oral submissions and undertake without difficulty cross-examination of witnesses with high level of clarity
	2. Able to make professional recommendations regarding improvements in the review and determination processes identifying gaps in the system of review.	Not Adequate	1. Lack of comprehensive understanding of the review and determination processes and systems due to limited level trainings	1. Training in advanced level oral submission and cross-examination of witnesses.	1. Should be able to make constructive recommendations to improve the level of oral submission and cross-examination of witnesses.
Foundation (P4)	1. Able to make standard oral submissions and undertake cross-examination of witnesses	Not Adequate	1. Lack of a proper practical and structured beginners training course to train the new recruits to articulate legal arguments in the most compelling manner and apply court procedures and requirements with precision	1. Introduce a proper practical and structured beginners training course to train the new recruits to articulate legal arguments in the most compelling manner and apply court procedures and requirements with precision	1. Should be able to to articulate legal arguments in the most compelling manner and apply court procedures and requirements with precision

Competency Area: Professional Ethics and Responsibility; Key Competency: Professionalism, transparency, accountability, independence and fairness; Behaviour Indicator: Displays professionalism and compliance to lawyers code of conduct.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Displays highest standard of Professionalism and compliance to lawyers code of conduct	Adequate	NA	NA	NA
Advanced (P2)	1. Displays highest standard of Professionalism and compliance to lawyers code of conduct	Adequate	NA	NA	NA
Experienced (P3)	Display standard professional etiquettes & compliance to lawyers code of conduct.	Adequate	NA	NA	NA
Foundation (P4)	Display professional etiquettes & compliance to lawyers code of conduct.	Adequate	NA	NA	NA

Competency Area: Professional Ethics and Responsibility; **Key Competency:** Professionalism, transparency, accountability, independence and fairness; **Behaviour Indicator:** Ensures accountability and transparency in relation to determination of charge/claim, sharing of information, consideration of evidence and record keeping, and case discussion process.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Demonstrates highest standard of accountability and transparency in relation to determination of charges/claims, sharing of information and communication, consideration of evidence, record keeping and case discussion processes	Adequate	NA	NA	NA
	2. Effectively monitors lawyer's obligation for accountability and transparency in relation to determination of charges/claims, sharing of information and communication, consideration of evidence, record keeping and case discussion processes	Adequate	NA	NA	NA
Advance (P2)	1. Demonstrates highest standard of adherence to accountability and transparency in relation to determination of charges/claims, sharing of information and communication, consideration of evidence,	Adequate	NA	NA	NA

	record keeping and case discussion processes				
	2. Provides support to lawyers regarding obligation for accountability and transparency in relation to determination of charges/claims, sharing of information and communication, consideration of evidence, record keeping and case discussion processes	Adequate	NA	NA	NA
Experience (P3)	1. Demonstrates standard adherence to accountability and transparency in relation to determination of charges/claims, sharing of information and communication, consideration of evidence, record keeping and case discussion processes	Adequate	NA	NA	NA
Foundation (P4)	1. Adheres to the requirement of accountability and transparency in relation to determination of charges/claims, sharing of information and communication, consideration of evidence, record keeping and case discussion processes	Adequate	NA	NA	NA

Role 2: Legal Advisor

Competency Area: Advisory skill; Key Competency: Analytical; Behaviour Indicator: Applies effective analytical and reasoning skill, based on advanced legal research and excellent understanding of law and policy, to address advisory requests to resolve issues.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Able to critically analyse the most relevant reasoning and immediately identify implications of a proposal based on advanced legal research and excellent understanding of law and policy to address advisory request to resolve issues	Adequate	NA	NA	
	2. Provides direction on research plan, reviews research undertaken by subordinates and provides strategic direction in addressing advisory requests to resolve issues	Adequate	NA	NA	
	3. Uses advanced research skills through use of legal databases and online legal resources and able to locate the most appropriate legal materials	Not Adequate	1. Lack of access to legal databases and the most authentic online legal resources	1. Access to legal databases and the most authentic online legal resources	1. Should be able to access legal databases and the most authentic online legal resources
			2. Lack of training in using legal databases to find the most authentic online legal resources	2. Attend Training on using legal databases 3. Training on Advance training on Treaties and International Customary Law	2. Should be able to use the legal databases effectively to find the most authentic online legal resources

Advanced (P2)	1. Able to critically analyse the applicable relevant laws, issues, policies, and reasoning thereof and mitigate implications of a proposal based on legal research and excellent understanding of law and policies.	Not Adequate	1. Lack of advanced legal research training to have a broad understanding of the implications from a settled perspective and limited understanding of policies.	1. Provide training on legal research at an advanced level with best practice, at one of the advanced legal institutions.	1. Should be able to critically analyse the relevant reasoning and identify implications of a proposal based on advanced legal research and excellent understanding of law and policy to address advisory request to resolve issues
				2. Attend Training on advanced legal research 3. Training on Advance training on Treaties and International Customary Law	2. Should be able to conduct advanced legal research and also make recommendations on research undertaken by others
	2. Conduct research, inputs to the research undertaken by subordinates and advice on the strategic direction in addressing advisory requests to resolve issues	Not Adequate	1. Lack of a system of planning advisory requests and technical reviewing process	1. Introduce a system of planning advisory request and develop technical reviewing process	1. Should be able to provide recommendation on research plan, inputs to the research undertaken by subordinates and advice on the strategic direction in addressing advisory requests to resolve issues
	3. Uses advanced research skills through use of legal databases and online legal resources and able to locate appropriate legal materials	Not Adequate	1. Lack of access to legal databases and the most authentic online legal resource	1. Access to legal databases and the most authentic online legal resources	1. Should be able to access legal databases and be able to locate the most appropriate legal materials
			2. Lack of training in using legal databases to find the most authentic online legal resources	2. Attend training on using legal databases	2. Should be able to use the legal databases effectively to find the most authentic online legal resources
	Experienced (P3)	1. Able to analyse the issue in the context of the law or conflicting laws and have the ability to provide a sound reasoning with implications of a proposal	Not adequate	1. Lack of legal research training to have an understanding of the implications from a settled perspective	1. Attend legal research training 2. Training on Advance training on Treaties and International Customary Law

