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# Managerial and service competencies of attorneys

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# D E C L A R A T I O N

I declare that this research report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.

Jeffrey Martin Cresswell

31 March, 1995.

To my loving parents

Ken and Hester Cresswell

who have always believed in me.

There was a significant difference in the prioritisation of the competencies between attorneys practising in different sized organisations. A need for training in eight competencies which would be classified as business skills and interpersonal/ communication characteristics was identified. There was more consensus amongst attorneys on the importance of the identified competencies than on the need for training in the competencies.

The identified competencies and the perceived need for training in certain competencies can be used as a basis for the education and training and development of practising attorneys and prospective attorneys in order to enhance their effectiveness as legal practitioners.

## ABSTRACT

In order to provide an effective legal service, an attorney must, inter alia, be an effective manager and service provider. Competencies are characteristics that are causally related to effective performance. The study investigated the managerial and service competencies which attorneys require to perform effectively. In addition, the perceived training needs of attorneys in the identified competencies were investigated.

The competencies were initially identified by means of a literature review and interviews with senior members of the legal profession. The thirty-one competencies so identified formed the basis for a questionnaire which was administered to practising attorneys. The 85 respondents rated the importance of the competencies and determined the need for training in these competencies.

The survey revealed that twenty-nine competencies were considered important for effective management and service provision. The competencies were ranked in order of importance.

# MANAGERIAL AND SERVICE COMPETENCIES OF ATTORNEYS

Jeffrey Martin Cresswell

*A research report submitted to the Faculty of Management, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Management*

March 1995

D. the course content of the obligatory practical legal training courses run by the provincial law societies;

E. performance appraisal criteria for attorneys;

F. criteria for selection and recruitment of attorneys and candidate attorneys ;

G. whether individual attorneys have a need for training in these competencies in order to facilitate the personal growth and development of attorneys.

Each of the above elements can contribute towards improving the effectiveness of attorneys and the provision of legal services by enhancing the managerial and service competence of attorneys.

The second objective of the research was to establish whether there was a perceived need amongst attorneys for training in the identified competencies. Madden (1991c, p. 769) is of the opinion that the profession itself and the academic institutions involved in legal education have a joint responsibility towards training because they both have a common objective which should be "to render a more effective legal service to the community."

and better service providers than they currently are. An improvement in the management of a practice and the provision of legal services by that practice, must result in a more effective legal practice. The foregoing provides compelling reasons for the primary objective of the research which was: the identification of those managerial and service competencies which will enable attorneys to provide an effective and relevant legal service.

It was anticipated that once these competencies have been identified, they could be used as input for establishing:

A. training courses for existing and prospective attorneys whether provided in-house in legal firms, or whether provided by the Continuing Legal Education department of the Association of Law Societies;

B. the content of legal education at universities and technikons (if the recommendations referred to in paragraph 1.1 above are accepted). Madden (1991b) believes that practice management should be a core subject in the education of an attorney;

C. the curricula of the vocational training school of the Association of Law Societies;

### 1.1.3 Service Industry

Attorneys operate in the service industry "and increasingly, there is a realisation that the issue of the quality of service is also relevant" (Association of Law Societies, 1994, p. 19). The monopoly which attorneys hold over certain legal services is under threat from institutions such as banks and from other professions, most notably the accounting profession. The only defence attorneys have against these threats is that they are more competent than others at providing these services, e.g. conveyancing. This competence differential must be maintained and continually improved upon as a competitive advantage. Attorneys must focus on providing a service of the highest quality which is effective and efficient, yet which is still affordable.

The need to identify competencies as part of a process of improving the effectiveness of attorneys as managers and service providers gave rise to the objectives of the research which are discussed next.

## 1.2 Objectives of the Research

The threats and challenges facing attorneys are many and varied. Attorneys will be able to more easily deal with those threats and challenges if they are better managers

management, financial management and self management is more likely to make a success of applying principle to practice". In other words a graduate with more appropriate skills for the modern business environment should practice more effectively.

### 1.1.2 Legal Practice Costs

The poor economic conditions and high inflation which South Africa has experienced in the recent past, has resulted in a continuous escalation in the costs of running a legal practice. Coupled with this, many once lucrative areas of practice such as conveyancing, have dwindled in size and profitability. The problem of the inaccessibility of the law and legal assistance to the ordinary citizen is increasingly becoming more acute because of spiralling increases in legal fees. Hutchinson (1994, p.29) states that "the professions in any event operate at a cost level beyond the means of most of the people who need those services".

Effective and efficient management practices can and should curtail costs, which in turn could lead to more affordable and therefore more accessible legal services.

and competencies required of legal practitioners to practice effectively, now, and/or in the future. According to Madden (1991c, p. 768) some professions have enjoyed an infusion of modern business practices, but "by contrast the South African legal profession has chosen a lonely and parochial road ..." It is essential that attorneys manage their practices as effectively and as efficiently as possible for the following reasons:

### 1.1.1 Legal Practice Management

It makes good business sense as a legal practice is after all a business. Sound business skills are therefore essential for effective practice management. The large majority of attorneys are either one-man practitioners or practice in small partnerships and have to manage their practices themselves. If the recommendations of the Association of Law Societies (1994) referred to above are accepted, the number of paralegals in attorney's practices will probably increase and attorneys will have to manage more staff and more resources. Attorneys in large practices, many of which have multi-million rand turnovers, require substantial managerial expertise to manage these businesses. Madden (1991a, p. 616) contends that a graduate "armed with the principles of human resources

competition. But, they also emphasise the point that South Africa needs attorneys with more appropriate skills. This research is directed at identifying those skills in relation to the attorney's roles of manager and service provider.

From the above, it can be seen that there is need for the legal profession in South Africa to scrutinise carefully the content of legal education and training in order to provide more effective, more affordable and more relevant legal services to the community it serves.

The recent changes in the requirements for admission to the profession and the recommendations of the Association of Law Societies (1994) referred to above, show that the legal profession in general, is in a state of flux. Attorneys, in particular, are facing enormous challenges and threats. The legal profession is inherently conservative, and Madden (1991a) believes that attorneys have a high resistance to change which can be attributed to their academic training where there is a heavy emphasis on the precedent system. The legal profession must adapt and respond to the challenges and threats it faces in order to survive.

A review of the literature revealed that no research has been conducted into the managerial and service skills

> that the attorneys' traditional style of practice is coming under threat."
>
> Madden (1991a, p. 617)

The Access Conference of the Association of Law Societies referred to above resulted in several recommendations aimed at providing more relevant and more affordable legal services without detracting from the quality and standard of legal services.

These recommendations were based on the notion that the solution to the problem of unequal access to justice lay in producing more lawyers "with more appropriate skills" (Association of Law Societies, 1994, p.4) and that "the prevailing view at the moment is that universities and the professions should share the responsibility to train future lawyers for practice". (Association of Law Societies, 1994, p.11).

The recommendations of the Association of Law Societies (1994) specifically dealt with paralegals and a ladder system of legal education which would allow graduates with lesser qualifications to practice in circumscribed areas of the law. These recommendations in themselves pose a threat to attorneys, in that if implemented, many traditional areas of practice which are currently reserved exclusively for attorneys, will attract intense

> scale (those who are able to afford legal services or who are funded through employment or otherwise) and those at the lower end of the scale who qualify for legal aid, are capable of receiving legal assistance. The total of these two groups amounts to some 10 % of those who need legal services. The vast majority of people therefore have difficulty or total inability in affording legal services and therefore have little or no access to justice"
>
> (Hutchinson, 1994, pp. 9 - 10)

This means that attorneys are failing to provide an appropriate legal service to the broader South African community. Attorneys can begin to address this problem by managing their practices more effectively and by providing a more accessible legal service, in a more cost effective manner. The identification of managerial and service competencies will greatly assist attorneys to manage their practices in a way which is more in keeping with modern trends. This is necessary for according to Madden (1991a):

> "With such fundamental differences between the way attorneys practice and the rest of the commercial world it is hardly surprising

namely those of manager and service provider. This research set out to identify the competencies required of attorneys to perform those roles effectively. The research would thereby contribute towards both improving legal training education and improving the effectiveness of the provision of legal services by attorneys, to the South African community.

The identification of these competencies will provide a model for establishing what constitutes effective and/or superior performance in the job of an attorney and is therefore a prerequisite for the effective development of attorneys. The lack of adequately trained attorneys restricts the ability of the South African legal system and its component institutions to provide justice for all the people of South Africa.

The legal profession in South Africa faces a credibility crisis for the simple reason that it is far removed from many South Africans. The large majority of South Africans are denied access to the services offered by the legal profession and therefore to justice because of the structural economic, social and political inequalities of South Africa. According to Hutchinson (1994):

> "It has been estimated that only a small percentage of people at the top end of the

# CHAPTER ONE - INTRODUCTION

## 1.1 Background to The Research Problem

Professor Mauro Cappelletti, Professor of International Legal Studies at Stanford University, delivered the opening address at the Access Conference of the Association of Law Societies of the Republic of South Africa ("Association of Law Societies") held in Pretoria in October 1991. He stated the following:

> "Law is not only, and I would say not even principally, norm and doctrine, it comprises the processes, the actors, the institutions which create and operate the legal system. Thus, legal education has to focus on such processes, actors and institutions, and to evaluate critically their action in view of the basic ideals of our time: freedom and equality"
>
> (Cappelletti, 1991, p. 18)

The aim of the research was to discover the managerial and service competencies that one of the principal actors involved in the law, the attorney, requires in order to be effective. In doing so it was necessary to consider the content of practical and formal legal education and two important roles of the attorney,

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development and use of many new technologies. This in turn, led to the employment of large numbers of people in factories and the utilisation of huge quantities of raw materials and other resources. These resources had to be managed. According to Stoner & Freeman (1992), the need to co-ordinate all these elements gave rise to the systematic approach to management. A number of management theories have developed over the course of time and the more important theories and their significance for this research is discussed below.

### 2.5.1 Classical or Traditional Management Theory

The first of these is known as classical or traditional management theory. (For ease of reference the term `classical management theory' will be used in this chapter). Classical management theory sought to create frameworks for describing what managers should do. One of the earliest and most significant attempts at doing so is found in the theory of scientific management which is generally attributed to Frederick Taylor. According to Stoner & Freeman (1992) this theory arose in part from the need to increase productivity by raising the efficiency of workers. In essence, scientific management is "the systematic analysis and breakdown of work into its smallest

responsibilities or both, depends to a large extent, on its managers." It is suggested that the crisis in the legal profession evidenced by the lack of access to justice for the majority of South Africans must in part be due to the failure of the legal profession to develop effective managers thereby failing to develop its managerial capacity. The obvious remedy is to develop effective managers. Competencies are widely used as a basis for training and developing. The identification of managerial and service competencies will then assist in developing effective managers in the legal profession.

## 2.5 Management Theory

In order to understand the managerial role of an attorney it is necessary to first understand what managers in general do or are required to do. Although people have managed and been managed in various social groupings for centuries, it is only in the recent past that mankind has sought to develop theories of management. A theory can be defined as a "coherent group of assumptions put forth to explain the relationship between two or more observable facts" (Stoner & Freeman, 1992, p.28).

The importance of management to society grew out of the Industrial Revolution which resulted in the

been on the manner in which attorneys practise. The manner in which attorneys managed their practices was all but ignored in the training and development of attorneys. If the distinction is made attorneys will have to identify those skills that will enable them to manage their practices effectively. This research set out to do that very thing.

It is crucial for attorneys to provide an effective service and to manage effectively in order to meet the needs of their clients. Human (1991) states that:

> "It is the function of management in a society to take charge of organisations as instruments by which the full range of individual and social needs of all the members of society are satisfied. The success or failure in the ability of a society to satisfy these needs is largely dependant upon its managerial capacity, and consequently its ability to develop effective managers."
>
> (Human, 1991, p.276)

This idea is supported by Stoner & Freeman (1992, p.6) who believe that "how successfully an organisation achieves its objectives, satisfies social

challenge of doing more with less. Attorneys are not exempt from these requirements and strategic challenges. This means that the individual managerial and service skills that are required by attorneys for the future may be different from those required in the past. This notion is supported by Sayles (1993, p.245) who believes that all managers must be flexible and open to new learning as "what was good practice or worked yesterday may turn out to be flawed today". For these reasons, the research concentrated on the managerial and service competencies required of attorneys to practice effectively in the future.

## 2.4 The Attorney as Manager

A rapidly changing environment which is a feature of modern business. This feature not only requires of attorneys that they reconsider the nature of the organisations in which they operate, but also that they reconsider the skills base which up till now they have considered to be sufficient to manage their practices. Madden (1991b) believes that attorneys must learn to distinguish the manner in which they practise from the manner in which they manage their practices. This is an important distinction which has not been made by attorneys in the past. The failure to make this distinction has detrimentally affected legal education and practice because the emphasis has always

attorney as manager therefore, is to ensure that his/her organisation serves its basic purpose which is the efficient provision of legal services to its clients.

In South Africa, an attorney can practice or conduct business in any one of three organisational forms:

A. for his/her own account in a one-man practice; or
B. together with other attorneys in a partnership (limited to 20 partners); or
C. together with other attorneys in a corporation (more than 20 attorneys).

For many years the typical legal organisation has been a partnership but according to Madden (1991b) this must change in the future. No modern organisation can continue operating in the same manner it did in the past. All organisations will have to adapt in some way to the rapidly changing and turbulent environment in which they operate. Kanter (1989) observes that the dominant business paradigm is changing and that organisations of the future will have to be more flexible and will require a very different set of individual skills in order to meet the strategic

possible the requirements of continuity and predictability.

Cascio (1986) contends that all organisations in society have the following six common characteristics:

> "Every organisation is ... composed of people, ... who perform specialised tasks, ... that are co-ordinated, ... to enhance the value or utility, ... of some good or service, ... that is wanted by and provided to a set of customers or clients."
>
> (Cascio, 1986, p.8)

This description can be accurately applied to any attorney's practice whatever the size. A legal practice is composed of people who perform specialised tasks that are co-ordinated to enhance the value of a legal service that is wanted by and provided to clients. The theory relating to the management of organisations and the theory relating to managers in organisations is therefore relevant to this study. The primary objective of a manager, according to Mintzberg (1973), is to ensure that his/her organisation serves its basic purpose which is the efficient production of goods and services. The primary objective of the

attorneys have developed and which they utilise to provide legal services to the community.

## 2.3 Organisations and Legal Practice

As societies have developed and become more complex, so have the wants and needs of those societies. Concurrently, the methods of satisfying those wants and needs have also become more complex. According to Cascio (1986), needs and wants cannot be satisfied randomly or haphazardly rather, continuity and predictability are essential requirements for the delivery of goods and services as means of satisfying needs and wants. In the modern world continuity and predictability are made possible by organisations.

Mintzberg (1989) describes modern society as a society of organisations, for the reason that whatever happens in society today tends to happen mostly in the context of organisations, from birth in hospitals to burial from funeral parlours.

Owing to the complexities of modern society, the attorneys profession is also required to provide continuity and predictability in the delivery of legal services. In the process of doing so, attorneys too have resorted to the use of organisations to make

character of attorneys had begun to take shape in England by the 15th century. For many years the typical attorney practised on his own with the assistance only of a clerk. Through the years, the legal system has developed and the modern attorney is very different from the Dickens' type of solicitor of the nineteenth century. Today's attorney can in many respects be classified as a businessman with a profit motive operating in a business oriented environment.

Despite these changes, the function and purpose of the legal profession has remained constant. Lewis (1982) states that:

> "The legal profession is a necessary instrument of order and civilisation and it is essential not only that everyone who seeks to practice law should be appropriately qualified, but also that in the conduct of their practice, the qualified should fulfil the duties and observe the restraints which the mores of the community impose on them."
>
> (Lewis, 1982, p.2)

The pressures the modern business world has, however, affected the institutions and organisations which

## CHAPTER TWO - LITERATURE REVIEW

### 2.1 Introduction

This chapter sets out the theory base which is relevant to this research and which supports the findings of the research. Firstly, the nature of organisations in which attorneys practice is discussed. The two important roles of manager and service provider mentioned earlier will then be canvassed. The role of manager is discussed in relation to the theory of management and managers in modern organisations. The empirical approach to management in the form of the identification of competencies as developed by Boyatzis (1981) is then set out in detail. Thereafter, the attorney's role of service provider in the context of service industry management is discussed. Lastly, the application of competencies in the training and development of attorneys will be considered.

### 2.2 The Legal Profession

The legal profession is a very old profession, having its roots in the ancient world. The South African legal system has its origins in Roman law, Roman-Dutch law and English law. Consequently, the profession of an attorney has developed and been transformed over time. According to Sampson (1983), the professional

changing. The attorney's roles of manager and service provider have received very little attention in the education and development of attorneys in the legal profession. The identification of managerial and service competencies will not only draw attention to these roles, but will also assist the attorney in performing these roles more effectively.

The next chapter contains a review of the literature and a discussion of the theory applicable to this research.

of the research results. This proposition could be tested in later research.

All the responses were from attorneys operating in an urban environment and any attempt to generalise the findings of the research to attorneys operating in rural areas without qualification, must be cautioned against.

The aim of this research was to identify those competencies which an attorney requires to manage his practice, which is his/her business, effectively. In addition, there is a growing realisation that attorneys are providing a service and that principles of service industry management apply to the management of an attorney's practice. For these reasons, only managerial and services competencies were identified, although it is acknowledged that there may be other relevant competencies. As no research has been conducted into managerial and service competencies required of South African attorneys, this can be regarded as exploratory research.

## 1.4 Conclusion

The attorney is a key actor in the operation of the South African legal system and will continue to perform a key role even though the legal system is

## 1.3 Limitations of the Research

It must be stressed that the identification of managerial and service competencies is merely the first step towards improving the management of legal practices and the provision of legal services. It is merely the groundwork for laying a foundation upon which the profession as a whole can build. It can therefore be regarded as preparatory research.

The legal system in South Africa is extremely complex and beset by many problems, many of which are a direct result of this country's recent past. There are many factors which affect the provision of legal services and the management of a legal practice. The research only focused on the attorney and the individual competencies which he/she requires to manage effectively and provide an effective legal service. The scope of the research precluded an investigation into other factors and their effect on a legal practice, although their significance is recognised.

The quota sample was drawn from attorneys in the Gauteng area only. This area is the most densely populated province in South Africa and has the largest number of attorneys. There may be differences in competencies required of attorneys practising elsewhere in South Africa and this factor will affect the generalisability

to the job of an attorney, is extremely useful in clarifying the role dilemma experienced by attorneys. Madden (1991b) believes that attorneys have this dilemma because a legal practice is a business where the same people occupy the positions of owner, manager and worker simultaneously.

The research focused primarily on the role of the attorney as manager and sought to bring clarification to that role by identifying the competencies which attorneys require to perform that role effectively. It also focused on the role of the attorney as a person providing a service. An understanding of these roles is, as stated above, an important consideration in the job competency approach to management, which is the approach followed in the research.

## 2.7 Job Competency Approach

### 2.7.1 Origin

The development of the job competency approach to management is generally accredited to David McLelland following research in which he sought to identify variables which "could predict job performance and were not biased". (Spencer & Spencer 1993, p. 3) McLelland's motivation for his research followed a review of studies showing that traditional aptitude tests and school grades did not predict job performance.

TABLE 1 : MINTZBERG'S MANAGERIAL ROLES

| | | |
|---|---|---|
| 1) | INTERPERSONAL | |
| | Figurehead: | This refers to routine, ceremonial, social or legal functions of the manager. |
| | Leader: | Selecting, motivating, developing and giving instructions. |
| | Liaison: | Maintains a network of important contacts. |
| 2) | INFORMATIONAL | |
| | Monitor: | Keeping up to date on developments, both inside and outside the organisation and understanding the organisation and its environment. |
| | Spokesman: | Provides information to outsiders regarding the work of the organisation. |
| | Disseminator: | Organising information after interpreting and integrating that information. |
| 3) | DECISIONAL | |
| | Entrepreneur: | Searching the environment and continually innovating change in the organisation. |
| | Disturbance handler: | Handling conflict and people problems. |
| | Resource allocator: | Allocating resources |
| | Negotiator: | Enters into negotiations on organisation's behalf. |

Mintzberg (1973) suggested that these roles were common to all managers and on that basis it is proposed that these role definitions can be applied to attorneys. The application of these role definitions

Studies of a similar nature were carried out by Mintzberg (1973) who criticised the classical management school on the basis that it failed to describe what managers actually do. In response to this perceived failing Mintzberg (1973) focused on the work content and work activity of managers. Mintzberg (1973) believed that there was a great deal of misunderstanding about managers which he referred to as managerial myths. The only way to dispel these myths was by studying the manager at work. Mintzberg (1973) closely scrutinised the work activity of 5 senior executives and identified ten different roles which managers could assume at different times. These roles are set out in Table 1. A 'role' is defined by Mintzberg (1973, p.54) as "an organised set of behaviours belonging to an identifiable office or position. Individual personality may affect how a role is performed, not that it is performed". This latter observation is an important consideration in the competency approach to management. It is important to identify the roles of the attorney in managing his/her practice in order to understand the nature of the managerial work an attorney performs.

have been developed by these theorists, the most well-known being the Path-goal theory, the Hersey and Blanchard model and the Vroom - Yetton model. (The scope of this literature review precludes a discussion of these theories). Yukl (1989) believes that although the situational theories do provide some insights into the reasons for leadership effectiveness, they all have some conceptual weaknesses that limit their utility. However, these theories emphasise that situational factors such as the environment cannot be ignored and must be considered when examining leadership effectiveness. It is recognised that situational factors are important variables but they were not taken into account in this research. They could be considered in future research.

The third approach to leadership is found in the behavioural approach to leadership. The behavioural approach, in essence, looked at a leader's behaviour from two aspects, namely, task or production orientation and relationship or people orientation. This approach gave rise to what Yukl (1989, p.89) describes as 'universal theories' of effective leader behaviour which postulate that the same style of leadership is optimal in all situations.

p.202). However, according to Yukl (1989), more recent studies of leader traits have been more productive as more relevant traits were included, better measures of traits were used, traits patterns were examined and longitudinal research was used. Mintzberg (1973) in an earlier work shared the belief that the fault of the early trait approach to leadership lies in the particular traits the researchers chose to measure. For this reason, Mintzberg (1973, p.194) contended that "the difficulty in isolating and measuring general managerial traits should not stop our search for personal characteristics that lead some people to succeed and others to fail in a wide variety of managerial jobs." The more recent studies referred to by Yukl (1989) revealed that "some personality traits found to be relevant for effectiveness include self-confidence, emotional stability, energy level, initiative, stress tolerance, and lack of defensiveness." (Yukl, 1989, p.202.) These findings are particularly relevant for the identification of managerial and service competencies of attorneys.

A further approach to leadership is found in the situational theories of leadership. These theories are based on the belief that there is a relationship between situational variables and leader behaviour and effectiveness. Various situational leadership models

and culture" (Yukl, 1989, p.5). If you compare this definition to Mintzberg's (1973) definition of managers as people formally in charge of organisations or sub-units of organisations, the overlap is apparent. Many of the activities mentioned in Yukl's (1989) description of leadership are equally appropriate for a definition of management. Yukl (1989) uses the terms `management' and `leadership' interchangeably. A definition or explanation of either term will often contain a reference to the other. Sayles (1993), for example, believes that the essence of management is work leadership. Mintzberg (1973) believes that leadership skills, which he defines as the ability to deal with subordinates and to motivate and train them, should be taught to managers. It is therefore necessary to consider the more important approaches to leadership, as it appears to be an important aspect of management.

One of the earliest attempts at discovering what constitutes effective leadership is found in the trait approach. This approach was based on the premise that certain people are born leaders and possess characteristics or traits not possessed by others. The early trait studies were inconclusive as "individual traits failed to correlate in a strong and consistent manner with leadership effectiveness" (Yukl, 1989,

2.5.2.2 Behavioural Sciences Approach

In recent years a popular approach to management developed through the influence of the behavioural or social sciences. Mintzberg (1973) described this approach as not so much focusing on the job of managing but rather focusing on the man in the job by seeking to discover what set of personality traits or managerial styles lead a manager to effective performance. The behavioural science approach is therefore relevant to this research.

One of the major preoccupation's of this behavioural sciences approach to management was the attempt to distinguish effective management from effective leadership. There is considerable disagreement about the difference between leadership and management. Yukl (1989) believes that the essential distinction between managers and leaders is that leaders influence commitment whereas managers merely carry out position responsibilities and exercise authority.

However, there appears to be a great deal of overlap between leadership and management. Leadership can be described as "including influence processes involving determination of the group's or organisation's objectives, motivating task behaviour in pursuit of these objectives, and influencing group maintenance

Conversely, according to Anderson (1992), humanistic theory attempted to balance the needs of the individual with the goals of the organisation but was accused of sacrificing organisational bottom line results for the sake of human values such as employee morale, quality of work life, mutual trust and productivity based on the internal motivation of workers. In addition Stoner and Freeman (1992) maintain that attempts at improving productivity by simply improving working conditions and employee satisfaction were not as successful as expected as these matters were more complex than originally thought.

Barker (1992) commented that the humanistic approach to management focused on inter-personal aspects and therefore provides minimal clues for identifying specific competencies required by managers. However, it is submitted that the human relations movement drew attention to the importance of people-management skills as essential skills for any manager, including the attorney, and this aspect alone has important implications for identifying managerial competencies.

2.5.2.1 Human Relations Movement

Following the Hawthorne experiments conducted by the industrial psychologist Elton Mayo, in Chicago in the 1920's at Western Electric Company, the human relations or humanistic theory of management gained prominence. The human relations movement attempted to discover the sociological and psychological factors that affected human relations in organisations and how these factors impacted on the effectiveness of organisations.

According to Cascio (1986) these theories emphasised motivation and group morale as the organisation was seen as a social system in contrast to Taylor's view of the organisation as a technical economic system. Stoner and Freeman (1992) believe that the human relations approach highlighted the importance of a manager's style which revolutionised management training and led to more attention being focused on teaching people-management skills and less on teaching technical skills. Managers also began focusing on group dynamics, group processes and group rewards.
This movement was criticised by Cascio (1986, p,42) for manipulating workers to achieve short term goals "rather than for the long term goal of satisfying worker needs while meeting organisational needs".

classical management theory as not really describing what managers do but rather telling managers what they should do. According to Stoner and Freeman (1992), the main contributions of classical management theory were in recognising the concept that management skills apply to all types of group activity and that certain identifiable principles underlie effective managerial behaviour. These two concepts underpin this research.

### 2.5.2 Behavioural School

The behavioural school arose from the need to deal with the criticisms levelled against the classical management school. Coupled with this, scientific management approaches had also not achieved the levels of productivity and efficiency they had sought to achieve. Stoner and Freeman (1992) believe that the behavioural school arose from the efforts of several theorists who tried to strengthen classical organisation theory with the insights of sociology and psychology in an effort to help managers deal more effectively with the people side of their organisations. The efforts of the behavioural school have led to the development of two distinct approaches to management:

- The human relations movement; and
- The behavioural sciences approach.

satisfaction and the social needs of workers as a group and failed to consider the tensions created when those needs were frustrated. These considerations are equally important today and any manager ignores them at his/her peril.

Classical management theory described the manager's chief responsibility as the emphasis of productivity and efficiency. Little attention was paid to the management of people. The other leg of classical management theory, which Stoner and Freeman (1992) refer to as classical organisation theory, grew out of the need to find models for managing the emergent complex organisations such as factories.

In 1916, Henry Fayol, regarded as the founder of the classical management school, identified five elements of managing: "planning, organising, commanding, co-ordinating and controlling" (Koontz & Weihrich, 1988, p.33). These five elements are still used extensively today to describe the tasks of managers and the nature of management. Stoner & Freeman (1992, p.6), for example, define management as "the process of planning, organising, leading and controlling the efforts of organisation members and using all other organisational resources to achieve stated organisational goals". Mintzberg (1971) criticised

mechanical elements and rearranging them into their most efficient combination". (Cascio, 1986, p.38).

The many contributions of scientific management such as improved productivity, job design and efficiency techniques are still with us today. Every legal firm has benefited from these advancements, yet every modern manager , including the attorney, must strive for further improvements in these areas. Productivity, efficiency, job design and work organisation are important concerns for every manager and service provider and hence they require skills to deal effectively with these issues. Stoner and Freeman (1992) believe that scientific management theory fostered a rational approach to solving organisational problems and laid the groundwork for the professionalisation of management.

