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Legal Capability, Professional Formation and the Public Assurance of Competence

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Abstract

Legal education and professional standards require legal skills but rarely define or distinguish skills from a field of knowledge, legal task, workflow, work product, competence or capability. The imprecision is now particularly significant where generative AI, and increasingly AI agents, can perform sequences of legal operations and produce polished artefacts that conceal whether the human capacities required for competent practice were exercised. This article defines legal skill as a learned and progressively stabilised capacity for legally meaningful performance and develops a two-level taxonomy: eight skill domains (Notice, Use knowledge, Think, Communicate, Work safely, Self-manage, Act as a lawyer and Perform) provide an operational language for standards, teaching and supervision, and eleven architectures beneath them provide a diagnostic layer for assessment and workflow design. Each domain has two sides: competence, which can be observed at a particular point in time, and capability, which can be shown only through development and transfer across different tasks and contexts. Legal judgement is not simply intuition. It is a central part of the human skills needed to carry out and take responsibility for a legal task. The taxonomy is linked to a five-part model of field, task, skill architecture, workflow and evidence. Together, they show how legal skills can be taught, assessed and publicly assured, and how agentic legal workflows can be governed. By locating the human capacities required at particular points in a workflow, the model can inform what an AI agent may do, where it must stop for human verification or determination, what the reviewer must be capable of examining at each point, and what evidence should record the basis on which the work is adopted.

1. Introduction

When a law graduate is admitted to legal practice, admission is not only recognition that a prescribed course of study has been completed. It is a public assurance that the graduate has acquired sufficient entry-level knowledge, skills, judgement and ethics to begin practising law competently and responsibly. In Australia, that assurance is formally expressed through admission by a Supreme Court, supported by law schools, practical legal training ('PLT') providers, supervised workplace training, admitting authorities and professional regulators.[1] Other common-law jurisdictions distribute these functions differently. In the United States, admission is governed principally by each state or territory, commonly through its highest court and designated bar-admission authorities;[2] in Canada, provincial and territorial law societies play the central regulatory role;[3] and in the United Kingdom the institutional arrangements differ among England and Wales, Scotland and Northern Ireland.[4] Despite those institutional differences, each system

[1] See *Legal Profession Uniform Law* (NSW) No 16a of 2014, §§ 15–17, 29, 43, 49 (Austl.); *Legal Profession Uniform Admission Rules 2015*, rr 5–6, 9–10, schs 1–3 (Austl.) ('*Admission Rules*'). Section 15 states that admission prerequisites protect the administration of justice and clients; §§ 16–17 address Supreme Court admission, qualifications, practical training and fitness. Schedule 2 specifies entry-level skills, practice areas and professional values. These provisions illustrate participating jurisdictions' framework, not admission throughout Australia. Admission does not authorise practice: a practising certificate and applicable supervised-practice conditions remain necessary. Describing admission as public assurance is the article's interpretation of this regulatory structure, not a statutory competence guarantee. Verified provisions: https://legislation.nsw.gov.au/view/html/inforce/current/act-2014-16a; Schedule 2: https://classic.austlii.edu.au/au/legis/nsw/consol_reg/lpuar2015411/sch2.html.

[2] See Nat'l Conf. of Bar Exam'rs & Am. Bar Ass'n Section of Legal Educ. & Admissions to the Bar, Comprehensive Guide to Bar Admission Requirements (2026), charts on Promulgation of Rules, Character and Fitness, and Legal Education, and Directory, https://reports.ncbex.org/ (last visited Oct. 25, 2026) (collecting jurisdiction-specific admission rules and agencies; distinguishing competence from character and fitness).

[3] See Fed'n of L. Soc'ys of Can., About Us, https://flsc.ca/about-us/ (last visited Oct. 25, 2026) (describing law societies' public-interest regulatory mandates); Nat'l Comm. on Accreditation, Bar Admissions, https://nca.legal/process/bar-admissions/ (last visited Oct. 25, 2026) (identifying admission programs in Canadian common-law jurisdictions).

[4] See Solicitors Regul. Auth., Solicitors Qualifying Examination (SQE) Route (Aug. 2025), https://www.sra.org.uk/become-solicitor/sqe/ (degree or equivalent, assessments, qualifying work experience and suitability); Bar Standards Bd., Becoming a Barrister: An Overview (Oct. 15, 2026), https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister.html (academic, vocational and work-based components in England and Wales); L. Soc'y of Scot., Qualifying as a Scottish Solicitor, https://www.lawscot.org.uk/qualifying-and-education/qualifying-as-a-scottish-solicitor/ (training routes and fitness requirements); L. Soc'y of N. Ir., Law Degree Route, https://www.lawsoc-ni.org/becoming-a-solicitor/routes-to-the-profession/law-degree-route (explaining Solicitors Admission and Training Regulations 1988, reg. 8(1), and vocational and workplace training); Queen's Univ. Belfast, Institute of Professional Legal Studies, https://www.qub.ac.uk/schools/InstituteofProfessionalLegalStudies/ (identifying the professional bodies responsible for training and admission of barristers and solicitors in Northern Ireland) (undated pages last visited Oct. 25, 2026). These are distinct institutional pathways, not a single United Kingdom admission regime.

depends on educational, assessment and regulatory processes to support a judgement that an entrant is fit to begin practice.

Each of these institutions works within a regulatory standard. Higher education standards require providers to specify, teach and assess learning outcomes appropriate to each stage of the pathway.[5] In the Australian Uniform Law jurisdictions, the *Legal Profession Uniform Admission Rules 2015* connect academic qualifications and PLT to eligibility for admission.[6] PLT standards require entry-level lawyers to demonstrate competence across skills, practice areas and professional values.[7] Professional conduct rules then govern the duties and judgement expected once practice begins.[8] These sources do not supply a theory of legal skill even though they depend on one. They assume that legal education can distinguish knowledge from skill, task from capability, and an assessment product from evidence of human performance.

Legal education and admission standards use the word capability without clearly defining one of its central components: legal skill. Terms such as skills, competence, capability, practice-readiness and professional judgement are used routinely, but loosely.[9] A law school may promise to develop analysis, research, communication and self-management; a PLT program may assess interviewing, drafting, advocacy or file management; an admitting authority may require evidence of readiness for practice. In each case the underlying concept of skill often remains undeveloped.

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[5] Donald Feaver and Shirley Southgate, 'Lifting PLT from Practical to Professional within a Coordinated Legal Education Pathway' (2026) 52(3) *Monash University Law Review* 1; *Higher Education Standards Framework (Threshold Standards) 2021* (Cth) sch 1 ss 1.4.1–1.4.4 ('*Threshold Standards*'); Tertiary Education Quality and Standards Agency, *Guidance Note: Course Design* (Guidance Note, 2021) 3–5.

[6] *Legal Profession Uniform Admission Rules 2015, rr 5–8, schs 1–2. Rule 5 specifies the academic qualifications prerequisite, including study of the academic areas of knowledge in Schedule 1; rule 6 specifies the practical legal training prerequisite, including acquisition and demonstration of the competencies in Schedule 2. Rules 7–8 address accreditation, monitoring and review of law courses and PLT providers. Schedule 2, cl 1 incorporates and adapts the Law Admissions Consultative Committee's PLT Competency Standards for Entry-level Lawyers, which came into effect on 1 January 2015; pt 4 sets out the prescribed skills, practice areas, values, elements and performance criteria. The Uniform Law framework operates in New South Wales, Victoria and Western Australia; other Australian jurisdictions have their own admission arrangements.*

[7] Law Admissions Consultative Committee, *Practical Legal Training Competency Standards for Entry-Level Lawyers* (October 2017) 1–3 ('*PLT Competency Standards*'); Law Admissions Consultative Committee, *Uniform Standards for Practical Legal Training Courses and Providers* (October 2017) 1–3 ('*PLT Uniform Standards*').

[8] *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* (NSW) rr 3–5, 7–9, 17–19, 21–22 ('*ASCR*').

[9] John H Wade, 'Legal Skills Training: Some Thoughts on Terminology and Ongoing Challenges' (1994) 5(2) *Legal Education Review* 173, 173–5; Sharon Christensen and Sally Kift, 'Graduate Attributes and Legal Skills: Integration or Disintegration?' (2000) 11(2) *Legal Education Review* 207, 209–13; Molly Townes O'Brien and John Littrich, 'Using Assessment Practice to Evaluate the Legal Skills Curriculum' (2008) 5(1) *Journal of University Teaching and Learning Practice* 61, 61–3.

The lack of clarity is not only a pedagogical problem; it is also a regulatory and system-design problem. If legal skills are not defined with precision, standards cannot reliably specify what is being formed, teaching cannot scaffold it, assessment cannot evidence it, supervisors cannot develop it and regulators cannot assure it. A standard requiring students to 'demonstrate legal skills' is incomplete unless it identifies the kinds of skill involved, how they operate in a legal task and the level of performance that assessment is designed to elicit. The problem is even sharper in an AI-mediated environment. Generative AI can produce polished letters of advice, research summaries, clauses, chronologies and submissions that resemble human work. AI agents may go further by planning and executing linked operations across a legal workflow. In either case, the resulting artefact can conceal whether a learner or lawyer exercised the human skill required to frame, verify, evaluate, revise and take responsibility for the work.

The more AI is used to perform legal tasks, especially through agents capable of carrying out multi-step work, the more precision is needed about the task, the workflow and the operations allocated to the system. A workflow makes the division of labour visible: it shows where AI may assist with retrieval, comparison, classification, summarisation or drafting, and where the lawyer must frame the problem, determine relevance, interpret authority, evaluate evidence and risk, resolve uncertainty, choose a course of action and take professional responsibility. Skill architecture adds what a general 'human-in-the-loop' requirement leaves unspecified. It identifies the points at which an agent must stop for human verification, determination or approval; the particular capacities the reviewer must bring to that point; the sources, risks and uncertainties that must be examined; and the record needed to support informed adoption of the result. This allows safeguards to be designed around the legal significance of an operation rather than around a nominal requirement for human oversight. As AI assumes more operations within legal workflows, explicit task and skill analysis becomes essential to deciding what may be automated, what must remain under meaningful human control and what evidence shows that the final work is competent and defensible. Courts and disciplinary bodies already deal with the consequences when those capacities fail: risks are not noticed, doctrine is not applied, processes are not followed, sources are not verified and judgement is not regulated.

