The Importance of Consultation Skills and How to Teach Them to Law Students in Order to Uplift Their Skills, Improve Their Employability and Overcome Social Vulnerability

Shéan Jamie Rippenaar
LLB LLM
Attorney and Lecturer, University of the Western Cape Law Clinic, Bellville, South Africa
Attorney of the High Court of South Africa
https://orcid.org/0009-0001-4323-4769

SUMMARY

Consultation and interpersonal skills are skills that all legal practitioners must possess. Legal practitioners frequently consult with clients, and it is the first point of contact between legal practitioner and client, and where the attorney-client relationship is established. However, it is evident that law students of today struggle with communication and lack social skills. As the importance of consultation skills is noted, the question is whether consultation skills can be taught, and if so, how they can be taught to law students. The significance of consultation skills for legal practice, measured against the lack of communication and interpersonal skills in today's law students, indicates that a skills (and mentoring/teaching) gap currently exists.

The skills gap clearly exists as law firms are finding it increasingly difficult to find suitably trained candidates to fill their vacancies, and graduates are discovering that, upon entering the working world, the challenges they face cannot be overcome with legal knowledge alone, and that they require a set of skills that many traditional law schools do not teach.

The UWC Law Clinic believes that consultation skills can be taught, and that a combination of observational learning and simulated exercises can be used to prepare final-year law students for consultations. The UWC Law Clinic also believes that by creating a framework for a consultation – dividing a consultation into stages and adding tangible and perceptible content to each stage – students are given a road map to follow for effective execution of client consultations.

This method for teaching consultation skills develops the communication and interpersonal skills of final-year law students and closes the skills gap that currently exists in the legal profession. Furthermore, this method addresses and overcomes the social-skills-deficit vulnerability.

https://doi.org/10.17159/h3g60w51

KEYWORDS: consultation, consultation skills, clients, advising, listening-and-questioning, skills gap, social-skills deficit, observational learning, simulated exercise

1 INTRODUCTION

Du Plessis states that consultation or interviewing skills are essential skills for all legal practitioners.[1] As legal practitioners frequently consult with clients, the consultation is usually the first point of contact between legal practitioner and client. It is in the consultation that a legal practitioner engages in conversation with a client in order to learn the facts of a matter and determine the purpose of the client seeking assistance from the legal practitioner. It is also in the consultation that the "attorney-client" relationship is established.[2]

It is in a consultation that the legal practitioner communicates with the client and, as Furillo states, "speech or oral communication is the basic tool by which an individual relates to others around him".[3] Therefore, being able to communicate successfully with clients is a core skill that a legal practitioner must master[4] in order to engage with and relate to clients and perform their duties effectively.[5]

There is, therefore, very little doubt that communication is a vital part of all legal practitioners' daily activities, and that law schools do note the significance of communication.[6] However, in the South African setting in the Western Cape province, while engaging with final-year law students, the author, through his work at the University of the Western Cape Law Clinic (UWC Law Clinic), has observed that the modern student struggles with and lacks communication skills and struggles especially with face-to-face interactions. This was also noted by Corporate English Solutions, which found that the generation known as Gen Z[7] (the generation to which most current students belong) lacks the interpersonal communication skills needed in the workplace.[8] In addition to lacking communication skills, "anxiety is also a problem that most often occurs in students"[9] as students

1 Du Plessis "Clinical Legal Education: Interviewing Skills" 2018 51(1) *De Jure* 140 140.

2 Bodenstein (ed) *Clinical Law in South Africa* (2004) 43.

3 Furillo "The Self-Concept in Communication" 1963 13 *Journal of Communication* 77 77.

4 Bodenstein (ed) *Law Clinics and the Clinical Law Movement in South Africa* (2018) 294.

5 Lexpedia "The Importance of Communication Skills for Legal Professionals" (4 September 2023) https://thelexpedia.com/articles/importance-of-communication-skills-for-legal-professionals (accessed 2025-04-02).

6 Gibson "Legal Education and Communication Skills" 1985 9(3) *Legal Studies Forum* 329 330.

7 Gen Z refers to persons who were born between 1997 and 2012.

8 Corporate English Solutions "Gen Z in the Workplace: Bridging the Skills Gap to Drive Success" (12 February 2024) https://corporate.britishcouncil.org/insights/gen-z-workplace-bridging-soft-skills-gap-drive-success#:~:text=1.,challenges%20in%20collaboration%2C%20impacting%20performance.&text=Establishing%20and%20maintaining%20rapport:%20Initiating,work%20preferences%20and%20communication%20styles (accessed 2025-04-22).