Scientific management has, however, been criticised for ignoring the human and social aspects of work. Cascio (1986) maintains that this shortcoming has led to rigidly controlled environments in organisations with distinct hierarchies and formal relationships, with a heavy emphasis on rules. This description can still be applied to many legal practices. Furthermore, Stoner and Freeman (1992) maintain that the scientific management model overlooked the human desire for job

2.7.7 Generic Competencies

In the research referred to in paragraph 2.7.3 Boyatzis (1982) identified 19 competencies that had been shown to lead to effective performance by managers. These 19 competencies had consistently distinguished superior managers in different organisations and in different functions. These competencies were grouped into five distinct clusters:

The Goal and Action Management Cluster

- Efficiency orientation
- Pro-activity
- Diagnostic use of concepts
- Concern with impact

The Human Resource Cluster

- Use of socialised power
- Positive regard
- Managing group processes
- Accurate self-assessment

The Leadership Cluster

- Self-confidence
- Use of oral presentations
- Logical thought
- Conceptualisation

This distinction was used in the research in the identification of competencies. Technical skills were therefore excluded in the identifications of competencies.

2.7.6 Future Orientation

According to Woodruffe (1993) competencies must be oriented to the future and must not be a mechanism for cloning the past and one must not rely on the present and past to define competencies. Considering the comments by Madden (1991a, p. 616) that attorneys have "a tendency to look to the past for guidance" which "results in legal practices having a high degree of inertia", the future orientation in defining competencies was emphasised in this research. Spangenberg (1990) supports the view that competencies are not static, but must be adapted to meet the changing demands of the environment and where the environment and the demands of the job change, aspects of the competencies and the way in which they are used, will have to change. For these reasons the competencies which the study sought to identify, focused on the competencies which an attorney requires for effective performance in the next five years.

the development of attorneys. Legal education in South Africa is primarily aimed at imparting knowledge and understanding of the law. Emphasis is placed on general principles of specific areas of the law such as general principles of contract. Procedural aspects of criminal and civil law are also studied. The practical legal training schools provide training in technical aspects of legal procedures such as the drafting of court pleadings and drafting of contracts. These skills are of a technical nature and according to Pattison and Boer (1993), most of a professional attorney's training deals with the technical aspects of his/her job. These can be regarded as technical skills.

According to Woodruffe (1993) calling these technical skills 'competence's':

> "is likely only to muddle the definition of a competency again, and it seems better to use a separate label. These technical skills and abilities apply particularly to those jobs with a professional component, for example, the job of a solicitor."
>
> (Woodruffe, 1993, p.30)

Boyatzis (1982) made a further distinction regarding competencies by distinguishing a threshold competency from other competencies. A threshold competency was described by Boyatzis (1982) as a person's generic knowledge, motive, trait, self-image, social role or skill which is essential to performing a job, but is not causally related to superior job performance. Woodruffe (1993) criticised this distinction on the basis that it could result in over-simplification with certain competencies being described as more important than others, leading to the emphasis on performance competencies at the expense of threshold competencies. Woodruffe (1993) also believes that this distinction seems to be more a matter of degree rather than of category. Spencer & Spencer (1993) use predictive job performance criteria to divide competencies into two categories: threshold and differentiating competencies. Threshold competencies are described as "essential characteristics (usually knowledge or basic skills ...) that everyone in a job needs to be minimally effective but that do not distinguish superior from average performers", (Spencer & Spencer 1993, p. 15), whereas differentiating competencies distinguish superior from average performers. It is suggested that the distinction between threshold and other competencies is valid for the job of an attorney and therefore for this research because of the emphasis on technical aspects in

(1993) definitions complement each other and were used in this research for the sake of uniformity.

### 2.7.5 Distinctions in Competencies

Boyatzis (1982) further distinguished competencies into types and levels of competencies. Types of competencies refer to the actual behaviours. Levels of competency can exist in individuals at three psychological levels:

- the unconscious level, which refers to motives and traits;
- the conscious level, which refers to self-image; and
- the behavioural level, which refers to skills.

Although cognisance was taken of this important distinction, the scope of the research precluded the distinction to be pursued in the identification of competencies. However, when the identified competencies are used for training and development purposes, this distinction must be made. In particular, levels of competency are an important consideration when designing training programmes and when considering appropriate methods of training.

The job competency appr[illegible]as gained in popularity and acceptance in recent years, although problems have arisen because of a failure to understand precisely what is meant by a competency. Woodruffe (1993) in an effort to bring clarity to the issue, referred to Boyatzis' (1982) definition and defined a competency in the following terms:

> "A competency is the set of behaviour patterns that the incumbent needs to bring to a position in order to perform its tasks and functions with competence."
>
> (Woodruffe, 1993, p. 29)

Job competence is defined by Dubois (1993, p. 9) as "an [illegible]loyee's capacity to meet (or exceed) a job's requirements by producing the job outputs at an expected level of quality within the constraints of the organisation's internal and external environments". This is consistent with the above definition of job competency.

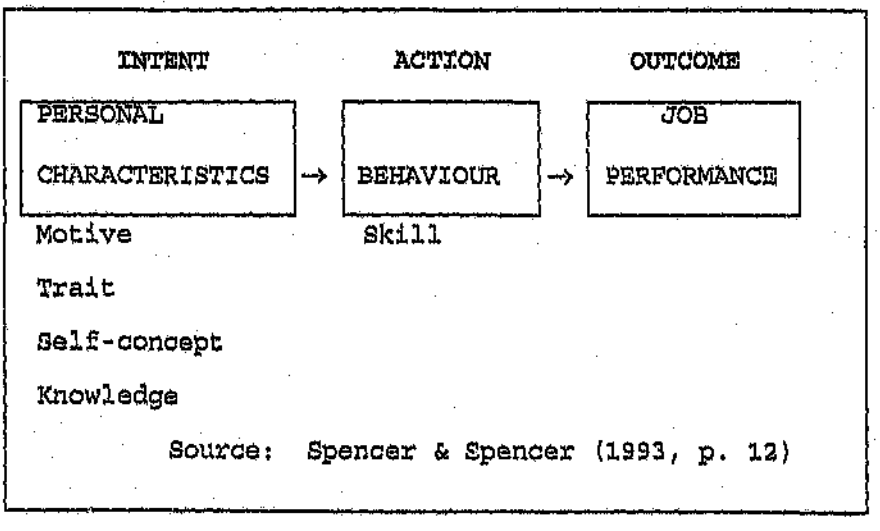
Boyatzis (1982) had warned that inaccuracies and problems could emerge if the term 'competency' was not clearly understood. The Boyatzis (1982) and Woodruffe

| | |
|---|---|
| SELF-CONCEPT: | A person's attitudes, values or self-image. (Spencer & Spencer 1993 p. 10) |
| KNOWLEDGE: | Information a person has in specific content areas. (Spencer & Spencer 1993 p. 10) |
| SKILL: | The ability to perform a certain physical or mental task. (Spencer & Spencer 1993 p.11) |

The expanded notion of `self-concept' is described in Table 2 rather than the narrower concept of `self-image'.

Spencer & Spencer (1993, p. 12) comment that "motive, trait and self-concept competencies predict skill behaviour actions which in turn predict job performance outcome". This is known as the causal flow model which is shown in Figure 2.

FIGURE 2: CAUSAL FLOW MODEL




Source: Spencer & Spencer (1993, p. 12)

> "A job competency is an underlying characteristic of a person in that it may be a motive, trait, skill, aspect of one's self-image or social will, or a body of knowledge which he/she uses. The existence and possession of these characteristics may or not be known to the person. In this sense, the characteristics may be unconscious aspects of the person. Because job competencies are underlying characteristics, they can be said to be generic. A generic characteristic may be apparent in many forms of behaviour, or a wide variety of different actions."
>
> (Boyatzis, 1982, p. 21)

The competency characteristics referred to in the above definition are defined in Table 2.

TABLE 2: COMPETENCY CHARACTERISTICS

| | |
|---|---|
| MOTIVES: | The things a person consistently thinks about or wants that causes actions. (Spencer & Spencer 1993 p. 9) |
| TRAITS: | Physical characteristics and consistent responses to situations or information. (Spencer & Spencer 1993 p. 10) |
| | |

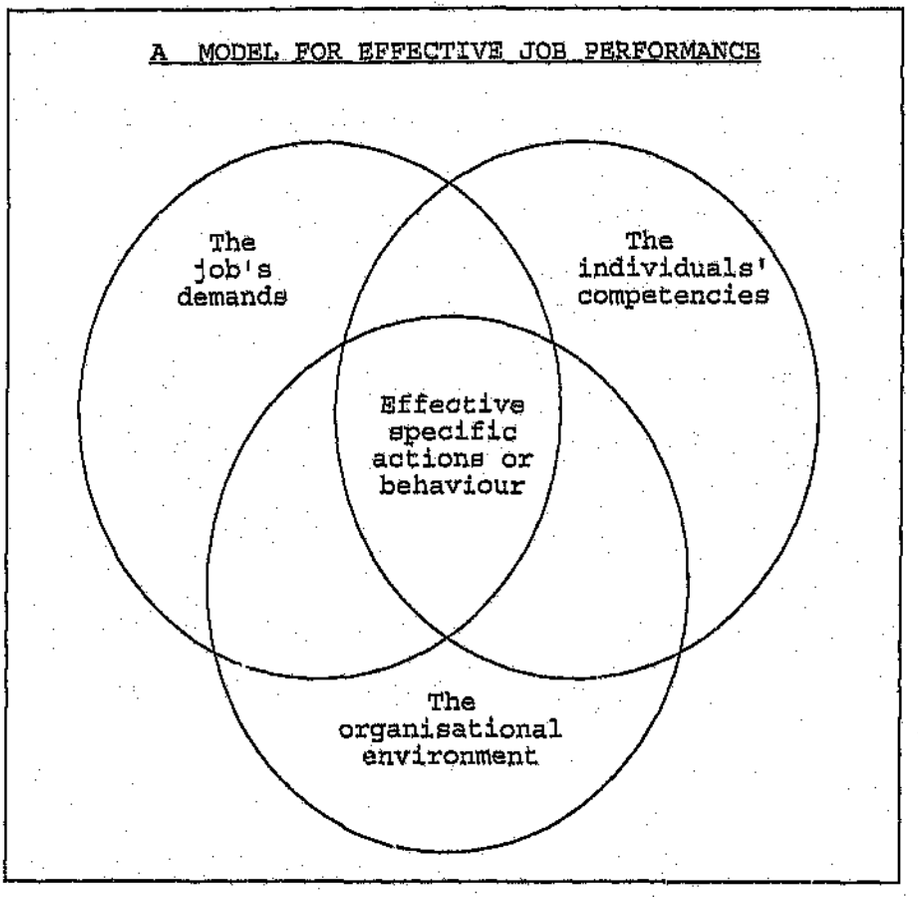
> precedes and leads to effective and/or superior performance in that job", and "in addition to the theoretical prediction as to the causal relationship between a characteristic and job performance, an empirical relationship between the characteristics as an independent variable and job performance as a dependant variable should exist."
>
> (Boyatzis, 1982, p. 23)

According to Spencer & Spencer (1993, p. 9) causally related means that a competency causes or predicts behaviour and performance. The above propositions form the basis of this research. Therefore, to ensure effective performance, it is first necessary to identify those characteristics that are related to effective performance as the possession of the characteristics precedes and leads to effective performance in the job of an attorney.

### 2.7.4 Definition of Competencies

In order to identify a competency, one first needs to understand exactly what is meant by a competency. Boyatzis (1982) formulated the following definition and explanation of a job competency:

FIGURE 1: A MODEL FOR EFFECTIVE JOB PERFORMANCE




Source : Boyatzis, 1982, p.13

Furthermore, these individual competencies were described as:

> "Characteristics that are causally related to effective and/or superior performance in a job", and "... possession of the characteristic

2.7.3 Job Competency and Management

This job competency approach was applied to managerial jobs by Boyatzis in the early 1970's when he, together with his colleagues (the most notable of whom was David McLelland) at McBer & Company, a management consultancy, conducted extensive research on managerial competencies. These studies were based on the proposition that the effective performance of a job was the attainment of specific results or outcomes required by the job through specific actions. Boyatzis (1982) and his colleagues were endeavouring to discover what enables people in managerial jobs to demonstrate the specific actions which led to specific results. The competency assessment studies were conducted on 12 organisations and involved more than 2000 people involved in 41 different managerial jobs. Following these studies, Boyatzis (1982) developed a competency model which postulates that effective performance on a job depends on the interaction or fit between an individual's competencies, the job's demands and the organisational environment. (See Figure 1).

He wished to establish the variables which could predict job performance which in turn led to the development of the job competency approach to work.

### 2.7.2 Job Competency

The job competency approach to work, as an empirical approach, is based on the proposition that one must look closely at both the incumbent and the job. McLelland, in the introduction to Spencer & Spencer (1993), states that in the job competency approach analysis starts with the person in the job and makes no prior assumptions as to what characteristics are required to perform the job well. This highlights the point that although the focus in the job competency approach is on both the person and the job, the emphasis is on the person in the job. McLelland further states that the job competency approach emphasises criterion validity i.e. which characteristics will cause superior performance in a job [Spencer & Spencer (1993, p. 7)]. In this case one must therefore start with the person in the job, namely the attorney, in order to establish the knowledge, skills and abilities required of attorneys to perform effectively as managers and service providers, two important aspects of the attorney's job.

professional services, buyers care a great deal about who provides the service."

The personal attributes or characteristics of an attorney will therefore determine the effectiveness of the delivery of the service.

Kotler and Armstrong, (1989) mention a fourth characteristic, 'perishability', which refers to the fact that a service cannot be stored. An attorney will have to overcome this problem by managing the demand and supply of legal services. Specific competencies such as time management and delegation are important in overcoming this problem.

Parasuraman et al (1985) investigated the issue of service quality. Their exploratory investigation revealed that:

> "A set of key discrepancies or gaps exists regarding executive perceptions of service quality and the tasks associated with service delivery to consumers. These gaps can be major hurdles in attempting to deliver a service which consumers would perceive as being of high quality."
>
> (Parasuraman et al., 1985, p. 44)

factors such as the people providing the service, the place where the service is provided, and the price of the service. The attorney is the key person in providing the legal service and the client's perception of the attorney will directly effect the client's perceptions of the quality of that legal service. Service competencies are therefore vital for all attorneys.

2.8.2 Heterogeneity - The service can be delivered by different people at different times or the same people at different times and can therefore vary greatly. Kotler and Armstrong (1989) refer to this characteristic as 'variability' and point out that the quality of the service depends on who provides the service and when and where it is provided. Consistency and reliability are very important competencies for dealing with the characteristic of heterogeneity.

2.8.3 Inseparability - This refers to the fact that the production and consumption of the service take place at more or less the same time. Kotler and Armstrong (1989, p. 578) comment that "since the client is also present as the service is produced, provider-client interaction is a special feature of services marketing ... in the case of ....

will). Pattison and Boer (1993) suggest that one of the only competitive advantages available to legal firms today is the delivery of a consistently high quality service.

MacKenzie (1991, p.2) goes further by suggesting that "service differentiation through commitment to service quality and a client need orientation strategy ... is what is required by the legal profession for survival in the 1990's".

It is generally accepted that a service has a number of characteristics which differentiates it from a product. These characteristics must be taken into account in the management of a business, such as a legal practice, which provides a service. Parasuraman, Zeithaml and Berry (1985) mention three well documented characteristics of services which must be acknowledged in order to understand what constitutes service quality:

2.8.1 Intangibility - the service cannot be identified by any tangible evidence before it is bought. Kotler and Armstrong (1989) believe that buyers will look for signs of service quality to reduce the uncertainty brought about by the intangibility of the service. The client obtaining a legal service will draw conclusions of quality from

These studies all show that the job competency approach to management enjoys widespread acceptance in South Africa and is a useful model for enabling an attorney to provide a more effective legal service.

The major advantage of the job competency approach is that it is based on a study of the manager in the job and therefore requires the input of the incumbent. Cockerill (1989, p. 56) comments that in his experience the "competency based approach to management development has a high and demonstrable payback for the investment it requires, is relevant to the challenges of the present and future, is based on behaviour that managers use and that can be clearly observed, rather than surrounding itself in mysticism and is welcomed by managers". This statement encapsulates the advantages of an empirical approach to management.

## 2.8 Service Industry Management

The attorney operates within the service industry. Kotler and Armstrong (1989, p. 575) define a service as "any activity or benefit that one party can offer to another that is essentially intangible and does not result in the ownership of anything. It's production may or may not be tied to a physical product." A legal service can be either intangible (e.g. legal advice) or it can produce a physical product (e.g. a contract or a

relevance to this research as they studied competencies which were relevant to consulting, which also operates in the services industry, the industry in which attorneys operate. Nell (1992) developed a conceptual service competencies model which lists the following competencies as being important service competencies:

A. Individual Competencies
   - Integrity
   - Confidentiality
   - Judgement
   - Accountability
   - Objectivity

B. Service Attributes
   - Reliability
   - Responsiveness
   - Assurance
   - Empathy

C. Effective Consulting - Consultant Focus
   - Quality service
   - Client needs
   - Cost effective service
   - Achievement of results

for her research questionnaire. The results of Bussin's (1992) research showed that the same competencies were not required to manage the different stakeholders; that the importance of the competencies was dependent on the specific stakeholder; and that in order to cope with the changing socio-political environment, management require an array of competencies and skills.

Barker (1992) investigated the managerial competencies of the clergy and the competencies generated by that study were used in this research. The research methodology used by Barker (1992) was of particular relevance to the present study.

Miller (1992) studied what both clients and consultants believed constituted competencies for effective performance in management consultancy. Nell (1992) set out to measure the service competencies displayed in the executive recruitment consulting and used Dulewicz's (1989) list of supra-competencies in his study. The general perception of Nell (1992) following his research was that while executive recruitment consulting may differ from other management consulting forms or processes, generic competencies hold true across functional boundaries. This was an area for further research suggested by Miller (1992). The research of both Nell (1992) and Miller (1992) is of particular

The final list of competencies included in the questionnaire is also set out in Table 3 for purposes of comparison. Spencer & Spencer (1993, p. 23) point out that 'many jobs require unique combinations of competencies used simultaneously'. Those aspects of the job of an attorney which relate to the attorney as manager and service provider also require a unique combination of competencies. These lists therefore, formed the basis for the identification of managerial and service competencies of attorneys.

2.7.8 South African Research on Competencies

Generic managerial competency models have formed the basis of numerous studies into competencies in the South African context. Lapinsky (1989) used the job competency method developed by McBer & Company to establish a model of management which was relevant to the South African context. Lapinsky's (1989) research produced similarities with the findings of the international study, although important differences did emerge such as the ability to handle complex socio-political change which emerged as a distinguishing competency for the local management sample.

Bussin (1992) investigated the managerial competencies for managing stakeholders in the retail environment and used Dulewicz's (1989) supra-competencies as the basis

| QUESTIONNAIRE COMPETENCY | BOYATZIS | Mc BER | DULEWICZ | WOODRUFFE | BARKER |
|---|---|---|---|---|---|
| Computer Literacy | | | | | Computer Skills |
| Managing Diversity | | | | | Diversity Acceptance Skills |
| Presentation Skills | Use of Oral Presentation | | | | Presentation Skills |
| Interpersonal Conflict Handling and Negotiation Skills | | | | | Interpersonal Conflict Handling and Negotiation Skills |
| Communicaton Skills | | | Oral Communication | | Interpersonal Skills |
| | | | | | |

| QUESTIONNAIRE COMPETENCY | BOYATZIS | Mc BER | DULEWICZ | WOODRUFFE | BARKER |
|---|---|---|---|---|---|
| Developing Others | Developing Others | Developing Others | | | |
| Managing Staff | Use of Unilateral Power | Directing Others | Managing Staff | | |
| Group Management and Teamwork | Managing Group Processes | Organisation Awareness Group Management | | | |
| Relationship Building | Concern with Close Relationships | Relationship Building | | | |
| Adaptability and Resilience | Stamina and Adaptability | Flexibility | Adaptability and Resilience | | |
| Concern with Impact | | Concern with Personal Impact | | | |
| Accurate Self-assessment | Accurate Self-assessment | | | | |
| Perceptual Objectivity | Perceptual Objectivity | | | | Self Knowledge |
| Identifies Options in order to Progress | | | | | |
| Productivity Orientation | | | | | |
| Financial Skills | | | | | Bookkeeping Skills |
| Business Sense and Curiosity | | | Business Sense and Curiosity | | |

TABLE 3

| QUESTIONNAIRE COMPETENCY | BOYATZIS | Mc BER | DULEWICZ | WOODRUFFE | BARKER |
|---|---|---|---|---|---|
| Efficiency Orientation | Efficiency Orientation | | Planning and Organising | | |
| Achievement Motivation | | Achievement Orientation | Achievement Motivation | Drive to Achieve Results | |
| Initiative | Pro-activity | Initiative | | | |
| Concern for Order | | Concern for Order | | | |
| Conceptual Thinking | Diagnostic Use of Concepts | Use of Concepts | | Incisiveness to have a Clear Understanding | Intellectual Skills |
| Strategic Perspective | Concep-tualisation | | Strategic Perspective | Goal Orientation to win in the Long term | |
| Analytical Thinking and Judgement | Logical Thought | Analytical Thinking | Analysis and Judgement | Incisiveness to have a Clear Understanding | |
| Self-confidence | Self-confidence | Self-confidence | | Self-confidence to Lead the Way | Self-confidence |
| Self-control | Self-control | Self-control | | | |
| Stamina/ Tenacity | | Tenacity | Energy And Initiative | | |
| Concern with Personal Impact | Concern with Impact | | | | |
| Interpersonal Sensitivity | Positive Regard | Interpersonal Sensitivity | Interpersonal Sensitivity | | |
| Direct Persuasion and Influence | Use of Socialised Power | Direct Persuasion & Influence | Persuasiveness | | |

professional competencies which are also set out in Table 3. It is evident from Table 3 that there is a great deal of overlap between these lists of competencies. Although the competencies have different labels they often refer to the same characteristics. Dulewicz (1989) comments that:

> "After 20 years experience of managerial assessment and job analysis in a wide range of organisations, I have long felt that lists of competencies generated by different organisations for similar levels of management have a high degree of commonality."
>
> (Dulewicz, 1989, p.57)

In Table 3, the researcher has attempted to group competencies which have different labels but which in the researcher's opinion are similar. Table 3 also contains a number of the competencies identified by Barker (1992) which was similar to the generic competencies referred to above.

The Directing Sub-Ordinates Cluster

- Developing others
- Use of unilateral power
- Spontaneity

The Focus on Others Cluster

- Self-control
- Perceptual objectivity
- Stamina and adaptability
- Concern with close relationships

These 19 competencies can be referred to as a generic job competency model for managers and have been used widely in the application of competencies to management development. Dulewicz (1989) identified 12 independent dimensions of managerial performance, which he called supra-competencies. Dulewicz's (1989) list is set out in Table 3 which contains a comparison of these supra-competencies with Boyatzis' (1982) job competency model for managers. Woodruffe (1993) also developed a list of generic competencies and these too are set out in Table 3. McBer, the management consultancy referred to above, has continually built upon the research of Boyatzis (1982) and has conducted further research of its own resulting in further job competency models being developed. One of these consists of McBer's (undated)

## CHAPTER THREE - RESEARCH AIMS AND PROPOSITIONS

### 3.1 Introduction

The overall intention of the study was to contribute toward the improvement of the managerial effectiveness of, and provision of services by, individual attorneys. The job competency approach was considered an effective means of identifying the characteristics which would enable attorneys to be more effective managers and service providers. This chapter discusses the aims and research propositions which were formulated for the research.

### 3.2 Identification of Competencies

The research primarily set out to identify the managerial and service competencies of attorneys by establishing the types of competencies required by attorneys for effective managerial performance and for the provision of a high quality service. In other words the research set out to develop a job competency model in respect of the attorney's roles of manager and service provider.

### 3.3 Importance of Competencies

The competencies identified would be prioritised by determining their relative importance to attorneys.

business requires that they be good service providers. The job competency approach is a useful method of approaching these roles in that it will establish what characteristics skills or behaviours the attorney requires to perform the tasks and functions of the roles of manager and service provider with competence. The ubiquity of the job competency approach was illustrated by reference to its application to other human resources development initiatives. Finally the legal training of prospective attorneys was discussed and job competency approach was considered to be a useful way of improving the training and development of attorneys.

From the above, it is clear that until very recently the training and education which an attorney received concentrated on technical skills and knowledge. Madden (1991a, p. 616) comments that "candidate attorneys emerging from articles may be outstanding at drafting, litigation and negotiation ... but fail miserably in the business of law." It is only recently that the importance of management as a vital element of legal training has been recognised. This is seen in the inclusion of practice management in the School for Legal Practice course. However, this course is not compulsory and therefore not all prospective attorneys will receive this training. There is still not direct training in service industry management.

The identification of managerial service competencies of attorneys can be used in the formulation of training programmes in respect of attorney's managerial and service provider roles.

## 2.11 Conclusion

The literature reviewed discussed the importance of management to modern business organisations. Attorneys are businessmen operating in organisations. One of their important roles is to be effective managers. They also operate within the service industry and the demands of

The practical legal training offered by the Association of Law Societies now takes two forms:

A. A compulsory practical legal training course of approximately six weeks duration. The contents of this course is set out in Appendix 1. This course offers no management training apart from legal accounting.

B. An optional course of six months duration presented at one of the Association of Law Societies' schools for legal practice. These schools have recently been established and are a welcome addition to legal training. In 1994 the Pretoria School for Legal Practice became a permanent institution of the Association of Law Societies. This was initially the only centre where the school was presented. During 1994, schools for legal practice were presented in Durban, Cape Town and Johannesburg for the first time. The syllabus of the School for Legal Practice is set out in Appendix 2. Practice management and administration and legal accountancy form part of the fourth module of the course.

'principal'. In terms of the Attorneys Act, 53 of 1979, the articled clerk is required to serve the period of articles of clerkship in the office of his principal under his direct personal supervision or under that of an attorney who is a partner or manager of his principal. The nature of the training the articled clerk receives is only prescribed in terms of general subject matter and not content. There was and still is no specific requirement for management training by the principal. In 1977 an ad hoc committee appointed by the Association of Law Societies to examine the whole system of legal education recommended that "a system of practical training for articled clerks should be introduced with a view to supplementing the training received from principals which in many cases left much to be desired" (Sampson, 1983, p.13).

Apart from practical training, the main object of articles of clerkship is the socialisation of the candidate attorney into the profession. The above recommendations led to the establishment of Practical Legal Training Schools in the various provinces in the early 1980's. These training schools have attempted to provide all candidate attorneys with practical legal training. In terms of Section 11 of the Attorneys Amendment Act 87 of 1989 attendance of a practical legal training course is now a prerequisite to admission as an attorney.

action programmes in South African organisations need to be competency based in order to be successful. This is an important application of the competency approach to an issue which is a strategic imperative for all South African organisations.

Human (1991, p.276) states that much of the thinking on management development in South Africa is not shaped by the needs in society but rather by a elitist nature of the academic activity and therefore management education and development initiatives appear to be pushed into the future by tradition and historical demand rather than being pulled by real future demand. This is true of the management education and development of attorneys too, which is discussed next.

## 2.10 Legal Training

Until fairly recently, the institution of 'articles of clerkship' provided the only means of entry to the attorneys profession. It was also the only vehicle for practical training available to attorneys. However, the practical training which candidate attorneys received during articles was unstructured and haphazard.

Following a formal legal education obtained at a university, a prospective attorney is required to obtain articles with a qualified attorney, known as a

Glaze (1989) believes that the language of competence has made possible a more professional influence on decisions concerning the selection, deployment and development of managers in the work situation. MacKenzie (1991) states that competencies which lead to success in the job can mostly be developed through skilled coaching and proper development opportunities. According to Spencer & Spencer, (1993, p.8) "the competency approach provides a human resource method broadly applicable to selections, career pathing, performance appraisal and development in the years ahead".

Dubois (1993, p. 11) states that job competence is a complex phenomenon and that "underlying personal characteristics that employees need for successful job performance are often only minimally addressed or are altogether ignored as key components of the performance improvement process". The job competency approach is important for improving job performance.

2.9.2 South African Perspective

Fischer & Maritz (1994) believe that the development of competency models for all categories of work is in the national interest if South Africa is to realise the full potential of all its people, as competency is the only fair basis of training and development measures across organisations, industries and nationally. Christie (1993) argues that affirmative

others. The answers to the improvement of the services lies with the professions. The research was intended to identify those competencies that would enable attorneys to provide a better and more effective service.