2. Research question, method and contribution

This article builds on earlier work that proposed a five-part standards architecture for describing legal capability across the formation pathway, relating the field of application,

the legal task, legal skill, the workflow and the evidence of performance.[10] That work treated capability as situated performance rather than abstract competence.[11] Admission does not assure capability. It assures demonstrated entry-level competence as evidence that capability is forming, and supervised practice then develops that capability towards independent practice. This article takes the next step by examining the most conceptually difficult element of the model: legal skill. A standard may identify a field, prescribe a task, require a workflow and collect an artefact. Unless the skill involved is understood, the capability being formed and assured remains under-specified.

The distinction between *competence* and *capability* draws on professional education scholarship, notably Fraser and Greenhalgh's account of educating for capability in medicine. In the sense used in this article, competence is demonstrated performance to an established standard in a defined task or area of practice. Capability is broader and developmental: it is the formed capacity to mobilise and coordinate knowledge, skill, judgement, ethics and responsibility, to respond to unfamiliar or changing circumstances, and to go on developing that performance over time. A person may therefore demonstrate competence in a particular task or context, while capability concerns the more enduring and transferable professional capacity from which competent performances can be generated. In the Victorian legal context, the same developmental conception is reflected in the VLSB+C framework's treatment of capability as progressively developed during supervised legal practice towards independent practice.[12] The distinction is used throughout this article.

Although the Australian admission system provides the principal regulatory setting for this article, the conceptual problem extends beyond Australia. In the United States, the Council of the American Bar Association Section of Legal Education and Admissions to the Bar accredits law schools, while admission to practice remains a matter for state and territorial authorities. The ABA Standards and Rules of Procedure for Approval of Law Schools connect professional preparation with stated learning outcomes, legal analysis and reasoning, legal research, communication, ethical responsibilities, professional skills and assessment. Standards 301, 302, 314 and 315 provide a useful comparator because they specify educational and assessment obligations without themselves

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[10] Donald Feaver, 'From Competence to Capability: Standards Design Across the Lawyer Formation Pathway' (forthcoming) 50(2) *University of New South Wales Law Review*.

[11] Ibid.

[12] Sarah W Fraser and Trisha Greenhalgh, 'Coping with Complexity: Educating for Capability' (2001) 323(7316) *British Medical Journal* 799, 799–800 <https://doi.org/10.1136/bmj.323.7316.799>; Len Cairns and Margaret Malloch, 'Competence, Capability and Graduate Attributes' in Martin Mulder (ed), *Competence-Based Vocational and Professional Education: Bridging the Worlds of Work and Education* (Springer, 2017) 103, 103–23 <https://doi.org/10.1007/978-3-319-41713-4_5>; Victorian Legal Services Board and Commissioner, *Early Career Lawyer Capability Framework* (Framework, 12 December 2025) 3–4 <https://lsbc.vic.gov.au/sites/default/files/2025-12/VLSBC_Early%20Career%20Lawyer%20Capability%20Framework_web.pdf>.

offering a fine-grained theory of the learned capacities through which a student moves from doctrinal knowledge to reliable legal performance. The comparison should be read against the current Standards and their implementation timetable, including revisions to the learning-outcomes provisions that are to be implemented by the beginning of the 2028–2029 academic year. The proposed taxonomy is therefore intended to be useful across jurisdictions without assuming that Australian and United States pathways to accreditation, graduation, bar admission and licensure are institutionally identical.[13]

For United States purposes, the taxonomy should be treated as a cross-jurisdictional analytical framework rather than a statement of any single jurisdiction's law. The ABA Model Rules are models, not binding law unless adopted by the relevant jurisdiction, and states may modify their text, comments and interpretation. Duties relating to technological competence, confidentiality, supervision, candour, client communication and fees must therefore be checked against the professional-conduct rules, ethics opinions, court rules, standing orders and admission requirements applicable in the relevant state, territory and tribunal.

The central problem is misclassification. Legal education often treats different objects as though they were the same kind of thing. Contract law is not a skill; it is a field of legal knowledge and practice.[14] Termination for breach is not a skill; it is a doctrinal topic. Drafting a letter of advice is not a skill; it is a legal task. The completed letter is not the skill either; it is an artefact from which aspects of capability may be inferred. The skill lies in the learned capacities exercised in performing the task: framing the problem, analysing, classifying facts, interpreting, synthesising, evaluating risk, communicating, exercising judgement and monitoring one's own work.

Methodologically, the article uses abductive, multidisciplinary theory-building. It brings together learning science, cognitive psychology, neuroscience, workflow analysis and legal and regulatory sources, moving iteratively between them to develop and refine the proposed skill domains and architectures. The derivation process and criteria for including an architecture are explained in Part 6.

This article asks what a legal skill is and how it should be conceptualised so that legal capability can be taught, practised, assessed and publicly assured with greater precision. It argues that a legal skill is a learned and progressively stabilised capacity for legally meaningful performance, developed through practice and feedback, coordinated with other capacities in the performance of tasks and evidenced in legal work. Its

[13] See American Bar Association, Standards and Rules of Procedure for Approval of Law Schools (2026–2027), standards 301–302, 314–315 (https://www.americanbar.org/groups/legal_education/accreditation/standards/)

[14] Sally Kift, Mark Israel and Rachael Field, *Bachelor of Laws Learning and Teaching Academic Standards Statement* (Australian Learning and Teaching Council, December 2010) 10–13; Law Admissions Consultative Committee, *Prescribed Academic Areas of Knowledge* (2015) 1–2.

principal contribution is a two-level taxonomy of legal skill: eight skill domains that provide an operational language for standards, teaching and supervision, resting on eleven architectures that provide a diagnostic layer for assessment design and theoretical justification. The taxonomy distinguishes the capacities through which legal knowledge becomes usable, locates judgement within them and provides a framework for analysing the division of labour between lawyers and AI.

The contribution differs from established competency and learning-outcomes frameworks in three respects. First, it distinguishes a legal skill from the field, professional task and work product with which it is often conflated. Secondly, it supplies both a usable language of eight domains and a diagnostic account of eleven architectures, allowing educators to identify where and why an otherwise plausible task performance breaks down. Thirdly, it separates demonstrated competence in a defined setting from capability evidenced through progression, variation and transfer. This is complementary to, rather than a replacement for, competency-based education, professional identity formation and entrustable professional activities: those approaches explain expected outcomes, professional orientation or decisions about supervised responsibility, while the present account identifies the capacities that must be formed and coordinated to support such judgements.

Part 3 distinguishes skill from fields, topics, tasks, workflows and evidence. Part 4 develops a theory of legal skill formation and Part 5 relates skill, task and workflow. Part 6 proposes the taxonomy and explains its derivation. Part 7 considers how human skill can be evidenced in AI-mediated workflows, Part 8 examines complex problem-solving and judgement, Part 9 connects the theory to learning science and Part 10 applies it to contract law. A Supplementary Appendix sets out the full mapping of domains to architectures, component processes and developmental progressions.

3. Clarifying legal skills language

The first step is to separate skill from the educational and professional objects with which it is confused. Legal education uses ‘skills’ loosely to describe fields of law, doctrinal topics, legal tasks, professional behaviours, assessment products and graduate attributes.[15] The imprecision matters because each performs a different function. The prescribed academic areas of knowledge, for example, identify fields; they do not define skill.[16]

[15] Wade (n 9) 173–5, 186–9; Christensen and Kift (n 9) 209–13; O’Brien and Littrich (n 9) 61–5.

[16] Law Admissions Consultative Committee, *Prescribed Academic Areas of Knowledge* (n 14) 1–2; *Admission Rules* r 5.

A field of application is the structured domain within which legal capability operates, such as contract, criminal or constitutional law. A doctrinal topic, such as formation, construction, breach or remedies, is a component of knowledge within a field. Topics structure content, but they do not specify what the learner must be able to do: knowing that a subject covers remedies does not indicate whether students must identify remedial options, calculate loss, draft a pleading or evaluate settlement risk.

A legal task is a legally meaningful unit of performance. For example, moving from a client's instructions to a written advice, from a disputed clause to a draft amendment, or from an emerging ethical risk to an appropriate escalation. A task is closer to capability than a field or topic because it identifies what must be done, but it is still not the skill. A workflow describes how the task is carried out: the sequence, reasoning path or professional method through which performance occurs. A workflow is not a skill either. It is a structure through which skill is practised, coordinated and evidenced.[17]

Finally, an assessment product or artefact provides evidence from which capability may be inferred.[18] An advice letter, memorandum, oral submission or file note may evidence analysis, communication and judgement, but only if the assessment is designed to reveal them. Table 1 summarises the distinctions.

Table 1

Category	Question answered	Example
Field of application	Where does the capability operate?	Contract law
Doctrinal topic	What area of knowledge is involved?	Termination for breach
Legal task	What must the learner or lawyer do?	Advise whether the client should terminate
Workflow/process	How is the task performed?	Identify obligation → classify breach → assess termination right → evaluate risks → recommend next step
Evidence of performance	What shows capability?	Advice note, risk memorandum, supervisor briefing or client explanation

[17] Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8; Olle ten Cate, 'Entrustability of Professional Activities and Competency-Based Training' (2005) 39(12) *Medical Education* 1176, 1176–7; Olle ten Cate and David R Taylor, 'The Recommended Description of an Entrustable Professional Activity: AMEE Guide No 140' (2021) 43(10) *Medical Teacher* 1106, 1107–9.

[18] O'Brien and Littrich (n 9) 62–5, 68–74; John Biggs, 'Enhancing Teaching through Constructive Alignment' (1996) 32(3) *Higher Education* 347, 350–2.