9 Winarsunu, Azizaha, Fasikha and Anwar "Life Skills Training: Can It Increase Self-Esteem and Reduce Student Anxiety?" 2023 9 *Heliyon* 1 1.

are worried about their performance, past failures and future career prospects.

The above observations have led to the following questions. Can consultation skills be taught to law students? And, if so, how can they be taught? In addition to these questions, there is also the question of whether the teaching of specialised skills can help students develop their communication and interpersonal skills. These questions are significant as the importance of consultation and communication skills in legal practice is well known. Furthermore, the significance of these skills, measured against the lack of communication and interpersonal skills in current law students, indicates that a skills gap exists. The identification of this skills gap points to the need to determine whether consultation skills can be taught and, if so, whether the teaching of consultation skills can eliminate the skills gap and, in so doing, also remedy the social-skills vulnerability in students.

Stier, who acknowledges the existence of a skills gap, indicates that there is also a knowledge gap and notes that "despite the emergence of a great deal of empirical information about the law in recent years, we still know very little about how lawyers and clients actually deal with each other".[10] This is the basis for the current article.

At the UWC Law Clinic, we believe that consultation skills can be taught through the use of observational learning and skills transfer. In addition, we believe that by adding tangible and perceptible content to the abstract art of consulting with a client, students will be enabled to execute a consultation with a client; in addition, the social and communication skills of final-year law students can be developed, and the social-skills-deficit vulnerability can be overcome.

Against this background, the UWC Law Clinic believes that the complexity of challenges faced by students of today and the gaps in existing education and training frameworks require a tailored approach.[11] Therefore, this article discusses the importance of consultation and consultation skills. In addition, it shares the method used by the UWC Law Clinic to teach consultation skills to final-year law students. This method of teaching all-important consultation skills is designed to develop students' social, communication and interpersonal skills, and also addresses the frequent complaint of many law graduates that legal education in the form taught until very recently does not adequately prepare them for the practice of law.[12]

---

10 Stier "Reframing Legal Skills: Relational Lawyering" 1992 42 *Journal of Legal Education* 303 303.

11 Gupta, Datta and Kothe "Developing Employability Skills in Vulnerable Youth: Designing Logic Model Framework and Outcome Evaluation Quasi-Experiment" 2023 2 *World Development Sustainability* 1 3.

12 Gibson 1985 *Legal Studies Forum* 334.

2 THE CONSULTATION, WHAT TAKES PLACE THEREIN AND ITS IMPORTANCE

A consultation is defined as the act of meeting with another to discuss and/or get advice on a particular problem.[13] In the legal profession, a consultation usually involves the legal practitioner and a client or clients engaging on an issue in order for the legal practitioner to give the client legal advice or for the client to give the legal practitioner an instruction to carry out or execute. A further objective of a client consultation is to establish a relationship between the legal practitioner and the client. In the consultation, the client has the opportunity to tell their story and explain the facts of their case.[14] The legal practitioner then provides the client with the necessary legal advice and explores the various ways in which the client's problem can be addressed.[15] The client-lawyer relationship is therefore collaborative and mutually respectful.[16]

Moreover, it is during the consultation that the legal practitioner agrees to take on a matter on behalf of the client and, by doing so, also takes on the responsibility that comes with the matter. Therefore, effective communication holds particular significance in the legal field. Communication skills enable a legal practitioner to understand a client and also to advise a client appropriately and correctly.[17]

Interviewing a client is, however, difficult. Hoffman notes that much skill is involved and required.[18] The skill most required when consulting with a client is the ability to relate to a person whom one has just met and, importantly, to balance empathy with the law.

The UWC Law Clinic and other authors believe that this essential skill of consulting with a client can be taught[19] through workplace integrated learning (WIL), the use of observational learning, simulated exercise, building a framework for the consultation, and then adding tangible and perceptible content to each stage of the consultation. Hoffman echoes this sentiment and, while acknowledging that interviewing a client requires considerable skill, notes that skills are built and developed through experience and exposure.[20]

---

13 Collins Dictionary "Definition of a Consultation" (undated) https://www.collinsdictionary.com/dictionary/english/consultation (accessed 2025-04-22).