## 2.9 Use of Competencies

### 2.9.1 General

The uses of competencies in the development of managers are many and varied. Dulewicz (1989) suggests that competencies could be used in management selection, performance appraisals and in-house company training and development. Spencer & Spencer (1993) state that in complex jobs such as marketing, professional and managerial jobs, competencies are relatively more important in predicting superior performance than are task related skills, intelligence and credentials.

Greatrex & Philips (1989) commenting on the use of competencies at British Petroleum Company state that:

> "In integrating the competency model, we have also linked it with other systems, such as training, in an informal way, that recognises a common ground in terms of desirable behaviours."
>
> (Greatrex & Philips, 1989, p39)

factors all affect the service quality determinants referred to above. The image problem is a result of the image "formed by the way the public perceives the factual reality [referred to above] and the imaginary qualities the public perceives attorneys to have, based on personal experiences, as well as the information volunteered by other people and news reports" (Association of Law Societies, undated, p.3).

The surveys also showed that the public has four major frustrations in regard to attorneys and their services:

A. attorney's service were too expensive;
B. the services rendered were not worth the fees charged;
C. attorneys were perceived as biased; and
D. attorneys were regarded as slow and inaccurate.

It is clear from the research of MacKenzie (1991) and the research of the Association of Law Societies (undated) that the issue of service industry management is vital from a strategic perspective for the attorney's profession. The profession will have to make concerted efforts in this area to overcome the negative image of attorneys. There is fortunately, an increasing realisation amongst attorneys that the attorney's role of service provider is a crucial one. However, some attorneys are better legal service providers than

factors of image, accessibility, added value, credibility, relationship manner and responsiveness were also identified by MacKenzie (1991) as perceived quality gaps.

King (1993) believes that legal services must be relevant to market needs and attorneys must ensure that interaction with clients is as close as possible.

In 1990, the Association of Law Societies conducted marketing research, by way of three surveys, to obtain information which could be used to implement the most appropriate marketing techniques to improve the image of the profession. The marketing function is an important area for improving service industry management and has only recently begun to occupy the minds of lawyers.

According to the Association of Law Societies (undated) the results of the research pointed to two problems, a practice identity problem and an image problem. The practice identity problem was seen as the factual reality which the attorneys profession presented to the public and which comprised the service mix, the management style, the communication style, policies and practice, the language used, the visual impressions created by the reception area and offices and the appearance and behaviour of the personnel. These

TABLE 4: CONTINUED

| | |
|---|---|
| COURTESY: | Politeness, respect, consideration and friendliness of contact personnel. |
| COMMUNICATION: | Keeping clients informed in language they can understand and listening to them. |
| CREDIBILITY: | Trustworthiness, believability and honesty. Having the client's best interests at heart. |
| SECURITY: | Freedom from danger, risk or doubt. |
| UNDERSTANDING: | Making the effort to understand the client's needs. Knowing the customer. |
| TANGIBLES: | Includes the physical evidence of the service. |

(Parasuraman, *et al*, 1985, p. 47)

MacKenzie (1991) investigated service quality at stages of the client-attorney relationship and identified a number of perceived service quality gaps between the expected service and the delivered service. MacKenzie (1991) found that the service factor of 'professional competence' accounted for the largest service quality gap. This underscores the need for this research into managerial and service competencies. The service

If an attorney possesses service competencies that contribute toward reducing the 'gaps' referred to above, it must enable him /her to produce an effective service. Parasuraman *et al* (1985, p. 46) found that "regardless of the type of service, consumers used basically similar criteria in evaluating service quality" and identified ten service quality determinants. These determinants of service quality are set out in Table 4.

These service quality determinants are crucial for identifying which competencies will allow for the provision of a high quality service and were used in this research.

TABLE 4: DETERMINANTS OF SERVICE QUALITY

| | |
|---|---|
| RELIABILITY: | Consistency of performance and dependability. |
| RESPONSIVENESS: | Willingness or readiness of employees to provide timely service. |
| COMPETENCE: | Possession of the required skills and knowledge to perform the service. |
| ACCESS: | Approachability and ease of contract. |

4.2.3 List of Competencies

The data was then qualitatively analysed before preparing a final list of competencies based on this data and the literature review. This final list consisted of 31 competencies. These competencies and their behavioural descriptors are set out below:

1. EFFICIENCY ORIENTATION

- A desire to find better or more efficient ways to do things
- Develops plans for achieving goals
- Organises resources efficiently and effectively, delegating work to the appropriate staff
- Plans priorities, assignments and the allocation of resources
- Makes full use of own time and resources
- Work is precise and methodical and relevant detail is not overlooked

2. ACHIEVEMENT MOTIVATION

- Sets demanding goals for self and others and has a desire to meet them
- Is dissatisfied with average performance
- Sees a task through to completion irrespective of obstacles and setbacks
- Performs against a personal standard of excellence

"What managerial and service competencies do you think attorneys will be required to have in the next five years in order to:

a) manage their practices effectively; and
b) provide a quality service?"

E. During the interview it was stressed that it was necessary to adopt a future orientation when identifying competencies. The interviewees were asked to think of characteristics or attributes that distinguish effective or superior performers from others when identifying competencies.

F. Hand-written notes were taken by the interviewer during the interviews.

The five interviews each lasted between one and one and a half hours each. The hand-written notes taken at the interviews were rewritten shortly after the interviews were conducted in order to avoid a loss of data which could have resulted from the use of key words and other forms of cryptic note-taking used by the interviewer.

subject of management was explained to the interviewees in order to establish credibility.

B. The following definitions of competencies were discussed in order to establish a common basis for all the interviews:

> "A competency is a set of behaviour patterns that the incumbent needs to bring to a position in order to perform its tasks and functions with competence." (Woodruffe, 1993, p.25); and
>
> "Competencies are characteristics that are causally related to effective and/or superior job performance." (Boyatzis, 1982, p.23).

C. The environmental context in which the legal profession operates was emphasised as being an important consideration particularly in the light of the proposed changes to the structure of the legal profession, the increased competition threatening traditional areas of practice of attorneys and the difficult economic conditions in which attorneys have to operate.

D. The interviewees were then asked the following question:

As these practitioners were regarded as successful in their chosen careers, and by implication and position, successful managers and service providers, it was assumed that they would be able to identify managerial and service competencies.

A methodology for conducting the five interviews was developed following the literature review and the interviews with Mr Swart and Mr Adcock. Prior to the interviews the methodology was discussed with a human resource practitioner who has extensive experience in the field of competencies. A trial interview was conducted with a legal practitioner in order to test the proposed methodology and to assess the approximate duration of an interview. The aim of this trial interview and the interviews with Mr Swart and Mr Adcock was to gain experience in the techniques of interviewing and to facilitate the identification of competencies.

The methodology followed during the interviews was as follows:

A. The interviews commenced with a brief introduction explaining the background to the research problem and the aims of the research. The researcher's legal background and interest in the

could be interviewed as they were considered to be good managers and good attorneys. These two interviews were also used to discuss the issue of managerial and service competencies of attorneys with senior members of the profession. The interviews were therefore regarded as trial interviews for the five open-ended interviews which were to follow. Both Mr Swart and Mr Adcock expressed the view that there was a need for research of this nature. Mr Swart, on behalf of the Association of Law Societies officially lent his support to the research. See Appendix 3.

The interviewees were selected from the list of those recommended by Mr Swart and Mr Adcock on the basis of their standing in the legal profession and their interest and experience in the management of legal practices. Using the criteria of convenience and availability, five interviews were set up. The following legal practitioners were interviewed:

| Name | Position | Firm/Company |
|---|---|---|
| Mr Bennett | Managing Partner | Damant Bostock Inc. |
| Mr Butler | Practice Manager | Werksmans Inc. |
| Mr King | Chief Executive Officer | Webber Wentzel Inc. |
| Mr Andrew | Sole Practitioner | Andrew Lister & Co. |
| Mr Buys | Practice Manager | Blakes Inc. |

study was particularly relevant as it tested the applicability of the generic managerial competencies identified by Boyatzis (1981) to South African managers. Therefore, Boyatzis' (1982) generic managerial competencies together with the supra-competencies of Dulewicz (1989), the generic competencies of Woodruffe (1993) and the list of professional competencies of McBer (undated), were used to formulate a preliminary list of competencies which formed the basis for the interview stage. A comparison of these competencies is set out in Table 3 on pages 52, 53 and 54.

4.2.2 Interviews

The second step consisted of five open-ended interviews with five senior members of the legal profession. According to Groenewald's (1986) classification of data sources, this involved obtaining data from a field source using indirect observation.

The interviewees were chosen after separately consulting the head o ıe Association of Law Societies' Practical Legal Training School, Mr N Swart and Mr M Adcock the Chairman of a large Johannesburg firm of attorneys, Bowman Gilfillan Hayman Godfrey Inc. They were asked to each recommend attorneys who

research used both interviews and questionnaires as data sources.

The research was conducted in a number of distinct phases. The initial stages of the research followed the pattern of research undertaken by Barker (1992) as the study was largely a replication of the first and second phases of his research into the managerial competencies required of the clergy.

## 4.2 Generation of Competencies

### 4.2.1 Literature Survey

The first step involved an extensive literature review with the aim of obtaining an idea of the kinds of competencies applicable to the roles of an attorney as manager and service provider. The aim of this exercise was to obtain data from secondary, documentary historical sources of data according to Groenewald's (1986) classification of data sources. Following this a preliminary list of competencies was drawn up.

South African studies on competencies were considered to be important and relevant to this study. As there were no South African studies on the managerial and service competencies required of attorneys, studies of competencies in other related professions and related subject matter were referred to. Lapinsky's (1989)

# CHAPTER FOUR - RESEARCH METHODOLOGY

This chapter discusses the research methodology used to test the research propositions and achieve the research aims.

## 4.1 Research Design

The research design of this study can be classified as a survey. Groenewald (1986) lists the following three characteristics of a survey:

- Information is collected about a great many similar cases;
- A finite number of characteristics are registered in the process of observation; and
- Surveys are executed in a circumscribed area at a given time.

All these characteristics were evident in this study. In addition, Groenewald (1986, p.55) states that "in social research surveys have become synonymous with the use of indirect observation, viz. interviews and questionnaires." Leedy (1993) points out that the questionnaire is a commonplace instrument for observing data beyond the physical reach of the observer. The research methodology employed in this

Societies of South Africa and the provincial law societies.

B. General management and service management courses for the training of existing legal practitioners who perceive the need for further training in managerial and service skills and competencies.

Suggestions will be made on the use of competencies in formulating courses of the kind mentioned above.

## 3.7 Conclusion

It is submitted that the research aims and propositions set out above will assist in achieving the overall intention of the study which is to improve the effectiveness of attorneys with particular reference to their roles as managers and service providers.

Ho The means of the ratings of the need for training in the competencies will not be significantly different depending on the size of the practice in which the attorney operates.

Ha The means of the ratings of the need for training in the competencies will be significantly different depending on the size of the practice in which the attorney operates.

3.6 Basis for Training

The competencies which would be identified as important in terms of paragraphs 3.2 and 3.3 and in which a need for training exists in terms of paragraph 3.4 could be used as a basis for formulating or developing:

A. General management and service management courses which could be included in the curricula for the training and education of law students, either at a tertiary education level or in the practical legal training undertaken by the Association of Law

competencies and the need for training in the competencies, differently.

It was further proposed that attorneys practising in different sized organisations would have different training needs with regard to the identified competencies.

To test the proposition in respect of the importance of the competencies the following hypotheses were formulated:

Ho The means of the ratings of the importance of the competencies will not be significantly different depending on the size of the practice in which the attorney operates.

Ha The means of the ratings of the importance of the competencies will be significantly different depending on the size of the practice in which the attorney operates.

To test the proposition in respect of the need for training in the competencies the following hypotheses were formulated:

3.4 Training Needs

The study also sought to establish the perceived need for the training of attorneys in the identified competencies. It was proposed that a need exists among attorneys for training in the identified competencies.

3.5 Practice Size

A variable of possible importance in the population studied was the size of the organisation in which the attorney operated. According to Robbins (1987, p.104) there is wide agreement between organisational theory researchers on how the size of an organisation is determined as "over 80 percent of studies using organisation size as a variable define it as the total number of employees." For the purposes of this research it was proposed that the size of the practice or the organisation in which the attorney operates would be determined by the number of attorneys employed by the practice or organisation as the number of attorneys employed is indicative of the total number of employees in the legal practice.

The research sought to determine whether attorneys practising in different sized practices required different managerial and service competencies. This meant that attorneys practising in different sized organisations would prioritise the importance of the

- Adjusts style and the message to match the characteristics of the recipient
- Tactful towards both clients and staff
- Listens to other's viewpoints
- Listens dispassionately, is not selective, recalls key points and takes account of them
- Possesses verbal and non-verbal skills which show others that they are valued and cared for

31. RISK TAKING

- Is willing to take risks and seek new experiences
- Is decisive
- Ready to take decisions even on limited information

The exact reference for each competency and each behavioural indicator is set out in Appendix 4, where necessary.

4.3 Construction of Questionnaire

A questionnaire was constructed using the 31 competencies generated in the first step. A copy of the questionnaire is set out in Appendix 5. The study was in essence a replication of the first and second phases of Barker's (1992) study and therefore the general format of the questionnaire used by Barker (1992) was followed. This questionnaire had proved to

28. PRESENTATION SKILLS

- The ability to present information verbally so that the intended purpose is achieved
- To be able to reinforce the presentation of verbal information with non-verbal behaviour, and if necessary, visual aids
- Uses language and practical examples clients and laymen will understand
- Material is well organised, voice projection is clear an delivery style is pleasing
- In formal presentations, is enthusiastic and lively, tailors content to audience's level of understanding

29. INTERPERSONAL CONFLICT HANDLING AND NEGOTIATION SKILLS

- The ability to intervene in interpersonal conflict and successfully mediate and reconcile differences
- The ability to negotiate an outcome that is favourable for the party that you represent and is accepted by the other party

30. COMMUNICATION SKILLS

- Conveys information clearly with ease and interest so that others understand what is being communicated, both orally and in writing

24. FINANCIAL SKILLS

- The ability to read a balance sheet, prepare a budget and monitor cash flow
- Has a basic knowledge of accounting and tax

25. BUSINESS SENSE AND CURIOSITY

- Identifies and seeks out opportunities which will increase sales or profits
- Selects and exploits those activities which will result in the largest returns
- Follows a hunch, is inquisitive

26. COMPUTER LITERACY

- Has a basic knowledge of word-processing and spreadsheet programmes
- Knows the application and limitations of these programmes
- Can operate and utilise systems which store legal information e.g. Jutalex

27. MANAGING DIVERSITY

- Understanding and being able to manage the differences between various groups in the workplace
- The ability to relate to and respect all people

- The ability to distance oneself from emotional involvement in a situation, thereby allowing oneself to exercise relative objectivity
- The disposition to view an event from multiple perspectives simultaneously

22. IDENTIFIES OPTIONS IN ORDER TO PROGRESS

- Generates options
- Evaluates options by examining the positive and negative aspects if they were put into effect
- Anticipates the effects of options on others
- Foresees others reactions
- Demonstrates common-sense and initiative

23. PRODUCTIVITY ORIENTATION

- Identifies priorities
- Thinks back from deadlines
- Identifies elements of tasks
- Schedules elements
- Anticipates resource needs
- Allocates resources to tasks
- Sets objectives for staff
- Manages own and others' time

response to new information or changes in a situation

- Is resilient

19. CONCERN WITH IMPACT

- The characteristic of acquiring symbols of power in order to have the power to impact others
- Interest and concern in status and reputation
- Being good at influencing and persuading others

20. ACCURATE SELF-ASSESSMENT

- A realistically grounded view of yourself
- An awareness of your own strengths and weaknesses
- The ability to describe and evaluate your effectiveness in a given situation and to take appropriate action to remedy the weaknesses
- Knowing how your personal values, needs and interests affects others and your professional competence

21. PERCEPTUAL OBJECTIVITY

- The ability to be relatively objective and not limited by personal prejudices, perspectives or biases

- Stimulates others to work together effectively in group settings
- Utilises the skills and resources of all team members
- Seeks the input of group members by encouraging participation
- Treats all group members equitably
- Keeps all group members informed and finds solutions that benefit all involved parties
- The ability to work in a group but not to dominate it
- The willingness to assist others, share information and knowledge to meet the needs of the firm

17. RELATIONSHIP BUILDING

- The ability to establish rapport easily and to develop and maintain a network of contacts and formal channels of communication who can provide information, help and access to others
- The ability to use influence to build alliances, networks, coalitions or teams

18. ADAPTABILITY AND RESILIENCE

- The ability to adapt easily to change
- Can see the merits of differing positions and adapts one's own behaviour, position and strategies in

- The ability to develop and use effective plans and tactics to persuade others or to gain their support

14. DEVELOPING OTHERS

- Takes effective efforts to improve the skills and competencies of others
- Monitors and evaluates their work
- Provides clear, specific performance feedback
- Coaches and mentors
- Facilitates self-development in others

15. MANAGING STAFF

- The ability to use the power of one's position in an effective way
- Adopts an appropriate interpersonal style for achieving group objectives
- The ability to set expectations for others
- The ability to enforce rules, confront others about problems and tell others what to do
- Shows vision and inspiration
- The ability to build commitment of various people to standards of behaviour

16. GROUP MANAGEMENT AND TEAMWORK

- The ability to develop co-operation and teamwork while leading a group of people

12. INTERPERSONAL SENSITIVITY

- The ability to understand, interpret and show consideration for other's concerns, needs, motives and feelings
- The ability to recognise the limitations in others
- Shows empathy in oral and written communications
- Is flexible when dealing with others and will change own position when others' proposal warrant it
- Extracts a deeper meaning from verbal and non-verbal messages and communicates understanding of and insight into another person's feelings and situation
- Is trusted, acts with compassion, keeps confidence and is available when needed

13. DIRECT PERSUASION AND INFLUENCE

- The ability to convince others by presenting logical arguments, pointing out benefits and using language suited to the audience
- Influences and persuades others to give their agreement and commitment
- In the face of conflict, uses personal influence to communicate proposals to reach bases for compromise and to reach agreement
- Uses forms of influence to obtain compliance
- Acts to stimulate others to go along with ones directions, wishes, commands, policies or procedures

- The ability to inhibit personal needs or desires in service of organisational needs
- Maintains effectiveness in the face of adversity or unfairness
- Performance remains stable under pressure or opposition
- Does not become irritable or anxious, retains composure

10. STAMINA / TENACITY

- The ability to physically sustain long hours and maintain high performance under consistently high stress
- The ability to stick with a difficult task over an extended period of time, without quitting when faced with obstacles or rejection
- Has energy and vitality

11. CONCERN WITH PERSONAL IMPACT

- A tendency to think carefully about the likely effects on others of one's actions, words, appearance and mode of behaviour
- A tendency to calculate one's words and actions in advance to achieve a desired effect

discerned, and accurate conclusions / results are derived from these comparisons over time

- The ability to identify essential, underlying issues in complex situations
- Makes decisions based on logical assumptions that reflect factual information

8. SELF-CONFIDENCE

- Decisiveness or presence; makes a strong, positive impression
- Has authority and credibility
- Positive self-esteem
- Has a strong faith in one's own skills, capability and judgement and expresses and conveys a belief in own ability
- Displays a crisp, forceful and impressive self-presentation
- The ability to make decisions without ambivalence and accept the consequences of those decisions
- Admits to areas of inexpertness

9. SELF-CONTROL

- The ability to keep one's emotions under control when faced with opposition or hostility from others or when working under stressful conditions

5. CONCEPTUAL THINKING

- The ability to develop and apply concepts and principles
- The ability to draw logical conclusions and to note similarities and differences between situations
- The ability to identify or recognise patterns or themes from an assortment of information

6. STRATEGIC PERSPECTIVE

- Rises above the detail to see broader issues and implications
- Takes account of wide-ranging influences and situations both inside and outside the organisation before planning or acting

7. ANALYTICAL THINKING AND JUDGEMENT

- Seeks all relevant information
- The ability to break down complex problems or tasks to generate detailed plans
- The ability to think of multiple causes and consequences of events
- Grasps information accurately and identifies limitations to information
- Identifies, selects and compares information in such a way that similarities and differences are

- Maintains a high level of activity and produces a high level of output
- Actively influences events to achieve goals

3. INITIATIVE

- The tendency or disposition to act in a self-directed way
- Taking action before being directed or forced by events
- Precipitates action
- Seizes opportunities, seeks in-depth information from a variety of sources
- Does significantly more than is required
- Is proactive
- Is an initiator
- Is a self-starter and originator

4. CONCERN FOR ORDER

- A concern for ensuring accuracy, quality and orderliness of work and information
- Gives attention to detail and carefully checks one's own and other's work
- A concern that work gets done in a methodical way by adhering to procedures and systems

Initially, on the 31st October 1994, 300 questionnaires were sent out. By the end of November 1994 only 52 questionnaires had been returned. The researcher was in possession of a list of names of the attorneys to whom the questionnaires had been sent and several potential respondents were contacted telephonically and asked to return the questionnaire. Several questionnaires were returned as a result of this initiative. In December 1994 and January 1995 a further 40 questionnaires were sent to attorneys personally known to the researcher. These attorneys were asked to have the questionnaire completed by colleagues who either practised with them or attorneys in other firms with whom they had personal contact.

A sample of 85 attorneys was eventually obtained. This represents a response rate of 25% of the total number of questionnaires distributed. Moser & Kalton (1971) state that the main problem with mail surveys is that of getting an adequate response and that response rates of as low as 10% are not uncommon. Furthermore, Moser & Kalton (1971) comment that a response rate of 20% to 30% is required for the results to have value. Based on these considerations, the response rate of 25% is considered to be adequate.

# CHAPTER FIVE - RESEARCH RESULTS

## 5.1 Introduction

This chapter discusses the statistical techniques and methods used to analyse the data and presents the consequent results of this analysis. Leedy (1993) in a simple definition of statistics explains the value of statistics:

> "Statistics is a language that, through its own special symbols and grammar, takes the intangible facts of life and translates them into comprehensible meaning."
>
> (Leedy, 1993, p. 255)

The results of the statistical analysis are set out below and the interpretation of these results, the 'comprehensible meaning' of Leedy's definition, follows in the next chapter.

## 5.2 Sample Size

A sample of 85 attorneys was obtained from the total population of all practising attorneys in South Africa. All the attorneys in the sample practise in what is now called the Gauteng province. At the time the questionnaires were sent out the sample attorneys all practised in the then PWV area.

analysis was necessary to test the research proposition set out in paragraph 3.5.

4.5.6 Training & Development Programmes

The empirical evidence obtained from the research was used to formulate suggestions regarding the use of competencies in the training and development of attorneys in accordance with the research aim set out in paragraph 3.6.

4.6 Conclusion

It is submitted that the research methodology set out in this chapter enabled the researcher to achieve the research aims and test the research propositions set out in chapter three. The research results obtained by using the research methodology discussed above is set out in the next chapter.

4.5.4 Analysis of Data Relating to the Need for Training

The data obtained from the questionnaires on the need for training in each competency was also subjected to parametric statistical analysis. As this data was also obtained using a five-point verbal scale, albeit with different scale definitions, it too was ordinal. The data was also rescaled using correspondence analysis and the resulting interval data was subjected to parametric statistical analysis. The mean of the ratings of the need for training for each competency was obtained. The need for training in the competencies was then prioritised by ranking the means in accordance with the research aim discussed in paragraph 3.4. Factor analysis was also performed on this data in an attempt to reduce the variables and identify any underlying constructs in the data.

4.5.5 Analysis of Data Relating to Practice Size

The data relating to the variable in respect of the size of the firm in which the respondent attorneys operated was subjected to cluster analysis. The cluster analysis revealed two distinct populations. As a result T-tests were used to examine whether there was a difference in the means of these two populations in respect of the importance of each competency and the need for training in each competency. This

discussion of these tests is set out in the next chapter.

4.5.2 Analysis of Biographical Data

The biographical data was analysed by descriptive statistical analysis.

4.5.3 Analysis of Data on the Importance of Competencies

Data obtained from the questionnaires on the importance of the identified competencies was subjected to parametric statistical analysis. As this data was obtained by using five-point verbal scales it first had to be converted to interval data using correspondence analysis. It was then possible to subject the rescaled data to parametric statistical analysis. The mean in respect of the ratings of the importance of each competency of the rescaled data was obtained. The resulting 31 means were ranked in order to prioritise the importance of competencies to attorneys in accordance with the research aim set out in paragraph 3.3. Factor analysis was used in an attempt to reduce the number of variables in the data and to identify any underlying constructs in the data (Aaker & Day, 1983).

and from Hortor's (199-, Law List, an annual publication which sets out the names and practice details of attorneys in South Africa, the names of 300 attorneys were obtained, made up of 100 from each of the three subgroups referred to above. The questionnaire was sent to these attorneys. This was considered a sufficient number in order to obtain a sample of 90 responses.

## 4.5 Method of Data Analysis.

### 4.5.1 Introduction

Data obtained from the questionnaire was captured using the Survey Systems computer package which is specially designed for this purpose. This package is a useful tool for capturing data and organising it into a format which facilitates statistical analysis. However, the package itself can perform only limited statistical analysis on the data.

Owing to the above limitation, the data on the file created by the Survey Systems package was downloaded into the Number Cruncher Statistical System computer programme which is capable of performing more complex statistical analysis on the data.

The statistical tests used in this research are discussed briefly in this section. A more detailed

Moser & Kalton (1971) further point out that with a sample of this nature, the security of being able to measure and control sample errors is lacking, though they point out the counter argument that sampling errors are so small compared to other errors that enter into surveys that it is no great disadvantage not to be able to measure them.

The sample size was further be divided into three sample groups:

- Small firms : between one and five practising attorneys in the firm;
- Medium sized firms : between five and twenty practising attorneys in the firm; and
- Large firms : more than twenty practising attorneys in the firm.

It was further proposed that of the sample size of 90, at least 25 should come from each of the sample groups referred to above.

The Association of Law Societies recently carried out a survey on the sizes of organisations in which attorneys practice. Based on this study the Association of Law Societies provided a list of firms divided into the various sizes. From this list

the questionnaire which could have affected the response rate.

4.4 Population and Sample

The population for the research was all attorneys in South Africa. An attorney is defined in Section 1 of the Attorneys Act 53 of 1979 as "any person duly admitted to practice as an attorney in any part of the Republic." There were 8061 attorneys in South Africa as at the 28th February 1993 (Sub-Committee Report, 1994, p.6). According to De Klerk (1995), this number had grown to approximately 9000 in February 1995. The Transvaal Law Society currently has a membership of 4463 attorneys and membership is compulsory for all attorneys. Owing to the constraints of time and money it was proposed that a sample size of at least 90 attorneys be obtained.

The method of sampling used is what Leedy (1993, p.200) refers to as "non-probability quota-sampling". According to Moser & Kalton (1971), the main problem with samples of this nature, is the inability to estimate their representativness. The biographical details requested in the questionnaire would assist in answering the question whether a representative sample was achieved.

including one attorney and one human resource practitioner in order to check the clarity of definitions and instructions and to highlight any ambiguities. The questionnaire was amended in minor respects and the format of the behavioural definitions was altered as a result of this exercise.

The questionnaire was sent to the respondents with a covering letter setting out the aims and importance of the research together with the instructions on how it should be completed. See Appendix 6. A letter from the Association of Law Societies expressing their support for the research and their interest in the results of the research also accompanied the questionnaire. A copy of that letter is set out in Appendix 7. A self addressed envelope with return postage paid was sent with each questionnaire to facilitate the return of the questionnaires.

Only English questionnaires were be sent out. In terms Section 15 of the Attorneys Act 53 of 1979, English I and Afrikaans I at university level are pre-requisites for admission to the attorneys profession and it was assumed that attorneys would be sufficiently proficient in the English language to understand the questionnaire. This may have resulted in some resistance to completing

The third section sought to identify the perceived training needs of attorneys. Again the five-point verbal rating scale used by Barker (1992) was used in this section of the questionnaire. The rating scale used in this section was as follows:

- No Need For Training
- Very Little Need For Training
- Need for Training
- Great Need For Training
- Very Great Need For Training

The respondents were asked to rate their need for training in the identified competencies using the five-point verbal rating scale. This section was used to obtain data to achieve the research aim set out in paragraph 3.4.

A comprehensive behavioural definition in the form behavioural indicators of each competency was provided in an appendix to the questionnaire. The respondents were requested to refer to this appendix to the questionnaire before completing sections two and three of the questionnaire.