	based on legal research and understanding of law				issues
	2. Make research plan, provide inputs to the research undertaken by others and have some understanding of strategic direction in addressing advisory request to resolve issues	Adequate	NA	NA	NA
Foundation (P4)	1. Able to identify the legal problem or issues and the law, its application to the problem or issue	Not Adequate	1. Lack of training on reasoning a legal position with the most relevant applicable law	1. Attend Training on reasoning a legal position (training on IRAC (Issue, Rule, Application, Conclusion) is necessary) 2. Training on Treaties and International Customary Law	1. Should be able to identify reasoning and the requirements of a proposal based on law to address advisory requests to resolve issues. 2. To be able to identify problems and legal issues in both the domestic and international law.
	2. Uses research skills through use of legal databases and online legal resources and able to locate the legal materials	Not Adequate	1. Lack of access to legal databases and the most authentic online legal resource (lack of access to databases should not be equated with lack of skills to an employee concerned. so it should be lack of appropriate avenues and opportunities to conduct research based on data and online resources.	1. Access to legal databases and the most authentic online legal resources	1. Should be able to access legal databases and locate the most appropriate legal materials
			2. Lack of training in using legal databases to find the most authentic online legal resources	2. Attend training on using legal databases	2. Should be able to use the legal databases effectively to find the most authentic online legal resources.

Competency Area: Advisory skill; Key Competency: Legal writing; Behaviour Indicator: Drafts clear, concise and accurate legal opinion in clear language which focuses on the issue relevant to the legal opinion.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Drafts the most accurate and effective legal opinions in a clear, concise manner using clear language that addresses all relevant legal and factual issues	Not adequate	1. Lack of training in drafting the most accurate and legally effective legal opinions of very complex matters and limited experience as an legal advisor advising on very complex legal matters. Lack of exposure to learning from best practices/learning by working with peers from developed jurisdictions that have similar functional similarities to that of the OAG.	1. Attend training in drafting the most accurate and legally effective legal opinions of very complex matters and undertake legal advisory roles of complex legal matters for a minimum of three years to have hands-on experience. Attend attachment programs to gain experience and get exposure by working with peers from developed jurisdictions to learn the best practices from experts working in similar offices having functional similarities.	1. Should be able to draft clear, concise and accurate legal opinions in clear language which focuses on the most relevant issue relevant to the legal opinion
	3. Give specific directive for improvement and instruct the subordinates in drafting clear, concise and accurate legal opinions in clear language which focuses on the issue relevant to the legal opinion and further give specific advice on standardisation of legal opinions	Not Adequate	1. No system of standardization of legal opinions	1. Introduce a system of standardization	1. Should be able to give specific advice on standardisation of legal opinions

Advanced (P2)	1. Drafts accurate and effective legal opinions in a clear, concise and accurate manner using clear language that addresses all relevant legal and factual issues	Not Adequate	1. Lack of training in drafting the accurate and legally effective legal opinions of very complex matters and lack of exposure to learning from best practices/learning by working with peers from developed jurisdictions that have similar functional similarities .	1. Attend training in drafting the accurate and legally effective legal opinions of very complex matters and attend attachment programs to gain experience and get exposure by working with peers from developed jurisdictions to learn the best practices from experts working in similar offices having functional similarities.	1. Should be able to draft clear, concise and accurate legal opinions in clear language which focuses on the most relevant issue relevant to the legal opinion
	3. Give recommendation for improvement in drafting clear, concise and accurate legal opinions in clear language which focuses on the issue relevant to the legal opinion and further give inputs on standardisation of legal opinions	Not Adequate	1. No system of standardization of legal opinions	1. Introduce a system of standardization	1. Should be able to give specific recommendations on standardisation of legal opinions
Experienced (P3)	1. Drafts effective legal opinions in a clear and concise manner using clear language that addresses relevant legal and factual issues	Not Adequate	1. Lack of training in drafting the accurate and legally effective legal opinions.	1. Attend training in drafting the accurate and legally effective legal opinions.	1. Should be able to draft clear, concise and accurate legal opinions in clear language which focuses on the most relevant issue relevant to the legal opinion
	2. Give inputs for improvement in drafting clear, concise and accurate legal opinions and further give inputs on standardisation of legal opinions	Not Adequate	1. No system of standardization of legal opinions	1. Introduce a system of standardization	1. Should be able to give specific inputs for standardisation of legal opinions
Foundation (P4)	1. Drafts legal opinions using clear language that addresses relevant legal and factual issues	Not adequate	1. No structured training on drafting legal opinions using clear language that address relevant legal and factual issues	1. Introduce a structured training program for new recruits on drafting legal opinions using clear language that address relevant legal and factual issues.	1. Should be able to draft legal opinions using clear language that addresses relevant legal and factual issues