14 Du Plessis 2018 *De Jure* 147.

15 Bodenstein *Law Clinics and the Clinical Law Movement in South Africa* 143.

16 Stier 1992 *Journal of Legal Education* 303.

17 The Legal Connection "The Power of Effective Communication in the Legal Profession" (undated) https://tlc-texas.com/effective-communication-in-the-legal-profession/ (accessed 2025-04-3).

18 Hoffman *Lewis and Kyrou's Handy Hints on Legal Practice* 2ed (2022) 5.

19 Ravenscroft "Can Essential Skills Be Taught?" (16 June 2022) https://www.aoc.co.uk/news-campaigns-parliament/news-views/aoc-blogs/can-essential-skills-be-taught-tom-ravenscroft (accessed 2025-05-16).

20 Hoffman *Lewis and Kyrou's Handy Hints on Legal Practice* 5.

3 THE SKILLS GAP, THE CALL TO CLOSE THE GAP AND THE ENDEAVOURS OF THE UWC LAW CLINIC

It has been widely reported that university law faculties teach law in a largely knowledge-based manner, and that the practical skills required to enter a workplace and operate and thrive there are not emphasised.[21] Canela notes that on entering the professional workplace, many attorneys realise that the challenges they face cannot be overcome with legal knowledge alone, and that they require a set of skills that many traditional law schools do not teach.[22] In addition, law firms are finding it increasingly difficult to find suitably trained candidates to fill their vacancies,[23] as the skill sets of applicants often do not meet the law firm's requirements. Acknowledging this skills gap, along with increased concern from law firms about the graduates produced by universities,[24] has resulted in skills development being emphasised as having greater significance in the face of rising unemployment.[25] Furthermore, the legal profession has called for universities to produce more workplace-ready graduates.[26] These new demands require universities to change and adapt continually in order to remain competitive.[27]

In response to this call from the legal profession, the UWC Law Clinic has modified its method of teaching final-year law students. The rationale behind this shift was to teach more skills-based modules to final-year law students and to provide these students with more opportunities to work in and engage with a live workplace – while still at university. Final-year law students are therefore, through the Clinical Legal Education programme and the use of workplace integrated learning (WIL), acquainted with a factual workplace while still at university. This shift in focus is rooted in developing in the student a more rounded skill set that is better suited to the demands of the modern workplace.[28] It has been shown that WIL can play a significant role in preparing students for professional legal practice as it provides a real-life,

---

21 Rippenaar "In Pursuit of the Workplace-Ready Graduate: Using the UWC Law Clinic's WIL Project to Prepare Final-Year Law Students for Entry Into Legal Practice" 2025 29 *Law, Democracy and Development* 58 60.

22 Canela "Bridging the Skills Gap in Law: What Today's Attorneys Must Know To Lead and Succeed" (14 January 2025) https://www.linkedin.com/pulse/bridging-skills-gap-law-what-todays-attorneys-must-know-canela-721he/ (accessed 2025-04-22).

23 Page "Addressing the Skills Gap in the Legal Sector" (undated) https://www.michaelpage.co.uk/our-expertise/legal/addressing-skills-gap-legal-sector (accessed 2025-04-02).

24 Maramoagae "The Role of Candidate Attorneys in the Legal Profession" (1 July 2014) https://www.saflii.org/za/journals/DEREBUS/2014/136.html#:~:text=The%20legal%20fraternity%20at%20large,2%2D6%2D2014 (accessed 2025-04-22).

25 Gupta *et al* 1992 *World Development Sustainability* 1.

26 Mojapelo "Transformation, Independence and Poor 'Products' of the LLB" (7 September 2012) https://www.derebus.org.za/transformation-independence-poor-products-llb/ (accessed 2025-04-03).

27 Gupta *et al* 1992 *World Development Sustainability* 1.

28 Rippenaar 2025 *Law Democracy and Development* 63.

real-time workplace context for students to develop their legal skills and, importantly, also their personal skills.[29]

At the UWC Law Clinic, the WIL method, together with observational learning and the transfer of skills from legal practitioners[30] to students, is used to teach final-year law students consultation skills. The rationale for this teaching methodology is that in Clinical Legal Education, the focus is on providing students with a set of practical legal skills and getting students to learn by doing.[31] As explained below, the UWC Law Clinic, using WIL, employs the apprenticeship model[32] founded on social-learning theory to develop the consultation skills of final-year law students. The apprenticeship model refers to a supervising attorney displaying the necessary consultation skills to develop knowledge and skills, as well as the self-confidence and interpersonal skills of the student. The development of both knowledge and skills is recognised as being vital for producing employable graduates.[33]