Prior to the questionnaire being sent out, the questionnaire was piloted amongst several people

be both valid and reliable in Barker's (1992) research, therefore, it was considered important to use many of its aspects in this research. The five point verbal scale used by Barker (1992) was also used to test the perceived importance of the identified competencies to attorneys. The verbal scale was as follows:

- Very Little Importance
- Little Importance
- Important
- Very Important
- Absolutely Essential

According to Bendixen & Sandler (1994) verbal rating scales are commonly used in research in the human sciences.

The questionnaire was divided into three sections. The first section was used to obtain biographical data such as age, length of practice experience and size of firm in which the attorney operates. The second section related to the identification of the importance of the competencies by the rating of competencies using the five-point verbal scale. This section was used to gather data to achieve the research aims discussed in paragraphs 3.2 and 3.3.

- Adjusts style and the message to match the characteristics of the recipient
- Tactful towards both clients and staff
- Listens to other's viewpoints
- Listens dispassionately, is not selective, recalls key points and takes account of them
- Possesses verbal and non-verbal skills which show others that they are valued and cared for

31. RISK TAKING

- Is willing to take risks and seek new experiences
- Is decisive
- Ready to take decisions even on limited information

The exact reference for each competency and each behavioural indicator is set out in Appendix 3, where necessary.

4.3 Construction of Questionnaire

A questionnaire was constructed using the 31 competencies generated in the first step. A copy of the questionnaire is set out in Appendix 5. The study was in essence a replication of the first and second phases of Barker's (1992) study and therefore the general format of the questionnaire used by Barker (1992) was followed. This questionnaire had proved to

| | | | | |
|---|---|---|---|---|
| Accurate Self-assessment | 84 | 0.784 | 1.00 | 5 |
| Perceptual Objectivity | 83 | 0.642 | 1.00 | 5 |
| Identifies Options in order to Progress | 83 | 0.800 | 1.00 | 5 |
| Productivity Orientation | 83 | 0.794 | 1.00 | 5 |
| Financial Skills | 85 | 0.544 | 1.87 | 5 |
| Business Sense and Curiosity | 84 | 0.832 | 1.00 | 5 |
| Computer Literacy | 85 | 0.975 | 1.00 | 5 |
| Managing Diversity | 85 | 0.865 | 1.00 | 5 |
| Presentation Skills | 83 | 0.900 | 1.00 | 5 |
| Interpersonal Conflict Handling and Negotiation Skills | 85 | 0.756 | 1.00 | 5 |
| Communication Skills | 85 | 0.732 | 1.00 | 5 |
| Risk Taking | 85 | 1.121 | 1.00 | 5 |

Three competencies had minimum ratings of 3,607 on the developed interval scale:

- Achievement motivation
- Analytical Thinking and Judgement
- Self-confidence

This means that all the respondent attorneys considered these competencies to be at least Important. The ratings of these three competencies also had the smallest standard deviations of all the competencies, namely 0,524; 0,575; and 0,576 respectively. This indicates that there was general agreement on their importance

5.4.2 Further Statistical Analysis

Table 11 sets out the results of additional statistical analysis of the data on the importance of competencies. The standard deviation of the ratings of each competency is set out together with the minimum and maximum rescaled scores for each competency.

TABLE 11: IMPORTANCE OF COMPETENCIES: FURTHER STATISTICAL ANALYSIS

| Competency | Count | Standard Deviation | Minimum | Maximum |
|---|---|---|---|---|
| Efficiency Orientation | 85 | 0.633 | 1.87 | 5 |
| Achievement Motivation | 85 | 0.524 | 3.607 | 5 |
| Initiative | 85 | 0.596 | 1.87 | 5 |
| Concern for Order | 84 | 0.618 | 1.87 | 5 |
| Conceptual Thinking | 83 | 0.669 | 1.87 | 5 |
| Strategic Perspective | 84 | 0.682 | 1.87 | 5 |
| Analytical Thinking & Judgement | 83 | 0.575 | 3.607 | 5 |
| Self-confidence | 84 | 0.576 | 3.607 | 5 |
| Self-control | 84 | 0.662 | 1.87 | 5 |
| Stamina / Tenacity | 84 | 0.699 | 1.87 | 5 |
| Concern with Personal Impact | 84 | 0.810 | 1.87 | 5 |
| Interpersonal Sensitivity | 85 | 0.860 | 1.00 | 5 |
| Direct Persuasion and Influence | 85 | 0.590 | 1.87 | 5 |
| Developing Others | 85 | 0.836 | 1.00 | 5 |
| Managing Staff | 85 | 0.843 | 1.00 | 5 |
| Group Management and Teamwork | 85 | 0.712 | 1.00 | 5 |
| Relationship Building | 85 | 0.751 | 1.00 | 5 |
| Adaptability and Resilience | 84 | 0.718 | 1.00 | 5 |
| Concern with Impact | 84 | 0.920 | 1.00 | 5 |

As the rescaled data was assumed to be interval data, the rescaled mean ratings of the importance of the 31 competencies were calculated. These mean ratings were used to rank the competencies and the results of this ranking are set out in Table 10.

TABLE 10: RANKING OF THE IMPORTANCE OF COMPETENCIES

| COMPETENCY | MEAN |
|---|---|
| Efficiency Orientation | 4.37 |
| Analytical Thinking and Judgement | 4.26 |
| Communication Skills | 4.26 |
| Initiative | 4.24 |
| Self-confidence | 4.21 |
| Achievement Motivation | 4.20 |
| Productivity Orientation | 4.13 |
| Interpersonal Conflict Handling and Negotiation Skills | 4.10 |
| Financial Skills | 4.09 |
| Stamina / Tenacity | 4.08 |
| Managing Staff | 4.03 |
| Self-control | 4.02 |
| Concern for Order | 4.01 |
| Conceptual Thinking | 4.01 |
| Computer Literacy | 4.00 |
| Strategic Perspective | 3.99 |
| Direct Persuasion and Influence | 3.95 |
| Group Management and Teamwork | 3.95 |
| Adaptability and Resilience | 3.93 |
| Perceptual Objectivity | 3.92 |
| Accurate Self-assessment | 3.87 |
| Identifies Options in order to Progress | 3.86 |
| Presentation Skills | 3.85 |
| Relationship Building | 3.83 |
| Business Sense and Curiosity | 3.80 |
| Developing Others | 3.76 |
| Interpersonal Sensitivity | 3.69 |
| Managing Diversity | 3.67 |
| Concern with Personal Impact | 3.62 |
| Concern with Impact | 3.26 |
| Risk Taking | 3.03 |

Efficiency orientation obtained the highest mean ranking and risk taking the lowest ranking.

3. The numerical value of the scale points was recalculated.

Details of the results of this procedure and the interval scale generated are set out in Table 9.

TABLE 9: RESCALING OF FIVE-POINT VERBAL SCALE TO INTERVAL SCALE (IMPORTANCE OF COMPETENCIES)

| | Verbal Scale | Euclidian Distance To Next Point | Apportioned Distance | Rescaled Value/ Five-Point Interval Scale |
|---|---|---|---|---|
| 1 | Very Little Importance | - | - | 1,000 |
| 2 | Little Importance | 1774 | 0,870 | 1,870 |
| 3 | Important | 3541 | 1,737 | 3,607 |
| 4 | Very Important | 964 | 0,473 | 4,080 |
| 5 | Absolutely Essential | 1876 | 0,920 | 5,000 |

It is evident from Table 9 that the interval scale is different from the assumed numerical values of 1, 2, 3, 4 and 5 of the verbal five-point rating scale. The resultant interval scale shows that Important and Very Important are extremely close (3,607 to 4,080 rather than 3 to 4). There is also an unusually large gap between Little Importance and Important (1,870 to 3,607 rather than 2 to 3).

verbal rating scale was ordinal and therefore also subject to this limitation. This meant that the data could only be subjected to non-parametric statistical analysis and not parametric statistical analysis such as multivariate statistical analysis.

Bendixen & Sandler (1994) state that it is of considerable practical value to be able to convert these verbal scales into interval data and that correspondence analysis is a technique that can be used to rescale such data.

It was therefore decided to subject the data obtained from the questionnaires on the importance of the competencies to correspondence analysis. This rescaled data can be assumed "to be interval in nature which allows a rich array of numerical manipulation and statistical analysis to be performed" (Bendixen & Sandler, 1994 p. 4).

The manner in which the data was rescaled, followed the procedure set out by Bendixen & Sandler (1994), namely:

1. The Euclidian distance between the scale points was calculated.
2. This distance was apportioned across the intended length of the scale.

TABLE 7: CLUSTER ANALYSIS REPORT: SIZE OF PRACTICE

| No of Clusters | Percent of Variation |
|---|---|
| 1 | 100.00 ********** |
| 2 | 26.09 ********** |
| 3 | 10.14 ****** |
| 4 | 6.75 **** |
| 5 | 4.81 *** |
| 6 | 4.44 *** |
| 7 | 3.77 ** |
| 8 | 1.94 * |
| 9 | 1.92 * |

TABLE 8: STATISTICAL SUMMARY OF CLUSTER ANALYSIS REPORT

| Break Value | Count | Mean | Standard Deviation | Minimum | Maximum |
|---|---|---|---|---|---|
| . | 0 | . | . | . | . |
| 1 | 55 | 6.818182 | 5.568067 | 1 | 22 |
| 2 | 29 | 39.10345 | 13.77458 | 25 | 80 |

Based on the results of the cluster analysis it was decided to test the research propositions set out in paragraph 3.5 on these two groupings.

## 5.4 Importance of Competencies

### 5.4.1 Ranking of Means

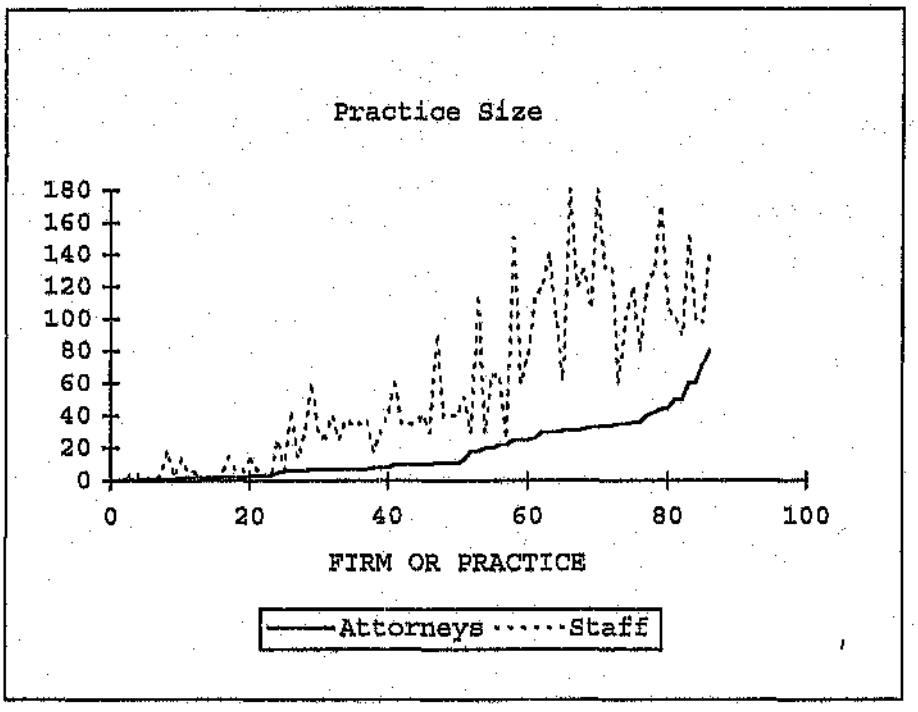
The questionnaire listed 31 identified competencies and the respondents were asked to rate the importance of these 31 competencies using a five-point verbal rating scale. According to Bendixen (1991), although the vast majority of research uses ratings scales such as the five-point Likert scale, this type of scaling is ordinal and therefore only limited statistical analysis can be performed on it. The data obtained using the five-point

relating to size of the practice was therefore subjected to cluster analysis to identify any possible groupings of the data. Aaker & Day (1983) comment that cluster analysis is used to identify people, objects, or variables that form natural groupings or clusters. According to Green & Tull (1978) cluster analysis is an appropriate technique for achieving the objective of separating rows of the data matrix called objects into homogenous subsets or groups such that each object is more like other objects in its group than like objects outside the group.

The cluster analysis revealed two distinct groupings of practice size, namely small firms of attorneys and large firms of attorneys. Tables 7 and 8 contain a cluster analysis report and statistical summary of the cluster analysis report. The grouping of small firms consisted of firms with less than 22 practising attorneys in the firm while the grouping of large firms consisted of firms with 25 or more practising attorneys. Small firms made up 65,9% of the sample and large firms 34,1% of the sample.

The size of practice data relating to the respondents is set out in Figure 3. The X axis represents the 85 respondant attorneys and Y axis represents the headcount in respect of number of attorneys and number of other staff employed.

FIGURE 3: SIZE OF PRACTICE




It was originally proposed that the sample could be divided into three groups; attorneys practising in small firms, attorneys practising in medium sized firms and attorneys practising in large firms. When attempting to analyse this data it was clear that this proposed division was not as precise as was expected. The data

5.3.3 Practice Size

It was decided to base the size of the practise in which the attorney operates on the number of attorneys employed in the practice for a number of reasons:

A. It was considered that the number of attorneys is indicative of the number of other staff employed in the practice. This is shown in Figure 3 which shows the trend that as the number of attorneys increase, the number of other staff increases. See Figure 3.

B. The study focused on the attorney, and it was believed that the number of other attorneys employed in the practice will directly affect the managerial and service competencies of attorneys.

C. Several respondents did not supply the requested data for number of other staff employed in the practice, whereas all the respondents completed the requested data relating to number of attorneys employed in the practice.

5.3.2 Length of Service

The length of service profile of the respondents is set out in Table 6.

**TABLE 6: LENGTH OF SERVICE**

| Length of Service | Number | Percentage |
|---|---|---|
| 0 - 5 Years | 20 | 23.53% |
| 6 - 10 Years | 12 | 14.12% |
| 11 - 20 Years | 28 | 32.94% |
| Over 20 Years | 25 | 29.41% |

In all, 62% of respondents had more than 10 years service as attorneys, and 76% of respondents had practised for more than 5 years as attorneys. The representation of attorneys in each category was considered to be good with an even distribution across the categories.

It is submitted that age and length of practice service as an attorney are highly correlated. This is shown by a comparison of the data in respect of these two variables, e.g. 15% of attorneys were between the ages of 20-29% and 14% of attorneys had practised for less than 5 years. When considered together, the two variables, age and length of service show a good spread of work experience in the sample group.

## 5.3 Demographics of the Sample

The first section of the questionnaire elicited biographical data from the respondents in respect of age, length of practice experience and practice size. These variables are discussed separately below.

### 5.3.1 Age

The age profile of the respondents is set out in Table 5.

**TABLE 5: AGE OF ATTORNEYS**

| Age | Number | Percentages |
|---|---|---|
| 20-29 Years Old | 13 | 15.29% |
| 30-39 Years Old | 28 | 32.94% |
| 40-49 Years Old | 23 | 27.06% |
| 50-59 Years Old | 13 | 15.29% |
| Over 60 | 8 | 9.41% |

A total of 49% of the respondent attorneys were between the ages of 20 and 39 and 51% were over 40 years old. In all 61% of the respondents fell into the combined category of between 30 and 49 years old. It was considered that these results showed a good distribution of respondents across the age categories. This would also translate into a good spread of experience in the sample group as age is highly correlated with experience.

The questionnaire had been sent out with a return postage paid self-addressed envelope . The accompanying letter from the Association of Law Societies was intended to enhance the credibility of the research and to thereby obtain the co-operation of attorneys as recommended by Moser & Kalton (1971). Owing to time constraints attorneys were requested to return the questionnaires within a 2 week period. This relatively short period probably affected the response rate adversely. However, a large number of questionnaires were received after the deadline. When attorneys were telephonically contacted, the researcher was told that either they had not received the questionnaire and had no knowledge of it, or it was in their in-tray and they would attend to it. The month of November is a busy period in most businesses as people try to complete matters before the December holiday period. These factors may have contributed to the low response rate.

Based on the above considerations and owing to the constraints of time and money, the size of this sample, although less than the sample of 90 proposed in paragraph 4.4, was considered sufficient.

* A = Accept null hypothesis

R = Reject null hypothesis

The following chapter contains a discussion of all the results presented in this chapter.

TABLE 17: T-TESTS: NEED FOR TRAINING

| COMPETENCY | T VALUE | PROB. | DECI-SION* | MEANS SMALL | MEANS LARGE |
|---|---|---|---|---|---|
| Efficiency Orientation | 1.2067 | 0.2311 | A | | |
| Achievement Motivation | 0.7191 | 0.4307 | A | | |
| Initiative | 1.4395 | 0.1541 | A | | |
| Concern for Order | 0.3229 | 0.7476 | A | | |
| Conceptual Thinking | -1.8490 | 0.8538 | A | | |
| Strategic Perspective | -1.3713 | 0.1741 | A | | |
| Analytical Thinking & Judgement | -0.5566 | 0.5794 | A | | |
| Self-confidence | 2.2015 | 0.0307 | A | | |
| Self-control | 0.3544 | 0.7322 | A | | |
| Stamina / Tenacity | 1.6607 | 0.1007 | A | | |
| Concern with Personal impact | 0.7250 | 0.4767 | A | | |
| Interpersonal Sensitivity | 1.5390 | 0.2520 | A | | |
| Direct Persuasion & Influence | 0.3366 | 0.7373 | A | | |
| Developing Others | -1.1768 | 0.2428 | A | | |
| Managing Staff | -0.9692 | 0.3354 | A | | |
| Group Management & Teamwork | -1.4843 | 0.1417 | A | | |
| Relationship Building | -0.5332 | 0.5954 | A | | |
| Adaptability & Resilience | 0.5897 | 0.5571 | A | | |
| Concern with Impact | -0.2165 | 0.8292 | A | | |
| Accurate Self-assessment | -0.3280 | 0.9739 | A | | |
| Perceptual Objectivity | -0.2129 | 0.8319 | A | | |
| Identifies Options to Progress | -0.6440 | 0.9488 | A | | |
| Productivity Orientation | -0.6545 | 0.5147 | A | | |
| Financial Skills | -0.6550 | 0.8690 | A | | |
| Business Sense & Curiosity | -0.1230 | 0.9902 | A | | |
| Computer Literacy | -1.6639 | 0.1002 | A | | |
| Managing Diversity | -0.5727 | 0.5685 | A | | |
| Presentation Skills | -0.1555 | 0.8769 | A | | |
| Interpersonal Conflict Handling & Negotiation Skills | 1.4230 | 0.2568 | A | | |
| Communication Skills | 0.7626 | 0.4479 | A | | |
| Risk Taking | 1.8563 | 0.0671 | R | 2.345 | 1.854 |

| | | | | | |
|---|---|---|---|---|---|
| Building | | | | | |
| Adaptability & Resilience | 0.2748 | 0.7847 | A | | |
| Concern with Impact | 1.6861 | 0.0956 | R | 3.426 | 3.076 |
| Accurate Self-assessment | 0.7273 | 0.4691 | A | | |
| Perceptual Objectivity | 2.1106 | 0.0413 | R | 4.049 | 3.693 |
| Identifies Options in order to Progress | -0.0900 | 0.9285 | A | | |
| Productivity Orientation | 1.7401 | 0.0893 | R | 4.266 | 3.907 |
| Financial Skills | 0.5544 | 0.5808 | A | | |
| Business Sense & Curiosity | 1.7675 | 0.0844 | R | 3.936 | 3.557 |
| Computer Literacy | -0.5806 | 0.5831 | A | | |
| Managing Diversity | -0.0362 | 0.9709 | A | | |
| Presentation Skills | 1.3665 | 0.1787 | A | | |
| Interpersonal Conflict Handling & Negotiation Skills | 1.7113 | 0.0908 | R | 4.206 | 3.910 |
| Communication Skills | 0.3089 | 0.7589 | A | | |
| Risk Taking | 2.0682 | 0.0418 | R | 3.225 | 2.704 |

* A = Accept the null hypothesis

R = Reject the null hypothesis

These results are discussed in the next chapter.

5.6.3 Need for Training

The ratings of the two sub-groups on the need for training were also subjected to T-tests. The T-tests revealed only one significant difference in respect of the competency Risk Taking. The results are set out in Table 17 and are discussed in the next chapter.

5.6.2 Importance of Competencies

The null and alternative hypotheses formulated to test practice size differences in respect of the data on the importance of each competency are set out in paragraph 3.5.

The results of the T-tests revealed that a number of significant differences existed in the means of the ratings of the importance of competencies. The results are set out in Table 16.

TABLE 16: T-TESTS: IMPORTANCE OF COMPETENCIES

| COMPETENCY | T VALUE | PROB. | DECI-SION* | MEANS SMALL | MEANS LARGE |
|---|---|---|---|---|---|
| Efficiency Orientation | 0.2782 | 0.7815 | A | | |
| Achievement Motivation | 0.9391 | 0.3540 | A | | |
| Initiative | -0.2180 | 0.8280 | A | | |
| Concern for Order | 0.6143 | 0.5407 | A | | |
| Conceptual Thinking | -0.0697 | 0.9446 | A | | |
| Strategic Perspective | -0.2462 | 0.0161 | R | 3.872 | 4.209 |
| Analytical Thinking & Judgement | -2.1404 | 0.0354 | R | 4.1604 | 4.439 |
| Self-confidence | -3.8550 | 0.7009 | A | | |
| Self-control | 1.0681 | 0.2887 | A | | |
| Stamina / Tenacity | 1.7021 | 0.0926 | R | 4.190 | 3.919 |
| Concern with Personal impact | 1.1965 | 0.2350 | A | | |
| Interpersonal Sensitivity | 0.1137 | 0.9097 | A | | |
| Direct Persuasion & Influence | 1.5293 | 0.1151 | A | | |
| Developing Others | -1.0201 | 0.3129 | A | | |
| Managing Staff | -1.6459 | 0.1036 | A | | |
| Group Management & Teamwork | -2.2589 | 0.0268 | R | 3.840 | 4.171 |
| Relationship | 0.7735 | 0.4415 | A | | |

factor groups competencies together which relate directly to managing people and was labelled as 'Managing People Skills'.

## 5.6 Practice Size

### 5.6.1 Introduction

As stated earlier the research sought to establish whether attorneys practising in different sized practices required different managerial and service competencies. In effect, this would be established if attorneys practising in different sized practices rated the importance of the competencies differently and if they prioritised their training needs differently.

The cluster analysis had revealed two distinct sub-groups in the sample; attorneys practising in small firms and attorneys practising in large firms. T-tests were performed on the ratings of the importance of the competencies by attorneys practising in small firms and those practising in large firms in order to determine if they were significantly different. Owing to the size of the sample it was decided to adopt a 0,10 significance level for the T-tests. This meant that if the probability value was less than 0,10; the null hypothesis was rejected.

The Eigen values summary generated by this analysis and the Scree plot are set out in Appendix 9. The results show that seven factors had an Eigen value greater than one. However, a two factor solution was chosen as it was felt that only two factors were well defined and readily interpretable. The rotated factor loadings (Varimax) are set out in Table 15. Factor loadings above 0,7 were accepted to define the factors.

**TABLE 15: NEED FOR TRAINING: FACTOR LOADING - VARIMAX**

| FACTOR 1 - PERSONAL CHARACTERISTICS | FACTOR LOADING |
|---|---|
| Self-control | -0.840 |
| Stamina / Tenacity | -0.803 |
| Self-confidence | -0.800 |
| Adaptability & Resilience | -0.766 |
| Accurate Self-assessment | -0.739 |
| Perceptual Objectivity | -0.730 |
| Conceptual Thinking | -0.701 |

| FACTOR 2 - MANAGING PEOPLE SKILLS | FACTOR LOADING |
|---|---|
| Managing Diversity | 0.792 |
| Group Management & Teamwork | 0.777 |
| Managing Staff | 0.738 |

The above shows that there were two groups of competencies which the respondents reflected through their ratings as being closely related to each other. The first group which has been labelled Personal Characteristics, all relate to competencies which can be characterised as having an internal locus of control and can be seen as inherent and personal competencies as they are closely connected with 'the self'. The second

contrast the standard deviation for need for training started at 1,027 for the competency Developing Others and went up to 1,422 for the competency Business Sense and Curiosity.

The smallest standard deviations reflected in Table 14 were for the competencies Developing Others and Perceptual Objectivity. This can be interpreted as meaning that there was more consensus amongst the respondent group on the need for training in these competencies than the other competencies. The largest standard deviation was in respect of the competency Business Sense & Curiosity. This means that the respondents disagreed more on the need for training in this competency than in all the others.

5.5.3 Factor Analysis

The rescaled data in respect of the need for training was also subjected to factor analysis. Aaker & Day (1983) state that factor analysis has two primary functions in data analysis:

- to identify underlying constructs in the data; and
- to reduce the number of variables into a more manageable set.

| | | | | |
|---|---|---|---|---|
| Identifies Options in order to Progress | 81 | 1.322 | 1.00 | 5 |
| Productivity Orientation | 84 | 1.321 | 1.00 | 5 |
| Financial Skills | 84 | 1.401 | 1.00 | 5 |
| Business Sense and Curiosity | 83 | 1.422 | 1.00 | 5 |
| Computer Literacy | 83 | 1.265 | 1.00 | 5 |
| Managing Diversity | 84 | 1.345 | 1.00 | 5 |
| Presentation Skills | 84 | 1.275 | 1.00 | 5 |
| Interpersonal Conflict Handling and Negotiation Skills | 81 | 1.270 | 1.00 | 5 |
| Communication Skills | 83 | 1.397 | 1.00 | 5 |
| Risk Taking | 83 | 1.153 | 1.00 | 5 |

It is interesting to note from the above data that there was a wide distribution of scores for every competency as each competency had a minimum of one and a maximum of five. This is unlike the ratings in respect of the importance of competencies where there was general agreement on some of the competencies. This means that in general there was more consensus amongst the respondent attorneys regarding the importance of competencies than on the need for training. This was to be expected as the need for training referred to individual needs and was therefore individually based. The above findings are also reflected in a comparison of the standard deviations as a whole for the importance of competencies and the standard deviations of the need for training. The standard deviations in respect of the importance of competencies ranged from 0,524 for Achievement Motivation to 1,121 for Risk Taking. In

5.5.2 Further Statistical Analysis

Table 14 sets out the results of additional statistical analysis of the data relating to the need for training. The standard deviation of the ratings of each competency is given together with the minimum and maximum scores for each competency.

TABLE 14: NEED FOR TRAINING: STATISTICAL ANALYSIS

| COMPETENCY | COUNT | STANDARD DEVIATION | MINIMUM | MAXIMUM |
|---|---|---|---|---|
| Efficiency Orientation | 84 | 1.185 | 1.00 | 5 |
| Achievement Motivation | 83 | 1.212 | 1.00 | 5 |
| Initiative | 81 | 1.192 | 1.00 | 5 |
| Concern for Order | 83 | 1.257 | 1.00 | 5 |
| Conceptual Thinking | 83 | 1.209 | 1.00 | 5 |
| Strategic Perspective | 83 | 1.137 | 1.00 | 5 |
| Analytical Thinking & Judgement | 82 | 1.255 | 1.00 | 5 |
| Self-confidence | 83 | 1.143 | 1.00 | 5 |
| Self-control | 83 | 1.211 | 1.00 | 5 |
| Stamina / Tenacity | 83 | 1.213 | 1.00 | 5 |
| Concern with Personal Impact | 83 | 1.125 | 1.00 | 5 |
| Interpersonal Sensitivity | 83 | 1.138 | 1.00 | 5 |
| Direct Persuasion and Influence | 83 | 1.270 | 1.00 | 5 |
| Developing Others | 81 | 1.027 | 1.00 | 5 |
| Managing Staff | 82 | 1.199 | 1.00 | 5 |
| Group Management and Teamwork | 82 | 1.244 | 1.00 | 5 |
| Relationship Building | 81 | 1.232 | 1.00 | 5 |
| Adaptability and Resilience | 82 | 1.260 | 1.00 | 5 |
| Concern with Impact | 82 | 1.188 | 1.00 | 5 |
| Accurate Self-assessment | 84 | 1.235 | 1.00 | 5 |
| Perceptual Objectivity | 83 | 1.096 | 1.00 | 5 |

need for training in the identified competencies were also calculated. As before, these mean ratings were used to rank the competencies in regard to the need for training and the results are set out in Table 13.