Competency Area: Advisory skill; Key Competency: Advocacy Skills; Behaviour Indicator: Able to clearly connect and communicate effectively and assertively with the audience/client displaying good presentation skills.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	Displays effective and assertive communication and advocacy skills with the audiences and subordinate-lawyers.	Adequate	NA	NA	NA
Advanced (P2)	Communicates assertively (consider persuasive for all three layers below) with clarity on issues and the law to the client/audience displaying knowledge, confidence and experience.	Adequate	NA	NA	NA
Experienced (P3)	Convincingly communicates issues, messages to the client/audience displaying confidence and knowledge in the subject matter. Ability to convey the message clearly.	Not Adequate	Lack of experience and skill on mass communication, to address in a conference or large gathering	Need to attend workshop related to mass communication encompassing legal advocacy and awareness settings	Should be in a position to make presentations confidently and eloquently to the mass.
	Good sense of peer to peer and legal communication and listening skills towards audience/clients.	Adequate	NA	NA	NA
Foundation (P4)	Communicates legal issues and subject of law and principles with clients/audience fairly.	Not Adequate	Lack of practical experience	Attach with seniors for a month (especially fresh recruits), to gain communication skills and strategies in communicating legal issues or presentation of legal information, mentored and guided by seniors.	Should be in a position to make presentations confidently and eloquently to the mass and be able to address legal issues and concerns adequately.
	Possesses and displays a good interpersonal skills	Adequate	NA	NA	NA

Competency Area: Professional Ethics and Responsibility; **Key Competency:** Ethics and Confidentiality; **Behaviour Indicator:** Ensures ethics and confidentiality of the request for legal opinion and all the information and documents received for that purpose are maintained at the highest standard.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Maintains the highest standard of ethics and confidentiality of the legal opinion and all the information and documents received for that purpose	Adequate	NA	NA	NA
	2. Reviews existing standards of ethics and confidentiality regarding the request for legal opinion and all the information and documents received for that purpose and proposes improvements .	Adequate	NA	NA	NA
	3. Supervise and ensure that subordinates maintain confidentiality of information and the Information Management System is updated, working and easy to trace the documents	Adequate	NA	NA	NA
Advanced (P2)	1. Maintains the highest standard of ethics and confidentiality of the request for legal opinion	Adequate	NA	NA	NA

	and all the information and documents received for that purpose				
	2. Reviews existing standards of ethics and confidentiality regarding the request for legal opinion and all the information and documents received for that purpose and makes recommendations for improvements .	Adequate	NA	NA	NA
	3. Supervise and ensure that subordinates maintain confidentiality of information and the Information Management System is updated, working and easy to trace the documents	adequate	NA	NA	NA
Experienced (P3)	1. Maintains the standard ethics and confidentiality of the request for legal opinion and all the information and documents received for that purpose	Adequate	NA	NA	NA
	2. Reviews existing standards of ethics and confidentiality regarding the request for legal opinion and all the	Adequate	NA	NA	NA

	information and documents received for that purpose and gives inputs to make recommendations for improvements .				
	3. Maintains confidentiality of information and timely updates the Information Management System	Adequate	NA	NA	NA
Foundation (P4)	1. Maintains ethics and confidentiality of the request for legal opinion and all the information and documents received for that purpose	Not Adequate	1. Lack of ethical and confidentiality standards documents and trainings is that regard	1. Develop and implement the ethical and confidentiality standards documents and train them in that area	1. Should be able to maintain ethics and confidentiality of the request for legal opinion and all the information and documents received for that purpose
	2. Maintains confidentiality of information and timely updates the Information Management System	Not Adequate	1. Lack of a dedicated Information management System (IMS) to ensure that the Legal opinions rendered are documented and stored securely	1. Develop a dedicated Information management System (IMS) to ensure that the Legal opinions rendered are documented and stored securely and train the officials in their use	1. Should be able to maintain confidentiality of information regarding Legal Opinions and update the Information Management system in time

Role 3: Legislative Drafter

Competency Area: Drafting skills; Key Competency: Practical Knowledge of the legislation making process; Behaviour Indicator: Advice clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and ways of achieving a policy objective.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Provides (succinct/definition) advice to clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and ways of achieving a policy objective and the application of principles of state policy and other constitutional provisions and is able to effectively negotiate with the clients as necessary. (coordinate with clients on policy-legislation)	Not Adequate	1. Lack of clear objective processes of policy formulation for legislative proposals.	1. Develop settled processes of policy formulation for legislative proposals and train in comprehensive advanced policy formulation for legislative proposals	1. Should be able to provide very clear advice to clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and ways of achieving a policy objective and the application of principles of state policy and other constitutional provisions and will also be able to effectively negotiate with the clients as necessary due to clear understanding of the policy formulation for legislative proposals.
			2. Lack of Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.	2. Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.	
	2.Consistently delivers on goals and objectives set by themselves and others and is sensitive to how people and organisations function.	Not Adequate	1. Lack of the process of setting goals and objectives as the request for Drafting work lacks a dedicated flow of making of legislation before the Parliamentary process largely due to awareness among government agencies of the business order of government legislation priorities.	1. Need a clear understanding in the government system of prioritization of government legislations to be tabled in the parliament.	1. Should be able to Consistently deliver on goals and objectives set by themselves and others and become sensitive to how people and organisations function.