4 ESTABLISHING A CONSULTATION FRAMEWORK AND PREPARING THE STUDENT FOR THE CONSULTATION

Gibson, in his article "Legal Education and Communication Skills", writes that law schools are noting the significance of communication in legal education and are therefore adding courses on interviewing and other related clinical skills, acknowledging that being able to interview and consult with a client are basic skills that a legal practitioner must have.[34] Therefore, it needs to be determined whether consultation skills can in fact be taught to law students and, if so, how such consultation skills can or should be taught.

As indicated above, the UWC Law Clinic permits students to consult with clients as part of the Clinical Law 431 module. Clinical Law 431 is a final-year elective module where students partake in WIL in the form of a weekly duty period. During this duty period, students work at the office of the UWC Law Clinic. Consulting with clients is one of the tasks that students are engaged in during this duty period. As explained below, the UWC Law Clinic uses observational learning, skills transfer and then real client work to teach consultation skills to students, which students practise during their duty period.

In addition, the UWC Law Clinic has created a framework for a consultation with a client, and this is taught to final-year law students in a formal lecture. This framework breaks down the consultation into four stages, and students are taught how to consult with a client using these four stages. These stages are the meet-and-greet stage, the listening-and-

---

29 McNamara "Internships: Effective Work Integrated Learning for Law Students" 2009 10(3) *Asia Pacific Journal for Cooperative Education* 229 229.

30 At the UWC Law Clinic, the legal practitioners are also lecturers and therefore teach various skills courses to final-year law students.

31 Bodenstein *Law Clinics and the Clinical Law Movement in South Africa* 221.

32 McNamara 2009 *Asia Pacific Journal for Cooperative Development* 231.

33 Snyman-Van Deventer and Swanepoel "Teaching South African Law Students (Legal) Writing Skills" 2013 24 *Stellenbosch Law Review* 510 511.

34 Gibson 1985 *Legal Studies Forum* 330.

obtaining-information stage, the advising stage, and the taking-instructions-and-closure stage. The creation of these four stages adds perceptible content to the consultation and provides students with a map to follow when conducting a consultation. Mahomed *et al* in the book *Clinical Law in South Africa* advocate for the use of a framework for consultations and note that the framework provides a definite but adaptable structure for a consultation, enabling the practitioner or student to direct consultations in an efficient manner.[35] Gupta *et al* also support the creation of a framework and note that the main purpose of creating a framework is to introduce a practical model of developing skills.[36]

When preparing a student for a consultation with a client, it is important to advise them on what is likely to occur during the consultation and to equip them with the basic questions to ask the client – both at the beginning of the consultation and to keep the conversation flowing during the consultation. An excellent way to introduce a student to consulting with a client is to have them observe a legal practitioner[37] in real time while the legal practitioner is consulting with a client. By observing the legal practitioner, the student learns how to build rapport with a client and how to monitor things such as a change in body language or voice tone. This is observational learning.

Observational learning is defined as a method of learning that consists of observing and modelling another individual's behaviour.[38] This method is premised on the student observing the legal practitioner and, in the process, learning the ability to perform the skills they have observed.[39] Observational learning has been used to operationalise the way that university teachers transmit information and knowledge to their students.[40] Chapman and Squire support the use of this method and note that "lawyers are expected to learn from existing practitioners".[41]

In addition to having students observe the legal practitioner, students are also given a simulated collation-of-information exercise prior to their first consultation. In this exercise, students are provided with consultation notes that have been taken from a real client. These notes contain everything said by the client in the consultation and are purposefully left in no particular order or structure. The students are then required to restructure the notes and sequence the information such that it can be used to prepare a set of court pleadings. Therefore, before consulting with a client, students learn to handle what West describes as "the chaos of actual facts given in a confused jumble by clients".[42] The purpose of this exercise is to make

---

35 Mahomed and Dass (eds) *Clinical Law in South Africa* (2025) 62.

36 Gupta *et al* 1992 *World Development Sustainability* 3.

37 In the WIL model used by the UWC Law Clinic, the legal practitioner is also the supervising attorney for the students.

38 Brittanica "Observational Learning" (undated) https://www.britannica.com/science/observational-learning (accessed 2025-05-13).