TABLE 13: RATINGS OF THE NEED FOR TRAINING

| COMPETENCY | MEANS |
|---|---|
| Computer Literacy | 3.76 |
| Financial Skills | 3.35 |
| Productivity Orientation | 3.16 |
| Business Sense and Curiosity | 3.07 |
| Interpersonal Conflict Handling and Negotiation Skills | 2.94 |
| Communication Skills | 2.90 |
| Managing Diversity | 2.81 |
| Presentation Skills | 2.80 |
| Group Management and Teamwork | 2.78 |
| Managing Staff | 2.74 |
| Efficiency Orientation | 2.69 |
| Relationship Building | 2.68 |
| Developing Others | 2.62 |
| Identifies Options in order to Progress | 2.60 |
| Strategic Perspective | 2.52 |
| Analytical Thinking and Judgement | 2.51 |
| Direct Persuasion and Influence | 2.48 |
| Concern for Order | 2.42 |
| Conceptual Thinking | 2.42 |
| Achievement Motivation | 2.32 |
| Accurate Self-assessment | 2.27 |
| Interpersonal Sensitivity | 2.18 |
| Initiative | 2.17 |
| Concern with Impact | 2.17 |
| Perceptual Objectivity | 2.17 |
| Risk Taking | 2.16 |
| Adaptability and Resilience | 2.11 |
| Concern with Personal impact | 2.08 |
| Self-confidence | 2.03 |
| Self-control | 2.01 |
| Stamina / Tenacity | 1.89 |

Computer Literacy and Financial Skills obtained the highest mean rating and Stamina/Tenacity the lowest mean rating.

## 5.5 Need for Training

### 5.5.1 Ranking of Means

As the data obtained from the responses on the need for training was also ordinal in nature, it too was subjected to correspondence analysis and an interval scale developed in the same manner as described in paragraph 5.4.1. Details of the results of this procedure and the interval scale developed in the process are set out in Table 12.

**TABLE 12: RESCALING OF FIVE-POINT VERBAL SCALE TO INTERVAL SCALE (NEED FOR TRAINING)**

| | VERBAL SCALE | EUCLIDIAN DISTANCE TO NEXT POINT | APPORTIONED DISTANCE | RESCALED VALUE/FIVE POINT INTERVAL SCALE |
|---|---|---|---|---|
| 1 | No Need for Training | - | - | 1,000 |
| 2 | Very Little Need | 807 | 0,544 | 1,544 |
| 3 | Need for Training | 1874 | 1,265 | 2,800 |
| 4 | Great Need | 2731 | 1,834 | 4,652 |
| 5 | Very Great Need | 516 | 0,348 | 5,000 |

The interval scale generated here is also different from the assumed numerical values of 1, 2, 3, 4 and 5 of the five-point verbal rating scale. Great Need and Very Great Need are very close (4,652 to 5,000 rather than 4 to 5) on the developed scale and there is a large gap between Need for Training and Great Need (2,800 to 4,652 rather than 3 to 4). The rescaled mean ratings of the

amongst the respondents. Three other competencies, Initiative, Direct Persuasion and Influence and Financial Skills, also had standard deviations of less than 0,6 which shows that there was more agreement on these competencies than on the others.

The competency Risk Taking had the largest standard deviation of 1,12 which reflects the largest extent of disagreement amongst the respondents. This was significantly more than the next largest standard deviation of 0,975 in respect of the competency Computer Literacy.

5.4.3 Factor Analysis

The rescaled data in respect of the ra
tings of the importance of competencies was also subjected to factor analysis. The Eigen value summary generated by this analysis and the Scree plot are set out in Appendix 8. The summary revealed that nine factors had Eigen values greater than one. However, several factor solutions were investigated but none were readily interpretable. The factor analysis therefore did not reveal any interpretable underlying constructs in the data.

Business Sense and Curiosity and it is not surprising therefore that attorneys in small firms considered this competency to be more important than their colleagues in larger firms.

Attorneys operating in larger firms rated the competencies of Strategic Perspective, Analytical Thinking and Judgement and Group Management and Teamwork of greater importance than did attorneys operating in smaller firms. Group Management and Teamwork is obviously of more concern to larger firms because more people are employed and more work is carried out by teams than in smaller firms where attorneys operate independently of each other. In larger firms more work is also delegated. Madden (1991b) believes that individualism characterises partnerships. Strategic perspective is probably rated more highly because larger firms have more factors impacting on them and therefore have to take a more macro strategic perspective, whereas smaller firms would have more of a micro perspective. King (1993, p. 6) states that "in a large law firm, the essential criterion is to ensure that the firm as a whole moves forward to the effective achievement of its objectives. This is evidence of a concern with a strategic perspective in large practices".

Although in terms of overall rating, Risk Taking was not considered important by attorneys (mean rating of 3,03), it is noteworthy that attorneys in small firms gave it a higher rating of 3,23 which is still below the cut-off for important. The overall mean rating of 3,28 (shown in Table 10) for the competency Concern with Impact excluded it as a competency of importance to attorneys. However, the mean of the rating for this competency by attorneys operating in small firms is 3,43 which implies that it is considered comparitively more important as a competency for those attorneys.

The other competencies which attorneys in smaller firms rated of more importance require closer scrutiny. Stamina/Tenacity and Productivity Orientation relate to the individual output of the attorney. In a smaller firm the pressure to perform and produce are greater because of the lack of other income earners. Therefore greater Stamina/Tenacity are required. Perceptual Objectivity and Interpersonal Conflict Handling and Negotiation Skills are important behaviours for people working in smaller, more intimate natural work groups. Walker (1992, p.152) states that "managers are entrepreneurial when they search purposefully for changes, respond to them, and exploit them as opportunities". This statement is very similar to the behavioural indicators which describe the competency

TABLE 19: COMPARISON OF IMPORTANCE OF COMPETENCIES

| | MEANS SMALL FIRMS | MEANS LARGE FIRMS |
|---|---|---|
| Strategic Perspective | 3,87 | 4,20 |
| Analytical Thinking & Judgement | 4,17 | 4,44 |
| Stamina & Tenacity | 4,19 | 3,92 |
| Group Management & Teamwork | 3,84 | 4,17 |
| Concern with Impact | 3,43 | 3,08 |
| Perceptual Objectivity | 4,05 | 3,69 |
| Productivity Orientation | 4,27 | 3,91 |
| Business Sense & Curiosity | 3,94 | 3,56 |
| Interpersonal Conflict Handling & Negotiation Skills | 4,21 | 3,91 |
| Risk Taking | 3,23 | 2,70 |

Attorneys in small firms rated Stamina/Tenacity; Perceptual Objectivity; Productivity Orientation; Business Sense and Curiosity; Interpersonal Conflict Handling and Negotiation Skills; and Risk Taking of greater importance than attorneys in large firms. These competencies can be described as characteristics required by managers in smaller entrepreneurial type organisations. The higher ratings of these competencies by attorneys in small firms is probably due to the limited resources and support structures available to attorneys operating in smaller firms. Attorneys operating in larger firms will have more checks and balances; more support structures; and more resources available to them and therefore would not be expected to consider these competencies to be as important as attorneys in small firms.

6.2.3 Relationship between Ranking of Competencies & Size of Practice

It was proposed in paragraph 3.5 that attorneys practising in different sized practices would require different managerial and service competencies to perform effectively. This would be shown if there was a significant difference in the ranking of the means by attorneys practising in different sized organisations.

The cluster analysis had revealed two distinct groupings of practice size, namely attorneys operating in small firms and attorneys operating in large firms. The results of the T-tests carried out on the ratings of the importance of the competencies are set out in Table 16.

The T-tests revealed that there was a significant difference in the rating of 11 of the 31 competencies set out in Table 16 by attorneys practising in small firms when compared with the ratings of attorneys practising in large firms. This means that attorneys in the two groups differed on the importances of 11 competencies. However, it also means that there was a great deal of consensus amongs attorneys, irrespective of the size of the practice in which they operate, in respect of the other 20 competencies. A comparison of the means of the two groups in respect of the 11 competencies is set out in Table 19.

| | |
|---|---|
| | Efficiency Orientation<br>Achievement Motivation<br>Communication Skills |
| Courtesy | Communication Skills<br>Interpersonal Conflict Handling &<br>Negotiation Skills |
| Communication | Communication Skills<br>Self-confidence<br>Interpersonal Conflict Handling &<br>Negotiation Skills |
| Credibility | Communication Skills<br>Interpersonal Conflict Handling &<br>Negotiation Skills<br>Self-confidence |
| Security | Communication Skills<br>Interpersonal Conflict Handling &<br>Negotiation Skills<br>Self-confidence |
| Understanding | Analytical Thinking & Judgement<br>Communication Skills<br>Initiative<br>Achievement |
| Tangibles | Efficiency Orientation<br>Achievement Motivation<br>Initiative<br>Productivity Orientation |

The remaining 19 competencies with means above 3,607 as shown in Table 10, were all considered to be important for the attorney's roles of manager and service provider. In total 29 competencies were regarded as important characteristics or behaviours necessary for the attorney to perform the managerial and service tasks and functions of his/her job with competence in the next five years.

disturbance handler and negotiator. Initiative, Self-confidence, Communication Skills as well as Stamina/Tenacity are important competencies for Mintzberg's (1972) managerial roles of leader and figurehead.

F. The above ten competencies rated as very important are also essential for the provision of a quality service. Table 18 contains a comparison of these ten competencies with the ten determinants of service quality of Parasuraman *et al* (1985) set out in Column 1 of Table 18. [The ten determinants of service quality are set out in Table 4 on pages 62 and 63.] Column 2 contains the competency which it is submitted contributes towards the service quality determinant.

TABLE 18: COMPARISON OF IDENTIFIED COMPETENCIES WITH SERVICE QUALITY DETERMINANTS

| SERVICE QUALITY DETERMINANT | RELEVANT COMPETENCY |
|---|---|
| Reliability | Efficiency Orientation<br>Achievement Motivation<br>Productivity Orientation<br>Stamina & Tenacity<br>Self-confidence |
| Responsiveness | Efficiency Orientation<br>Initiative<br>Achievement Motivation<br>Productivity Orientation<br>Stamina & Tenacity<br>Interpersonal Conflict Handling &<br>Negotiation Skills |
| Competence | All 10 competencies |
| Access | Self-confidence |

three competencies were components of Spencer & Spencer's (1993) generic managerial competency model.

C. Analytical Thinking and Judgement and Communication Skills are traditionally seen as strong characteristics of attorneys and it is not surprising that these were highly rated. Nevertheless, it is significant that these are seen as very important competencies by attorneys in the context of their roles of manager and service provider. Larkin & Ferreira (1990) comment that the functional activity of communications is an important activity for firms in managing their relationships with clients. In the context of service provision, therefore, the competency Communication Skills is very important.

D. Initiative and Self-confidence are also important traits for lawyers and therefore they would be expected to obtain high ratings from lawyers in respect of their roles of managers and service providers.

E. Communication skills are also important competencies for Mintzberg's (1972) managerial roles of liaison; spokesman; and negotiator, as is the competency Interpersonal Conflict Handling and Negotiation Skills for Mintzberg's (1972) roles of

- Productivity Orientation
- Interpersonal Conflict Handling and Negotiation Skills
- Financial Skills
- Stamina and Tenacity.

The above list of competencies represents a wide range of skills and a number of observations can be made about these competencies:

A. Spencer & Spencer (1993, p. 199) produced a generic managerial competency model which was derived from models of competencies of an entire range of managers and which fits all managerial jobs "reasonably well but none precisely". Four of the ten competencies considered to be very important by the respondents are included in the Spencer & Spencer (1993) model, namely Analytical Thinking & Judgement, Initiative, Self-confidence and Achievement Motivation.

B. No respondent gave Achievement Motivation, Analytical Thinking and Judgement or Self-confidence a minimum rating of less than 3,607 on the developed scale which means that all attorneys considered these competencies to be at least important. These

competency incorporates two important elements of the classical management school's definition of the tasks of a manager, namely planning and organising. It also covers Mintzberg's (1972) managerial roles of resource allocator and monitor. Efficiency Orientation is considered an important competency for any manager and was present in some form or other in all the lists of competencies set out in Table 3 on pages 52, 53 and 54. In the light of Kanter's (1989) observation that a different set of individual skills is required in the future to meet the strategic challenge of doing more with less, it is encouraging to note that the respondents afforded this competency the highest mean rating.

The following ten competencies obtained a mean score of 4,08 or more, which meant that the respondents considered these competencies to be very important for the purposes of managing their practices effectively and providing a consistently high quality service:

- Efficiency Orientation
- Analytical Thinking and Judgement
- Communication Skills
- Initiative
- Self-confidence
- Achievement Motivation

The respondents were asked to add any competencies which they thought were important and which did not appear on the list. A small number of respondents did add extra competencies and these are set out in Appendix 10. However, it is submitted that all these additions were adequately covered by the 29 identified competencies and their behavioural indicators. The competency which, it is suggested covers the additions, is set out in the second column of Appendix 10.

It is submitted that the remaining 29 competencies represent a comprehensive list of managerial and services competencies required for attorneys. These 29 competencies are related to effective performance and therefore the possession of these competencies will lead to effective performance in the managerial and service aspects of an attorney's job in the next five years.

6.2.2. Ranking of the Importance of Competencies

A further aim of the research set out in paragraph 3.3 was to prioritise the identified competencies by determining their relative importance to attorneys. The ranking of the means of each competency in order to achieve this aim is set out in Table 10.

As can be seen from Table 10, Efficiency Orientation was ranked as the most important competency. This

competencies of Concern with Impact (mean of 3,28) and Risk Taking (mean of 3,03) were of little importance. The remaining 29 competencies were regarded by attorneys as being either important or very important for the effective performance of their roles of managers and service providers.

As the attorney's profession is inherently conservative, the low rating of the competency of Risk Taking, was to be expected. It was inserted following the five open-ended interviews referred to in paragraph 4.2.2 where it had been identified by one of the interviewees as an important competency. Nevertheless, it was not regarded as important by the respondents.

The competency of Concern with Impact was defined as "the characteristic of acquiring symbols of power in order to have the power to impact others; interest and concern in status and reputation; being good at influencing and persuading others." It is therefore surprising that this competency was rated so low. That part of the descriptor which refers to `acquiring symbols of power in order to have the power to impact others' may have resulted in respondents rating this competency in a socially desirable manner.

# CHAPTER SIX - DISCUSSION OF THE RESULTS

## 6.1 Introduction

This chapter contains a discussion of the results set out in the previous chapter. The results will be discussed in conjunction with the research propositions set out in Chapter Three.

## 6.2 Importance of the Competencies

### 6.2.1 Identification of Competencies

The primary aim of the research set out in paragraph 3.2 was to identify the managerial and services competencies required of attorneys by establishing the types of competencies required for effective managerial performance and for the provision of a high quality service. The results of the statistical analysis of the data relating to the identification of competencies are set out in Tables 10 and 11.

Table 11 shows that of the 31 competencies included in the questionnaire, only two competencies had means of less than 3,607 on the developed interval scale. In terms of this scale, a score of less than 3,607 meant that the respondents considered the competency to be of little importance, as 3,607 was the cut-off point for a ranking of important. As revealed in Table 10, the respondent attorneys therefore felt that the

Step 6: Train learners.

Step 7: Evaluate training results - This involves an assessment of on-the-job behaviour, following the training.

The above seven step model is a useful tool for developing training and development initiatives. It is competency based and therefore must have input from the incumbents in the job. It is suggested that the identified competencies could form the basis for developing the training programmes referred in the following paragraphs using the seven step model of Spencer & Spencer (1993). This research has completed only the first step, but it is submitted, the most important step of the model. The other steps will have to be completed by the organisation concerned. The seven step model is more suited to in-house organisational training and development initiatives than formal education at university.

6.4.2. Training and Education of Law Students at Tertiary Level

Attorneys identified twenty nine managerial and service competencies as being important for effective practice management and service provision. Although

The competency model must specify the competencies required for superior performance in a present or future job.

Step 2: Identification of those competencies which are cost-effective to train versus to select for. Although competencies can be trained, it may be more cost-effective to hire someone who possesses core competencies than to instil them in someone who doesn't.

Step 3: Select the most cost-effective development options. There are many competency development options available e.g.

- formal competency-based training
- development centres
- self-development resource guides
- computer and interactive video-assisted self-instruction job assignments
- mentoring relationship

Step 4: Develop assessment methods and training curricula.

Step 5: Train trainers - The trainers need to be taught in competency content and competency development process skills.

## 6.4 Basis for Training

### 6.4.1 Introduction

In paragraph 3.6 it was proposed that the competencies identified as important in terms of paragraphs 3.2 and 3.3 and in which it was established a need for training existed in terms of paragraph 3.4 could be used as a basis for establishing training and development programmes for attorneys and prospective attorneys. A number of suggestions on the use of competencies in formulating such programmes is set out below.

It was clear from the ratings of the means in respect of the need for training that attorneys professed a need for training in eight competencies which were described as business skills and interpersonal / communication skills. Dubois (1993, p. 119) states that "learning after the formal completion of elementary or secondary education is no longer an option but an important necessity for most persons".

Spencer & Spencer (1993, p. 294-298) list the following seven steps for developing a competency-based training programme in a business environment:

Step 1: Development of a competency model -

amongst attorneys regarding the importance of competencies than the need for training.

Of the competencies which had a mean rating of 4,08 or higher in respect of their importance, which meant that they were considered by attorneys to be very important, only the competencies Communication Skills; Interpersonal Conflict Handling and Negotiation Skills; Productivity Orientation and Financial Skills were perceived by attorneys as competencies in which a need for training existed. These competencies can therefore, be considered the critical areas in practice management and service provision which require training. They are vital skills for practice, yet a need for training exists in these skills. All the other competencies which were rated as very important were not considered competencies where a need for training existed.

The other competencies which were identified as requiring training were considered to be important. These were Computer Skills, Business Sense and Curiosity, Managing Diversity and Presentation Skills.

cut-off of 2,80 for need for training. However, this rating of 2,345 is well above the cut-off of 1,55 for a rating of Very Little Need on the developed scale. This can be interpreted to mean that a larger number of individual attorneys in small firms perceived a need for training in Risk Taking than attorneys in larger firms.

The fact that there was only one significant difference out of 31 possible differences in respect of the need for training between small firms and large firms can be interpreted to mean that there was a great deal of consensus in respect of the need for training in the identified competencies amongst all attorneys.

6.3.4 Comparison between The Rankings of The Need for Training and The Importance of Competencies

The mean rankings in respect of the importance of competencies are set out in Table 10 and the mean rankings in respect of the need for training are set out in Table 13. A comparison of these rankings is discussed below.

The standard deviations in respect of the ratings on the importance of competencies reanged from 0,524 to 1,121, whereas the standard deviations in respect of ratings on the need for training ranged from 1,027 to 1,422. This means that there was more concensus

organisation, particularly a service organisation. Walker (1993) states that human resource strategies are important because they provide alignment of human resources practices with business strategy.

6.3.3 Relationship between The Need for Training and Size of Practice

It was proposed in paragraph 3.5 that attorneys practising in different size practices would have different training needs. The results of the T-tests carried out on the ratings in respect of the need for training are set out in Table 17.

The T-tests revealed that there was only one significant difference in the ratings in respect of the need for training by attorneys practising in small firms when compared with the ratings of attorneys practising in large firms. The competency Risk Taking was the only competency where a difference existed. As can be seen from Table 13, the respondents excluded Risk Taking as a competency requiring training. Table 17, shows that attorneys practising in small firms rated the need for training in Risk Taking at a mean rating of 2,345 as opposed to attorneys in large firms who gave it a mean rating of 1,854 on the developed scale (see Table 12). The mean rating in respect of the need for training of 2,345 of attorneys in small firms is still below the

be inferred that the respondents did not perceive a need for training in the identified factor of personal characteristics. On the other hand the three competencies which comprised the identified factor of managing people skills respectively had mean ratings in respect of the need for training of:

- Managing Diversity: 2,81
- Group Management & Teamwork: 2,78
- Managing Staff: 2,74

The cut-off point which indicated a need for training on the developed scale was 2,80. The score in respect of the competency Managing Diversity was above this cut-off point and the scores in respect of the other competencies Group Management and Teamwork and Managing Staff was just below the cut-off. If one takes the highest score of 2,81 as characterising the need for training in the identified factor, a need for training exists in the factor Managing People Skills. The factor is comprised of competencies which relate to the management of human resources in organisations. Human resources are the most important resources in a service oriented organisation. It can be argued that the Managing People Skills factor is vital to the success of any service organisation. The managing of people is an important element in the overall strategy of any

of the 31 identified competencies. These are listed in the second column of Appendix 11.

Two respondents commented that they did not believe that a person could be trained in certain of the competencies. If one considers the competencies that received low mean ratings, particularly the last three, Self-confidence; Self-control and Stamina/Tenacity, it can be deduced that attorneys perceived that training in these competencies was not possible. Almost all the competencies that received low ratings on the need for training can be considered soft skills. However, Spencer & Spencer (1993, p.286) make the statement that all "competencies can be taught".

6.3.2 Need for Training and Identified Factors

Two factors underlying the need for training in the competencies had been identified by means of factor analysis (see Table 15):

- Personal Characteristics
- Managing People Skills

The three competencies which received the lowest mean ratings in respect of the need for training were also the first three competencies which characterised the identified factor of personal characteristics. It can

industrial relations arena and the increasing use of alternative dispute resolution mechanisms.

All the other competencies had a mean rating of more than 1,544, the cut-off point for a rating of very little need for training. This means that they were considered to be competencies where ve' ' little need for training existed. No competency was rated less than 1,544 which means no competency was regarded as have no need for training. At least eight competencies can be considered to be tending towards a need for training as they had mean ratings of above 2,5: Group Management and Teamwork; Managing Staff; Efficiency Orientation; Relationship Building; Developing Others; Identifies Options in order to Progress; Strategic Perspective and Analytical Thinking and Judgement. This in effect means that there are still a large number of individual attorneys that do perceive a need for training in these competencies.

The respondents were also asked to state any competencies not on the list of identified competencies in which they required training and development over the next five years. The responses are set out in Appendix 11. Again it is submitted that the competencies listed in response to this request can be identified with one

- Computer Literacy
- Financial Skills
- Productivity Orientation
- Business Sense & Curiosity
- Interpersonal Conflict Handling & Negotiation Skills
- Communication Skills
- Managing Diversity
- Presentation Skills

The first four competencies listed above can be classified as business skills and the remaining four can be classified as interpersonal/communications skills.

The business skills can all be considered hard skills and skills in which training is readily available from consultants. The interpersonal/communications skills can be regarded as soft skills. Communications Skills and Presentation Skills are popular subjects for training programmes and many are available. Managing Diversity is important from a South Africa perspective, particularly in the light of the importance of affirmative action initiatives and pressures for the democratisation of the workplace. Interpersonal Conflict Handling and Negotiation Skills have gained prominence in recent years particularly in the

C. The differences should also be considered in assessments of potential and when conducting performance appraisals.

The discussion of the results of the analysis of the data on practice size shows that the size of the practice in which the attorney operates is an important variable which must be taken account when considering managerial and service competencies of attorneys.

## 6.3 Need for Training

### 6.3.1 Competencies and The Need for Training

A further aim of the research, set out in paragraph 3.4, was to establish the perceived need for training in the identified competencies. It was proposed that a need for training exists in the identified competencies. The results of the analysis of the data on the need for training are set out in Tables 13 and 14.

The results show that a need for training exists in eight competencies. Computer Literacy was identified as the competency in which the greatest need for training existed amongst the respondent attorneys, followed closely by Financial Skills. Only eight competencies obtained a mean rating of 2,80 or more, i.e. the cut-off which showed a need for training existed. These were:

Walker (1992, p. 152) observes that practices and thinking in different sized organisations differs to the extent that "practices and thinking associated with larger, more complex organisations may overwhelm smaller, entrepreneurial operations". This statement provides support for the differences observed between the groups.

The differences observed in the prioritisation of competencies between attorneys practising in small firms and those practising in large firms has significance for several human resources initiatives:

A. The personal profile of the ideal attorney for a small firm is different from the profile of the ideal attorney for a large firm as competencies were accorded different weightings by attorneys operating in the different sized practices. When recruiting and selecting for attorneys in small firms, the ideal person for the position will be different than the ideal person for a large firm.

B. The managerial and service training and development of attorneys must take account of these differences, as it can no longer be assumed that all attorneys require the same management and service training.

form the subject of future research into the managerial and service competencies of attorneys.

Although, attorneys were requested to rate their perceived training needs, it was impossible to assess the extent of individual attorney's proficiency in any of the identified competencies. This too could be an interesting area for further research, namely the extent of an attorney's competence in the identified competencies.

The behavioural indicators for each competency were a result of a combination of a number of competency models. A precise comparison with research on competencies using competencies set out in other generic managerial competency models is therefore not possible without first comparing the differences in their behavioural indicators, with the behavioural indicators given for the competencies used in this research.

The extent of the attorneys roles of manager and service provider in comparison with other roles in the full context of the attorneys job was not explored. Again this is an aspect which requires further research.

## 7.3 Areas for Further Research

No attempt was made to differentiate between ordinary and superior performers in this study as Barker (1992) did in his research. The only way this could have been done in smaller firms was to approach clients. This was considered to be impractical. In large firms senior partners could have been approached, but this would have affected the uniformity of the study across practice size. However, in the initial interviews, the interviewees were requested to consider the managerial and service competencies which superior performers possessed. A study comparing ordinary performers with superior performers could be conducted in the future, possibly in large firms.

As with Barker's (1992) study, this study did not directly measure the impact of the variable 'organisational environment' in any way. This variable was assessed in respect of the size of the practice in which the attorney operates. However, the organisational environment may differ even within organisations which are of a similar size. 'Organisational environment' as a variable must be considered when attempting to apply the job competency approach to a particular legal firm. The significance of 'organisational environment' as a variable could

development of prospective attorneys at tertiary education level and for existing practitioners;

E. In regard to the need for training, several competencies were regarded as similar and grouped into two factors; personal characteristics and managing people skills. A perceived need for training exists in the managing people skills factor but not in the personal characteristics factor. Managing people skills was considered to be a strategically important training need;

F. The identified competencies can be used as a basis or as input for:

- general management courses at tertiary education level
- practical legal education and training courses and curricula
- in-house company training and development programmes for attorneys
- performance appraisals of attorneys
- the recruitment and selection of attorneys

based on the widespread application of competency models in the abovementioned areas.

C. The study revealed that attorneys practising in smaller size practices rated certain competencies as being significantly more important than did attorneys practising in large firms. These competencies related to issues which were important to smaller entrepreneurial type of organisations. A number of other competencies were rated significantly more important by attorneys practising in large firms. These related to issues which would have more a significance to larger organisations. These results show that different size practices require attorneys with different competency profiles. Conversely, an attorney with a certain competency profile will be more effective in a smaller firm than in a larger firm. This finding has important implication for individual career choices, recruitment and selection and training and development interventions;

D. A need for training exists amongst attorneys in eight competencies which can be regarded as encompassing all the functions of general business management. The identified need for training in those competencies reveals a need for a general business management course in the

Practical Legal Training and Continuing Legal Education Departments.

7.2 Significant Findings

The research yielded a number of significant findings:

A. Twenty-nine managerial competencies were identified as being important for the attorney to manage his/her practice effectively and to provide a quality service. These competencies can be regarded as forming a comprehensive list of competencies which an attorney requires to perform the task and function of the roles of manager and service provider with competence. The possession of these competencies will lead to the effective performance of these roles;

B. The managerial and service competencies identified in the study relate specifically to attorneys, but many of the competencies contained in the model are found in other generic managerial competency models. This means that although the list of competencies is unique to attorneys, their managerial roles have much in common with other managers;

The research has highlighted that a legal firm is a business entity and should be mana- ' s such. It has also emphasised that the legal profession operates in the service industry and consequently, the principles of service industry management also apply to legal firms. These points imply that attorney's firms need to be managed as businesses operating in the service industry. It was found that the job competency approach to management was a useful one and that its hitherto wide application, can equally be applied to the attorney's roles of manager and service provider. This represents the application of a modern theory of management to a profession which has a reputation of being conservative and resistant to change. It is submitted that the research has highlighted areas relating to the development of attorneys which require intervention and it has suggested the means of effecting ' se interventions. As such it can be seen as assisting in the facilitation of much needed changes in the profession.