Advanced (P2)	1. Provides very clear advice to clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and ways of achieving a policy objective and the application of principles of state policy and other constitutional provisions and is able to effectively negotiate with the clients as necessary.	Not Adequate	1. Lack of clear objective processes of policy formulation for legislative proposals.	1. Developed settled processes of policy formulation for legislative proposals and train in comprehensive advanced policy formulation for legislative proposals	1. Should be able to provide very clear advice to clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and ways of achieving a policy objective and the application of principles of state policy and other constitutional provisions and will also be able to effectively negotiate with the clients as necessary due to clear understanding of the policy formulation for legislative proposals.
	2. Lack of Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.		2. Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.		
	2. Consistently delivers on goals and objectives and is sensitive to how people and organisations function.	Not Adequate	1. Lack of the process of setting goals and objectives as the request for Drafting work lacks a dedicated flow of making of legislation before the Parliamentary process largely due to awareness among government agencies of the business order of government legislation priorities.	1. Need a clear understanding in the government system of prioritization of government legislations to be tabled in the parliament.	1. Should be able to Consistently deliver on goals and objectives set by themselves and others and become sensitive to how people and organisations function.
			2. Lack of Training program and Training on dedicated flow of making legislations before the Parliamentary process and on the entire of government functions	2. Introduce and attend Training program on dedicated flow of making legislations before the Parliamentary process and on the entire of government functions	

Experienced (P3)	1. Provides clear advice to clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and makes recommendation of achieving a policy objective and the application of principles of state policy and other constitutional provisions.	Not Adequate	1. Lack of clear objective processes of policy formulation for legislative proposals.	1. Developed settled processes of policy formulation for legislative proposals and train in comprehensive advanced policy formulation for legislative proposals	1. Should be able to advise clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and make recommendations of achieving a policy objective and the application of principles of state policy and other constitutional provisions.
			2. Lack of Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.	2. Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.	
Foundation (P4)	1. Provides advice to clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and gives inputs to make recommendations of achieving a policy objective and the application of principles of state policy and other constitutional provisions.	Not Adequate	1. Lack of clear objective processes of policy formulation for legislative proposals.	1. Developed settled processes of policy formulation for legislative proposals and train in comprehensive advanced policy formulation for legislative proposals	1. Should be able to advise clients (Sponsoring Ministry) about the legal and practical context for a legislative proposal, and give inputs to make recommendations of achieving a policy objective and the application of principles of state policy and other constitutional provisions.
			2. Lack of Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.	2. Training on processes of policy formulation for legislative proposals and comprehensive advanced training in policy formulation for legislative proposals.	

Competency Area: Drafting skills; **Key Competency:** Practical Knowledge of the legislation making process; **Behaviour Indicator:** Advice clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of Clear and Detailed Policy Guideline, Drafting Instructions, Explanatory Notes and Notes on Clauses.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Provides Expert Advice to clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	Not Adequate	1. Many drafting of legislations are not preceded by carrying out a Regulatory/Legislative Impact Assessment and many legislations are also not accompanied by authorized clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses.	1. Introduce mandatory carrying out of Regulatory/Legislative Impact Assessment and the need for legislations to be accompanied by authorized clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	1. Should be able to provide Expert Advice to clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.
			2. Lack of Advanced training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	2. Advanced training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses.	
Advanced (P2)	1. Provides Advice to clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	Not Adequate	1. Many drafting of legislations are not preceded by carrying out a Regulatory/Legislative Impact Assessment and many legislations are also not accompanied by authorized clear and detailed policy guidelines, Drafting Instructions,	1. Introduce mandatory carrying out of Regulatory/Legislative Impact Assessment and the need for legislations to be accompanied by authorized clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	1. Should be able to provide Expert Advice to clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.

			Explanatory notes and notes on clauses.		
			2. Lack of Advanced training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	2. Advanced training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses.	
Experienced (P3)	1. Makes recommendations in advising the clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	Not Adequate	1. Lack of training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses.	1. Training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses.	1. Should be able to make recommendations in advising the clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.
Foundation (P4)	1. Makes inputs to the recommendations in advising the clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.	Not Adequate	1. Lack of training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses.	1. Training in carrying out Regulatory/Legislative Impact Assessment and training on preparing clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses.	1. Should be able to make inputs to the recommendations in advising the clients in carrying out Regulatory/Legislative Impact Assessment and the final preparation of clear and detailed policy guideline, Drafting Instructions, Explanatory notes and notes on clauses.

Competency Area: Drafting skills; Key Competency: Drafting Skills; Behaviour Indicator: Drafts legislations satisfying policy objectives and Drafting Instruction and produce quality, clear, concise, readily understandable and accurate text.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Has a demonstrated aptitude of a very high order which includes effectively and efficiently satisfying policy objectives and drafting instructions. Is able to analyse and synthesize legal, policy and other associated drafting problems, device alternative ways to achieve policy objectives, use innovation, practical and legally effective methods to solve drafting problems, and produce high quality, clear, concise, readily understandable and accurate text. Effectively produces legislation involving high levels of quantity, complexity and pressure	Not Adequate	1. Lack of comprehensive clear and detailed policy guideline for legislative proposals	1. Develop comprehensive clear and detailed policy guideline for legislative proposals	1. Should be able to demonstrate aptitude of a very high order which includes effectively and efficiently satisfying policy objectives and drafting instructions. Is able to analyse and synthesize legal, policy and other associated drafting problems, device alternative ways to achieve policy objectives, use innovation, practical and legally effective methods to solve drafting problems, and produce high quality, clear, concise, readily understandable and accurate text. Effectively produces legislation involving high levels of quantity, complexity and pressure
			2. Lack of training to analyse and synthesize legal, policy issues, and problem solving.	2. Training to analyse and synthesize legal, policy issues, and problem solving.	
			3. Lack of training in drafting high quality, clear, concise, readily understandable and	3. Training in drafting high quality, clear, concise, readily understandable and accurate text of high levels	

