



Australian Government

Department of Education, Employment and Workplace Relations

BSALLG401A Arrange documents and list exhibits for litigation support

Release: 1

Modification History

Not Available

INTRODUCTION

This Unit covers arranging documents and listing exhibits to provide support to litigators in the preparation of case materials.

Note: It may be illegal for a person without a current legal practice certificate to provide legal advice, to sign off on legal work and to receive trust account monies. It is also illegal for persons to misrepresent their qualifications (ie. claiming to be a lawyer or acting as a lawyer when they are not qualified to do so). Contravening these conditions is illegal and compromises a firm's professional indemnity insurance. Accordingly some litigious work must be supervised by a qualified legal practitioner.

This unit can be assessed alone or in combination with other units making up a job role.

Element of Competency

Performance Criteria

Arrange documents in specified order

- Needs identified by the instructing legal practitioner are clarified and mutual expectations are agreed and acted upon
- Self or other is organised to collect and collate documents
- Documents not relevant to matter are removed
- Court requirements are identified and self or other is organised to check and prepare documents to meet these requirements
- Review of document is arranged with legal practitioner

Organise self or other to enter document order on firm's record system

- All collated documents are recorded, as they appear in order on a firm's record system
- Records system is self-checked against ordered documents to ensure accuracy of record

Prepare exhibits for court

- Court exhibits requirements are identified
- Meeting is arranged with instructing legal practitioner to determine exhibit presentation
- Self or other is organised to prepare exhibits and relevant documentation

RANGE OF VARIABLES

Documents and/or exhibits may include:

- witness statements
- affidavits
- pleading documents
- briefs
- expert reports
- writs
- photographs
- videos
- artifacts
- letters
- medical reports
- clinical reports
- hospital discharge summaries
- writ of summons
- plaintiff's statement of claims
- defendant's statement of claims
- further and better particulars

Documents may be arranged:

- chronologically
- alphabetically
- in order of legal process to be undertaken

Documents may be checked for:

- the correct number of copies
- signatures, where necessary
- relevant attachments
- meeting the court's requirements
- file/matter numbers where appropriate

The designated manner for documents meeting the court's requirement may include:

- correct margins and spacing
- dual column
- backsheet layout
- coversheet layout
- folding of documents
- a firm's details typed in the appropriate manner, in the appropriate location

A firm's details may include:

- name of firm
- postal address
- DX address

- telephone number
 - solicitor's reference
- Non-disclosable information may include:
- fees
 - addresses
 - names
 - dates
 - a firm's other clients
 - legal history of client
 - personal history of client
 - health status
- A firm's records system may be:
- paper based
 - electronic
- The procedure for arranging exhibits may vary according to:
- type and size of exhibits
 - attaching an affidavit
 - organising in containers
- A firm's policies and procedures may include:
- privacy/security/confidentiality procedures
 - time recording procedures
 - photocopying expenses
 - verifying and authorising information
 - recording information
- The area of law may include*:
- commercial law
 - corporate law
 - criminal law
 - family law
 - industrial relations/employment law
 - property law
 - tax law
 - litigation
 - wills and probate
- * These are nine common areas of law. The area of law is not restricted to this list; other areas of law may be applicable.

Legislative requirements may relate to:

- relevant State/Territory/Commonwealth legislation
- governing Legal Practice Acts in each State/Territory
- the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice, common law and Statutory Duties of Care involving financial relationships)
- the area of law
- Freedom of Information legislation
- schedule of fees and duties payable
- litigation documents
- court document procedures
- rules of the relevant court