The research was in many respects exploratory research as the job competency approach had not yet been applied to the attorneys profession as far as the researcher was aware. The need for this kind of study in the legal profession can be seen in the support given to it by the Association of Law Societies'

# CHAPTER SEVEN - CONCLUSION

## 7.1 Contribution of the Research

The attorney is the principal role player in every legal practice. A legal practice is an organisation whose reason for existence is to make a profit. As an organisation, the legal practice is composed of people who perform specialised tasks that are co-ordinated to enhance the value of a legal service that is wanted by and provided to clients. The legal practice must therefore provide an effective legal service if it is to make a profit. The attorney is a key player in the provision of the legal service. At the same time the attorney is tasked with managing the legal practice. The primary objective of a manager is to ensure that the organisation, in this instance a legal practice, serves its basic purpose which is the efficient provision of a legal service to its clients in order to make a profit.

This study set out to contribute towards the achievement of this purpose by identifying those managerial and service competencies that would enable an attorney to manage his/her practice effectively and provide a high quality service.

Continuing Legal Education Department of the Association of Law Societies can structure their courses to meet these needs. In addition, law firms could develop their own in-house courses to meet these needs, using the seven step plan referred to above. There are many management consultants and educational institutions who offer general business management courses. Legal firms could clearly benefit from these courses.

It is submitted that the discussion of the results of the research shows that the aims of the research set out in Chapter Three have been fulfilled.

training exists form a good yardstick against which the Association of Law Societies can test whether this course measures up to the need for training expressed by the profession in this study.

6.4.4 Training and Development of Practising Attorneys

According to Madden (1991c) much of the criticism levelled against the profession today falls into three areas:

- outdated attitudes
- computer illiteracy
- business illiteracy

The expressed need for training identified in this research supports the last two elements of this view. Madden (1991c, p. 769) continues "[that] to be useful to the profession in the longer term, students graduating from university need to be computer and business literate".

The research elicited the views of lawyers who were already in practice. The identified need for training in the eight competencies identified in paragraph 6.3.1 shows that existing legal practitioners would benefit from training in these courses. The

| COMPETENCY | BUSINESS FUNCTION |
|---|---|
| Computer Literacy | Information Technology |
| Financial Skills | Financial Function |
| Productivity Orientation | Production & Operational Function |
| Business Sense & Curiosity | Overall Business Function |
| Interpersonal Conflict Handling & Negotiation Skills | Personnel Function |
| Communication Skills | Marketing Function<br>Personnel Function<br>Public Relations Function |
| Managing Diversity (as part of Managing People Skills Factor) | Personnel Function |
| Presentation Skills | Relevant to all Functions |

It is suggested that the above competencies form the basis for the establishment of well-balanced course in management for law students and legal practitioners.

The practical legal training schools have now taken the initiative and the School for Legal Practice includes a practice management course in one of its modules. The competencies in which a need for

presented by the Law Faculties of the Universities mentioned.

6.4.3 Post University Training

The eight competencies identified in paragraph 6.3.1 as those in which a need for training exists coincides with many functional areas of business. The expressed need for training in these competencies represents a plea from the profession for an overall business management course. This is supported by the division of business management by Cronje *et al* (1990, p. 22-23) into seven functions or functional areas of management:

- general management function
- marketing function
- financial function
- production or operational function
- purchasing function
- personnel function
- public relations function

The competencies in which a need for training exists can be compared to Cronje's *et al* (1990) business functional areas:

some of these competencies may be inherent characteristics and possessed by certain law students, it is submitted that many other students do not possess them. The process of developing these competencies must begin at least at tertiary education level. It can be argued that the legal education that students receive does indirectly develop some of these competencies, such as Analytical Thinking and Judgement. However, it is submitted that a core content course in the legal education of every law student should be a management course with a service industry management component. For many years Latin was a requirement for admission to the profession. This requirement has recently been scrapped.
A management course could replace such a course with greater benefit. Madden (1991a) believes that aspirant lawyers should be shown the principles of good practice management while still at university as this exposure to principles of management will increase their chance of success later.

The courses presented by the respective Faculties of Law of the University of the Witwatersrand and the Rand Afrikaans University are set out in Appendixes 12 and 13 respectively. These course lists show that no business courses or practice management courses are

- Maintains a high level of activity and produces a high level of output. Dulewicz (1989).
- Actively influences events to achieve goals. Dulewicz (1989).

3. INITIATIVE

- The tendency or disposition to act in a self-directed way. McBer (undated).
- Taking action before being directed or forced by events. McBer (undated).
- Precipitates action. Boyatzis (1982).
- Seizes opportunities, seeks in-depth information from a variety of sources. McBer (undated).
- Does significantly more than is required. Boyatzis (1982).
- Is proactive. Boyatzis (1982).
- Is an initiator. Boyatzis (1982).
- Is a self-starter and originator. Dulewicz (1989).

4. CONCERN FOR ORDER

- A concern for ensuring accuracy, quality and orderliness of work and information. McBer (undated).
- Gives attention to detail and carefully checks one's own and other's work. McBer (undated).

1. EFFICIENCY ORIENTATION

- A desire to find better or more efficient ways to do things. Boyatzis (1982) / McBer (undated).
- Develops plans for achieving goals.
- Organises resources efficiently and effectively, delegating work to the appropriate staff. Boyatzis (1982) / Dulewicz (1989).
- Plans priorities, assignments and the allocation of resources. Dulewicz (1989).
- Makes full use of own time and resources. Dulewicz (1989).
- Work is precise and methodical and relevant detail is not overlooked. Dulewicz (1989).

2. ACHIEVEMENT MOTIVATION

- Sets demanding goals for self and others and has a desire to meet them. Dulewicz (1989) / McBer (undated).
- Is dissatisfied with average performance. Dulewicz (1989).
- Sees a task through to completion irrespective of obstacles and setbacks. Dulewicz (1989).
- Performs against a personal standard of excellence. McBer (undated).

Appendix 3

Die Vereniging van Prokureursordes van die RSA

VPO·ALS

The Association of Law Societies of the RSA

Meerastraat 145, Sunnyside • Posbus 27167, SUNNYSIDE, 0132 • Dx 227, Pretoria • Tel: (012) 341-3091 • Faks: (012) 341-1466
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*Praktiese Regsopleiding • Practical Legal Training*

# FAX MESSAGE

9 September 1994

**Attention:** Mr Jeffrey Cresswell
First Bowring

**Fax number: (011) 838-7929**

Dear Mr Cresswell

**RESEARCH: COMPETENCIES OF ATTORNEYS**

I refer to your fax dated 8 August 1994 and would like to confirm that:

1. We are prepared to assist with the framing of your questions.

2. The director of our CLE Department, Ms Renate de Klerk, may assist you with the distribution of your questionnaires.

I suggest that you liaise with her in this regard.

I look forward to the outcome of your research.

Yours faithfully

**NIC SWART**
**DIRECTOR**
**PRACTICAL LEGAL TRAINING**

## MODULE 1

A Introduction
   1. Structure and role of the profession
   2. Attorneys' ethics
   3. Communication skills and principles
      3.1 taking of instructions/consultation
      3.2 legal writing
   4. File administration
   5. Access to legal sources
   6. Use of computers

B Criminal court practice
   1. Rules and procedures
   2. Trial advocacy
   3. Appearance

C Evaluation and remedial sessions

## MODULE 2

A Introduction to civil court practice
   1. taking of instructions
   2. preliminary steps before litigation
   3. choice of forum

B Magistrates' Court Practice

C Supreme Court Practice

D Capita
   1. Divorce
   2. Insolvency
   3. Motor vehicle accident claims
   4. Maintenance
   5. Credit agreements

E Human rights in practice

F Evaluation and remedial sessions

## MODULE 3

A Drafting of contracts
B Labour dispute resolution
C Wills, estates and trusts
D Forms of business enterprise
E Introduction to property law and conveyancing
F Alternative dispute resolution (ADR)
G Evaluation and remedial sessions

## MODULE 4

A Practice management and administration
B Legal accountancy
C Legal costs

## F NATURE OF TRAINING

1. Training is practice orientated to ensure that, upon completion of the school, candidate attorneys will be able to perform most of the tasks in a legal practice with the MINIMUM OF SUPERVISION.

2. The instructors are PRACTITIONERS known for their experience and expertise. The "Black Lawyers Association" (BLA) and "Lawyers for Human Rights" (LHR) are involved in the training concerning court skills and human rights respectively.

3. Maximum PRACTICAL WORK is essential – therefore, it will be presumed that candidates have a basic knowledge of theoretical principles.

4. Candidates who have a right of appearance certificate will appear in ACTUAL matters on behalf of accused persons in the magistrates' courts. Persons who do not have a right of appearance certificate will be involved in the preparation of cases and will assist those candidates who do perform in court.

# Courses

## 1. Objective of courses and the admission examination

The objective of the courses is to supplement training provided by law firms with regard to the knowledge, skills and attitudes required of a competent candidate attorney. Our courses are practice-orientated.

Courses are also directed towards, and represent an important facet of preparation for the examination. The examination syllabus is taken into account when the courses are planned and presented.

## 2. Compulsory attendance and recognition as articles served

2.1 In terms of **Section 11 of the Attorneys Amendment Act, 87 of 1989**, which comes into effect as on 1 January 1994, an applicant applying for admission as an attorney must supply proof of satisfactory attendance of a course approved by the local law society.

The full-time and part-time courses presented by the Practical Legal Training Section (PLT) of the Association of Law Societies of the RSA (ALS) have been approved for the purposes of this Act.

2.2 The period of attendance is recognised as articles served (Part A and B = five weeks; or Part-time course = five weeks). The duration of Part C is one week and attendance is also being recognised as articles served, although attendance of a finishing course is not compulsory.

2.3 After completion of the full-time (both parts A and B) or part-time courses, candidates will be issued with a detailed report of attendance.

## 3. Contents of full-time and part-time courses

**Part A**

- ☐ Supreme Court Practice
- ☐ Criminal Court Practice
- ☐ Magistrate's Court Practice
- ☐ Motor Vehicle Accidents Claims

**Part B**

- ☐ Attorneys Ethics
- ☐ Wills and Estates
- ☐ Contracts
- ☐ Matrimonial Law
- ☐ Forms of Business Enterprises
- ☐ Insolvency Law
- ☐ Legal Costs
- ☐ Legal Accountancy
- ☐ Labour Dispute Resolution
- ☐ Optional subject according to regional interests

## 4. Contents of finishing courses : Part C1 and C2

- ☐ Part A The examination system, MV and court procedure
- ☐ Part B Estates, attorney's practice and bookkeeping

The finishing course concentrates specifically on the examination system, the various sections of the papers and revision of past examination papers.

Candidate attorneys may enrol for one or both parts.

## 5. Course material

Candidate attorneys who are registered for a course will receive the following from the ALS after the closing date:

Robbins, S.P. (1987): *Organisation Theory: Structure, Design and Applications*, Second Edition, Englewood Cliffs, New Jersey: Prentice-Hall, Inc.

Sampson, D.H. (1983): *Randell and Bax: The South African Attorneys Handbook*, Third Edition, Durban: Butterworth Publishers (Pty) Limited.

Sayles, L .R. (1993): *The Working Leader*, New York: The Free Press, a division of MacMillan Inc.

Spangenberg, H. (1990): *Assessing Managerial Competencies*, Cape Town: Juta & Co, Ltd.

Spencer, L.M. & Spencer S.M. (1993): *Competence at Work*, New York: John Wiley & Sons, Inc.

Stoner, J.A.F. & Freeman, R.E. (1992): *Management*, Fifth Edition, Englewood Cliffs, New Jersey: Prentice Hall Inc.

Walker, J.W. (1992): *Human Resource Strategy*, Singapore: McGraw - Hill Book Co.

Wisher, V. (1994): "Competencies: The Precious Seeds of Growth?" in *Personnel Management* Volume 26 No. 7 July 1994.

Woodruffe, C. (1993): "What is meant by a Competency?" *Leadership & Organisation Development Journal*, 14, 1, pp. 29 - 36.

Yukl, G. A. (1989): *Leadership in Organisations*, Englewood Cliffs, New Jersey: Prentice Hall Inc.

Madden, L. (1991b): "Wat kan Prokureurs van Besigheid Leer?", in *De Rebus*, October 1991, No. 286, pp 690-692.

Madden, L. (1991c): "Putting the Business back into Law", in *De Rebus*, November 1991, No. 287, pp 768-771.

McBer & Company (undated): *Managerial and Professional Competencies - List of Competencies and Behavioural Indicators*, Upublished.

McGregor, E.B. (1991): *Strategic Management of Human Knowledge, Skills and Abilities*, San Francisco: Jossey Bass Inc.

Miller, P. (1992): *Management Consulting Competence*, Unpublished MM Research Report, Johannesburg: University of the Witwatersrand.

Mintzberg, H. (1973): *The Nature of Managerial Work*, New York: Harper & Row, Publishers.

Mintzberg, H. (1989): *Mintzberg on Management - Inside our Strange World of Organisations*, New York: The Free Press - A Division of MacMillan Inc.

Moser, C.A. & Kalton G. (1971): *Survey Methods in Social Investigation*, Second Edition, London: Heinemann Educational Books Ltd.

Nell, P. (1992): *Service Competencies in Executive Recruitment*, Unpublished MM Research Report, Johannesburg: University of the Witwatersrand.

Norman, R. (1991): *Service Management*, Chichester, England: Wiley & Sons Ltd.

Parasuraman, A., Zeithaml, V.A. & Berry, L. (1985): "A Conceptual Model and its Implications for Future Research." *Journal of Marketing*, Volume 49, Fall 1985, pp. 41 - 50.

Pattison, A. & Boer, H. (1993): "Dienskwaliteit - Die Mites en die Realiteit", in *De Rebus*, June 1993, No. 306.

Pirow, P.G. (1993): *A Guide for Management Research*, Johannesburg: Woodacres Publishers.

Republic of South Africa (1979): *Statutes of the Republic of South Africa: Attorney's Act 53 of 1979 (as amended)*, Pretoria, Butterworth Publishers (Pty) Limited for the Government Printer.

Hutchinson, A.C. (1994): *An Analysis of the Information Obtained in an Investigation into Paralegals and the Ladder System of Training done by the Ladder Sub-Committee of the Access Continuation Committee*, Unpublished Report to the Sub-Committee of the Access Continuation Committee of the Association of Law Societies of the Republic of South Africa, dated 11 February 1994.

Kanter, R.M. (1989): *When Giants Learn to Dance*, London: Simon & Schuster Ltd.

King, B. (1993): "Interviews on Management and Growth" in *International Law Firm Management*, Issue One, April/May 1993, pp 4-12.

Koontz, H. & Weirich, H. (1988): *Management*, Ninth Edition, New York: McGraw-Hill Inc.

Kotler, P. & Armstrong, G. (1989): *Principles of Marketing*, Fourth Edition, Englewood Cliffs, New Jersey: Prentice - 4, Inc.

Lapinsky, A.T. (1989): *A Performance Based Approach to Managerial Competence*, Unpublished MM Research Report, Johannesburg: University of the Witwatersrand.

Larkin, S. & Ferreira, M. (1990): "Law Practice Managment - Where Does Practice Development/Marketing or Communications Fit In?" in *De Rebus*, February 1990, No. 266, pp 83-84.

Levin, R.I. and Rubin, D.S. (1991): *Statistics for Management*, Fifth Edition, Englewood Cliffs, New Jersey: Prentice-Hall, Inc.

Leedy, P.D. (1993): *Practical Research Planning and Design*, Fifth Edition, New York: MacMillan Publishing Company.

Lewis, E.A.L. (1982): *Legal Ethics: A Guide to Professional Conduct for South African Attorneys*, Cape Town: Juta & Co, Ltd.

MacKenzie, J.B. (1991): *Service Quality at Stages of the Client-Attorney Relationship*, Unpublished MBA Research Report, Johannesburg: University of the Witwatersrand.

Madden, L. (1991a): "Are there any Attorneys in Business?", in *De Rebus*, September 1991, No. 285, pp 616-617.

Cockerill, T. (1989): "The Kind of Competence for Rapid Change" in *Personnel Management*, September 1989, pp 52-56.

Christie, P. (1993): "African Competency Based Affirmative Action Needed" in *Human Resource Management* May 1993, Volume 9 (4), pp 17-22.

Cronje, G.J. De J., Neuland, E.W., Hugo, W.M.J. & Van Reenen, M.J. (1990): *Introduction to Business Management*, Second Edition, Halfway House, Midrand: Southern Book Publishers (Pty) Ltd.

De Klerk, (1995): Personal Telephone Conversation with the Director of the Continuing Legal Education Department of the Association of Law Societies of the Republic of South Africa held on 24 March, 1995, at 11H00.

Dubois, D.D. (1993): *Competency-based Performance Improvement: A Strategy for Organisational Change*: Amherst, Massachusetts: Human Resource Development Press Inc.

Dulewicz, V. (1989): "Assesment Centres as the Route to Competence" in *Personnel Management*, November 1989, pp 56-59.

Fischer, H. & Maritz, D. (1994): "Competence: Efficient Way of Increasing People `Potential' in Human Resource Management, Volume 10 No. 9, October 1994, pp 22- .

Glaze, T. (1989): "Cadbury's Dictionary of Competence" in *Personnel Management*, July 1989, pp 44-48.

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Green, P.E. & Tull, D.S. (1978): *Research for Marketing Decisions*, Fourth Edition, Englewood Cliffs, New Jersey, Prentice Hall Inc.

Groenewald, J.P. (1986): *Social Research Design and Analysis*, Stellenbosch University Publishers and Booksellers.

Hotor's Diary and Law List (1994), Johannesburg: Hotor's Stationery.

Human, P. (1991): "An Approach to Management Development in South Africa" in *Educating & Developing Managers for a Changing South Africa*, Human, L. (editor) Cape Town: Juta & Co Ltd.

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Aaker, D.A. & Day, G.S. (1980): *Marketing Research*, Second Edition, New York, John Wiley & Sons.

Anderson, T. D. (1992): *Transforming Leadership*, Amehurst, Massachusetts: Human Resource Development Press Inc.

Association of Law Societies of the Republic of South Africa (1994): *An Investigation into Paralegals and the Ladder System of Legal Education and Practice*, Unpublished Report of the Sub-Committee of the Access Continuation Committee, April 1994.

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Barker, D.R. (1992): *Managerial Competencies of the Clergy*, Unpublished MM Research Report, Johannesburg: University of the Witwatersrand.

Bendixen, M. T. (1991) : *Correspondence Analysis*, Unpublished Working Paper, Johannesburg: University of the Witwatersrand.

Bendixen, M. T. & Sandler, M. (1994) : *Converting Verbal Scales to Interval Scales Using Correspondence Analysis*, Unpublished Working Paper, Johannesburg: University of the Witwatersrand.

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Cappelletti, M. (1991): *The Future of Legal Education: A Comparative Perspective*, Conference on the Future of Legal Education in South Africa, Pretoria, 3 - 4 October.

Cascio, W.F. (1986): *Managing Human Resources: Productivity, Quality of Work Life, Profits*: Singapore: McGraw Hill Book Co.

It is submitted that the identification of managerial and service competencies and the identification of training needs in certain competencies will contribute towards the future effectiveness of attorneys as managers and service providers.

## 7.4 Summary

The study identified a number of managerial and service competencies which were regarded as important in the context of the management of legal practices and the provision of legal services. The importance of competencies for effective performance is an area which the study and the literature review has shown to be one which requires attention in the legal profession. Managerial and service competencies have been neglected in the training and development of both practising attorneys and prospective attorneys. The legal profession would be ill advised to neglect business management and service industry management any longer in the development and training of members of the legal profession. It is the joint responsibility of both the profession and the universities to include these areas of management in their training.

The profession requires an infusion of modern business practices and the results of this study will contribute towards that infusion. The managerial and service competencies identified can be regarded as sound business skills that are essential for effective legal practice. They are also 'appropriate skills' for the modern business environment in which the attorney operates.

30. COMMUNICATION SKILLS

- Conveys information clearly with ease and interest so that others understand what is being communicated, both orally and in writing.
- Adjusts style and the message to match the characteristics of the recipient.
- Tactful towards both clients and staff.
- Listens to other's viewpoints.
- Listens dispassionately, is not selective, recalls key points and takes account of them.
- Possesses verbal and non-verbal skills which show others that they are valued and cared for. Barker (1992).

31. RISK TAKING

- Is willing to take risks and seek new experiences. Dulewicz (1989).
- Is decisive. Dulewicz (1989).
- Ready to take decisions even on limited information. Dulewicz (1989).

- The ability to relate to and respect all people. Barker (1992).

28. PRESENTATION SKILLS

- The ability to present information verbally so that the intended purpose is achieved. Barker (1992).
- To be able to reinforce the presentation of verbal information with non-verbal behaviour, and if necessary, visual aids. Barker (1992).
- Uses language and practical examples clients and laymen will understand. Barker (1992).
- Material is well organised, voice projection is clear an delivery style is pleasing. Barker (1992).
- In formal presentations, is enthusiastic and lively, tailors content to audience's level of understanding. Dulewicz (1989).

29. INTERPERSONAL CONFLICT HANDLING AND NEGOTIATION SKILLS

- The ability to intervene in interpersonal conflict and successfully mediate and reconcile differences. Barker (1992).
- The ability to negotiate an outcome that is favourable for the party that you represent and is accepted by the other party. Barker (19" ').

- Manages own and others' time. Woodruffe (1993).

24. FINANCIAL SKILLS

- The ability to read a balance sheet, prepare a budget and monitor cash flow.
- Has a basic knowledge of accounting and tax.

25. BUSINESS SENSE AND CURIOSITY

- Identifies and seeks out opportunities which will increase sales or profits. Dulewicz (1989).
- Selects and exploits those activities which will result in the largest returns. Dulewicz (1989).
- Follows a hunch, is inquisitive.

26. COMPUTER LITERACY

- Has a basic knowledge of word-processing and spreadsheet programmes.
- Knows the application and limitations of these programmes.
- Can operate and utilise systems which store legal information e.g. Jutalex.

27. MANAGING DIVERSITY

- Understanding and being able to manage the differences between various groups in the workplace.

- The ability to distance oneself from emotional involvement in a situation, thereby allowing oneself to exercise relative objectivity. Boyatzis (1982).
- The disposition to view an event from multiple perspectives simultaneously. Boyatzis (1982).

22. IDENTIFIES OPTIONS IN ORDER TO PROGRESS

- Generates options. Woodruffe (1993).
- Evaluates options by examining the positive and negative aspects if they were put into effect. Woodruffe (1993).
- Anticipates the effects of options on others. Woodruffe (1993).
- Foresees others reactions. Woodruffe (1993).
- Demonstrates common-sense and initiative. Woodruffe (1993).

23. PRODUCTIVITY ORIENTATION

- Identifies priorities. Woodruffe (1993).
- Thinks back from deadlines. Woodruffe (1993).
- Identifies elements of tasks. Woodruffo (1993).
- Schedules elements. Woodruffe (1993).
- Anticipates resource needs. Woodruffe (1993).
- Allocates resources to tasks. Woodruffe (1993).
- Sets objectives for staff. Woodruffe (1993).

19. CONCERN WITH IMPACT

- The characteristic of acquiring symbols of power in order to have the power to impact others.
- Interest and concern in status and reputation.
- Being good at influencing and persuading others. Boyatzis (1982).

20. ACCURATE SELF-ASSESSMENT

- A realistically grounded view of yourself. Boyatzis (1982)./ Barker (1992).
- An awareness of your own strengths and weaknesses. Boyatzis (1982) / Barker (1992).
- The ability to describe and evaluate your effectiveness in a given situation and to take appropriate action to remedy the weaknesses. Boyatzis (1982).
- Knowing how your personal values, needs and interests affects others and your professional competence.

21. PERCEPTUAL OBJECTIVITY

- The ability to be relatively objective and not limited by personal prejudices, perspectives or biases. Boyatzis (1982).

- Treats all group members equitably. McBer (undated).
- Keeps all group members informed and finds solutions that benefit all involved parties. McBer (undated).
- The ability to work in a group but not to dominate it. Barker (1992.
- The willingness to assist others, share information and knowledge to meet the needs of the firm.

17. RELATIONSHIP BUILDING

- The ability to establish rapport easily and to develop and maintain a network of contacts and formal channels of communication who can provide information, help and access to others. McBer (undated).
- The ability to use influence to build alliances, networks, coalitions or teams. Boyatzis (1982).

18. ADAPTABILITY AND RESILIENCE

- The ability to adapt easily to change. McBer (undated).
- Can see the merits of differing positions and adapts one's own behaviour, position and strategies in response to new information or changes in a situation. McBer (undated).
- Is resilient.

- Facilitates self-development in others. Boyatzis (1982).

15. MANAGING STAFF

- The ability to use the power of one's position in an effective way. McBer (undated).
- Adopts an appropriate interpersonal style for achieving group objectives. Dulewicz (1989).
- The ability to set expectations for others.
- The ability to enforce rules, confront others about problems and tell others what to do.
- Shows vision and inspiration. Dulewicz (1989).
- The ability to build commitment of various people to standards of behaviour.

16. GROUP MANAGEMENT AND TEAMWORK

- The ability to develop co-operation and teamwork while leading a group of people. McBer (undated).
- Stimulates others to work together effectively in group settings. Boyatzis (1982).
- Utilises the skills and resources of all team members. McBer (undated) / Barker (1992) / Woodruffe (1993).
- Seeks the input of group members by encouraging participation. McBer (undated).

13. DIRECT PERSUASION AND INFLUENCE

- The ability to convince others by presenting logical arguments, pointing out benefits and using language suited to the audience. McBer (undated)
- Influences and persuades others to give their agreement and commitment. Dulewicz (1989).
- In the face of conflict, uses personal influence to communicate proposals to reach bases for compromise and to reach agreement. Dulewicz (1989).
- Uses forms of influence to obtain compliance. Boyatzis (1982).
- Acts to stimulate others to go along with ones directions, wishes, commands, policies or procedures. Boyatzis (1982).
- The ability to develop and use effective plans and tactics to persuade others or to gain their support. McBer (undated).

14. DEVELOPING OTHERS

- Takes effective efforts to improve the skills and competencies of others. McBer (undated).

  Monitors and evaluates their work. Dulewicz (1989).
- Provides clear, specific performance feedback. McBer (undated).
- Coaches and mentors. McBer (undated).

11. CONCERN WITH PERSONAL IMPACT

- A tendency to think carefully about the likely effects on others of one's actions, words, appearance and mode of behaviour. McBer (undated).
- A tendency to calculate one's words and actions in advance to achieve a desired effect. McBer (undated).

12. INTERPERSONAL SENSITIVITY

- The ability to understand, interpret and show consideration for other's concerns, needs, motives and feelings. McBer (undated) / Dulewicz (1989).
- The ability to recognise the limitations in others. McBer (undated).
- Shows empathy in oral and written communications. Woodruffe (1993).
- Is flexible when dealing with others and will change own position when others' proposal warrant it. Dulewicz (1989).
- Extracts a deeper meaning from verbal and non-verbal messages and communicates understanding of and insight into another person's feelings and situation. Barker (1992)
- Is trusted, acts with compassion, keeps confidence and is available when needed. Barker (1992).

9. SELF-CONTROL

- The ability to keep one's emotions under control when faced with opposition or hostility from others or when working under stressful conditions. McBer (undated).
- The ability to inhibit personal needs or desires in service of organisational needs. Boyatzis (1982).
- Maintains effectiveness in the face of adversity or unfairness. Dulewicz (1989).
- Performance remains stable under pressure or opposition. Dulewicz (1989).
- Does not become irritable or anxious, retains composure. Dulewicz (1989).

10. STAMINA / TENACITY

- The ability to physically sustain long hours and maintain high performance under consistently high stress. Boyatzis (1982).
- The ability to stick with a difficult task over an extended period of time, without quitting when faced with obstacles or rejection. McBer (undated) / Boyatzis (1982).
- Has energy and vitality.

- Grasps information accurately and identifies limitations to information. Woodruffe (1993).
- Identifies, selects and compares information in such a way that similarities and differences are discerned, and accurate conclusions / results are derived from these comparisons over time.
- The ability to identify essential, underlying issues in complex situations.
- Makes decisions based on logical assumptions that reflect factual information. Dulewicz (1989).

8. SELF-CONFIDENCE

- Decisiveness or presence; makes a strong, positive impression. Boyatzis (1982).
- Has authority and credibility.
- Positive self-esteem. Boyatzis (1982).
- Has a strong faith in one's own skills, capability and judgement and expresses and conveys a belief in own ability. McBer (undated) / Woodruffe (1993).
- Displays a crisp, forceful and impressive self-presentation.
- The ability to make decisions without ambivalence and accept the consequences of those decisions. Boyatzis (1982).
- Admits to areas of inexpertness. Woodruffe (1993).