Table 1 deliberately leaves skill aside, because skill is the element that needs the most careful treatment. The law already recognises it implicitly. In *Koompahtoo Local Aboriginal Land Council v Sanpine Pty Ltd*, the High Court of Australia considered repudiation, the classification of contractual terms, serious breach of intermediate terms and the consequences of failing to complain of breaches.[19] The case does not identify a 'skill' called termination. It shows that competent performance in a termination problem requires several capacities at once: noticing the contractual problem, retrieving connected doctrine, classifying the obligation and breach, interpreting the contract and the parties' conduct, evaluating seriousness and reaching a defensible judgement about whether termination is available and safe.

The common thread is that a skill is a learned capacity that enables legal performance. It is the capability through which legal knowledge is perceived, organised, selected, interpreted, tested, communicated and monitored in action. Without that distinction, fields remain content categories, tasks remain activities, artefacts remain products and standards remain too abstract to guide teaching, supervision or assurance.

4. A theory of legal skill formation

This article advances a middle-range theory of legal skill formation: not a grand theory of legal education, but a theory directed to a specific problem, namely how legal education should understand the nature, formation and demonstration of legal skill.[20] The theory has four propositions.

- First, a legal skill is a learned capacity, not a field, topic, task or artefact. It is what enables a learner to perform legal tasks with increasing reliability, judgement and accountability.
- Second, legal skill is coordinated performance capability. It is not a single isolated technique but the coordination of knowledge, attention, memory, perception, classification, interpretation, action-selection, communication, judgement and self-monitoring. This article therefore uses 'skill' to describe the configuration of learned capacities coordinated in performing a legal task.
- Third, legal skill is developmental. It is acquired over time through modelling, practice, feedback, reflection, retrieval, variation and progressive complexity.

[19] *Koompahtoo Local Aboriginal Land Council v Sanpine Pty Ltd* (2007) 233 CLR 115, 135 [53], 140 [71] ('*Koompahtoo*').

[20] Middle-range theories are abstract enough to explain more than one observation but specific enough to be testable and cumulative: Robert K Merton, *Social Theory and Social Structure* (Free Press, rev ed, 1968) 39–72.

Novices lack the organised schemas, pattern recognition, attention control and calibrated judgement of experts, so skill formation requires structured opportunities to practise, receive feedback, correct error and transfer performance to new contexts.

- Fourth, legal skill is demonstrated through performance but is not identical to it. An advice note or oral submission may reveal aspects of capability, but evidence of skill must be interpreted by reference to the task, the workflow, the expected level of performance and the skill architecture the artefact is meant to disclose.

This account draws on three related literatures, each contributing at a different level of explanation. Behavioural psychology explains how performance is acquired, shaped and stabilised through practice, modelling, feedback and reinforcement.[21] Cognitive psychology and cognitive science explain how knowledge is represented, retrieved and used, including the movement from declarative knowledge to proceduralised performance,[22] and how routines become efficient without becoming wholly automatic or uncontrollable.[23] Neuroscience identifies component mechanisms: skill learning involves reorganisation across distributed brain systems associated with action selection, prediction and error correction, and cognitive control is implemented by interacting networks rather than a single centre.[24] Together they support the point that skill formation requires more than exposure to information or the completion of tasks.

This explains why legal skill cannot be reduced to doctrinal knowledge, task completion or a polished artefact. A learner who can state the rules on termination for breach has declarative knowledge. A learner who can recognise a termination problem in messy facts, organise the relevant doctrine, classify the breach, interpret the contract, evaluate risk, communicate a qualified recommendation and mark what remains uncertain is beginning to acquire skill. That requires repeated, feedback-rich and challenging

[21] B F Skinner, *Science and Human Behavior* (Macmillan, 1953); Albert Bandura, *Social Learning Theory* (Prentice-Hall, 1977); Albert Bandura, 'Self-Efficacy: Toward a Unifying Theory of Behavioral Change' (1977) 84(2) *Psychological Review* 191; Susan Michie et al, 'The Behavior Change Technique Taxonomy (v1) of 93 Hierarchically Clustered Techniques: Building an International Consensus for the Reporting of Behavior Change Interventions' (2013) 46(1) *Annals of Behavioral Medicine* 81.

[22] John R Anderson, 'Acquisition of Cognitive Skill' (1982) 89(4) *Psychological Review* 369, 369–72, 381–4.

[23] Agnes Moors, 'Automaticity: Componential, Causal, and Mechanistic Explanations' (2016) 67 *Annual Review of Psychology* 263; Wendy Wood and Dennis Rünger, 'Psychology of Habit' (2016) 67 *Annual Review of Psychology* 289.

[24] Julien Doyon and Habib Benali, 'Reorganization and Plasticity in the Adult Brain during Learning of Motor Skills' (2005) 15(2) *Current Opinion in Neurobiology* 161, 161–7; Andreea C Bostan and Peter L Strick, 'The Basal Ganglia and the Cerebellum: Nodes in an Integrated Network' (2018) 19 *Nature Reviews Neuroscience* 338, 338–42; Larry R Squire, 'Memory and Brain Systems: 1969–2009' (2009) 29(41) *Journal of Neuroscience* 12711; Vinod Menon and Mark D'Esposito, 'The Role of PFC Networks in Cognitive Control and Executive Function' (2022) 47(1) *Neuropsychopharmacology* 90.

practice,[25] although the effect of practice alone should not be overstated: one meta-analysis found that deliberate practice explained less than one per cent of the variance in performance in the professions, compared with around a fifth in music and sport.[26] What matters is that tasks, workflows and feedback are aligned to the skill being developed and pitched within the learner's zone of proximal development.[27]

A student who knows doctrine has not necessarily acquired the skill to use it. Courts see the consequences after the event, in the pleading filed, the authority cited or the step missed and ask whether the underlying professional capacity was competently exercised. Skills are therefore not add-ons to doctrine but the capacities through which doctrine becomes usable, which is why skill architecture is the centre of capability formation.

5. Skill, workflow and legal tasks in capability formation

The earlier standards-design model described legal capability through five connected elements:[28]

> field of application + legal task + legal skill + workflow/process + work product/evidence of performance

This article refines the third element. 'Legal skill' should not be treated as a label attached to a task, because most legal tasks draw on a coordinated configuration of learned capacities. The question is not 'what skill is being exercised?' but 'what skill architecture enables this task to be performed well, safely and defensibly?'

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[25] K Anders Ericsson, Ralf Th Krampe and Clemens Tesch-Römer, 'The Role of Deliberate Practice in the Acquisition of Expert Performance' (1993) 100(3) *Psychological Review* 363, 367–71; Brooke N Macnamara and Megha Maitra, 'The Role of Deliberate Practice in Expert Performance: Revisiting Ericsson, Krampe and Tesch-Römer (1993)' (2019) 6(8) *Royal Society Open Science* 190327.

[26] Brooke N Macnamara, David Z Hambrick and Frederick L Oswald, 'Deliberate Practice and Performance in Music, Games, Sports, Education, and Professions: A Meta-Analysis' (2014) 25(8) *Psychological Science* 1608.

[27] Lev S Vygotsky, *Mind in Society: The Development of Higher Psychological Processes* (Harvard University Press, 1978) 84–91; John Biggs and Catherine Tang, *Teaching for Quality Learning at University* (Open University Press, 4th ed, 2011) 95–100.

[28] Feaver (n 10).

A skill architecture is the task-specific configuration of learned capacities required to perform a legal task competently, safely and defensibly.[29] Advising a client, drafting a clause or negotiating a settlement will usually require several capacities to operate together. The refined model may therefore be expressed as:

> field of application + legal task + skill architecture + workflow/process + evidence of performance

Skill architecture is the centre of gravity of the model because it identifies the learned capacities that convert legal knowledge into capability. Each element answers a different design and assurance question, as Table 2 shows.

Table 2: Five Part Model

Element	Core question	Function
Field of application	Where does the capability operate?	Locates the substantive, professional or practice context
Legal task	What must the learner or practitioner do?	Identifies the unit of legally meaningful performance
Skill architecture	What learned capacities must be coordinated?	Identifies the centre of capability formation
Workflow/process	How is the task performed?	Makes visible the sequence, reasoning path or professional process
Evidence of performance	What shows capability?	Identifies the basis for assessment, supervision or regulatory judgement

This formulation makes the regulatory structure of legal education operational.[30] It translates the expectations of higher education standards, admission rules, PLT standards and conduct rules into design: identify the field, specify the task, make the skill architecture explicit, scaffold the workflow and collect evidence capable of supporting a judgement of capability. The value of the model lies in disciplined separation and integration. A field is not a task, a task is not a skill, a skill is not a workflow and a workflow is not evidence; yet capability emerges only when they are integrated. Tasks should therefore be chosen because they create occasions to practise and evidence particular capacities, not merely because they resemble professional work. A

[29] ten Cate (n 17) 1176–7; ten Cate and Taylor (n 17) 1107–9; Anderson (n 22) 369–72; Mica R Endsley, 'Toward a Theory of Situation Awareness in Dynamic Systems' (1995) 37(1) *Human Factors* 32, 35–7.

[30] *Threshold Standards* sch 1 ss 1.4.1–1.4.4; *Admission Rules* rr 5–7; *ASCR* rr 3–5, 17–19, 21–22; Biggs (n 18) 350–2.

workflow should not be a mechanical checklist. It should scaffold the operations that competent performance requires.

A workflow therefore has three connected roles. It is a professional sequence for completing legal work, a pedagogical scaffold for forming legal skill and an allocation framework for distributing work and authority. In education it makes expert performance visible to novices; in practice it identifies which operations may be assigned to a person or technological system and where legal determination must remain with a lawyer; in supervision it locates responsibility for checking and authorising the work; and in assessment it helps educators judge whether an artefact reflects the intended skill architecture or merely reproduces the surface form of legal work.[31]

Litigation procedure illustrates the point. In *Aon Risk Services Australia Ltd v Australian National University*, the High Court considered an application to amend pleadings in light of case-management principles, delay, prejudice and cost.[32] Competent performance required more than seeing whether an amendment was arguable. It required the lawyer to understand the procedural issue within the whole matter: the stage of proceedings, the explanation for delay, the prejudice to the other party, whether costs could cure it, and the administration of justice. That is the difference between seeing an issue and seeing a matter.