39 Hilgard and Bower *Theories of Learning* 3ed (1966) 534.

40 Borges, Falcon and Diaz "Creation of an Observational Instrument to Operationalize the Transmission of Contents by University Teachers" 2016 4 *International Journal of Social Science Studies* 82 84.

41 Chapman and Squire "Teaching Communication Skills on the Law Degree" 1990 24 *Silver Jubilee Issue* 94 94.

42 West *Teaching Law – Justice, Politics and the Demands of Professionalism* (2014) 136.

students aware that clients do not speak in a structured way or relate their information in a particular order or structure, as well as to prepare students to develop the skill of knowledgeably sorting through the information given to them by a client.

Du Plessis supports the use of this method and notes that "a key objective of Clinical Legal Education is to assist students to develop the ability to deal with unstructured situations".[43] This approach is also supported by Brayne *et al*, who note that "clinical legal education and in particular real-client work is by definition unpredictable", and that it is important to teach students that when consulting with clients, clients will not necessarily present clear facts from which to easily deduce a legal problem.[44] Clients are more likely to present a web of issues from which it may or may not be possible to distil a legal problem.[45]

5 FRAMEWORK FOR CONSULTATION: FOUR STAGES

As discussed above, the UWC Law Clinic teaches consultation skills to students by dividing the consultation into four stages and teaching each stage as an individual stage. These four stages provide a road map for students to follow when consulting with a client, ensuring that the consultation has a logical sequence and structure for the student to follow.[46] Each stage is given content, and it is through this content that students gain a perceptible idea of what needs to be done or what information needs to be obtained at each stage of the consultation. By learning and executing this content, the student will successfully navigate that stage of the consultation and obtain what is required from a client.[47]

5 1 The meet-and-greet stage

This stage refers to the moment when the legal practitioner and client meet for the first time. This usually takes place in the reception area of a legal practitioner's office, and it is during this stage that the legal practitioner introduces themselves to the client, as well as the law firm and any colleagues who will be involved in the consultation.[48]

It is important to remember at this stage that the client may be nervous and that a traumatic experience may have led them to seek assistance from a legal practitioner. Therefore, at this stage of the consultation, students are encouraged to engage in light conversation with the client and to ask

43 Du Plessis 2018 *De Jure* 157.
44 Brayne, Duncan and Grimes *Clinical Legal Education: Active Learning in Your Law School* (1998) 37.
45 *Ibid*.
46 Du Plessis 2018 *De Jure* 146.
47 Mahomed and Dass *Clinical Law in South Africa* 62.
48 Bodenstein *Law Clinics and the Clinical Law Movement in South Africa* 299.

questions such as "how was the traffic when travelling?" or "were you able to find parking easily?"[49]

To navigate this stage, students are taught to be courteous and also to ensure that the client is made to feel at ease and comfortable in their surroundings.[50] Students are further taught that ensuring the client is at ease will encourage the client to tell their story during the next stage of the consultation.

5 2 The listening-and-questioning stage

This stage commences once both legal practitioner and client are comfortably seated, after initial tasks, such as the photocopying of documents or obtaining personal information, have been completed. To navigate this stage of a consultation, students are instructed to commence by asking an open-ended question. Bodenstein defines open-ended questions as questions that cannot be answered with a simple "yes" or "no".[51] The purpose of asking an open-ended question is that this type of question encourages the client to tell their story. Open-ended questions are designed to get detailed responses from a person.[52] Marnewick recommends asking open-ended questions, noting that such questions are ideal as they allow the client to answer in a way that they consider appropriate.[53]

Once a client starts speaking, students are also taught to listen closely to what the client is saying and to write down the information the client is providing. Students are also taught to engage in active listening while the client is telling their story. Active listening is a communication technique requiring the listener to provide feedback on what they hear by restating or paraphrasing it in their own words.[54] Active listening is essential at this stage as it allows the focus to be not only on what the client is saying but also on body language, changes in voice tone, and other emotional changes or cues that the client exhibits.[55]

While the legal practitioner generally does not interrupt the client during this stage, students are also taught that part of listening actively is also ensuring that any gaps in the client's story are acknowledged and addressed. Therefore, as part of engaging in active listening, students are taught to confirm periodically their understanding of what the client is saying[56] and also to ask the client to explain further their rationale for a shift

---

49 Marnewick *Litigation Skills for South African Law Students* 2ed (2007) 5.

50 Bodenstein *Clinical Law in South Africa* 44.

51 Bodenstein *Clinical Law in South Africa* 47.

52 Bhat "Open-Ended Questions: What It Is, Examples & Advantages" (undated) https://www.questionpro.com/blog/what-are-open-ended-questions/#:~:text=Open%2Dended%20questions%20are%20free,to%20a%20set%20of%20options (accessed 2025-04-03).