- A concern that work gets done in a methodical way by adhering to procedures and systems.

5. CONCEPTUAL THINKING

- The ability to develop and apply concepts and principles. McBer (undated).
- The ability to draw logical conclusions and to note similarities and differences between situations. McBer (undated).
- The ability to identify or recognise patterns or themes from an assortment of information. Boyatzis (1982).

6. STRATEGIC PERSPECTIVE

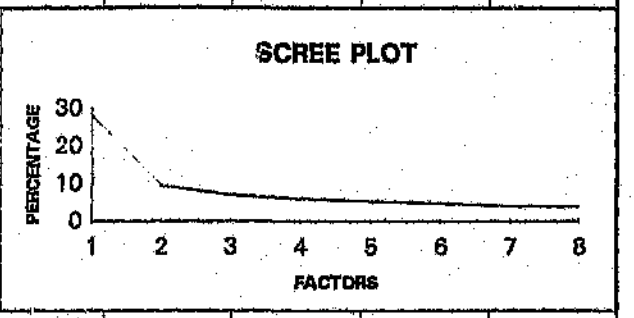
- Rises above the detail to see broader issues and implications. Dulewicz (1989).
- Takes account of wide-ranging influences and situations both inside and outside the organisation before planning or acting. Dulewicz (1989).

7. ANALYTICAL THINKING AND JUDGEMENT

- Seeks all relevant information. Dulewicz (1989).
- The ability to break down complex problems or tasks to generate detailed plans. McBer (undated).
- The ability to think of multiple causes and consequences of events. McBer (undated).

SCREE2.XLS

| FACTOR | PERCENT |
|---|---|
| 1 | 28.13 |
| 2 | 9.46 |
| 3 | 6.99 |
| 4 | 6.01 |
| 5 | 5.33 |
| 6 | 4.75 |
| 7 | 4.13 |
| 8 | 3.84 |



IMPORTANCE OF COMPETENCIES
FACTOR ANALYSIS: EIGEN VALUE SUMMARY

| Number | Eigen Value | Percent | Cumulative Percent |
|---|---|---|---|
| 1 | 8.7208 | 28.13 | 28.13 |
| 2 | 2.9330 | 9.46 | 37.59 |
| 3 | 2.1676 | 6.99 | 44.59 |
| 4 | 1.8620 | 6.01 | 50.59 |
| 5 | 1.6517 | 5.33 | 55.92 |
| 6 | 1.4734 | 4.75 | 60.67 |
| 7 | 1.2791 | 4.13 | 64.80 |
| 8 | 1.1916 | 3.84 | 68.40 |
| 9 | 1.1037 | 3.56 | 72.20 |
| 10 | 0.8558 | 2.76 | 74.96 |
| 11 | 0.8442 | 2.72 | 77.69 |
| 12 | 0.7079 | 2.28 | 79.97 |
| 13 | 0.6738 | 2.17 | 82.14 |
| 14 | 0.6275 | 2.02 | 84.17 |
| 15 | 0.5923 | 1.91 | 86.08 |
| 16 | 0.5418 | 1.75 | 87.83 |
| 17 | 0.4786 | 1.54 | 89.37 |
| 18 | 0.4626 | 1.49 | 90.86 |
| 19 | 0.4365 | 1.41 | 92.27 |
| 20 | 0.3741 | 1.21 | 93.48 |
| 21 | 0.3292 | 1.06 | 94.54 |
| 22 | 0.2976 | 0.96 | 95.50 |
| 23 | 0.2742 | 0.88 | 96.38 |
| 24 | 0.2179 | 0.70 | 97.09 |
| 25 | 0.2014 | 0.65 | 97.74 |
| 26 | 0.1602 | 0.52 | 98.25 |
| 27 | 0.1415 | 0.46 | 98.71 |
| 28 | 0.1199 | 0.39 | 99.10 |
| 29 | 0.1128 | 0.36 | 99.46 |
| 30 | 0.0895 | 0.29 | 99.75 |
| 31 | 0.0778 | 0.25 | 100.00 |

Appendix 7

The Association of Law Societies of the RSA

VPO·ALS

145 Mears Street
PO Box 27169, Sunnyside 0132
Pretoria
Tel: (012) 341-2841
Fax: (012) 341-1339
DOCEX 227

• Continuing Legal Education •

1994-10-28

**TO WHOM IT MAY CONCERN**

Continuing Legal Education will appreciate it if you would complete the enclosed questionnaire and return it to the address given.

This project has the approval of the ALS as the information collected will be made available to us to assist in establishing the management training needs of the profession and to direct our CLE training at the correct areas and levels.

Only a small number of firms are used in this spot-check so it is essential that a large percentage return their forms to make the findings viable.

Thank you for your cooperation.

Renate de Klerk

**RENATE DE KLERK**

• Director Continuing Legal Education: R de Klerk •
Director General: ALJ van Vuuren • Director Professional Services: JJA Botha • Editor De Rebus: PJ van der Merwe
• Director Practical Legal Education: N Swart •

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

The Graduate School of Business Administration
2 St David's Place, Parktown, Johannesburg, 2193 South Africa

P O Box 98, WITS
2050 South Africa
'Embark'
4-27125 SA
(011) 643-6641
Fax (011) 643-2336

Dear *ATTORNEY*

MANAGERIAL AND SERVICE COMPETENCIES OF ATTORNEYS

The legal profession in South Africa is facing many challenges and many threats. The economic, social and political environment in which businessmen, including attorneys, have to operate, is turbulent and uncertain. Attorneys will, of necessity, have to learn to manage their practices more effectively and more efficiently. In addition, as attorneys operate in the service industry, there is an increasing realisation that in order to remain competitive attorneys must provide a high quality service consistently. In order to do this attorneys must have the necessary managerial and service competencies.

We are currently conducting research with the objective of establishing those managerial and service competencies that attorneys require to manage their practices effectively and provide a quality service.

The Association of Law Societies of South Africa has been appraised of this research and fully supports this investigation. The results will provide the attorneys' profession with valuable insight concerning the necessary competencies an attorney requires to practise effectively. The research will also provide information which can be used to assess the training needs of both candidate attorneys and practising attorneys.

We would appreciate your assistance in conducting the research. Please complete the attached questionnaire (which should take no longer than 15 minutes to complete) and returning it in the enclosed envelope by 15 November 1994. The validity of the research is dependant on the response rate and we appreciate your participation. The research is being conducted by Jeffrey Cresswell in partial fulfilment of the requirements towards a Master of Management (Human Resources) degree at Wits Business School.

Should you require any assistance or clarification in completing the questionnaire please contact him at (011) 636-1803 during working hours. All the information received will be treated in the strictest confidence.

Thank you in advance for your valuable assistance.

Yours Sincerely

**JEFFREY CRESSWELL**
Student

**MARGARET SUTHERLAND**
Lecturer

The University of the Witwatersrand rejects racism and racial segregation. It is committed to non-discrimination particularly in the constitution of its student body, in the selection and promotion of its staff, and in its administration.

23. PRODUCTIVITY ORIENTATION

- Identifies priorities
- Thinks back from deadlines
- Identifies elements of tasks
- Schedules elements
- Anticipates resource needs
- Allocates resources to tasks
- Sets objectives for staff
- Manages own and others' time

24. FINANCIAL SKILLS

- The ability to read a balance sheet, prepare a budget and monitor cash flow
- Has a basic knowledge of accounting and tax

25. BUSINESS SENSE AND CURIOSITY

- Identifies and seeks out opportunities which will increase sales or profits
- Selects and exploits those activities which will result in the largest returns
- Follows a hunch, is inquisitive

26. COMPUTER LITERACY

- Has a basic knowledge of word-processing and spreadsheet programmes
- Knows the application and limitations of these programmes
- Can operate and utilise systems which store legal information e.g. Jutalex

27. MANAGING DIVERSITY

- Understanding and being able to manage the differences between various groups in the workplace
- The ability to relate to and respect all people

28. PRESENTATION SKILLS

- The ability to present information verbally so that the intended purpose is achieved
- To be able to reinforce the presentation of verbal information with non-verbal behaviour, and if necessary, visual aids
- Uses language and practical examples clients and laymen will understand
- Material is well organised, voice projection is clear an delivery style is pleasing
- In formal presentations, is enthusiastic and lively, tailors content to audience's level of understanding

29. INTERPERSONAL CONFLICT HANDLING AND NEGOTIATION SKILLS

- The ability to intervene in interpersonal conflict and successfully mediate and reconcile and differences
- The ability to negotiate an outcome that is favourable for the party that you represent and is accepted by the other party

30. COMMUNICATION SKILLS

- Conveys information clearly with ease and interest so that others understand what is being communicated, both orally and in writing
- Adjusts style and the message to match the characteristics of the recipient
- Tactful towards both clients and staff
- Listens to other's viewpoints
- Listens dispassionately, is not selective, recalls key points and takes account of them
- Possesses verbal and non-verbal skills which show others that they are valued and cared for

31. RISK TAKING

- Is willing to take risks and seek new experiences
- Is decisive
- Ready to take decisions even on limited information

15. MANAGING STAFF

- The ability to use the power of one's position in an effective way
- Adopts an appropriate interpersonal style for achieving group objectives
- The ability to set expectations for others
- The ability to enforce rules, confront others about problems and tell others what to do
- Shows vision and inspiration
- The ability to build commitment of various people to standards of behaviour

16. GROUP MANAGEMENT AND TEAMWORK

- The ability to develop co-operation and teamwork while leading a group of people
- Stimulates others to work together effectively in group settings
- Utilises the skills and resources of all team members
- Seeks the input of group members by encouraging participation
- Treats all group members equitably
- Keeps all group members informed and finds solutions that benefit all involved parties
- The ability to work in a group but not to dominate it
- The willingness to assist others, share information and knowledge to meet the needs of the firm

17. RELATIONSHIP BUILDING

- The ability to establish rapport easily and to develop and maintain a network of contacts and formal channels of communication who can provide information, help and access to others
- The ability to use influence to build alliances, networks, coalitions or teams

18. ADAPTABILITY AND RESILIENCE

- The ability to adapt easily to change
- Can see the merits of differing positions and adapts one's own behaviour, position and strategies in response to new information or changes in a situation
- Is resilient

19. CONCERN WITH IMPACT

- The characteristic of acquiring symbols of power in order to have the power to impact others
- Interest and concern in status and reputation
- Being good at influencing and persuading others

20. ACCURATE SELF-ASSESSMENT

- A realistically grounded view of yourself
- An awareness of your own strengths and weaknesses
- The ability to describe and evaluate your effectiveness in a given situation and to take appropriate action to remedy the weaknesses
- Knowing how your personal values, needs and interests affects others and your professional competence

21. PERCEPTUAL OBJECTIVITY

- The ability to be relatively objective and not limited by personal prejudices, perspectives or biases
- The ability to distance oneself from emotional involvement in a situation, thereby allowing oneself to exercise relative objectivity
- The disposition to view an event from multiple perspectives simultaneously

22. IDENTIFIES OPTIONS IN ORDER TO PROGRESS

- Generates options
- Evaluates options by examining the positive and negative aspects if they were put into effect
- Anticipates the effects of options on others
- Foresees others reactions
- Demonstrates common-sense and initiative

8. SELF-CONFIDENCE

- Decisiveness or presence; makes a strong, positive impression
- Has authority and credibility
- Positive self-esteem
- Has a strong faith in one's own skills, capability and judgement and expresses and conveys a belief in own ability
- Displays a crisp, forceful and impressive self-presentation
- The ability to make decisions without ambivalence and accept the consequences of those decisions
- Admits to areas of inexpertness

9. SELF-CONTROL

- The ability to keep one's emotions under control when faced with opposition or hostility from others or when working under stressful conditions
- The ability to inhibit personal needs or desires in service of organisational needs
- Maintains effectiveness in the face of adversity or unfairness
- Performance remains stable under pressure or opposition
- Does not become irritable or anxious, retains composure

10. STAMINA / TENACITY

- The ability to physically sustain long hours and maintain high performance under consistently high stress
- The ability to stick with a difficult task over an extended period of time, without quitting when faced with obstacles or rejection
- Has energy and vitality

11. CONCERN WITH PERSONAL IMPACT

- A tendency to think carefully about the likely effects on others of one's actions, words, appearance and mode of behaviour
- A tendency to calculate one's words and actions in advance to achieve a desired effect

12. INTERPERSONAL SENSITIVITY

- The ability to understand, interpret and show consideration for other's concerns, needs, motives and feelings
- The ability to recognise the limitations in others
- Shows empathy in oral and written communications
- Is flexible when dealing with others and will change own position when others' proposal warrant it
- Extracts a deeper meaning from verbal and non-verbal messages and communicates understanding of and insight into another person's feelings and situation
- Is trusted, acts with compassion, keeps confidence and is available when needed

13. DIRECT PERSUASION AND INFLUENCE

- The ability to convince others by presenting logical arguments, pointing out benefits and using language suited to the audience
- Influences and persuades others to give their agreement and commitment
- In the face of conflict, uses personal influence to communicate proposals to reach bases for compromise and to reach agreement
- Uses forms of influence to obtain compliance
- Acts to stimulate others to go along with ones directions, wishes, commands, policies or procedures
- The ability to develop and use effective plans and tactics to persuade others or to gain their support

14. DEVELOPING OTHERS

- Takes effective efforts to improve the skills and competencies of others
- Monitors and evaluates their work
- Provides clear, specific performance feedback
- Coaches and mentors
- Facilitates self-development in others

APPENDIX 1

## DEFINITIONS OF COMPETENCIES

### 1. EFFICIENCY ORIENTATION

- A desire to find better or more efficient ways to do things
- Develops plans for achieving goals
- Organises resources efficiently and effectively, delegating work to the appropriate staff
- Plans priorities, assignments and the allocation of resources
- Makes full use of own time and resources
- Work is precise and methodical and relevant detail is not overlooked

### 2. ACHIEVEMENT MOTIVATION

- Sets demanding goals for self and others and has a desire to meet them
- Is dissatisfied with average performance
- Sees a task through to completion irrespective of obstacles and setbacks
- Performs against a personal standard of excellence
- Maintains a high level of activity and produces a high level of output
- Actively influences events to achieve goals

### 3. INITIATIVE

- The tendency or disposition to act in a self-directed way
- Taking action before being directed or forced by events
- Precipitates action
- Seizes opportunities, seeks in-depth information from a variety of sources
- Does significantly more than is required
- Is proactive
- Is an initiator
- Is a self-starter and originator

### 4. CONCERN FOR ORDER

- A concern for ensuring accuracy, quality and orderliness of work and information
- Gives attention to detail and carefully checks one's own and other's work
- A concern that work gets done in a methodical way by adhering to procedures and systems

### 5. CONCEPTUAL THINKING

- The ability to develop and apply concepts and principles
- The ability to draw logical conclusions and to note similarities and differences between situations
- The ability to identify or recognise patterns or themes from an assortment of information

### 6. STRATEGIC PERSPECTIVE

- Rises above the detail to see broader issues and implications
- Takes account of wide-ranging influences and situations both inside and outside the organisation before planning or acting

### 7. ANALYTICAL THINKING AND JUDGEMENT

- Seeks all relevant information
- The ability to break down complex problems or tasks to generate detailed plans
- The ability to think of multiple causes and consequences of events
- Grasps information accurately and identifies limitations to information
- Identifies, selects and compares information in such a way that similarities and differences are discerned, and accurate conclusions / results are derived from these comparisons over time
- The ability to identify essential, underlying issues in complex situations
- Makes decisions based on logical assumptions that reflect factual information

| COMPETENCY | NO NEED FOR TRAINING | VERY LITTLE NEED | NEED FOR TRAINING | GREAT NEED | VERY GREAT NEED |
|---|---|---|---|---|---|
| 14. Developing Others | | | | | |
| 15. Managing Staff | | | | | |
| 16. Group Management and Teamwork | | | | | |
| 17. Relationship Building | | | | | |
| 18. Adaptability and Resilience | | | | | |
| 19. Concern with Impact | | | | | |
| 20. Accurate Self-assessment | | | | | |
| 21. Perceptual Objectivity | | | | | |
| 22. Identifies Options in order to Progress | | | | | |
| 23. Productivity Orientation | | | | | |
| 24. Financial Skills | | | | | |
| 25. Business Sense and Curiosity | | | | | |
| 26. Computer Literacy | | | | | |
| 27. Managing Diversity | | | | | |
| 28. Presentation Skills | | | | | |
| 29. Interpersonal Conflict Handling and Negotiation Skills | | | | | |
| 30. Communication Skills | | | | | |
| 31. Risk Taking | | | | | |

***PLEASE NOTE !***

If there are any other managerial and/or service competencies not on the above list that you think you may need training in over the next five years please write them here.

**********

***PLEASE NOTE !***

If there are any other managerial and /or service competencies not on the above list that you think may be important over the next five years please write them here.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

**PART 3**

This section deals with your own growth and development over the next 5 years. In the table below rate the extent of your need for training and development in the competencies regardless of how you rated their importance. E.g. If you think that you will have a great need for training in 'Computer Literacy' over the next five years, you would place a cross in the block 'Great Need'.

In order to complete this section it may be helpful to again read the definitions of the competencies in Appendix 1.

| COMPETENCY | NO NEED FOR TRAINING | VERY LITTLE NEED | NEED FOR TRAINING | GREAT NEED | VERY GREAT NEED |
|---|---|---|---|---|---|
| 1. Efficiency Orientation | | | | | |
| 2. Achievement Motivation | | | | | |
| 3. Initiative | | | | | |
| 4. Concern for Order | | | | | |
| 5. Conceptual Thinking | | | | | |
| 6. Strategic Perspective | | | | | |
| 7. Analytical Thinking and Judgement | | | | | |
| 8. Self-confidence | | | | | |
| 9. Self-control | | | | | |
| 10. Stamina / Tenacity | | | | | |
| 11. Concern with Personal Impact | | | | | |
| 12. Interpersonal Sensitivity | | | | | |
| 13. Direct Persuasion and Influence | | | | | |

| COMPETENCY | VERY LITTLE IMPORTANCE | LITTLE IMPORTANCE | IMPORTANT | VERY IMPORTANT | ABSOLUTELY ESSENTIAL |
|---|---|---|---|---|---|
| 1. Efficiency Orientation | | | | | |
| 2. Achievement Motivation | | | | | |
| 3. Initiative | | | | | |
| 4. Concern for Order | | | | | |
| 5. Conceptual Thinking | | | | | |
| 6. Strategic Perspective | | | | | |
| 7. Analytical Thinking and Judgement | | | | | |
| 8. Self-confidence | | | | | |
| 9. Self-control | | | | | |
| 10. Stamina / Tenacity | | | | | |
| 11. Concern with Personal Impact | | | | | |
| 12. Interpersonal Sensitivity | | | | | |
| 13. Direct Persuasion and Influence | | | | | |
| 14. Developing Others | | | | | |
| 15. Managing Staff | | | | | |
| 16. Group Management and Teamwork | | | | | |
| 17. Relationship Building | | | | | |
| 18. Adaptability and Resilience | | | | | |
| 19. Concern with Impact | | | | | |
| 20. Accurate Self-assessment | | | | | |
| 21. Perceptual Objectivity | | | | | |
| 22. Identifies Options in order to Progress | | | | | |
| 23. Productivity Orientation | | | | | |
| 24. Financial Skills | | | | | |
| 25. Business Sense and Curiosity | | | | | |
| 26. Computer Literacy | | | | | |
| 27. Managing Diversity | | | | | |
| 28. Presentation Skills | | | | | |
| 29. Interpersonal Conflict Handling and Negotiation Skills | | | | | |
| 30. Communication Skills | | | | | |
| 31. Risk Taking | | | | | |

# QUESTIONNAIRE

## INSTRUCTIONS

This questionnaire consists of three parts. The terms referred to in Parts 2 and 3 of the questionnaire are defined in Appendix 1. It may be helpful for you to look at these definitions before you complete parts 2 and 3.

In Part 1 personal information about you and your practice is required.

In Part 2 you are asked to rate the competencies in terms of their importance for your job as an attorney over the next five years.

In Part 3 you are asked to rate the competencies you think you will need training in in the next five years.

## PART 1

*1. What is your age ? (Please tick the appropriate block)*

| 20 - 29 yrs | 30 - 39 yrs | 40 - 49yrs | 50 - 59 yrs | over 60 yrs |
|---|---|---|---|---|

*2. How long have you practised as an attorney ?*

| 0 - 5 yrs | 6 - 10 yrs | 10 - 20 yrs | over 20 yrs |
|---|---|---|---|

*3. How many people (including yourself) are employed in your firm ?*

| Number of Attorneys | | Number of Other Staff | |
|---|---|---|---|

## PART 2

Please rate the importance of the competencies for the job, that you, as an attorney, think you will have to perform over the next five years in order to manage your practice effectively and provide a consistently high quality service. This refers to importance regardless of whether you are competent in that competency or whether you think that you require training in that competency. E.g. if you think that 'Computer Literacy' will be very important for your job over the next five years, you would place a cross in block 'Very Important'.

For the purposes of this questionnaire a competency is defined as follows:

> "A competency is the set of behaviour patterns that the incumbent needs to bring to bring to the job to perform its tasks and functions with competence."

In order to complete this section it may be helpful if you read the definition of the competencies in Appendix 1.

(3) Erkenning en toepassing van die inheemse reg in Suider-Afrika
(4) Toekomstige ontwikkeling van die inheemse reg
(5) Teorieë omtrent ongespesialiseerde regstelsels
(6) Bronne van die inheemse reg
(7) Geselekteerde onderwerpe van die inheemse staats-, administratief-, straf-, proses- en bewysreg
(8) Interne aanwysingsreg
(9) Oorsig van die inheemse persone- en familiereg
(10) Geselekteerde onderwerpe van die inheemse sakereg
(11) Algemene beginsels en geselekteerde onderwerpe van die inheemse opvolgingsreg
(12) Algemene beginsels van die inheemse kontraktereg en enkele besondere kontrakte
(13) Algemene beginsels van die inheemse deliktereg en enkele besondere onregmatige dade

## R.23 INLEIDENDE ARBEIDSREG . . . IAB0000

(1) 'n Inleiding tot die basiese beginsels van die arbeidsreg, die dienskontrak sowel as die kollektiewe arbeidsreg
(2) Inleiding tot arbeidswetgewing, die meganismes van geskilbeslegting en die onbillike arbeidspraktykjurisdiksie

## R.24 INSOLVENSIEREG . . . INR0011

(1) Reg insake insolvensie, likwidasie en geregtelike bestuur

## R.25 INTERNASIONALE PRIVAATREG . . . IPR0014

(1) Die grondbeginsels van die Suid-Afrikaanse Internasionale Privaatreg

## R.26 INTERNASIONALE REG . . . ITR0000

(1) 'n Studie van die aard van Volkereg
(2) Die bronne
(3) Die verbonding tussen munisipale en internasionale reg
(4) Internasionale regspersoonlikheid
(5) Aanspreeklikheid van state
(6) Die internasionale reg wat betrekking het op internasionale organisasies
(7) Capita selecta wat onder andere insluit die reg van die see; internasionale siviete lugvaartreg; internasionalekernkragreg; die Antarktiese Verdrag; internasionale satelliet telekommunikasiereg; en internasionale juridiese sanksies

## R.27 KOMMERSIËLE REG 1A . . . KMR1A11

(1) Inleiding tot die Regstudie
(2) Die funksie en die aard van die reg, die onderskeid tussen die reg in objektiewe en die reg in die subjektiewe sin
(3) Die historiese agtergrond van ons reg
(4) Die indeling van die reg, regsubjekte (natuurlike en regspersone), bronne van die reg en bronne van vorderingsregte
(5) Algemene beginsels van die kontraktereg

## R.28 KOMMERSIËLEREG 1B . . . KMR1B21

(1) Die algemene beginsel van die vennootskapsreg, maatskappyereg en beslote korporasiereg

## R.29 KOMMERSIËLE REG 2C . . . KMR2C21

(1) Basiese beginsels van die insolvensiereg
(2) Basiese beginsels van die wisselreg
(3) Koopkontrak (insluitende kredietooreenkomste)
(4) Huurkontrak en die onderskeid met dienskontrak en lasgewingskontrak

## R.30 KOMMUNIKASIEREG . . . KRG0024

(1) Inleiding tot die Suid-Afrikaanse regsisteem
(2) Geskiedenis van die media
(3) Teoretiese agtergrond en beginsels van mediareg, vryheid van uitdrukking en sensuur
(4) Beperkings in belang van die individu, laster, privaatheid en outeursreg
(5) Mediabeheer, hofverrigtinge en die reg tot insae van hofrekords
(6) Capita Selecta: advertensies, pornografie, joernalistieke privilegie ens.

## R.31 KONTRAKTEREG . . . KOR0000

(1) Inleiding tot die verbintenisreg
(2) Die grondbeginsels van die kontraktereg
(3) Die grondbeginsels van die verteenwoordigingsreg
(4) Die reg insake enkele besondere kontrakte, bv. koop, huur, diens en lasgewing

## R.32 KORPORATIEWE REG . . . KPR0011

(1) R[illegible] insake vennootskappe, maatskappye en beslote korporasies

## R.33 KR[illegible] REG . . . KDR0021

(1) Die reg insake kredietooreenkomste en finansieringskoste
(2) Capita selecta uit die sekerheidsreg

## R.34 PERSONEREG EN FAMILIEREG . . . PER0000

(1) Inleiding tot die studie van die reg
(2) Oorsig van die oorsprong en historiese ontwikkeling van die reg
(3) Die personereg
(4) Die familiereg
(5) Die ouerlike gesagsreg

# LEERPLANNE

## R.10 ADMINISTRATIEFREG . . . ADR0000

(1) 'n Studie van die algemene grondslae en die plek in die regsistematiek
(2) Die administratiefregtelike verhouding
(3) Die administratiefregtelike handeling
(4) Die ultra vires-leerstuk
(5) Die reëls van natuurlike geregtigheid
(6) Die verskillende regsmiddels vir die geregtelike kontrole van die administratiefregtelike handeling
(7) Die aanspreeklikheid van die staat vir sy administratiewe handelinge

## R.11 ALGEMENE REGSLEER . . . ARL0000

(1) Die aard van die reg met besondere verwysing na vraagstukke rondom die verhouding tussen reg en moraliteit
(2) Historiese oorsig van die belangrikste strominge en denkers in die regsfilosofie vanaf die antieke Grieke tot vandag
(3) Geselekteerde onderwerpe van kontemporêre belang soos sensuur, menseregte, judisiële aktivisme en *Critical Legal Studies*

## R.12 ARBEIDSREG . . . ABR0021

(1) Die basiese beginsels van die dienskontrak en die kollektiewe arbeidsreg
(2) Die verband tussen die individuele en die kollektiewe arbeidsreg

## R.13 BEWYSREG . . . BWR0000

(1) Inleiding tot die teorie en geskiedenis van die bewysreg
(2) Basiese begrippe en bronne van die bewysreg
(3) Inleiding tot die basiese reëls en beginsels van die bewysreg
(4) Die relevantheidsbegrip en toelaatbaarheid
(5) Die bewysregtelike aspekte van die pleitprosedure
(6) Die toepassing van die relevantheidsgrondbeginsel
(7) Die uitsluiting van relevante getuienis
(8) Die toelaatbaarheid en bewys van vorige nadelige verklarings
(9) Getuienisbeoordeling
(10) Bewyslas en bewysmaatstawwe

## R.14 BELASTINGREG . . . BRE0011

(1) Reg insake persoonlike belasting

## R.15 DELIKTEREG . . . DER0000

(1) Die grondbeginsels van die deliktereg
(2) Die reg insake enkele besondere delikte
(3) Die statutêre vergoedingskema vir slagoffers van motorverkeer



## R.16 GESINSREG . . . GER0000

(1) Inleiding tot die regsterrein
(2) Personereg
(3) Familiereg
(4) Oorsig van die strafreg, strafprosesreg en straftoemeting

## R.17 GEVORDERDE ARBEIDSREG . . . MHB0727

(1) Enkele aspekte m.b.t. die dienskontrak
(2) Middellike aanspreeklikheid; verhoud op/beperking van mededinging
(3) Die diensverhouding in die openbare sektor
(4) Kollektiewe bedinging en geskilbeslegting
(5) Ontslag op grond van wangedrag/onbekwaamheid
(6) Ontslag op grond van operasionele vereistes
(7) Die Nywerheidshof en Arbeidsappèlhof
(8) Stakings en uitsluitings
(9) Die verpligting om te goeder trou te onderhandel
(10) Vryheid van assosiasie en viktimisasie
(11) Diskriminasie
(12) Pleitstukke

## R.18 GEVORDERDE HUWELIKSGOEDERERREG . . . HUR0021

(1) Capita selecta uit die huwelikgoederereg en die trustreg

## R.19 GEVORDERDE STRAFREG . . . GSR0011

(1) Capita selecta, na keuse van dosent

## R. 20 HANDVESTE VAN REGTE . . . HR10011

(1) Historiese en vergelykende oorsig
(2) Inwerkingstelling
(3) Kontrole en afdwinging
(4) Uitleg en toepassing
(5) Gebondenheid van owerheidsorgane en ander
(6) Beskermde persone, gedrag en belange
(7) Beperking
(8) Gelykheidsbepaling
(9) Besondere regte

## R.21 IMMATERIEELGOEDEREREG . . . IMR0021

(1) Reg insake patente, handelsmerke, modelle en mededinging en outeursreg

## R.22 INHEEMSE REG . . . IRG0000

(1) Regspluralisme: betekenis, voorkoms en beoordeling
(2) Kenmerke van die Inheemse Afrikareg

# LEERPLANNE

## R.10 ADMINISTRATIEFREG . . . ADR0000

(1) 'n Studie van die algemene grondslae en die plek in die regsistematiek
(2) Die administratiefregtelike verhouding
(3) Die administratiefregtelike handeling
(4) Die ultra vires leerstuk
(5) Die reëls van natuurlike geregtigheid
(6) Die verskillende regsmiddels vir die geregtelike kontrole van die administratiefregtelike handeling
(7) Die aanspreeklikheid van die staat vir sy administratiewe handelinge

## R.11 ALGEMENE REGSLEER . . . ARL0000

(1) Die aard van die reg met besondere verwysing na vraagstukke rondom die verhouding tussen reg en moraliteit
(2) Historiese oorsig van die belangrikste strominge en denkers in die regsfilosofie vanaf die antieke Griekse tot vandag
(3) Geselekteerde onderwerpe van kontemporêre belang soos sensuur, naamsregte, judisiële aktivisme en *Critical Legal Studies*

## R.12 ARBEIDSREG . . . ABR0021

(1) Die basiese beginsels van die dienskontrak en die kollektiewe arbeidsreg
(2) Die verband tussen die individuele en die kollektiewe arbeidsreg.