6. A two-level taxonomy of legal skills

If legal education is to take skills seriously, it needs more than a list of tasks. It needs a taxonomy of the learned capacities from which skill architectures are configured, not to multiply terminology, but to stop 'skill' becoming too broad to be useful for teaching or regulation. The taxonomy has two levels: eight skill domains, which provide an operational language, and eleven architectures beneath them, which provide a diagnostic layer. Both are set out after the account of how they were derived.

The taxonomy is not a rigid hierarchy, and the order of its domains is not a developmental sequence. Legal work is recursive: lawyers move back and forth between noticing, analysing, communicating, checking and judging, and novices exercise every domain, at a simpler level, from their first problem. The order instead follows a logic of performance, from noticing what is legally salient to integrated performance under pressure.

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[31] Donald Feaver, 'The Future Lawyer: From AI-Enabled Practice to Contained Agentic Work' (Working Paper, Leo Cussen Centre for Law, October 2026) pts III(B), IV(B)–(C); Donald Feaver, 'Beyond Verification: Professional Duty and Workflow Governance in AI-Assisted Legal Practice' (Working Paper No 9, Leo Cussen Centre for Law, 2026) pts 2–3, 7.

[32] *Aon Risk Services Australia Ltd v Australian National University* (2009) 239 CLR 175, 217 [98], 217–18 [100], 226 [133] ('*Aon*').

Development occurs within each domain, as the same capacity is exercised with greater independence, in less familiar settings and under higher stakes, from law school to experienced practice. The Supplementary Appendix sets out that progression for each domain.

Derivation of the taxonomy

The taxonomy was developed through an iterative, multidisciplinary synthesis in five stages, connecting three bodies of knowledge that are rarely brought together: the psychology of learning and skill acquisition, the neuroscience of skill formation, and the law's own record of what competent legal performance requires. The first stage drew on the literature on skill acquisition, expertise, situation awareness and self-regulation to identify a core set of capacities that distinguish skilled from novice performance in complex domains: noticing salient cues, organising and retrieving knowledge, proceduralising routine operations, reasoning and judging under uncertainty, and monitoring and regulating one's own performance.[33]

The second stage drew on neuroscience research on skill learning, decision formation, cognitive control and stress. That research does not identify legal skill types, but its component mechanisms and distinctions, such as those between procedural fluency, error monitoring and cognitive control, and between deliberation and commitment, suggested further candidate types and helped to test whether proposed distinctions were plausible.[34]

The third stage tested the candidate skills against the workflow model developed in related work: the five-part standards architecture and the analysis of judgement in AI-assisted legal workflows. Each candidate was examined to see whether it could be located at identifiable points in legal tasks and corresponded to a distinct form of judgement exercised there. The analysis also distinguished operations that supply material from those that determine a legal consequence, which helped identify where AI may assist and where framing, interpretation, evaluation, strategy or judgement must remain attributable to a lawyer. This framing exercise settled many of the skills; others were merged or discarded.[35]

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[33] William G Chase and Herbert A Simon, 'Perception in Chess' (1973) 4(1) *Cognitive Psychology* 55; Anderson (n 22) 369–72; Endsley (n 29) 35–7; Ericsson, Krampe and Tesch-Römer (n 25) 367–71; John D Bransford, Ann L Brown and Rodney R Cocking (eds), *How People Learn: Brain, Mind, Experience, and School* (National Academies Press, expanded ed, 2000) 31–50; Barry J Zimmerman, 'Becoming a Self-Regulated Learner: An Overview' (2002) 41(2) *Theory Into Practice* 64, 64–70.

[34] Doyon and Benali (n 24) 161–7; Joshua I Gold and Michael N Shadlen, 'The Neural Basis of Decision Making' (2007) 30 *Annual Review of Neuroscience* 535; Menon and D'Esposito (n 24); Amy F T Arnsten, 'Stress Signalling Pathways That Impair Prefrontal Cortex Structure and Function' (2009) 10(6) *Nature Reviews Neuroscience* 410.

[35] [Author(s)], [Work B] (n 31) pts III(C)–(D); [Author(s)], [Work E] (n 31) pts 3–5.

The fourth stage mapped the settled skills to decided cases and to admission rules, PLT competency standards, professional conduct rules and court practice notes. Generative AI was used to help identify candidate authorities, and each authority relied on was then read and checked against the source by the authors.[36] The mapping surfaced further cases that supported the skills, directly where a case turned on the capacity in question, and indirectly where it revealed the consequences of that capacity's absence.

The fifth stage filled the gaps the mapping exposed: capacities that legal cases and rules plainly require, but that the psychological and neuroscientific literatures do not supply as distinct types. New architectures were developed to define that legal expertise more precisely. The process as a whole was abductive, moving repeatedly between the literatures and the legal sources and revising the categories where the law exposed gaps the literature had not anticipated.[37]

The result is a taxonomy with layered provenance. Five architectures (PPA, KORT, PRCS, CPSJ and SRC) have direct counterparts across the behavioural, cognitive and neuroscientific literatures. The other six (CPI, SMA, SPT, REDM, EPCJ and ILP) are professional composites: their component processes are well supported, but each combines several cognitive systems in a configuration that legal practice requires. Matter awareness, technology competence and defensibility, for example, are not natural faculties. They are legal syntheses of supported processes, designed around the continuity of a matter, the distribution of work across people and tools, and the standards to which lawyers are held.[38]

Three criteria therefore govern inclusion. An architecture is retained only if it corresponds to a capacity recognised in the learning-science or psychological literature; can be located in the workflow of legal tasks and the judgements exercised within them; and is supported by legal authority showing that its exercise, or its failure, has legal or professional consequences. The taxonomy is a legal-educational synthesis, not a claim about the structure of the mind. Law, ethics, institutional role and professional practice supply the purposes and standards that the empirical sciences cannot determine. The evidence supports the components and design logic of the taxonomy without establishing a discrete natural faculty for each architecture. To treat the recruitment of

[36] Suggestions that could not be verified were discarded. See the statement on the use of generative AI at the end of this article.

[37] Stefan Timmermans and Iddo Tavory, 'Theory Construction in Qualitative Research: From Grounded Theory to Abductive Analysis' (2012) 30(3) *Sociological Theory* 167, 167–9; Merton (n 20) 39–72.

[38] Evan F Risko and Sam J Gilbert, 'Cognitive Offloading' (2016) 20(9) *Trends in Cognitive Sciences* 676; Endsley (n 29) 35–7.

particular brain systems as proof that a professional category is a distinct faculty would be a reverse inference.[39]

The taxonomy has been verified against legal sources but has not yet been empirically validated. Its domains and architectures are not mutually exclusive, because legal work is integrated and a single task usually engages several architectures. The next stage of the research is to test whether educators and supervisors can apply the taxonomy consistently, using an expert panel and an inter-rater study of assessment tasks, the methods used to build consensus taxonomies in other fields.[40]

The distinction between conceptual specification and assessment validation is essential. Identifying the capacities that a task should disclose can improve the interpretability of assessment evidence, but neither the taxonomy nor a completed workflow proves that capability has been attained. Reliable assurance still depends on suitable performance conditions, credible evidence of authorship and judgement, consistency of assessment, feedback and repeated opportunities to demonstrate transfer. Accordingly, the present model is a proposal for designing and interpreting evidence of capability, not an empirically validated measurement instrument or an assurance guarantee.[41]

Domains, architectures and operations

The eleven architectures are the right level for diagnosis, but too many to serve as a working vocabulary. Supervisors, assessors and curriculum designers need terms they can hold in mind while designing a task or giving feedback. The upper level of the taxonomy therefore groups them into eight skill domains, following the literatures from which the architectures were derived. Notice joins perceptual and professional awareness with matter awareness, reflecting the progression in situation-awareness research from perceiving cues to comprehending a situation and projecting how it will develop. Use knowledge joins knowledge organisation with procedural reliability, reflecting the movement from declarative to proceduralised knowledge. Work safely joins systems, process and technology skills with risk, error and defensibility management, because in software-mediated practice the safe use of systems and the management of error cannot be separated. Each of the other five domains corresponds to a single architecture.[42]

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[39] Russell A Poldrack, 'Can Cognitive Processes Be Inferred from Neuroimaging Data?' (2006) 10(2) *Trends in Cognitive Sciences* 59, 59–63.

[40] See, eg, Michie et al (n 21), which combined a Delphi-type expert exercise with tests of inter-rater agreement.

[41] Validation – agentification work; Feaver, 'The Future Lawyer' (n 31)

[42] Endsley (n 29) 35–7; Anderson (n 22) 369–72; Risko and Gilbert (n 38) 676–88.

The taxonomy therefore uses three levels of description. A skill domain is a family of related capacities, named for what the lawyer does. An architecture is one of the eleven capacities within the domains, defined precisely enough to locate where performance succeeds or fails. An operation, or component process, is a constituent of an architecture, as the nine operations of complex problem-solving and judgement in Part 8 illustrate. The skill architecture element of the five-part model is distinct from all three. It is the task-specific configuration of capacities that a particular task requires, and the domains and architectures supply the terms in which that configuration is described.

The domains bear a family resemblance to the threshold learning outcomes for the Bachelor of Laws, which address knowledge, ethics and professional responsibility, thinking skills, research skills, communication and collaboration, and self-management.[43] The resemblance is useful, because it connects the taxonomy to a framework Australian law schools already use, but the domains differ in three respects. First, Notice, Work safely and Perform have no counterpart among the threshold learning outcomes, although each corresponds to capacities whose failure has legal and professional consequences. Second, the architectures beneath the domains supply a diagnostic layer that the outcomes do not attempt. Third, legal research is not a domain. On the distinction drawn in Part 3, research is a task. It draws on noticing what is salient, bringing connected doctrine to mind, using research systems safely, interpreting and evaluating what is found and judging when the search is sufficient, and it is best taught and assessed by making that configuration explicit.

Table 3: Taxonomy of Legal Skills: Domains and Architectures

Framing the skill	Architecture	Function	Legal example
Domain: Notice			
Noticing what matters	PPA — Perceptual and professional awareness	Recognises legally, professionally and contextually salient facts, cues, risks and omissions in a situation.	A client says their employer withheld final wages, threatened to report their visa status and demanded repayment of training costs. The learner notices not only an employment issue, but also vulnerability, coercion, urgency and possible ethical or referral concerns.[44]
Seeing the matter, not just the issue	SMA — Legal situation and matter awareness	Understands the broader matter context, including chronology, evidence,	A junior lawyer reviewing a contract dispute realises the legal issue cannot be answered safely without

[43] Kift, Israel and Field (n 14) 8–13.