53 Marnewick *Litigation Skills for South African Law Students* 5.

54 Pollack "What Is Active Listening? Definition, Skills and Examples" (8 February 2024) https://pollackpeacebuilding.com/blog/active-listening/ (accessed 2025-05-16).

55 Gallo "What Is Active Listening?" (2 January 2024) https://hbr.org/2024/01/what-is-active-listening (accessed 2025-04-03).

56 Du Plessis 2018 *De Jure* 150.

in the timeline of their story or when a new character is introduced. Through active listening and open dialogue, lawyers can gather critical information and build trust with their clients.[57]

5 3 The advising stage

Advising a client refers to the ability of a legal practitioner to provide the client with legal advice and a solution to their problem. The United Nations Office of the High Commissioner for Human Rights lists being able to advise a client on their legal rights and obligations as one of the skills that all legal practitioners should have.[58] Bodenstein supports this statement and notes that "all good lawyers must possess the ability to counsel clients effectively".[59]

During the advising stage, students are taught that the focus now shifts back to the legal practitioner, who applies their legal knowledge to the facts presented by the client in order to advise the client and find a solution for the client. Students are reminded that when assessing information presented by the client for the advising stage, they could discover more than one issue. In such cases, each issue identified must be addressed individually, and a possible solution must be provided for each individual issue. In addition to addressing each issue individually, students are also taught that where there is more than one possible solution for an issue, all possible solutions must be presented to the client.

Students are taught that effective communication skills are important when they advise a client, as the legal practitioner must be able to communicate highly technical and nuanced legal concepts in understandable and non-technical language.[60] Students are also taught that both substantive and procedural law aspects must be addressed when advising a client.[61] On substantive law, clients are advised about the remedy for the client, so answering the question of what the client's legal rights are and what can be done to solve the client's problem. On procedural law, the client is advised about what will be done or what actions will be taken to solve the client's problem.

Furthermore, students are taught that, when advising a client, a legal practitioner is required to exercise professional judgement over the matter. This could result in giving advice to a client that is not what they wish to hear or advising of an outcome they do not desire. Students are also taught that

---

57 The Legal Connection https://tlc-texas.com/effective-communication-in-the-legal-profession/.

58 United Nations Office of the High Commissioner for Human Rights "Basic Principles on the Role of Lawyers" (undated) https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers (accessed 2025-05-03).

59 Bodenstein *Clinical Law in South Africa* 49.

60 Bodenstein *Clinical Law in South Africa* 49.

61 *Ibid*.

they should not refrain from giving the correct advice to a client – even if it is unpalatable for them.[62]

5 4 The taking-instructions stage and the way forward

The final stage of a consultation is the taking-instructions stage. During this stage, the legal practitioner is required to obtain clarity from the client on what the practitioner must do for or on behalf of the client, and on the way forward. It is important to note that legal practitioners act on instructions received from their clients. Therefore, for this stage, students are taught not to tell the client what to do, but rather to help the client decide what the appropriate approach should be.[63]

Students are taught that all options available to clients must be considered, and the possible outcome of each option communicated to the client. Any negative consequences, such as a matter taking longer to resolve or increased costs, must also be communicated to the client.[64] Students are further taught that it is not the legal practitioner, but rather the client, who makes the final decision on the way forward.

Marnewick notes that when concluding a consultation, there must be a clear understanding that the client has given the legal practitioner the necessary authority to act on the client's behalf, and there should also be a clear understanding of the immediate next step and the further conduct required to carry out the client's instruction.[65]

For this stage of the consultation, students are also reminded that possible negative outcomes must be communicated to the client. Students are taught that the client makes the final decision on the action to be taken and in what manner. Before the consultation is concluded, the legal practitioner and the client must be clear on what the legal practitioner must do for the client.

