



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG514A Assist with civil procedure

Revision Number: 1

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Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to assist in civil procedure and litigation.</p> <p>A range of legislation, rules, regulations and codes of practice may apply to this unit at the time of endorsement, depending on job roles and jurisdictions.</p>
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Application of the Unit

Application of the unit	<p>This unit applies to individuals who provide administrative support in civil procedure contexts. Its application in the workplace will be determined by the job role of the individual and the legislation, rules, regulations and codes of practice relevant to different jurisdictions.</p>
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify laws and structures related to civil procedure	1.1. Identify jurisdictional limits of federal, state and territory courts and tribunals in relation to dispute resolution 1.2. Source <i>legislation, regulations and policies</i> relevant to civil procedure 1.3. Identify the roles of <i>court personnel</i>
2. Assess matter in dispute	2.1. Liaise with designated individual about the matter in dispute 2.2. Prepare relevant costing documents 2.3. Identify and consider <i>options to litigation</i>
3. Prepare and assist in litigation proceedings	3.1. Determine the <i>steps prior to litigation</i> 3.2. Obtain and prepare <i>relevant documentation</i> for <i>designated person</i> according to <i>organisation's policies and procedures</i>
4. Assist with interlocutory process	4.1. Identify the <i>purpose of discovery</i> and associated <i>legal obligations</i> 4.2. Undertake <i>administrative tasks</i> associated with discovery process

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- communication skills to:
 - give and interpret instructions
 - obtain personal information from clients
 - explain legal procedures to clients
- literacy skills to:
 - follow complex legal procedures related to civil law
 - complete relevant documentation
 - edit and proofread documentation for accuracy and consistency of information
- research skills to:
 - locate necessary information from external sources
 - identify and evaluate status of information
- interpersonal skills to participate in meetings between opposing parties in a legal matter
- organisational skills to:
 - make arrangements for meetings
 - receive and despatch documents
- technology skills to operate office equipment and common software packages

Required knowledge

- limitations of job role as determined by relevant jurisdictions
- relevant court processes, current legislation, legal processes and required documentation as they relate to civil procedure
- organisation's required policies and procedures for the full range of tasks covered
- legal terminology, including that specific to civil procedure
- civil procedure as applicable to the scope of workplace responsibilities
- accepted codes of practice relevant to the workplace, including those relating to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest
 - compliance with reasonable direction

Evidence Guide

EVIDENCE GUIDE

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the ability to:

- apply knowledge of civil procedure to relevant legal matters
- apply knowledge of alternative dispute resolution, purpose of discovery, discovery process and associated legal obligations in a manner that conforms to workplace expectations
- prepare accurate, compliant and complete document lists according to standard legislative procedures and organisation's policies and procedures.

Context of and specific resources for assessment

Assessment must ensure access to:

- an actual workplace or simulated environment
- appropriate legislation and regulations relevant to civil procedure
- workplace manuals and reference materials, such as company policies, procedural manuals, checklists, sources of documentation and sample forms
- background information on courts, their jurisdiction and behavioural requirements
- appropriate technology, such as computers with relevant software
- appropriate texts and people with expert knowledge, such as legal practitioners
- appropriate legislation and regulations relevant to common legal matters.

Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this units:

- analysis of responses to case studies and scenarios
- observation of role plays
- direct questioning combined with review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate
- review of collated discoverable documents
- review of prepared lists of documents involved in the matter
- oral or written questioning to assess knowledge of alternative dispute resolution, relevant court processes, current legislation,

EVIDENCE GUIDE	
	legal processes and required documentation.
Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

<i>Legislation, regulations and policies</i> may include:	<ul style="list-style-type: none"> • court rules • court's inherent power to control procedure • judicial interpretation of rules • organisation's policies and procedures • policies and procedures of relevant courts and tribunals • regulations of federal, state and territory courts.
<i>Court personnel</i> may include:	<ul style="list-style-type: none"> • associate • judge • magistrate • master • prothonotary • registrar.
<i>Options to litigation</i> may include:	<ul style="list-style-type: none"> • mediation • conciliation • arbitration • negotiation • other practices for alternative dispute resolution.
<i>Steps prior to litigation</i> may include:	<ul style="list-style-type: none"> • choice of court • choice of mode and place of trial • issue of a writ • letters before action • means for serving an originating process • nature of a cause of action • types of originating process.
<i>Relevant documentation</i> may include:	<ul style="list-style-type: none"> • counterclaims • defence • fact sheets • letters before action • notes from interviews • pleadings subsequent to reply • statements of claim • writs.

RANGE STATEMENT	
<i>Designated person</i> may include:	<ul style="list-style-type: none"> • barrister • legal practice manager • qualified legal practitioner • supervisor.
<i>Organisation's policies and procedures</i> may include:	<ul style="list-style-type: none"> • code of conduct • discovery procedures • individual procedures adopted by instructing legal practitioner • information sources • liaising with opposing party • office procedural manual • protocol for accommodating specific client needs, e.g. case manager or social worker • protocol for contacting clients, e.g. translator or interpreter • recording information • time-recording procedures • using checklists.
<i>Purpose of discovery</i> may include:	<ul style="list-style-type: none"> • legal obligations involved in discovery • philosophy of discovery • purpose of first and second schedule • which documents can be included in a court hearing • why documents can be reserved for client-solicitor legal privilege.
<i>Legal obligations</i> may include:	<ul style="list-style-type: none"> • explaining process to client • listing and making available • listing documents inspected but no longer in an organisation's possession (second schedule) • listing documents involved in pleading.
<i>Administrative tasks</i> may include:	<ul style="list-style-type: none"> • collating discoverable documents • organising table of contents • contacting client and others for information or relevant documents • reviewing and amending list • contacting opposing party • making appointments • inspecting opposing party's discoverable documents.

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Administration - legal administration
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Co-requisite units

Co-requisite units		