[44] Noticing is a form of professional situation awareness: Endsley (n 29) 35–7; John Mason, *Researching Your Own Practice: The Discipline of Noticing* (RoutledgeFalmer, 2002) 29–39; Elizabeth A van Es and Miriam Gamoran Sherin, 'Learning to Notice: Scaffolding New Teachers' Interpretations of Classroom Interactions' (2002) 10(4) *Journal of Technology and Teacher Education* 571, 571–6. On the professional significance of what a lawyer fails to perceive, see *Clyne v New South Wales Bar Association* (1960) 104 CLR 186, 199–201 ('*Clyne*'); *Groia v Law Society of Upper Canada* [2018] 1 SCR 772, 806–14 [70]–[95]; *Doré v Barreau du Québec* [2012] 1 SCR 395, 416–18 [63]–[68].

Framing the skill	Architecture	Function	Legal example
		client objective, procedural position, risk and next step.	understanding the chronology, correspondence, commercial relationship, evidence gaps, client objective and likely next step.[45]
Domain: Use knowledge			
Bringing the right knowledge to mind	KORT — Knowledge organisation, retrieval and transfer	Organises legal knowledge so it can be selected, retrieved, connected and, with varied practice, adapted to new factual settings.	A learner advising on possible termination of a contract retrieves not only breach principles, but also classification of terms, repudiation, notice, election, waiver and wrongful termination risk.[46]
Doing routine things reliably	PRCS — Procedural and routine cognitive skills	Executes defined legal and professional processes reliably, accurately and in the correct sequence.	A PLT learner receives instructions in a litigation matter, records the limitation date, opens the file, checks for conflict, saves documents correctly, prepares a file note and identifies the next procedural step.[47]
Domain: Think			
Working through the problem and exercising judgement	CPSJ — Complex problem-solving and judgement	Frames, analyses, classifies, interprets, synthesises, evaluates, and reaches and commits to defensible judgement under uncertainty.	A learner is asked whether a client should terminate for late delivery. They identify the obligation, classify the term and breach, interpret the contract, evaluate evidence and risk, consider alternatives and reach a defensible recommendation.[48]
Domain: Communicate			
Turning legal reasoning into professional language and action	CPI — Communication and professional interaction	Uses language and interaction to achieve legal and professional purposes responsibly.	A learner interviews a distressed client, uses open questions, clarifies instructions, explains limits of confidentiality, checks understanding, avoids premature advice and records the account accurately.[49]

[45] Endsley (n 29) 35–7; *Aon* (n 32) 216–17 [92]–[98], 232–3 [156]–[158]; Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8.

[46] Anderson (n 22) 369–72, 381–4; National Academies of Sciences, Engineering, and Medicine, *How People Learn II: Learners, Contexts, and Cultures* (National Academies Press, 2018) 60–8; Bransford, Brown and Cocking (n 33) 31–50; David N Perkins and Gavriel Salomon, 'Transfer of Learning' in Torsten Husén and T Neville Postlethwaite (eds), *The International Encyclopedia of Education* (Pergamon Press, 2nd ed, 1992) vol 11, 6452, 6452–7; *Koompahtoo* (n 19) 134–41 [44]–[56].

[47] Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8, 27–8; Law Admissions Consultative Committee, *PLT Uniform Standards* (n 7) 1–3; *Hawkins v Clayton* (1988) 164 CLR 539, 543–4, 576–9; *Bristol and West Building Society v Mothew* [1998] Ch 1.

[48] Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8; *Koompahtoo* (n 19) 134–41 [44]–[56]; *Aon* (n 32) 216–17 [92]–[98], 256–7 [111]–[114]; American Bar Association, *Legal Education and Professional Development: An Educational Continuum*, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap (Report, 1992) 135–221 ('MacCrate Report').

[49] 'MacCrate Report' (n 48) 172–84; Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8; *Legal Services Commissioner v Mullins* [2006] LPT 012, [1]–[2], [23]–[25], [29]–[31]; *Legal Services Commissioner v Garrett* [2009] LPT 12; *Meek v Fleming* [1961] 2 QB 366; *Arthur J S Hall & Co v Simons* [2002] 1 AC 615.

Framing the skill	Architecture	Function	Legal example
Domain: Work safely			
Using systems safely and productively	SPT — Systems, process and technology skills	Uses legal, organisational and technological systems safely, accurately and accountably.	A learner uses a research platform and AI-supported drafting tool to prepare a first-pass advice note, but verifies authorities, checks confidentiality restrictions, records tool use and distinguishes generated text from confirmed legal analysis.[50]
Making the work safe and defensible	REDM — Risk, error and defensibility management	Identifies risk, detects error, preserves records, marks uncertainty and supports defensible decisions.	A learner drafting advice on termination marks an assumption about notice, checks the authority relied on, records uncertainty about the evidence and flags that supervisor review is required before final advice is given.[51]
Domain: Self-manage			
Managing oneself as a legal thinker	SRC — Self-regulation and cognitive control	Regulates attention, emotion, uncertainty, cognitive load, confidence and premature closure.	In a timed assessment, a learner initially concludes that the client can terminate, then pauses, rereads the facts, identifies a waiver issue, revises the conclusion and states what further information is needed.[52]
Domain: Act as a lawyer			
Acting as a lawyer, not merely a problem-solver	EPCJ — Ethical, professional and civic judgement	Applies professional duties, legal ethics, role morality and responsibilities to the administration of justice.	A learner is asked to draft a letter threatening proceedings. They identify that the proposed allegation lacks a proper basis, recognise duties of ethics, honesty and fairness, advise against overstatement and propose a more defensible communication.[53]
Domain: Perform			
Putting it all together under pressure	ILP — Integrated legal performance under pressure	Integrates multiple architectures under pressure, uncertainty and consequence.	In a simulated urgent injunction exercise, a learner interviews the client, identifies the legal basis for relief, assesses evidence, prepares short

[50] Federal Court of Australia, *Generative Artificial Intelligence Practice Note (GPN-AI)*, 16 April 2026, [1.1]–[1.6], [3.1]–[3.7] ('*GPN-AI*'); Supreme Court of New South Wales, *Practice Note SC Gen 23: Use of Generative Artificial Intelligence*, 3 February 2025, [5]–[12] ('*SC Gen 23*'); Supreme Court of Victoria, *Practice Note SC Gen 25: The Use of Artificial Intelligence by Court Users*, 14 May 2026, [1.3]–[1.6], [4.1]–[4.5] ('*SC Gen 25*'); *Mata v Avianca, Inc*, 678 F Supp 3d 443, 448–50, 459–61 (SD NY, 2023) ('*Mata*'); *Zhang v Chen*, 2024 BCSC 285; *R (Ayinde) v Haringey London Borough Council*; *Al-Haroun v Qatar National Bank QPSC* [2025] EWHC 1383 (Admin) ('*Ayinde*'); Terry Hutchinson, 'Developing Legal Research Skills: Expanding the Paradigm' (2008) 32(3) *Melbourne University Law Review* 1065, 1065–70.

[51] *ASCR* rr 3–5, 17–19, 21–22; *GPN-AI* (n 50) [3.1]–[3.7]; *White Industries (Qld) Pty Ltd v Flower & Hart* (1998) 156 ALR 169, 234–8 ('*White Industries*'); *Ridehalgh v Horsefield* [1994] Ch 205, 232–4 ('*Ridehalgh*'); *Medcalf v Mardell* [2003] 1 AC 120, [24]–[25], [56]–[57]; *Mata* (n 50) 448–50, 459–61.

[52] Zimmerman (n 33) 64–70; Donald A Schön, *The Reflective Practitioner: How Professionals Think in Action* (Basic Books, 1983) 49–69; Ericsson, Krampe and Tesch-Römer (n 25) 367–71; *Steindl Nominees Pty Ltd v Laghaifar* [2003] 2 Qd R 683, [24]; *Ridehalgh* (n 51) 232–4.

[53] *ASCR* rr 3–5, 17–19, 21–22; *Clyne* (n 44) 199–201; *White Industries* (n 51) 234–8; *Giannarelli v Wraith* (1988) 165 CLR 543, 555–6, 572, 578–9; *Rondel v Worsley* [1969] 1 AC 191, 227, 231–2; *Myers v Elman* [1940] AC 282, 302, 319.

Framing the skill	Architecture	Function	Legal example
			submissions, manages ethical limits, responds to questions and revises strategy as new facts emerge.[54]

Each architecture can be illustrated through decided cases and regulatory sources, cited in the notes to Table 3. The cases are not offered as authority for a closed list of skills. They show what happens when the underlying capacity succeeds or fails, and the same case will often reveal several at once, because legal work is integrated. The authorities make visible the human capacities that legal education must form if admission is to carry the public assurance it claims.

Competence and capability faces

Each domain has two faces, corresponding to the distinction drawn in Part 2. Its competence face is what can be observed in performance at a point in time: whether the learner identifies the issue, retrieves the doctrine, verifies the authority or escalates when required. Its capability face is what can be evidenced only across varied tasks and over time: whether noticing widens to unfamiliar areas of practice, whether judgement becomes better calibrated and whether verification holds under time pressure. Table 4 sets out both faces for each domain.

The distinction has direct consequences for assessment. A single, well-designed task can evidence the competence face of a domain. The capability face requires evidence of progression and transfer across tasks, which is the logic of entrustment decisions in supervised professional training.[55] The Supplementary Appendix adds the component processes of each architecture and a developmental progression for each domain.

Table 4: Competence and Capability Faces of the Skill Domains

Domain	Competence face (observable at a point in time)	Capability face (evidenced over time)
Notice	Identifies the legal issue, what is missing and the procedural position, and sees how the issue fits the matter.	Noticing widens to unfamiliar areas of practice and approaches what an experienced lawyer would notice, including absences.
Use knowledge	Retrieves relevant and connected doctrine, and executes procedures correctly and in sequence.	Knowledge is organised for retrieval in novel settings, and known procedures are adapted when a matter does not fit them.