			accurate text of high levels of quantity, complexity and pressure	of quantity, complexity and pressure	
Advanced (P2)	1. Has a demonstrated aptitude of a high order which includes effectively and efficiently satisfying policy objectives and drafting instructions and consistently delivers on goals and objectives set by themselves and others. Deals comfortably with uncertainty and risk to make quality decisions when all the information may not be available by devising alternative ways to achieve policy objectives, using innovative, practical and legally effective ways, and produce high quality clear, concise, readily understandable and accurate text. Effectively produces legislation involving high levels of quantity, complexity and pressure.	Not Adequate	1. Lack of comprehensive clear and detailed policy guideline for legislative proposals	1. Develop comprehensive clear and detailed policy guideline for legislative proposals	1. Should be able to demonstrate aptitude of a very high order which includes effectively and efficiently satisfying policy objectives and drafting instructions. Is able to analyse and synthesize legal, policy and other associated drafting problems, device alternative ways to achieve policy objectives, use innovation, practical and legally effective methods to solve drafting problems, and produce high quality, clear, concise, readily understandable and accurate text. Effectively produces legislation involving high levels of quantity, complexity and pressure
			2. Lack of training to analyse and synthesize legal and policy issues, and problem solving.	2. Training to analyse and synthesize legal and policy issues, and problem solving.	
			3. Lack of training in drafting high quality, clear, concise, readily understandable and accurate text of high	3. Training in drafting high quality, clear, concise, readily understandable and accurate text of high levels	

			levels of quantity, complexity and pressure	of quantity, complexity and pressure	
Experienced (P3)	1. Effectively and Efficiently satisfies policy objectives and drafting instructions. Is able to analyse and synthesize legal, policy and other associated drafting problems, device alternative ways to achieve policy objectives through practical and legally effective methods and produce quality, clear, concise, readily understandable and accurate text.	Not Adequate	1. Lack of comprehensive clear and detailed policy guideline for legislative proposals	1. Develop comprehensive clear and detailed policy guideline for legislative proposals	1. Should be able to effectively and efficiently satisfy policy objectives and drafting instructions. Is able to analyse and synthesize legal, policy and other associated drafting problems and produce clear, concise, readily understandable and accurate text.
			2. Lack of training to analyse and synthesize legal and policy issues, and problem solving.	2. Training to analyse and synthesize legal and policy issues, and problem solving.	
			3. Lack of training in drafting clear, concise, readily understandable and accurate text	3. Training in drafting clear, concise, readily understandable and accurate text	
Foundation (P4)	1. Satisfies policy objectives and drafting instructions and produce clear, concise, readily understandable and accurate text	Not Adequate	1. Lack of comprehensive clear and detailed policy guideline for legislative proposals	1. Develop comprehensive clear and detailed policy guideline for legislative proposals	1. Should be able to analyse legal and policy issues and produce clear, concise, readily understandable text.
			2. Lack of training to analyse legal and policy issues.	2. Training to analyse legal and policy issues.	
			3. Lack of training in drafting clear, concise, readily understandable text.	3. Training in drafting clear, concise, readily understandable text.	

Competency Area: Drafting skills; Key Competency: Drafting Skills; Behaviour Indicator: Drafts legislations using current drafting practice relying on dictionary, narrative style, examples and notes, plain English techniques and in compliance with principles/documents of statutory interpretation.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Drafts the most difficult and sensitive legislation and uses precedents and drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of statutory interpretation. Effectively uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	Not Adequate	1. Lack of Precedents and comprehensive drafting documents (manuals, guidelines, etc), and settled principles/documents of statutory interpretation.	1. Compile Precedents and Develop comprehensive drafting documents (manuals, guidelines, etc), and settled principles/documents of statutory interpretation.	1. Should be able to draft the most difficult and sensitive legislation using precedents and drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of statutory interpretation. Effectively uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).
			2. Lack of Advanced Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	2. Attend Advanced Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	
Advanced (P2)	1. Drafts difficult and sensitive legislation by referring to drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of	Not Adequate	1. Lack of comprehensive drafting documents (manuals, guidelines, etc) and settled principles/documents of statutory interpretation.	1. Develop comprehensive drafting documents (manuals, guidelines, etc) and settled principles/documents of statutory interpretation.	1. Should be able to draft difficult and sensitive legislation by referring to drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of

	statutory interpretation. Effectively uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).		2. Lack of Advanced Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	2. Attend Advanced Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	statutory interpretation. Effectively uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).
Experienced (P3)	1. Drafts legislation by referring to drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of statutory interpretation. Uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements)	Not Adequate	1. Lack of comprehensive drafting documents (manuals, guidelines, etc) and settled principles/documents of statutory interpretation. 2. Lack of Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	1. Develop comprehensive drafting documents (manuals, guidelines, etc) and settled principles/documents of statutory interpretation. 2. Attend Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	1. Should be able to Draft legislation by referring to drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of statutory interpretation. Uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements)

Foundation (P4)	1. Drafts legislation by referring to drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of statutory interpretation. Uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements)	Not Adequate	1. Lack of comprehensive drafting documents (manuals, guidelines, etc) and settled principles/documents of statutory interpretation.	1. Develop comprehensive drafting documents (manuals, guidelines, etc) and settled principles/documents of statutory interpretation.	1. Should be able to Draft legislation by referring to drafting documents (manuals, guidelines etc). Relies on dictionaries and principles/documents of statutory interpretation. Uses narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements)
			2. Lack of Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	2. Attend Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).	