## R.13 BEWYSREG . . . BWR0000

(1) Inleiding tot die teorie en geskiedenis van die bewysreg
(2) Basiese begrippe en bronne van die bewysreg
(3) Inleiding tot die basiese reëls en beginsels van die bewysreg
(4) Die relevantheidsbegrip en toelaatbaarheid
(5) Die bewysregtelike aspekte van die pleitprosedure
(6) Die toepassing van die relevantheidsgrondreël
(7) Die uitsluiting van relevante getuienis
(8) Die toelaatbaarheid en bewys van vorige mondelinge verklarings
(9) Getuienisbeoordeling
(10) Bewyslas en bewysaanvaarwe

## R.14 BELASTINGREG . . . BRE0011

(1) Reg insake persoonlike belasting

## R.15 DELIKTEREG . . . DER0000

(1) Die grondbeginsels van die deliktereg
(2) Die reg insake enkele besondere delikte
(3) Die statutêre vergoedingskema vir slagoffers van motorverkeer



## R.16 GESINSREG . . . GER0000

(1) Inleiding tot die regsaksel
(2) Personereg
(3) Familiereg
(4) Oorsig van die strafreg, strafprosesreg en straftoemeting

## R.17 GEVORDERDE ARBEIDSREG . . . MHB0727

(1) Enkele aspekte m.b.t. die dienskontrak
(2) Middellike aanspreeklikheid: verband opheffing van mededinging
(3) Die diensverhouding in die openbare sektor
(4) Kollektiewe bedinging en geskilbeslegting
(5) Ontslag op grond van wangedrag/onbekwaamheid
(6) Ontslag op grond van operasionele vereistes
(7) Die Nywerheidshof en Arbeidsappèlhof
(8) Stakings en uitsluitings
(9) Die verpligting om te goeder trou te onderhandel
(10) Vryheid van assosiasie en viktimisasie
(11) Diskriminasie
(12) Pleitstukke

## R.18 GEVORDERDE HUWELIKSGOEDERERREG . . . HUR0021

(1) Capita selecta uit die huwelikgoederereg en die trustreg

## R.19 GEVORDERDE STRAFREG . . . GSR0041

(1) Capita selecta, in kense van dosent

## R. 20 HANDVESTE VAN REGTE . . . HRE0011

(1) Historiese en vergelykende oorsig
(2) Inwerkingstelling
(3) Kontrole en afdwinging
(4) Uitleg en toepassing
(5) Gebondenheid van owerheidsorgane en ander
(6) Beskermde persone, geding en belange
(7) Beperking
(8) Oefyklachtsbepaling
(9) Besondere regte

## R.21 IMMATERIEELGOEDERERREG . . . IMR0021

(1) Reg insake patente, handelsmerke, modelle en mededinging en outeursreg

## R.22 INHEEMSE REG . . . IRG0000

(1) Regspluralisme: betekenis, voorkoms en beoordeling
(2) Kenmerke van die inheemse Afrikareg

| COURSE CODE | COURSE NAME | NO OF POINTS | TERM | TIME TABLE SLOT | PERIODS | MARK ALLOCATION | MID-YEAR EXAM DATE | END-OF-YEAR EXAM DATE |
|---|---|---|---|---|---|---|---|---|
| **Electives from List IV (Continued)** | | | | | | | | |
| Laws461 | Civil Procedure B | 4 | 2 | C | Wed 1+2 | 2 x 1hr Tests 30% + 2 hr Exam 70% | ------- | 16 November am |
| Laws462 | Criminal Procedure B | 4 | 2 | E | Mon 3 + Tues 4 | 2 hr Exam 100% | ------- | 25 November pm |
| Laws463 | Evidence B | 4 | 2 | E | Fri 1 \| 2 | 1½ hr Exam 100% - Single A4 sheet with notes allowed in Exam | ------- | 7 November pm |
| Laws464 | Labour Law B | 4 | 2 | E | Wed 8+9 | 3 hr Open Book Exam 100% | ------ | 22 November am |
| Laws465 | Moot | 2-4 | | | | Marked on overall performance during moot or moots | | |
| Laws466 | Research Report or | 10 | 1+2 | | | Report 100% | | |
| Laws420 | Practical Legal Studies | 10 | 1 \| 2 | D | Tues 6 \| 7 | 1½ hr Open Book Drafting Test 15% + 1½ hr Memory Exam 15% + Clinic Work 70% | | |
| Laws476 | Competition Law | 4 | 2 | C | Mon 8+9 | *To be advised* | | |

| COURSE CODE | COURSE NAME | NO OF POINTS | TERM | TIME TABLE SLOT | PERIODS | MARK ALLOCATION | MID-YEAR EXAM DATE | END-OF-YEAR EXAM DATE |
|---|---|---|---|---|---|---|---|---|
| **Electives from List III (Continued)** | | | | | | | | |
| Laws320 | Public International Law B | 4 | 2 | D | Mon 4 & Fri 3 | Opinion 30% + 1½ hr Exam 70% | ..... | 17 November pm |
| Laws424 | Conflict of Laws | 4 | 2 | C | Mon 6+7 | Essay/Test 30% + 2 hr Open Book Exam 70% | ..... | 24 November pm |
| Laws 442 | Corporations | 6 | 1+2 | C+E | Mon 5 (t1+2) & Wed 5 (t2) | 2 hr Test 40% + 2 hrs Open Book Exam 60% | 27 June pm | 17 November am |
| Laws443 | Insolvency | 2 | 1 | A | Thurs 6 | 1½ hr Exam 100% | 10 June am | ..... |
| Laws444 | Insurance | 4 | 1 | C | Mon 8+9 | 1½ hr Exam 100% | 21 June am | ..... |
| Laws445 | Lease | 2 | 2 | A | Thurs 5 | 2 hr Open Book Exam 100% | ..... | 21 November pm |
| Laws446 | Neg Instruments & Banking Law | 6 | 1+2 | D | Tues 8 + 9 (t1+2) + Tues 9 (t1) | 1 Hr Test 30% + 2 hr Exam 70% | 30 June pm | 23 November pm |
| Laws447 | Security | 4 | 2 | E | Wed 6+7 | 1½ hr Exam 100% | ..... | 24 November am |
| Laws448 | Succession B | 6 | 1+2 | A | Thurs 6+7 | Essay 20% + 2 hr Exam 80% | ..... | 22 September 13h30 |
| Laws449 | Taxation | 6 | 1+2 | E+B | Wed 5 (t1) & Fri 5 (t1+2) | 1½ hr Open Book Exam 60% + 1½ Open Book Exam 40% | 15 June am | 10 November am |
| Laws450 | Unjustified Enrichment | 2 | 3 | D | Tues 9 | 2 hr Exam 100% | ..... | 28 November pm |
| Laws451 | African Customary Law | 4 | 1 | D | Mon 4 & Fri 3 | Optional Essay 40% + 2 hr Exam 60% | 29 June am | ..... |
| **List IV (Available for LLB III - final year students)** | | | | | | | | |
| Laws421 | Post-Apartheid Law | 4 | 1 | C | Mon 8+9 | Project 50% & Oral 50& | | |
| Laws428 | International Trade | 4 | 1 | E | Wed 8+9 | 2 hr Exam 100% | 23 June pm | |
| Laws441 | Consumer Protection | 4 | 1 | C | Mon 6+7 | 1½ hr Exam 100% | 17 June pm | ..... |
| Laws460 | Administrative Law B | 4 | 2 | D | Thurs 1+2 | Moot 100% | | |

| COURSE CODE | COURSE NAME | NO OF POINTS | TERM | TIME TABLE SLOT | PERIODS | MARK ALLOCATION | MID-YEAR EXAM DATE | END-OF-YEAR EXAM DATE |
|---|---|---|---|---|---|---|---|---|
| ***Elective Courses*** | | | | | | | | |
| **List I (Available to LLB I, II & III students)** | | | | | | | | |
| Laws202 | Criminology | 6 | 1+2 | A | Thurs 6 (t1+2) + Thurs 9 (t1) | Essay 20% + 2hr Exam 80% | ------- | 23 November pm |
| Laws228 | Public International Law A | 8 | 1+2 | B *nr* | Tues 2 & Thurs 4 | 2 hr Exam 40% + 2 hr Open Book Exam 60% | 14 June am | 17 November pm |
| Laws203 | Public International Law A | 8 | 1+2 | A | THURS 6+7 | 2 hr Exam 40% + 2 hr Open Book Exam 60% | 14 June am | 17 November pm |
| **List II (Available to LLB I, II & III students)** | | | | | | | | |
| Laws204 | Comparative Legal History | 2 | 2 | A | Thurs 9 | 1½ hr Exam 100% | ------- | 10 November am |
| Laws217 | Human Rights | 8 | 1+2 | A | Thurs 6+7 | Project 40% + 2 hr Exam 60% | | |
| Laws316 | Constitutional Law B *(Professor Murcinik's Group)* | 6 | 1+2 | A | Thurs 6+7 | Written Constitutional Test + Oral Exam 85%; Class Participation 15% | *To be advised* | *To be advised* |
| | Constitutional Law B *(Professor Rudolph's Group)* | 6 | 1+2 | A | Thurs 6 (t1+2); Thurs 7 (t1) | 1 hr Test 20% + 2 hr Exam 80% | 2 June pm | 15 November am |
| Laws317 | Intellectual Property | 4 | 1 | A | Thurs 6+9 | 2 hr Exam 100% | 9 June pm | ------- |
| Laws318 | Prospecting & Mining | 4 | 2 | A | Thurs 9 for 2 hours | 1½ hr Exam 100% | ------- | 25 November am |
| Laws319 | Roman Law B | 4 | 1 | A | Thurs 6+9 | 2 hr Exam 100% | 24 June am | ------- |
| **List III (Available only to LLB II & III students)** | | | | | | | | |
| Acon200 | Accounting for Lawyers | 8 | 1+2 | B | Tues 2 & Thurs 4 (lectures) Fri 6+7 (tutorials) | *See Department of Accounting* | 22 June pm | 14 November pm |
| Laws208 | Environmental Law | 4 | 1 | E | Wed 6+7 | Optional Proj 50% + 2 hr Exam 50% | 14 June pm | ------- |
| Laws219 | Appropriate Dispute Resolution | 2 | 1 | D | Tues 17h50 for 2 hours | *To be advised* | | |
| Laws222 | Street Law | 4 | 1+2 | B | Tues 2 (1+2) | Project 50% + Workshops 20% + Seminars 20% + Oral 10% | | |

| COURSE CODE | COURSE NAME | NO OF POINTS | TERM | TIME TABLE SLOT | PERIODS | MARK ALLOCATION | MID-YEAR EXAM DATE | END-OF-YEAR EXAM DATE |
|---|---|---|---|---|---|---|---|---|
| *Second Year Compulsory Courses (Continued)* | | | | | | | | |
| Laws434 | Evidence A | 6 | 1+2 | B | Tues 1 (t1 only) & Wed 3 (t1 + 2) | Test 20% + 1½ hr Exam 80% | 1 July am | 16 November pm |
| Laws435 | Labour Law A | 4 | 1 | E | Wed 8 + 9 | 2 hr Open Book Exam 100% | 24 June am | ------- |
| Laws436 | Persons & Family Law B | 4 | 2 | E | Fri 1 + 2 | 2 hr Exam 100% | ------- | 16 November pm |
| Laws437 | Sale | 4 | 2 | D | Thurs 1 + 2 | 1½ hr Exam 100% | ------- | 22 November pm |
| *Third Year Compulsory Courses* | | | | | | | | |
| Laws413 | Jurisprudence | 8 | 1+2 | C or | Mon 6 + 7 | 2 hr Exam 50% + 2 hr Open Book Exam 50% | 13 June am | 21 November am |
| Laws425 | Jurisprudence | 8 | 1+2 | A | Mon 1 + 2 | 2 hr Exam 50% + 2 hr Open Book Exam 50% | 13 June am | 21 November am |
| Laws438 | Administrative Law A | 4 | 1 | C | Wed 1 + 2 | 1½ hr Exam 100% Single A4 sheet with notes allowed in exam | 20 June am | ------- |
| Laws439 | Delict B | 8 | 1+2 | D or | Thurs 1 + 2 | Essay 25% + 2 hr Open Book Exam 75% | ------- | 9 November am |
| Laws470 | Delict B | 8 | 1+2 | D(alt) | Mon 4 + Fri 3 | Essay 25% + 2 hr Open Book Exam 75% | ------- | 9 November am |
| Laws440 | Property B | 8 | 1+2 | C | Thurs 3 & Fri 4 | 1½ hr Exam 40% + 2 hr Exam 60% | 28 June pm | 16 November pm |
| Laws420 | Practical Legal Studies | 10 | 1+2 | D | Tues 6 + 7 | 1½ hr Open Book Drafting Test 15%; 1½ hr Memory Exam 15%; Clinic Work 70% | | |
| Laws460 | Research Report | 10 | 1+2 | - | ------- | Report | | |

UNIVERSITY OF THE WITWATERSR&, JOHANNESBURG
SCHOOL OF LAW

QUICK REFERENCE TO THE LECTURE TIMETABLE, EXAMINATION TIMETABLE & ALLOCATION OF MARKS IN COURSES FOR LLB - 1994

| COURSE CODE | COURSE NAME | NO OF POINTS | TERM | TIME TABLE SLOT | PERIODS | MARK ALLOCATION | MID-YEAR EXAM DATE | END-OF-YEAR EXAM DATE |
|---|---|---|---|---|---|---|---|---|
| *Compulsory First Year LLB Courses* | | | | | | | | |
| Laws132 | Intro to & History of SA Law | 12 | 1+2 | C | Wed 1+2 & Thurs 3 | 3 Essays 30% + 1 hr Test 20% + 2 hr Exam 50% | 1 July pm | 18 November am |
| Laws131 | Persons & Family Law A | 4 | 1+2 | C | Fri 4 | 1 Essay 10% + 1 hr Test 20% + 2 hr Exam 70% | 17 June pm | 14 November am |
| Laws224 | Constitutional Law A | 6 | 1+2 | C | Mon 7 (t2 only); Mon 8 (t1+2) | 1 hr Test 20% + 2 hr Exam 80% | 28 June pm | 24 November pm |
| Laws220 | Contract A | 4 | 1 | E | Wed 6+7 | Mid-term take home Test 20% + 1½ hr Exam 80% | 13 June pm | ------- |
| Laws215 | Roman Law A | 6 | 1+2 | C | Mon 6 (t1+2); Mon 7 (t1 only) | 1 hr Test 25% + 2 hr Exam 75% | 15 June am | 8 November am |
| Laws312 | Criminal Law A | 4 | 1 | A | Mon 1+2 | 1½ hr Exam 100% | 27 June pm | ------- |
| Laws313 | Delict A | 4 | 2 | A | Mon 1+2 | 1½ hr Exam 100% | ------- | 28 November am |
| Laws314 | Intro to Commercial Law | 4 | 2 | A | Tues 3 & Wed 4 | 1½ hr Exam 100% | ------- | 16 November am |
| Laws315 | Property A | 4 | 1 | A | Tues 3 & Wed 4 | Optional Essay 30% + 1½ hr Exam 70% | 21 June pm | ------- |
| *Laws107 | Legal Communication | 4 | 2 | B | Tues 1 | *To be advised* | ------- | ------- |
| *Second Year Compulsory Courses* | | | | | | | | |
| †Laws474 | Succession A | 2 | 1 | B | Tues 2 | *To be advised* | | |
| Laws430 | Civil Procedure A | 4 | 1 | E | Fri 1+2 | 2 hr Open Book Exam 100% | 9 June am | ------- |
| Laws433 | Criminal Procedure A | 4 | 1 | D | Thurs 1+2 | 2 hr Exam 100% | 17 June am | |
| Laws431 | Contract B | 8 | 1+2 | E | Mon 3 & Tues 4 | Essay 30% + 3 hr Open Book Exam 70% | ------- | 7 November am |
| Laws432 | Criminal Law B | 8 | 1+2 | A *or* | Tues 3 & Wed 4 | 2 hr Exam 100% | ------- | 11 November am |
| Laws432 | Criminal Law B | 8 | 1+2 | D | Mon 4 & Fri 3 | 2 hr Exam 100% | ------- | 11 November am |

* Students who register for Laws132 Introduction to & History of SA Law in 1994 are not required to take Legal Communication.

† This course may not be offered in 1994.

Appendix 12

Appendix 11

Additional Competencies Identified as Requiring Training

| Additional Competencies | Identified Competency |
|---|---|
| Ability to Work Long Hours and to Cope with Stress | Stamina and Tenacity |
| Improving Mentorship | Developing Others |
| Ability to . eal with Criticism | Self-confidence / Self-control |
| Ability to Deal with Staff who do not Realise Urgency and Retard Productivity | Managing Staff / Productivity Orientation |
| Acceptance of Poor Remuneration in Early Career Phase | Self-cónfidence / Self-control |

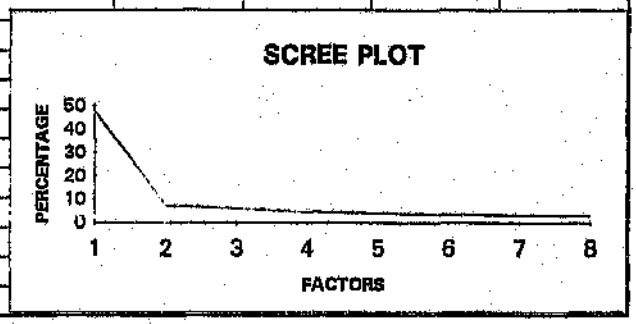
Appendix 10

## Additional Managerial and Service Competencies Identified

| Additional Competencies | Identified Competency |
|---|---|
| Financial Control | Financial Skills |
| Budgeting | Financial Skills |
| Accountancy Supervision | Financial Skills / Managing Staff |
| Credit Control | Financial Skills |
| Concern For Containing Costs | Financial Skills / Efficiency Orientation |
| Ability to Motivate Others | Developing Others / Managing Staff |
| Attention to Detail | Concern for Order |
| Language Fluency | Communication Skills |
| Get Down to Doing the Job on Hand, Seeing it Through Efficiently and Things Could Work Out | Efficiency Orientation |
| Adaptation to Major Social Changes | Adaptability and Resilience |
| Self-reliance | Self-confidence / Self-control / Stamina/Tenacity |
| Self-motivation | Self-confidence / Self-control / Stamina/Tenacity |
| Ability to Research Independantly | Self-confidence / Conceptual Thinking / Analytical Thinking |
| Race Relations | Managing Diversity |
| Languages | Communication Skills |
| Administration of Finance | Financial Skills |
| Control of Costs | Financial Skills |
| Internal Labour | Managing Diversity / Managing Staff |
| Growth Awareness | Adaptability and Resilience / Strategic Perspective |
| Client Relations | Business Sense and Curiosity / Communication Skills / Strategic Perspective |
| Appreciation of Urgency Of work | Efficiency orientation |
| Obtaining the Co-operation of Staff | Managing Staff / Group Management and Teamwork |
| Training and Introduction of Affirmative Action | Managing Diversity / Managing Staff |

SCREE1.XLS

| FACTOR | PERCENT |
|---|---|
| 1 | 47.62 |
| 2 | 7.21 |
| 3 | 6.02 |
| 4 | 4.64 |
| 5 | 3.96 |
| 6 | 3.38 |
| 7 | 3.24 |
| 8 | 2.94 |



NEED FOR TRAINING
FACTOR ANALYSIS : EIGEN VALUE SUMMARY

| Number | Eigen Value | Percent | Cumulative Percent |
|---|---|---|---|
| 1 | 14.7612 | 47.62 | 47.62 |
| 2 | 2.2354 | 7.21 | 54.83 |
| 3 | 1.9216 | 6.02 | 61.03 |
| 4 | 1.4390 | 4.64 | 65.67 |
| 5 | 1.2270 | 3.96 | 69.63 |
| 6 | 1.0472 | 3.38 | 73.00 |
| 7 | 1.0034 | 3.24 | 76.24 |
| 8 | 0.9210 | 2.94 | 79.21 |
| 9 | 0.7136 | 2.30 | 81.51 |
| 10 | 0.6855 | 2.21 | 83.73 |
| 11 | 0.6304 | 1.03 | 85.76 |
| 12 | 0.5666 | 1.83 | 87.59 |
| 13 | 0.4421 | 1.43 | 89.01 |
| 14 | 0.4308 | 1.39 | 90.40 |
| 15 | .03708 | 1.20 | 91.60 |
| 16 | 0.3436 | 1.11 | 92.71 |
| 17 | 0.3388 | 1.09 | 93.80 |
| 18 | 0.2663 | 0.86 | 94.66 |
| 19 | 0.2352 | 0.76 | 95.42 |
| 20 | 0.2094 | 0.68 | 96.09 |
| 21 | 0.1911 | 0.62 | 96,71 |
| 22 | 0.1864 | 0.60 | 97.31 |
| 23 | 0.1608 | 0.52 | 97.83 |
| 24 | 0.1433 | 0.46 | 98.29 |
| 25 | 0.1180 | 0.38 | 98.67 |
| 26 | 0.1014 | 0.33 | 99.00 |
| 27 | 0.0803 | 0.26 | 99.26 |
| 28 | 0.0730 | 0.24 | 99.49 |
| 29 | 0.0660 | 0.21 | 99.71 |
| 30 | 0.0589 | 0.19 | 99.90 |
| 31 | 0.0317 | 0.10 | 100.00 |

## 3 VERRYKINGSREG EN ESTOPPELREG . . . VER0071

(1) Die verrykingsreg
(2) Die estoppelreg

## 4 WISSELREG . . . WRG0021

(1) Reg insake wissels, tjeks en promesses

## RGANGSMAATREËLS

regulasies is van toepassing op alle studente wat vir enige van bogenoemde leergange die eerste keer in 1991 gereglstreer het; met dien verstande dat die dekaan die regulasies lie voordeel van ander ingeskrewe studente kan toepas.

kursus Inheemse Reg 2A, 2B sal in die 1995 akademiese jaar aangebied word, maar daarna nie.

**ROMEINSE REG . . . RRG0000**

(1) Die uitwendige geskiedenis van die Romeinse reg
(2) Die geskiedenis van die Romeinse reg na die beëindiging van die Romeinse ryk in Europa en die ontwikkeling van die Romeins-Hollandse reg
(3) 'n Oorsig oor die Romeinse siviele prosesreg
(4) Die Romeinse personereg, sakereg en verbintenisreg aan die hand van geselekteerde tekste

**SAKEREG EN ERFREG . . . PRS0000**

(1) Die sakereg
(2) Die erfreg
(3) Die reg insake boedeladministrasie

**SIVIELE PROSESREG . . . SPR0000**

(1) Omskrywing van die siviele prosesreg en die plek van die dissipline in die regsisteem
(2) Teoretiese grondslae van die siviele prosesreg
(3) Historiese oorsig van die Suid-Afrikaanse siviele prosesreg
(4) Bronne van die Suid-Afrikaanse siviele prosesreg
(5) Samestelling van die regsprekende gesag
(6) Die jurisdiksie van die howe
(7) Die partye
(8) *Die vorm van die verrigtinge*
(9) Die aansoekprosedure
(10) Die aksieprosedure
(11) Tersitvoerlegging
(12) Hoër beroep
(13) Koste
(14) Capita selecta van besondere prosedure

**STAATSREG . . . SRG0000**

(1) Die begrippe publiekreg en staatsreg
(2) Oorsig van die historiese ontwikkeling van die Suid-Afrikaanse staatsreg
(3) Ontleding van die elemente van die staat
(4) Samestelling, bevoegdhede en funksionering van owerheids-organe op die sentrale, streek- en plaaslike vlak, insluitende 'n oorsig van die algemene beginsels van die administratiefreg
(5) Burgerskap
(6) Die algemene beginsels en leerstukke rakende die verhouding tussen staat en individu — die rule of law, die regstaatgedagte en menseregte

**STRAFPROSESREG . . . SAR0000**

(1) Inleiding tot die studie
(2) Indeling van die Suid-Afrikaanse strafhowe en hulle jurisdiksie
(3) Die gesag wat vervolg
(4) Die prosedure voor verhoor
(5) Die prosedure tydens verhoor
(6) Diverse verhooraangeleenthede
(7) Die verloop van die verhoor
(8) Die proses na afloop van die verhoor

**R.40 STRAFREG . . . SFR0000**

(1) Inleidende aspekte
(2) Strafteorieë
(3) Legaliteit
(4) Algemene beginsels
Handelingskousaliteit; wederregtelikheid; toerekeningsvatbaarheid; skuld
(5) Strafregtelike aanspreeklikheid van regspersone en verenigings wat nie regspersone is nie
(6) Onvolkomde misdade
(7) Betrokkenes
(8) Besondere misdade
Diefstal; bedrog; saakbeskadiging; huisbraak met opset om 'n misdaad te pleeg; aanranding; verkragting; vrugafdrywing; moord; openbare geweld; hoogverraad; sedisie; minagting van die hof; verydeling of belemmering van die regspleging; gemeenregtelike afdoksie en menseroof; crimen injuria; strafregtelike laster; afpersing; heling; omkopery; misdade in verband met padverkeer

**R.41 TOEGEPASTE REGSKUNDE . . . TPR0000**

Teoretiese gedeelte

(1) Toegepaste siviele prosesreg, strafprosesreg en bewysreg
(2) Konstitusieteregniek
(3) Professionele etiek
(4) Pleitbesorging en regsdokumentasie
(5) Getuieverhoring
(6) Onderhandelingsaangeleenthede, M.V.A.-ense

Praktiese

(1) Vyf-en-twintig diensure van drie uur elk by 'n Regskliniek of Regsadviessentrum en opvolgwerk onder toesig
(2) Deelname aan ten minste een goedgekeurde straf- en goedgekeurde siviele verhoor (insluitende litigasie- en voorverhoorvoorbereiding; opstel van pleitstukke; deelname aan die voorverhoorproses; deelname aan en bywoning van die verhoor)

**R.42 UITLEGLEER . . . ULL0014**

(1) Oorsig van die beginsels van wetsuitleg

**Author: Cresswell,J.M.**
**Name of thesis: Managerial and service competencies of attorneys**

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