[54] *Brink's-Mat Ltd v Elcombe* [1988] 1 WLR 1350, 1356–7; *Thomas A Edison Ltd v Bullock* (1912) 15 CLR 679, 681–2; *Siporex Trade SA v Comdel Commodities Ltd* [1986] 2 Lloyd's Rep 428, 437–8; Endsley (n 29) 35–7.

[55] ten Cate (n 17) 1176–7; ten Cate and Taylor (n 17) 1107–9; Fraser and Greenhalgh (n 12) 799–800.

Domain	Competence face (observable at a point in time)	Capability face (evidenced over time)
Think	Frames the problem, classifies, interprets and evaluates, and reaches a defensible conclusion that marks what remains uncertain.	Handles problems that match no familiar template; framing improves with feedback; judgement becomes better calibrated.
Communicate	Adjusts language to the audience, writes clearly, checks understanding and records accurately.	Communicates effectively with unfamiliar audiences and in emotionally charged interactions without losing professional purpose.
Work safely	Uses tools within authorised limits, verifies AI output and authorities, marks assumptions and keeps a usable record.	Verification persists under time pressure, risk perception sharpens and attention extends from task risk to systemic risk.
Self-manage	Recognises when a task exceeds their capability, seeks review and resists premature closure.	Calibration improves, cognitive load is managed in complex matters and self-regulation holds under pressure.
Act as a lawyer	Identifies ethical tension and the duty engaged, declines to overstate or mislead, and escalates when required.	Ethical reasoning deepens from rule-following to professional judgement, and an ethical position holds under client and commercial pressure.
Perform	Holds the whole picture under time pressure, prioritises and adjusts strategy as facts change.	Performs in genuinely novel situations, and performance degrades gracefully rather than collapsing under extreme load.

7. Demonstrating Human Capability in AI-Mediated Workflows

Technology makes the distinction between task, skill and workflow harder to ignore. Generative AI may assist with particular operations within a legal task, such as retrieval, classification, summarisation or drafting, but it does not remove the lawyer's responsibility for determining legal consequence. The relevant question is therefore not simply whether AI was used, but which operations it performed, which judgements remained with the lawyer and what evidence shows that those judgements were exercised. If the skill architecture is not made explicit, the moments at which a learner or lawyer must frame the problem, interpret a source, weigh competing considerations, choose a strategy, verify, qualify, revise, disclose or refuse to use an output may disappear from view. That is where apparent efficiency becomes professional failure.[56]

[56] Feaver, 'The Future Lawyer' (n 31) pts III(B)–(E); Ben Green, 'The Flaws of Policies Requiring Human Oversight of Government Algorithms' (2022) 45 *Computer Law & Security Review* 105681, 1–4; Raja Parasuraman and Dietrich H Manzey, 'Complacency and Bias in Human Use of Automation: An Attentional Integration' (2010) 52(3) *Human Factors* 381, 381–410.

Legal work increasingly occurs through software-mediated workflows, in which practice management systems, research platforms, court portals and AI drafting tools shape how work is opened, sequenced, recorded, checked and evidenced. Legal education scholarship has begun to address the digital literacies this demands, and PLT students themselves report a need to build AI literacy.[57]

Australian court guidance confirms the responsibility of lawyers for the accuracy, confidentiality, propriety and forensic use of AI-supported material. In the United States, the comparable position arises from several overlapping sources rather than a single national court rule. ABA Formal Opinion 512 applies duties of competence, confidentiality, communication, candour, supervision and reasonable fees to lawyers' use of generative AI, while Federal Rule of Civil Procedure 11 makes a lawyer responsible for factual and legal contentions presented to a federal court. Some federal judges and districts have also adopted disclosure, certification or verification requirements, but those requirements vary and should not be described as uniform across United States courts. These obligations cannot be discharged without understanding the relevant tool's limits, protecting client information, checking factual and legal propositions against authoritative sources and taking responsibility for the filed or communicated work. *Mata v Avianca, Inc* is the familiar illustration. The failure was not merely the use of a generative tool. It was the failure to understand its limits, verify the authorities it produced, respond to warning signs and take responsibility for material put before the court. Architectures in several domains failed at once, and the polished form of the submission concealed the absence of reliable human legal work.

The five-part model clarifies what changes and what does not. In an AI-assisted advice task, the field and professional purpose remain the same, but the task is decomposed into operations and the workflow redistributes their performance. AI may retrieve, extract, classify against categories already settled by a lawyer, compare, summarise or draft from an established analysis, but the lawyer must still make the determinations of legal consequence and authorise the use of the work. Evidence of performance should therefore include more than the final advice, such as the task specification, prompt, source material, output, verification record, human revisions and record of the determinations made. Skill architecture identifies the human capacity required at each point.[58]

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[57] Kate Galloway, 'A Rationale and Framework for Digital Literacies in Legal Education' (2017) 27(1) *Legal Education Review* <https://doi.org/10.53300/001c.6097>; Nicole Landy, 'Early PLT Student Perceptions of the Integration of Generative Artificial Intelligence in Legal Education' (2025) 7(3) *Law, Technology and Humans* 33.

[58] Feaver, 'The Future Lawyer' (n 31) pts III(B)–(F), IV(B)–(C); Feaver, 'Beyond Verification' (n 31) pts 5–7, 9; Law Society of New South Wales, Legal Practice Board of Western Australia and Victorian Legal Services Board and Commissioner, *Statement on the Use of Artificial Intelligence in Australian Legal Practice* (6 December 2024).

The interface between human judgement and AI assistance can be shown as a generalised workflow sequence.[59] Suppose a junior lawyer is asked to prepare a preliminary issues map for a contract dispute involving late delivery, alleged business loss, a possible oral variation and an exclusion clause. The AI-assisted workflow might be sequenced as follows, with each workflow point tagged by the skill domains it principally engages:

Workflow point	Human judgement contribution	AI contribution	Evidence of capability
1. Frame the task *Domains: Think; Work safely*	Defines the task as preliminary issue identification only; excludes final advice, prospects assessment and strategy.	No independent contribution at this point.	Task note or supervisor instruction recording the limits of use.
2. Choose the tool and inputs *Domains: Work safely; Act as a lawyer*	Decides whether AI is appropriate; selects an authorised tool; excludes confidential, privileged or unnecessary material.	Receives only the information the lawyer has decided may safely be used.	Record of tool choice, input limits and confidentiality judgement.
3. Prompt *Domains: Think; Communicate*	Frames the legal issue, facts, audience, output structure and limits on what the system must not do.	Generates a first-pass issues map within the requested structure.	Prompt and first output retained for review.
4. Compare and iterate *Domains: Notice; Think; Self-manage*	Compares the AI map with the lawyer's own analysis; identifies assumptions, omissions, overstatement and unsupported material.	Suggests additional issues, alternative wording or a revised structure after corrective prompting.	Marked-up comparison showing what was accepted, corrected, rejected or left unresolved.
5. Verify outside the AI interaction *Domains: Use knowledge; Work safely*	Checks facts against the file, checks legal propositions against authoritative sources, marks assumptions and removes unsafe statements.	No authority to determine reliability; the AI output remains unverified until checked by the lawyer.	Verification note, authority check, uncertainty list and supervisor questions.
6. Create the artefact and record the decision	Produces the lawyer-controlled issues map; decides what can be communicated, what	May supply draft language or structure, but does not authorise or	Final issues map and AI-use decision note recording use, checks, corrections,

[59] [Author(s)], [Work D: details withheld for anonymous review] (forthcoming).

Workflow point	Human judgement contribution	AI contribution	Evidence of capability
Domains: Communicate; Self-manage; Act as a lawyer	requires further research and what must be escalated.	own the final legal work product.	uncertainties and next step.

AI does not supplant skill formation; it changes the conditions under which skills are exercised and evidenced. A system may generate language that resembles analysis, reproduce steps associated with legal reasoning or propose a conclusion. Those outputs do not by themselves establish that a lawyer exercised the competence, judgement and professional responsibility required to adopt and use them. Properly designed use can make workflows more explicit, prompt checking and generate drafts that students must evaluate and improve. Poorly designed use allows students to submit polished artefacts without developing the capacities required to frame, interpret, evaluate, verify and adopt the work. Research on cognitive offloading explains part of the risk: moving cognitive work onto external tools can improve immediate performance while weakening what is learned and blurring the line between what a person knows, what the system produced and what the person is capable of judging independently.

The implications for assessment and public assurance follow. If only the final product is assessed, AI makes capability harder to infer because a polished artefact does not show who performed the relevant operations or who exercised the necessary judgement. If the workflow is assessed, AI can become part of skill formation: students can show how they framed the task, what they asked the system to do, which operations they delegated, how they checked the output, what they rejected, which determinations they made and why their final judgement is defensible. A person cannot meaningfully verify or adopt AI-assisted legal work unless they possess the underlying capability to recognise what competent performance requires.[60]

The competence and capability faces of the skill domains sharpen the point. AI can help produce an artefact that displays the competence face of a domain at a point in time: an issues map that identifies the right issues, or an advice that states the right rule. It cannot supply the capability face: noticing that widens to unfamiliar matters, judgement that becomes better calibrated, verification that persists under time pressure and the transfer of a reasoning pattern to a new area of practice. Those can be evidenced only across varied tasks and over time. Assurance in an AI-mediated environment should therefore rest on longitudinal evidence of the kind used for entrustment decisions in supervised professional training, rather than on any single artefact, however polished.[61]

[60] [Author(s)], [Work B] (n 31) pts III(D)–(E), V(D)(4); Lisanne Bainbridge, 'Ironies of Automation' (1983) 19(6) *Automatica* 775, 775–9; Green (n 56) 14–21.
[61] ten Cate (n 17) 1176–7; Risko and Gilbert (n 38) 676–88.