Competency Area: Professional Ethics and Responsibility; Key Competency: Legal knowledge and skills; Behaviour Indicator: Review draft legislation of less experienced drafter and train/Mentor less experienced drafter.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Reviews draft legislations of less experienced drafters and makes critical observations, and Mentors/Trains lawyers to make them competent in drafting clear, concise, readily understandable and accurate text.	Not Adequate	1. Lack of a comprehensive system of reviewing draft legislation of less experienced drafters.	1. Develop and introduce a comprehensive system of reviewing draft legislations of less experienced drafters.	1. Should be able to review draft legislations of less experienced drafters and make critical observations, and Mentor/Train lawyers to make them competent in drafting clear, concise, readily understandable and accurate text.
			2. Lack of Mentoring and Training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	2. Develop and introduce mentoring and training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	
Advanced (P2)	1. Reviews draft legislations of less experienced drafters and makes critical observations, and Mentors/Trains lawyers to make them competent in drafting clear, concise, readily understandable and accurate text.	Not Adequate	1. Lack of a comprehensive system of reviewing draft legislation of less experienced drafters.	1. Develop and introduce a comprehensive system of reviewing draft legislations of less experienced drafters.	1. Should be able to review draft legislations of less experienced drafters and make critical observations, and Mentor/Train lawyers to make them competent in drafting clear, concise, readily understandable and accurate text.
			2. Lack of Mentoring and Training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	2. Develop and introduce mentoring and training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	

				readily understandable and accurate text.	
Experienced (P3)	1. Makes recommendations to improve the reviewing of draft legislations and also makes recommendations to improve Mentoring/Training programs to make lawyers competent in drafting clear, concise, readily understandable and accurate text	Not Adequate	1. Lack of a comprehensive system of reviewing draft legislation of less experienced drafters.	1. Develop and introduce a comprehensive system of reviewing draft legislations of less experienced drafters.	1. Should be able make recommendations to improve the reviewing of draft legislations and also make recommendations to improve Mentoring/Training programs to make lawyers competent in drafting clear, concise, readily understandable and accurate text.
			2. Lack of Mentoring and Training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	2. Develop and introduce mentoring and training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	
Foundation (P4)	1. Makes inputs to provide recommendations to improve the reviewing of draft legislations and improve Mentoring/Training programs to make lawyers competent in drafting clear, concise, readily understandable and accurate text	Not Adequate	1. Lack of a comprehensive system of reviewing draft legislation of drafters.	1. Develop and introduce a comprehensive system of reviewing draft legislations of drafters.	1. Should be able make inputs to make recommendations to improve the reviewing of draft legislations and improve Mentoring/Training programs to make lawyers competent in drafting clear, concise, readily understandable and accurate text.
			2. Lack of Mentoring and Training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	2. Develop and introduce mentoring and training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.	

Competency Area: Professional Ethics and Responsibility; Key Competency: Interpersonal skills; Behaviour Indicator: Work with more experienced drafter to produce more difficult or sensitive legislations and undertake peer review and quality assurance processes.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Collaborates effectively with experienced drafters to produce more difficult or sensitive legislations and undertakes peer review and quality assurance processes effectively and efficiently.	Not Adequate	1. Lack of experienced drafters and lack of peer review processes and quality assurance processes	1. Train and nurture drafters to become experienced and develop and implement peer review processes and quality assurance processes.	1. Should be able to collaborate effectively with experienced drafters to produce more difficult or sensitive legislations and undertake peer review and quality assurance processes effectively and efficiently.
Advanced (P2)	1. Collaborates effectively with experienced drafters to produce more difficult or sensitive legislations and undertakes peer review and quality assurance processes effectively and efficiently.	Not Adequate	1. Lack of experienced drafters and lack of peer review processes and quality assurance processes	1. Train and nurture drafters to become experienced and develop and implement peer review processes and quality assurance processes.	1. Should be able to collaborate effectively with experienced drafters to produce more difficult or sensitive legislations and undertake peer review and quality assurance processes effectively and efficiently.
Experienced (P3)	1. Provides recommendations to experienced drafters to produce more difficult or sensitive legislations and undertakes peer review and quality assurance processes effectively and efficiently.	Not Adequate	1. Lack of experienced drafters and lack of peer review processes and quality assurance processes	1. Train and nurture drafters to become experienced and develop and implement peer review processes and quality assurance processes.	1. Should be able to provide recommendations effectively to experienced drafters to produce more difficult or sensitive legislations and undertake peer review and quality assurance processes effectively and efficiently.
Foundation (P4)	1. Provides inputs to make recommendations to experienced drafters to produce more difficult or sensitive legislations and undertakes peer review and quality assurance processes effectively and efficiently.	Not Adequate	1. Lack of experienced drafters and lack of peer review processes and quality assurance processes	1. Train and nurture drafters to become experienced and develop and implement peer review processes and quality assurance processes.	1. Should be able to Provide inputs to make recommendations to experienced drafters to produce more difficult or sensitive legislations and undertake peer review and quality assurance processes effectively and efficiently.

Competency Area: Professional Ethics and Responsibility; **Key Competency:** Interpersonal skills; **Behaviour Indicator:** Participate in office business including the implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General.