EVIDENCE GUIDE

- Critical aspects:
- understanding of scope of own responsibility and that of others involved in the matter is demonstrated
 - knowledge of the purpose of documents and exhibits is demonstrated
 - knowledge of the area of law and the related legal process involved in the matter is demonstrated
 - knowledge of the type of difficulties that may arise and standard resolutions are demonstrated
 - instructing legal practitioner is kept up to date with activities, actions and outcomes
 - relevant documents and exhibits are included
 - documents are checked to ensure the correct numbers of copies, signatures (where necessary) relevant attachments (numbered and stamped where appropriate) and a complete table of contents
 - documents and exhibits are delivered to instructing legal practitioner within agreed timelines
 - when instructing others, instructions are clear with adequate explanation to allow the task/s to be completed
 - when instructing others, supervision is provided throughout the task in relation to:
 - providing advice and assistance with problems
 - ensuring that deadlines are met
 - ensuring that documents, exhibits and exhibit lists are collected and collated correctly without loss of integrity
 - ensuring that documentation is complete and correct
 - ensuring that confidentiality and security of information is maintained throughout
 - file/matter number is recorded on copies of documents according to a firm's policies and procedures
 - a firm's confidentiality and security policies and procedures are understood and adhered to
 - exhibit listing is prepared such that exhibit list corresponds exactly with exhibits
 - exhibits are numbered and reference number is attached in the top left-hand corner to appropriate document
 - exhibit listing is cross-referenced with exhibits for accuracy
 - integrity, security and confidentiality of documents is maintained
 - any photocopying undertaken is recorded for purposes of client invoicing
 - record of time is processed for client invoicing purposes
 - all work is conducted within accepted codes of conduct including those relating to: maintaining confidentiality, use of company property, duty

of care, ethical behaviours, privacy, non-discriminatory practice, conflict of interests and compliance with reasonable direction

Resource implications:	The assessor must have access to appropriate documentation and resources normally found in the work environment and required to allow the job or task to be properly performed. These may include: • appropriate legislation and regulations relevant to preparing court documents • workplace manuals and reference materials such as legal dictionary, company policy, procedural manuals and checklists • appropriate technology such as computers with relevant software and photocopiers
Consistency in performance:	This unit of competency will require evidence to be collected across a range of events, eg. dealing with litigious circumstances, and over a period of time to ensure that situational variables are consistently achieved.
Context of assessment:	Evidence of competency can be met in different situations, including: • on the job assessment • off the job assessment placement in an enterprise • participation in a New Apprenticeship (traineeship) arrangement • use of a Practice Firm or simulated work environment • Recognition of Prior Learning, Recognition of Current Competencies (in skill areas where there has been no significant change to work practice in recent times). • flexible delivery methods used by training providers to cater for distance education students Evidence gathering methods may include: • demonstration • questioning • workplace performance • simulation • projects/assignments • third party reports
Underpinning knowledge and	Knowledge • court document presentation requirements

skills

- sequence of litigation process
- authorised 'signing parties'
- security, confidentiality and privacy
- legal terminology in relation to litigation and the area of law
- application of a firm's policies and procedures required in the full range of tasks covered

Skills

- literacy: follows complex legal procedures; understands and prepares complex legal documents according to legal protocol
- research: gathers necessary information from external sources; identifies and evaluates status of information
- problem solving: proofs for accuracy
- communication: communicates ideas; follows and interprets oral instructions; participates effectively in spoken interactions by using strategies to confirm, clarify or repair understanding; provides clear and specific instructions about information required; consults and meets with clients; records meeting objectives;
- numeracy: collates documents; record/file keeping
- time management: allows sufficient time to prepare for and conduct meetings

KEY COMPETENCIES

Utilisation of the Key Competencies required in the performance of this unit

Communicating ideas and information	Collecting, analysing and organising information	Planning and organising activities	Working with others in a team	Using mathematical ideas and techniques	Solving problems	Using technology
2	2	2	1	1	2	1

Performance levels:

Level 1	Level 2	Level 2
- carries out established processes - makes judgements of quality using given criteria	- manages processes - selects the criteria for the evaluation process	- establishes principles and processes - evaluates and reshapes processes - establishes criteria for evaluation of processes