Skill architecture and the assurance of agentic workflows

The application of the taxonomy extends beyond assessing an individual lawyer's AI-assisted work. It may also help specify the governance of agentic legal workflows, in which a system plans and executes a sequence of operations subject to constraints set in advance. The question is not whether a system can produce a plausible legal conclusion. It is which operations may be delegated, where legal or professional determination must be reserved for a person, what verification is required at those points and what record will support the decision to adopt the work.[62]

The distinction between describing and determining work offers an initial allocation rule for workflow design, but it is not itself a rule of United States law. Extraction, organisation, comparison and drafting from settled analysis may be assigned to an agent when their output is traceable, independently checkable and handled consistently with applicable duties of competence, confidentiality and supervision. Framing a legal problem, interpreting an uncertain provision, weighing competing considerations, selecting a strategy and adopting a recommendation involve determinations for which a lawyer may remain professionally responsible. The relevant boundary is therefore not simply technical difficulty or whether a system can generate a plausible answer. It concerns the judgement, authority, confidentiality, supervision and responsibility required by the operation under the law and professional rules of the relevant jurisdiction. An agent may generate a proposed interpretation or recommendation, but professional responsibility for adopting and using it remains with the lawyer or other authorised decision-maker.

The eight domains and eleven architectures make this boundary more precise. Notice and Use knowledge identify where legally salient omissions, factual categories and sources require attention. Think identifies the operations of framing, interpretation, evaluation and judgement. Work safely identifies source checks, confidentiality restrictions, error detection and defensibility records; Self-manage and Act as a lawyer identify overconfidence, escalation, duties and responsibility. Applied to an agent's sequence of operations, this analysis can inform an advance specification of permitted inputs and actions, stopping points for human determination, verification tests linked to particular sources and risks, and a record identifying the lawyer who reviewed and authorised the result.

Consider an agent preparing a preliminary contract-termination analysis. It might extract the operative provisions, assemble correspondence, propose a chronology, retrieve candidate authorities and prepare a draft issues map. The workflow should nevertheless require a lawyer to decide whether the alleged variation is legally significant, how the

62Donald Feaver, The Future Lawyer: From AI-Enabled Practice to Contained Agentic Work (Working Paper, Leo Cussen Centre for Law, October 2026) pts III(C)–(D), V(D); Noam Kolt, 'Governing AI Agents' (2026) 101 Notre Dame Law Review 335.

breach should be classified, whether the evidence supports termination, what risk attaches to a mistaken election and whether any recommendation may be communicated. At each such point the skill architecture identifies what needs examination; the workflow supplies the stopping point; and the evidence records the sources reviewed, uncertainty identified, correction made and decision taken.

This suggests four connected, skill-informed safeguards: specification of what the agent may do; stopping points where a person must determine or approve legal consequence; independently captured records of the agent's actual operations, rather than reliance on its account of its own reasoning; and informed adoption by a lawyer with the competence, access and authority to review the result. These are proposed governance controls, not a statement that every jurisdiction presently requires the same controls or records. In a United States matter, their legal relevance will depend on the applicable professional-conduct rules, duties of supervision and confidentiality, procedural rules such as Rule 11, and any court-specific disclosure or certification order. They are nevertheless more demanding and more informative than a nominal human-in-the-loop requirement, because oversight is not meaningful if the reviewer lacks the underlying skill, time, information or power to intervene.

These are proposed design and assurance functions, not validated technical controls. Their effectiveness will depend on implementation, independent testing, the detectability of error and the firm's wider supervision arrangements. The pedagogical implication is immediate: lawyers must retain and develop the skills required not only to undertake legal work but to specify, supervise, verify and, when necessary, stop systems undertaking parts of it. A taxonomy of human legal skill can thus support both capability formation and the more precise governance of agentic practice.

8. Complex problem-solving and judgement as a core legal skill

Within the taxonomy, complex problem-solving and judgement ('CPSJ') is especially important. It captures the core cognitive work by which lawyers move from facts, sources and context to defensible conclusions, and it is the critical leap students make between law school and practice.[63] It may be defined as follows:

> Complex problem-solving and judgement is the learned capacity to frame legally significant problems, analyse and classify information, interpret relevant sources, synthesise competing considerations, evaluate options, risks and constraints, and

[63] 'MacCrate Report' (n 48) 135–221; William M Sullivan et al, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass, 2007) 27–33, 87–126; Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8.

reach, and commit to, defensible legal or professional judgements under conditions of uncertainty, limited information and practical consequence.[64]

This definition extends conventional accounts of legal analysis in four ways. First, it separates problem framing from analysis. A learner may analyse an issue competently once it is supplied, yet fail because the matter was framed incorrectly, as where a contract dispute is treated as a simple breach issue when the real problem concerns variation, waiver or authority.

Second, it distinguishes analysis, classification, interpretation, synthesis and evaluation as related but distinct cognitive operations.

Third, it includes strategic reasoning and judgement, culminating in commitment to a position. Legal reasoning is not complete when a formal answer is reached, as it is in an examination problem; a lawyer must often decide what should be done next, what must be checked and whether the issue should be escalated. Decision research describes decisions as moving from deliberation to commitment.[65] In legal practice, however, the decision itself often belongs to the client, and the lawyer's distinctive contribution is the judgement and recommendation on which that decision rests. That is why the architecture is framed around judgement rather than decision-making.

Fourth, it incorporates uncertainty and practical consequence. A conclusion may be legally arguable but professionally unsafe. The internal structure of CPSJ is set out below.

CPSJ operation	Function
Problem framing	Determines what kind of legal or professional problem is presented
Analysis	Breaks the situation, facts, rule, document or problem into legally meaningful parts
Classification	Places facts, conduct, documents, money or relationships into legally operative categories
Interpretation	Determines the meaning and operation of legal texts, authorities, communications or instructions
Synthesis	Integrates multiple sources, facts, rules, risks or objectives into a coherent understanding
Evaluation	Weighs strength, seriousness, likelihood, consequence, sufficiency or comparative merit

[64] Anderson (n 22) 369–72; Endsley (n 29) 35–7; Schön (n 52) 49–69; *Koompahtoo* (n 19) 134–41 [44]–[56]; *Aon* (n 32) 216–17 [92]–[98], 256–7 [111]–[114].
[65] Gold and Shadlen (n 34) 535.

CPSJ operation	Function
Strategic reasoning	Chooses or sequences pathways in light of objectives, constraints, risks and timing
Judgement	Reaches a defensible conclusion, recommendation or professional position under uncertainty
Transfer/adaptation	Applies or adapts a known pattern, rule, workflow or schema to a new or altered situation

CPSJ is set out at this level of detail because it is the architecture on which the move from law school to practice most depends. The other architectures can be broken down in the same way into component processes; those processes, and the literatures from which they are drawn, are set out in the Supplementary Appendix.

Koompahtoo shows why CPSJ must be more granular than an instruction to 'analyse the law'.[66] Advising on termination requires the coordination of classification, interpretation, synthesis, evaluation and judgement, not merely knowledge of the rule. *Aon* shows the same point in a procedural setting:[67] an apparently narrow question about pleadings requires judgement about delay, prejudice, cost and the just resolution of the real issues in dispute.

This structure makes legal reasoning more teachable.[68] Instead of telling students to 'analyse more deeply', educators can identify the point of weakness. Did the student misframe the problem, classify a term incorrectly, interpret a provision too narrowly, fail to synthesise facts and doctrine, overstate the conclusion or miss the practical risk? CPSJ also supports developmental standards.[69] At law school, a learner may analyse a supplied problem; in advanced study, a learner may frame the problem and evaluate competing arguments; a PLT learner may reason towards a recommendation in a live matter; and a supervised practitioner may judge what must be checked or escalated. A standard requiring students to 'demonstrate legal judgement' is incomplete unless it specifies which of these levels is expected. The Supplementary Appendix sets out the same five-stage progression for every domain.

CPSJ is therefore not another label for 'thinking like a lawyer'. It is a granular account of the operations legal education should teach, scaffold and assess, and it clarifies the

[66] *Koompahtoo* (n 19) 135 [53], 140 [71].
[67] *Aon* (n 32) 217 [98], 217–18 [100], 226 [133].
[68] Biggs (n 18) 350–2; Bransford, Brown and Cocking (n 33) 31–50; John Sweller, Jeroen J G van Merriënboer and Fred G W C Paas, 'Cognitive Architecture and Instructional Design' (1998) 10(3) *Educational Psychology Review* 251, 251–7.
[69] Kift, Israel and Field (n 14) 10–13; Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8; Victorian Legal Services Board and Commissioner (n 12) 4–8.

different contributions of law schools, PLT providers, supervised practice and continuing professional development.

9. Learning science and the explicit teaching of legal skills

The theory is consistent with learning science, which shows that expertise depends on how knowledge is organised and used, not merely on its possession.[70] Experts and novices differ in how they perceive relevance, retrieve connected concepts, sequence action and monitor error. Complex legal tasks can overload novices because issue identification, retrieval, classification, interpretation, writing and judgement must operate at once, while for the expert the same task is partly automated.[71] This supports the use of modelling, worked examples, sequenced tasks and scaffolds that are withdrawn as performance stabilises.

Skill formation also requires retrieval, variation and feedback.[72] Learners need repeated opportunities to bring knowledge to mind across changing examples and to discriminate between superficially similar problems. Transfer cannot be assumed: learning is often specific to the trained task, and broader transfer depends on varied practice, comparison and adaptation.[73] Feedback should identify the point at which a skill operation broke down, rather than describing the final answer as weak or unclear.[74]

Self-regulation is part of skill, not an optional attribute.[75] Calibrated confidence (the ability to mark uncertainty, resist premature closure, revise a view and escalate when necessary) is central to safe practice, and it can be taught. Research on metacognition distinguishes knowledge of one's own cognition from the capacity to regulate it, while

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[70] Bransford, Brown and Cocking (n 33) 31–50; National Academies of Sciences, Engineering, and Medicine (n 46) 60–8.

[71] Sweller, van Merriënboer and Paas (n 68) 251–7.

[72] Henry L Roediger III and Jeffrey D Karpicke, 'Test-Enhanced Learning: Taking Memory Tests Improves Long-Term Retention' (2006) 17(3) *Psychological Science* 249, 249–51; Elizabeth L Bjork and Robert A Bjork, 'Making Things Hard on Yourself, but in a Good Way: Creating Desirable Difficulties to Enhance Learning' in Morton Ann Gernsbacher et al (eds), *Psychology and the Real World: Essays Illustrating Fundamental Contributions to Society* (Worth Publishers, 2nd ed, 2014) 59, 59–68; Perkins and Salomon (n 46) 6452–7.