Proficiency Levels	Descriptor	Current Performance	Likely reason for performance gap	Method of intervention	Learning objectives
Expert (P1)	1. Provides strategic direction in improving office business including the efficient implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General	Not Adequate	1. Lack of forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Institute forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Should be able to participate in office business including the implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General
Advanced (P2)	1. Provides strategic direction in improving office business including the efficient implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General	Not Adequate	1. Lack of forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Institute forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Should be able to participate in office business including the implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General
Experienced (P3)	1. Provides recommendations to improve office business including the efficient implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General	Not Adequate	1. Lack of forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Institute forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Should be able to Provide recommendations to improve office business including the efficient implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General
Foundation (P4)	1. Provides inputs to make recommendations to improve office business including the efficient implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General	Not Adequate	1. Lack of forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Institute forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things	1. Should be able to provide inputs to make recommendations to improve office business including the efficient implementation of business planning, production of reprints, record keeping and other things as directed by the Attorney General

V. Systems, Processes and Training Needs

1. Prosecutor/Litigator

- a. **Systems**
- b. Develop and implement the Ethical and Integrity standards.
- c. Develop a dedicated Information Management System (IMS) to ensure that the monitoring of cases in a systematic/documented form that is stored securely.
- d. Introduce mandatory **Practical Legal Training Course** ('PLT') to train the new recruits on the practical application of law and procedures. This training will primarily have three components- Prosecution and Litigation (Modules on Penal Code, Civil and Criminal Procedure Code, Ethical and Integrity standards, Evidence, Narcotic Drugs, Tobacco Control, Anti-corruption, Police powers, Taxation, and Economic Crimes); Advisory (Modules on Contracts, Alternative Dispute Resolution, International Agreements [UNCITRAL], International Court of Justice, International Criminal Court, World Trade Organization, International Organizations, Constitution and its applications, Introductions into all the domestic laws and Rules/Regulations); and Legislative Drafting (Plain English Drafting, Clear and Detailed Policy, Regulatory Impact Assessment, Legislative Impact Assessment, GNH Revised Protocol for Policy Formulation 2015, Parliamentary Law making Process, Drafting of Bills, Drafting of Delegated Legislations, Review of Bills and Delegated Legislations, conduct of stakeholders meetings, Drafting Instructions, Explanatory Memorandum, Notes on Clauses, Drafting Process, International Law Commission and Working in Teams).
- e. Introduce Specialized Training Program for enhancing (Prosecutorial Skill) critical analysis of information (ACC case Reports and Police Case Reports) to identify inconsistencies and gaps to reach reasoned decisions.
- f. Introduce Specialized Training for Construction, Procurement, Financial Auditing, Taxation, Cyber Crimes, Computer Offences, Drug Offences, Sexual Offences, Administrative Measures, and Women and Child.
- g. Introduce Mentoring for On the Job Training to reinforce the PLT and Specialized Training.
- h. Introduce a Mandatory requirement for Managers to undertake a set minimum period in a particular assigned division to have hands-on practice and also get exposure and learning by working with peers.

- i. Introduce specialized training program to improve Advocacy Skill aimed towards critically making comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with high level of clarity.

b. Processes

1. Review the Rules of Procedure and Incorporate provisions on Analysing Gaps and Inconsistency, and Training and Mentoring Program.
2. Develop the mandatory **Practical Legal Training Course** ('PLT') to train the new recruits on the practical application of law and procedures . This training will primarily have three components- Prosecution and Litigation (Modules on Penal Code, Civil and Criminal Procedure Code, Ethical and Integrity standards, Evidence, Narcotic Drugs, Tobacco Control, Anti-corruption, Police powers, Taxation, and Economic Crimes), Advisory (Modules on Contracts, Alternative Dispute Resolution, International Agreements [UNCITRAL], International Court of Justice, International Criminal Court, World Trade Organization, International Organizations, Constitution and its applications, Introductions into all the domestic laws and Rules/Regulations), and Legislative Drafting (Plain English Drafting, Clear and Detailed Policy, Regulatory Impact Assessment, Legislative Impact Assessment, GNH Revised Protocol for Policy Formulation 2015, Parliamentary Law making Process, Drafting of Bills, Drafting of Delegated Legislations, Review of Bills and Delegated Legislations, conduct of stakeholders meetings, Drafting Instructions, Explanatory Memorandum, Notes on Clauses, Drafting Process, International Law Commission, and Working in Teams.
3. Develop the Specialized Training Program for enhancing (Prosecutorial Skill) critical analysis of information (ACC case Reports and Police Case Reports) to identify inconsistencies and gaps to reach reasoned decisions.
4. Develop the Specialized Training for Construction, Procurement, Financial Auditing, Taxation, Cyber Crimes, Computer Offences, Drug Offences, Sexual Offences, Administrative Measures, and Women and Child.
5. Develop the Mentoring Program for On the Job Training to reinforce the PLT and Specialized Training.
6. Develop the Mandatory requirement for Managers to undertake a set minimum period in a particular assigned division to have hands-on practice and also get exposure and learning by working with peers.

7. Develop the Specialized Training Program to improve Advocacy Skill aimed towards critically making comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with high level of clarity .

c. Training

1. Training of the use of Information Management System (IMS).
2. Training on Ethical and Integrity standards.
3. Subscription to legal resources and Training to update the use of technology .
4. Training on Analysis and Evaluation of ACC and Police Reports.
5. Training in Presentation to be able to explain the Analysis and Evaluation of ACC and Police Reports in a convincing manner.
6. Training on a systematic and practical training program for beginners to identify gaps.
7. Training program to acquire a high level of clarity in drafting court submissions of high clarity, precision, organization and content.
8. Training program (advanced level) for scrutiny of information.
9. Comprehensive training on Professional Legal Translations.
10. Training in development of Training programs aimed towards enhancement of making comprehensive, persuasive and compelling oral submissions and precise cross-examination of witnesses with high level of clarity.

d. Attachment Program

1. Attachment Program to learn by working with peers in Developed Jurisdictions with offices having similar functional similarities.
2. Learning from an exchange Program with developed jurisdiction/International Association of Prosecutors (IAP) and etc.