6 BRIDGING THE SKILLS GAP AND OVERCOMING THE SOCIAL-SKILLS-DEFICIT VULNERABILITY

As set out above, the legal profession has recently mandated universities to produce graduates who possess both sufficient academic knowledge and the necessary skills required for their chosen field.[66] Employers seek to employ graduates who have a diverse skill set that includes, among other things, interpersonal skills.[67] Responding to this call and in order to address

---

62 Clair and Klevens "When Not to Sugarcoat Things to a Client" (17 July 2023) https://www.dentons.com/en/insights/newsletters/2023/july/17/practice-tips-for-lawyers/when-not-to-sugarcoat-things-to-a-client (accessed 2025-05-03).

63 Bodenstein *Clinical Law in South Africa* 50.

64 Bodenstein *Law Clinics and the Clinical Law Movement in South Africa* 301.

65 Marnewick *Litigation Skills for South African Law Students* 17.

66 Rippenaar 2025 *Law Democracy and Development* 60.

67 *Ibid*.

the skills gap that currently exists in Gen Z students,[68] the UWC Law Clinic modified its presentation of Clinical Legal Education and specifically the way in which it teaches consultation skills.

In its teaching of consultation skills to final-year law students, the UWC Law Clinic first uses observational learning to prepare students for a consultation with a client. Observational learning has long been accepted as a method of skills development by way of skills transfer. As Bandura notes, seeing others perform activities without adverse consequences can create the expectation in observers that they, too, will eventually succeed.[69] By observing the legal practitioner consult with a client, students will be persuaded that if others can do it, they should also be able to improve their performance. Crocker also supports this vertical method of skills transfer and notes that learner participation using constructivist teaching methods (which shift the supervising attorney's role from lecturer to facilitator) must be maximised.[70]

The UWC Law Clinic also uses a simulated exercise when teaching consultation skills to students. As set out under heading 4 above, the simulated exercise is designed to show students the manner in which most clients will tell their story and to equip students to deal with this. The use of simulated exercises in teaching is accepted across various fields, as they replicate and amplify real-world experiences. Simulated exercises are viewed as an answer to developing the skills of professionals.[71]

In addition to observational learning and simulated exercises to prepare students for a consultation with a client, the UWC Law Clinic has also, through the creation of a consultation framework, added tangible and perceptible content to students' concept of a consultation to provide a road map with which to navigate their way through a consultation. Baltus supports the creation of a framework and adding content, noting that it is easier to remember something if it makes sense to you, if you understand what you are learning, and if you know why you are learning it.[72] Therefore, the rationale behind adding tangible and perceptible content to the teaching of consultation skills was to give meaning to what was being explained during lectures and to make this understandable to students.[73] This perceptible content then serves as a road map that students use when consulting with a client as part of a WIL opportunity.

Through the use of observational learning and a simulated exercise, the UWC Law Clinic allows final-year law students to engage in cognitive activity

---

68 Glasheen "The Gen Z Communication Crisis" (7 June 2023) https://therobinreport.com/the-gen-z-communication-crisis/#:~:text=Digital%20Natives,mean%20for%20the%20retail%20industry (accessed 2025-05-18).

69 Bandura A *Social Learning Theory* (1977) 81.

70 Crocker "Motivating Large Groups of Law Students to Think Critically and Write Like Lawyers: Part 2" (2020) 41 *Obiter* 1 2.

71 Lateef "Simulation-Based Learning: Just Like the Real Thing" 2010 3(4) *Journal of Emergencies, Trauma and Shock* 348 349.

72 Baltus *Personal Psychology for Life and Work* (1976) 111.

73 Borges, Falcón and Díaz "Creation of an Observational Instrument to Operationalize the Transmission of Contents by University Teachers" 2016 4(7) *International Journal of Social Science Studies* 82 83.

when learning how to consult with a client. In addition, by adding perceptible content to the stages of a consultation, the UWC Law Clinic (following the model noted by Mahomed *et al* in *Clinical Law in South Africa*) has created a consultation framework that serves as the basis for students to develop their consultation skills. The skills being developed here include communication and interpersonal skills, self-awareness, and problem-identification-and-solving skills. The development of these skills closes the skills gap that has been identified and results in increased employability of the student. As Gupta *et al* note, the purpose of creating a framework is to introduce a practical model aimed at developing employability skills;[74] skills development is essential in career training and personal development.[75]