[73] Daphne Bavelier et al, 'Brain Plasticity through the Life Span: Learning to Learn and Action Video Games' (2012) 35 *Annual Review of Neuroscience* 391.

[74] O'Brien and Littrich (n 9) 62–5, 68–74; Biggs (n 18) 350–2; D Royce Sadler, 'Formative Assessment and the Design of Instructional Systems' (1989) 18(2) *Instructional Science* 119, 120–5, 142–4.

[75] Zimmerman (n 33) 64–70; Paul R Pintrich, 'The Role of Metacognitive Knowledge in Learning, Teaching, and Assessing' (2002) 41(4) *Theory Into Practice* 219, 219–25; Schön (n 52) 49–69; Victorian Legal Services Board and Commissioner (n 12) 4–8.

cautioning that educational and experimental measures do not always capture the same construct.[76] Australian legal education scholarship has shown how the self-management threshold learning outcome can be built into the curriculum through intentional design.[77]

The regulatory architecture points the same way. The requirements of higher education standards, PLT standards and court practice notes cannot be met by naming skills in learning outcomes or collecting artefacts. They require evidence that learners can perform and judge the operations that technology may later assist, recognise the points at which legal determination is required, and know when to stop, verify or escalate. This developmental requirement becomes more important as AI absorbs the bounded research, document review and drafting work through which novices have traditionally formed judgement. Recent Australian scholarship on PLT and supervised practice points to the same gap between formal standards and the formation of practical capability.[78]

This does not reduce judgement to a checklist. A workflow is a temporary structure that makes expert performance visible and gives novices a disciplined way to practise; later tasks should require adaptation and transfer. Pressure matters as well. Acute stress can impair the prefrontal functions on which flexible judgement depends and shift performance towards habitual responses.[79] Well-practised routines can therefore protect performance under pressure, but an inappropriate routine may also persist when reassessment is required. The goal is disciplined flexibility: the capacity to use, modify or depart from a process when the context requires it.

That is why the distinction between task and skill matters pedagogically.[80] Asked simply to 'write an advice letter', students may imitate its surface features. Shown the architecture behind it, they can learn to move from facts to issues, from issues to sources, from sources to options, from options to risk and from risk to a defensible recommendation.

The model has three practical implications for law teaching. Curriculum design should begin with the legal task and specify the skill architecture that makes its performance possible, rather than treating the task title as a sufficient learning outcome. Teaching

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[76] Damien S Fleur, Bert Bredeweg and Wouter van den Bos, 'Metacognition: Ideas and Insights from Neuro- and Educational Sciences' (2021) 6 *npj Science of Learning* 13.

[77] Anna Huggins, Sally Kift and Rachael Field, 'Implementing the Self-Management Threshold Learning Outcome for Law: Some Intentional Design Strategies from the Current Curriculum Toolbox' (2011) 21(2) *Legal Education Review* 183.

[78] Feaver, 'The Future Lawyer' (n 31) pts IV(G), VI; Matthew Beane, 'Shadow Learning: Building Robotic Surgical Skill When Approved Means Fail' (2019) 64(1) *Administrative Science Quarterly* 87, 87–123; ten Cate (n 17) 1176–7; Erik Brynjolfsson, Danielle Li and Lindsey Raymond, 'Generative AI at Work' (2025) 140(2) *Quarterly Journal of Economics* 889, 889–942.

[79] Arnsten (n 34); Lars Schwabe and Oliver T Wolf, 'Stress Prompts Habit Behavior in Humans' (2009) 29(22) *Journal of Neuroscience* 7191.

[80] Kift, Israel and Field (n 14) 10–13; Law Admissions Consultative Committee, *Prescribed Academic Areas of Knowledge* (n 14) 1–2; *Koompahtoo* (n 19) 134–41 [44]–[56].

should model the difficult cognitive and professional operations within that architecture—such as noticing, classification, verification, risk evaluation and qualified judgement—before requiring integrated performance. Assessment and feedback should then identify where these operations succeeded or failed, so that a student can practise the particular capacity rather than simply repeat the entire task. This moves pedagogy from assigning law-like activities to deliberately forming transferable legal performance.

10. Contract law: A worked example of legal skill formation

Contract law can serve as a worked example, showing how a familiar topic, termination for breach, can be translated from content coverage into explicit skill formation by working through the model.

A conventional curriculum statement might say that students will understand breach and remedies. The model asks a more precise question: what legally meaningful performance should this knowledge enable?

The task is to advise whether a client can and should terminate following an alleged breach. It requires the learner to move from facts and documents to a defensible recommendation, as the following table shows.

Step	Design question	Termination example
1. Field	Where does the capability operate?	Contract law
2. Topic	What doctrinal area is engaged?	Termination for breach
3. Task	What must the learner do?	Advise whether the client can and should terminate
4. Skill architecture	What capacities must be coordinated?	Notice (the risk in terminating); Use knowledge (doctrine on terms, repudiation, election and waiver); Think (classifying the breach, interpreting the contract and conduct, evaluating risk); Communicate (a qualified recommendation); Work safely (marking what remains uncertain)
5. Workflow	How is the task performed?	Obligation → term classification → breach → termination right → limits and risks → recommendation

Step	Design question	Termination example
6. Evidence	What shows capability?	Issue map, classification table, authority check, risk note, draft advice, revision record and final advice

Koompahtoo gives the example legal density. A learner who knows that serious breach may justify termination has relevant knowledge. A learner who can decide whether termination is legally available and practically safe, and explain the risks of acting wrongly, is beginning to demonstrate capability. 'Advising on termination' is therefore a task, and the skills are the capacities required to perform it. The task becomes more realistic and consequential across the stages of formation, but the skill architecture can be made visible from the beginning. The stages below are those used for the developmental progressions in the Supplementary Appendix, applied here to a single task:

Stage	Contract law example
Law school	Can identify formation, construction, breach, termination and remedy issues
Advanced law school	Can evaluate competing doctrinal arguments and justify a conclusion
PLT	Can prepare client advice, draft a notice, identify risks and recommend next steps
Supervised practice	Can assess whether a technically available legal option should be taken given evidence, cost, timing, client objectives and commercial consequence
Experienced practice	Can integrate legal, commercial, strategic, ethical and relational considerations under uncertainty

This progression shows the distinction between a legal conclusion and a professional recommendation.[81] A law school answer may conclude that termination is arguable. A practice-ready advice must explain whether termination is safe, what steps should precede it, what risks must be managed and what alternatives may better serve the client. This does not mean that law school should become practice training. Its primary role is to develop disciplined legal reasoning within doctrinal fields. But that reasoning becomes more powerful when students understand that doctrine is the foundation for the later tasks of advising, drafting, negotiating and managing risk.

[81] Law Admissions Consultative Committee, *PLT Competency Standards* (n 7) 3–8; Law Admissions Consultative Committee, *PLT Uniform Standards* (n 7) 1–3; *Koompahtoo* (n 19) 134–41 [44]–[56]; O'Brien and Littrich (n 9) 62–5, 68–74.

The same design logic can assist United States legal educators teaching doctrinal, simulation, clinic or legal-writing courses. A doctrinal problem can be used to practise classification and interpretation; a simulation can test communication and judgement; a clinic can bring matter awareness, professional duties and supervision into view. The taxonomy does not prescribe a universal teaching sequence. Its function is to make explicit which capacities an activity is intended to develop and what evidence would justify a conclusion that the learner exercised them, with appropriate attention to the limits of transfer.

11. Conclusion

Legal education needs a more precise language of skill. The language of skills, competence, capability and judgement is indispensable, but it is often broad, implicit or unevenly used across law school, PLT and practice. The result is a persistent category error: fields, topics, tasks, activities, assessment products and skills are treated as though they were the same kind of thing.

This article has argued that a legal skill is not a field, topic, task or artefact. It is a learned capacity to perform a class of legally meaningful tasks reliably by coordinating knowledge, attention, perception, action, judgement and self-monitoring towards a legal or professional purpose. Four propositions follow: legal skill is a learned capacity; it is coordinated; it is developmental; and it is evidenced through performance without being identical to it. Together they place skill architecture at the centre of capability formation.

The taxonomy, derived from behavioural and cognitive psychology, neuroscience and legal sources, makes this terrain visible at two levels. Eight skill domains, from noticing what matters to integrated performance under pressure, give educators, supervisors and regulators a usable language. Eleven architectures beneath them supply the diagnostic detail: five have direct counterparts in the empirical literatures, and the others are professional composites that define legal expertise more precisely. Complex problem-solving and judgement is central within the taxonomy, but it is not the whole of legal skill.

The regulatory architecture and the case law reinforce the need for precision: the rules assume that legal education can form and evidence capability, and the cases show that failures of skill have legal and professional consequences. The taxonomy's next test is empirical: whether educators and supervisors can apply it consistently.

AI makes the argument more urgent, because polished artefacts can conceal whether the relevant human skill was exercised. The response is to design legal education around visible skill architecture and an explicit division of labour: identifying what AI may

describe or generate, where a person must frame, interpret, evaluate, verify or judge, and who has authority to adopt the result. A polished artefact can display the competence face of legal skill; only evidence gathered across tasks and over time can show its capability face. As more work is delegated to technology, the remaining human contribution becomes more important rather than less. Public assurance depends on lawyers who retain the capability to assess the work, exercise the judgement the task requires and stand behind its professional use.[82]

A skills-based approach therefore need not weaken doctrinal learning. Properly understood, it strengthens it, by asking not only whether students have encountered legal knowledge but whether they can use it. For admission and public assurance, that distinction matters. The goal is usable legal reasoning: the capacity to perform legally significant tasks through disciplined knowledge, structured skill, reflective workflow and defensible judgement.

[82] [Author(s)], [Work B] (n 31) pts III–VI; Bainbridge (n 60) 775–9; Parasuraman and Manzey (n 56) 381–410; Green (n 56) 1–4.