2. Legal Advisor

a. Systems

1. Develop and implement the Ethical and Confidentiality Standards.
2. Develop a dedicated Information Management System (IMS) to ensure that the Legal opinions rendered are documented and stored securely and train the officials in their use.
3. Introduce mandatory **Practical Legal Training Course** ('PLT') to train the new recruits on the practical application of law and procedures. This training will primarily

have three components- Prosecution and Litigation (Modules on Penal Code, Civil and Criminal Procedure Code, Ethical and Integrity standards, Evidence, Narcotic Drugs, Tobacco Control, Anti-corruption, Police powers, Taxation, and Economic Crimes); Advisory (Modules on Contracts, Alternative Dispute Resolution, International Agreements [UNCITRAL], International Court of Justice, International Criminal Court, World Trade Organization, International Organizations, Constitution and its applications, Introductions into all the domestic laws and Rules/Regulations); and Legislative Drafting (Plain English Drafting, Clear and Detailed Policy, Regulatory Impact Assessment, Legislative Impact Assessment, GNH Revised Protocol for Policy Formulation 2015, Parliamentary Law making Process, Drafting of Bills, Drafting of Delegated Legislations, Review of Bills and Delegated Legislations, conduct of stakeholders meetings, Drafting Instructions, Explanatory Memorandum, Notes on Clauses, Drafting Process, International Law Commission and Working in Teams).

4. Introduce Specialized Training Program for enhancing (Advisory Skill) critical analysis of Advisory requests to reach reasoned decisions/opinions.
5. Introduce Specialized Training for Legal Research.
6. Introduce Mentoring for on the job training to reinforce the PLT and specialized training.
7. Introduce a Mandatory requirement for Managers to undertake a set minimum period in a particular assigned division to have hands-on practice and also get exposure and learning by working with peers.
8. Introduce specialized training program to improve advocacy skills aimed towards critically making comprehensive, persuasive and compelling Presentations with a high level of clarity.

b. Processes

1. Introduce a system of planning advisory requests and develop technical reviewing processes.
2. Introduce a **system of standardization** for legal research and writing including advocacy
3. Introduce a structured Training Program for new recruits on drafting legal opinions using clear language that address relevant legal and factual issues.

c. Training

1. Training on Ethical and Confidentiality Standards.
2. Training on Information Management System (IMS).
3. Advance training on Treaties and International Customary Law.
4. Training on legal research at an advanced level with best practice, at one of the advanced legal institutions.
5. Training on Analysis and Reasoning a legal position (training on IRAC (Issue, Rule, Application, Conclusion) is necessary).
6. Training in drafting the most accurate and legally effective legal opinions of very complex matters.

d. Attachment

1. Attachment Program to learn by working with peers in Developed Jurisdictions with offices having similar functional similarities.
2. Learning from an exchange Program with developed jurisdiction/International Association of Legal Advisors.

3. Legislative Drafter

a. Systems

1. Develop comprehensive clear and detailed policy guidelines for legislative proposals.
2. Develop and Introduce Mentoring and Training programs whereby experienced drafters are able to train less experienced drafters to make them competent in drafting clear, concise, readily understandable and accurate text.

b. Processes

1. Develop settled processes of Policy Formulation for legislative proposals.
2. Introduce dedicated flow of making legislations before the Parliamentary process and on the entire of government functions.
3. Develop and implement peer review processes and quality assurance processes.
4. Institute forums for seeking strategic directions and effective engagement of business planning, production of reprints, record keeping and other things.

c. Training

1. Train in comprehensive advanced policy formulation for legislative proposals .
2. Training program on dedicated flow of making legislations before the Parliamentary process and on the entire of government functions.
3. Advanced training in carrying out Regulatory/Legislative Impact Assessment and Training on preparing clear and detailed policy guidelines, Drafting Instructions, Explanatory notes and notes on clauses. (training)
4. Training to analyse and synthesize legal, policy issues, and problem solving.
5. Training in Drafting high quality, clear, concise, readily understandable and accurate text of high levels of quantity, complexity and pressure.
6. Advanced Training in drafting in narrative style, examples and notes, plain english techniques (active voice, shorter sentences, clustering of disruptive phrases or use of subsections, use of numbers, limits on use of cross references, avoidance of vague general statements).

d. Attachment

1. Attachment Program to learn by working with peers in Developed Jurisdictions with offices having similar functional similarities.
2. Learning from an exchange Program with developed jurisdiction/International Association of Legislative Drafters.

III. Recommendations

1. Implementation plan and strategies:

It is important to have a dedicated officer who will look after implementation of the CBF. The CBF must be clearly supported by a dedicated career development strategy and paths including laying out opportunities related to promotion and training. The career progression should also be aligned to Competency that may be acquired through experience by doing or through the Training and Development interventions along the way. Mentorship and Guidance are also important interventions for imparting knowledge to those who are especially new to the work area.

2. Specialization in specific areas of laws and practice

One of the plans that OAG always insisted on in professionalising lawyers is to create specialization of lawyers. The strategic plans for the OAG, have incorporated requirements of different areas of specialization in the different divisions and departments. One of the immediate needs of specialization is in the area of “international law and treaties”, “drug related matters”, “women and children”, and “corruption wing handling corruption cases”. As the CBF will aid in categorically identifying different sets of skills and knowledge, it is easier for the office to segregate lawyers based on skills and eventually will fit into different specialised units and divisions. This will enormously help in enhancing professionalism among the lawyers.

3. Strategy for Legal Service Division and Drafting and Review Division

The Office feels that, unlike the entry level for the Prosecution and Litigation Division, the entry level for Legal Service Division and Drafting and Review Division should be at P3. The rationale for this is because a lawyer is best equipped to learn the sharpening of legal skills by practicing law i.e. by undertaking prosecution or litigation and representing the client/state before courts that have an independent judge and a defence lawyer or party on the other side.