In addition to developing the consultation and communication skills of final-year law students, the method used by the UWC Law Clinic also addresses the social-skills-deficit vulnerability in current students. The social-skills-deficit-vulnerability model states that "people with poor social skills are especially vulnerable to the ill effects of stress" and struggle to obtain positive social reinforcement.[76] As Caplan states, the social-skills-deficit-vulnerability hypothesis is that "an individual's well-being is threatened by a lack of interpersonal competence".[77] A key assumption of the model is that people with effective social, communication and interpersonal skills are better able to access and marshal social support and have more effective mechanisms to cope when they encounter difficulties in life.[78] Veillon and Hanson note that reliance on a framework when performing a task assists in removing the unpredictability associated with the task. Unpredictability heightens anxiety, whereas they note that reference to a stable framework reassures the brain and reduces the mental effort required to perform an activity.[79]

As explained above, the UWC Law Clinic teaches and develops skills and uses skills transfer to overcome the social-skills-deficit vulnerability. It is well known that skills training can improve the communication and interpersonal skills of an individual.[80] In addition, skills training can increase self-esteem and decrease anxiety in students.[81] The rationale behind using the method discussed above to teach consultation skills is the belief that developing the social skills of final-year law students will equip them with a skill set that enables them to handle the stresses of the working world they are about to enter.

---

74 Gupta *et al* 1992 *World Sustainability Development* 3.

75 Coursera Enterprise "The Importance of Employee Skill Development and Where to Start" (13 June 2024) https://www.coursera.org/enterprise/articles/importance-of-skill-development (accessed 2025-05-18).

76 Segrin, McNelis and Swiatkowski "Social Skills, Social Support and Psychological Distress: A Test of the Social Skills Deficit Vulnerability Model" 2016 42 *Human Communication Research* 122 123.

77 Segrin *et al* 2016 *Human Communication Research* 123.

78 *Ibid*.

79 Veillon and Hanson "Neuroplasticity and Anxiety: Exercises to Retrain Your Brain From Anxiety" (7 February 2025) https://rickhanson.com/neuroplasticity-and-anxiety/ (accessed 2026-02-14).

80 Winarsunu *et al* 2023 *Heliyon* 3.

81 Winarsunu *et al* 2023 *Heliyon* 6.

The UWC Law Clinic is accordingly equipping students to cope with the pressures they currently face and the pressures they will encounter in the workplace. People with good social skills and communication competence enjoy a range of successful outcomes in organisational contexts.[82] Skills development as a method of learning is also supported by Hilgard and Bower, who state that "once something has been learned, it can be used and previously learned skills can be used when new situations arise".[83]

7 CONCLUSION

Segal, in commenting on the social and verbal skills of Gen Z, notes that there has recently been a decline in social and verbal skills.[84] As explained above, the UWC Law Clinic, through the teaching and supervision of final-year law students, has also observed that Gen Z students struggle with communication skills. This realisation led us to question whether consultation skills could be taught, and, if so, how they could be taught, and to ask whether teaching consultation skills could help students overcome their current social-skills deficit.

This article has demonstrated that consultation skills can be taught and that they should be taught in two stages. The first stage focuses on preparing the student for the consultation. During this stage, observational learning and skills transfer can successfully prepare students for a consultation.

The second stage involves the consultation itself. This article has shown that the development of a framework that divides the consultation into stages and adds tangible and perceptible content to each stage of the consultation helps students understand what needs to take place and be achieved throughout the consultation.

In addition, this article has demonstrated that the teaching of consultation and communication skills to law students is significant for their development as lawyers, as the development of these skills forms a foundation upon which they can build their careers in the legal profession. Furthermore, the development of these skills also helps students overcome their social, communication and interpersonal shortcomings and helps them cope with the challenges they will face in the working world.

As former Constitutional Court Justice Kate O'Regan stated: "[T]he lives of law graduates are determined in a real sense by the skills and habits that they have acquired at law school and much of the test of what constitutes a competent lawyer is skills-based rather than content-based."[85] As is seen above, consultation skills can in fact be taught, and the UWC Law Clinic has clearly and logically refined a practical method to teach consultation skills and develop the student holistically while doing so.

---

82 Segrin *et al* 2016 *Human Communication Research* 130.

83 Hilgard and Bower *Theories of Learning* 3ed (1966) 312.

84 Segal "Why the Social and Verbal Skills of Some Gen Z Workers Have Declined" (16 June 2024) https://www.forbes.com/sites/edwardsegal/2024/06/16/why-the-social-and-verbal-skills-of-some-gen-z-workers-have-declined/ (accessed 2025-05-21).

85 Du Plessis 2018 *De Jure* 142.