



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG414A Establish and maintain a file in legal services

Revision Number: 1

BSBLEG414A Establish and maintain a file in legal services

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to manage the conduct of a file under the instruction of a designated individual. This includes establishing files, developing and obtaining appropriate documents, liaising with clients, and carrying out file closure procedures. 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.
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Application of the Unit

Application of the unit	This unit applies to individuals who apply well established, sound theoretical knowledge in the provision of administrative support in legal services. 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.
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

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. Initiate preliminary file activities	1.1. Arrange meeting with designated individual to discuss new file, and to plan and prioritise preliminary work 1.2. Obtain details of the legal matter from client according to organisation's policies and procedures 1.3. Develop a quote in line with organisation's fee structure and forward it to instructing legal practitioner for approval 1.4. Forward quote and instructions for establishing a trust account to client on behalf of instructing legal practitioner 1.5. Clarify terms of engagement with instructing legal practitioner and client and ensure mutual expectations are agreed upon and documented 1.6. Prepare initial file documentation
2. Carry out conflict of interest check	2.1. Organise self or other person to carry out conflict of interest check 2.2. Record results of conflict of interest check in preliminary file notes, and discuss and resolve areas of potential conflict
3. Open file	3.1. Locate, access and extract relevant information for initiating files 3.2. Select and brief support staff to assist on file, in consultation with designated individual 3.3. Forward confirmation of instructions, details of those working on the file, a summary of work to be performed and associated timelines to client on behalf of instructing legal practitioner 3.4. Plan work in conjunction with designated individual and allocate resources
4. Contact other persons about the file	4.1. Undertake liaison with other persons and obtain statements if necessary 4.2. Undertake liaison with experts where appropriate 4.3. Update file notes detailing activities, actions and outcomes and record time
5. Undertake legal process according to plan	5.1. Carry out legal process as planned with designated individual 5.2. Maintain information flow to designated individual on progress of matter 5.3. Immediately refer issues or problems outside own

ELEMENT	PERFORMANCE CRITERIA
	range of responsibility to designated individual for resolution 5.4. Monitor trust account to ensure sufficient monies are present and contact instructing legal practitioner to facilitate the transfer of additional funds if necessary 5.5. Keep client up-to-date on matter through progress reports and, where necessary, meetings with designated individual
6. Facilitate file administration and closure	6.1. Organise self or other person to reconcile time records with costing 6.2. Organise self or other person to undertake final costing 6.3. Organise self or other person to prepare invoice 6.4. Arrange meeting with designated individual to review final invoice and relevant documentation in order to facilitate sign-off before forwarding to client 6.5. Update and complete file notes 6.6. Ensure final accounting of trust account and resolve outstanding disbursements 6.7. Close and archive file according to organisation's policies and procedures

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- communication skills to:
 - follow and provide clear written and oral sequenced instructions
 - participate in sustained and complex transactions
 - apply questioning techniques to elicit and clarify information
- literacy skills to:
 - follow intricate legal procedures
 - read and interpret legal documents
 - use legal vocabulary and grammatical structures to achieve precise meaning
- numeracy skills to:
 - prepare a quote in line with organisation's fee structure
 - maintain and reconcile time records to inform final costing
 - prepare final invoice for sign-off by client
- research and report writing skills to assemble and evaluate background information and critical documents
- technology skills to:
 - prepare and review invoicing for services
 - research information and prepare reports on outcomes

Required knowledge

- scope of role and responsibilities, and obligation to refer matters to supervisor
- organisation's policies and procedures, including quotation and invoicing procedures
- accepted codes of conduct, 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
- legal terminology, including that specific to area of law
- archiving procedures and appropriate file retention periods
- relevant court processes, current legislation, legal processes and required documentation

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:

- document and file information according to organisation's policies, procedures and legal requirements, and within agreed timeframes
- apply organisation's financial systems and procedures according to legal requirements and within agreed timeframes
- provide appropriate information, advice and assistance to clients within own scope of responsibility
- explain legal and legislative requirements underlying actions
- apply knowledge of relevant court processes, current legislation, legal processes and required documentation.

Context of and specific resources for assessment

Assessment must ensure access to:

- an actual workplace or simulated environment
- workplace manuals and reference materials, such as company policies, procedural manuals, checklists, 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
- direct questioning combined with review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate
- review of quotes developed and forwarded to instructing legal practitioner for approval
- review of preparation of initial file documentation

EVIDENCE GUIDE	
	• evaluation of documentation with results of conflict of interest checks recorded • review of information forwarded to client on opening a file • evaluation of updated file notes • review of progress reports forwarded to client • analysis of monitoring of trust account • oral or written questioning to assess knowledge of archiving procedures and appropriate file retention periods.
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>Designated individual</i> may include:	• legal practice manager • legal practitioner • supervisor.
<i>Legal matter</i> may include:	• agreement • contract • disputing a claim • initiating litigation • mediated dispute • protecting rights • settling a dispute • trademark.
<i>Client</i> may include:	• business • government entity • individual • insurance company • legal aid • not-for-profit organisation • third party.
<i>Organisation's policies and procedures</i> may relate to:	• accessing files • conflict of interest check • contingency management • fee structure • individual procedures adopted by instructing legal practitioner • information sources • information specific to the organisation • initiating and updating files • interviewing clients • office procedural manual • protocol for accommodating specific client needs, e.g. case manager, social worker or parole officer • protocol for contacting clients, e.g. translator or interpreter

RANGE STATEMENT	
	• providing quotes • recording information • security, confidentiality and privacy procedures • telephone protocol • terms of engagement • time-recording procedures • verifying and authorising information.
Fee structure may include:	• fee by hour • fixed quote • scale of costs • special rates • tender.
Terms of engagement may include:	• fee contingent on success of case • <i>pro bono</i> work • referral arrangement • union agreement.
Client expectations may include:	• bill narrative • billing frequency • charge out rate • estimate of total legal costs • information about avenues for querying invoice details • name and address of recognised professional association (RPA) that regulates the organisation or practitioner • other requirements as described by relevant state, territory and/or local legislation, rules, regulations and codes of practice • reporting frequency.
Initial file documentation may involve:	• assigning file or matter number to client • ensuring file or matter number is attached to all relevant documentation • recording relevant client matter details.
Conflict of interest check may include:	• accounting package • databases • past working history of supervisor • searching files.
Conflict of interest may include:	• representing other party • representing relative • vested interest in outcome.

RANGE STATEMENT	
Resources may include:	• access to: • experts • office materials • services • staff • time • venues for liaison and meetings.
Other persons with whom liaison may occur may include:	• experts • government departments and agencies • opposing parties.
Experts may include:	• historian • medical practitioner • parole officer • psychiatrist • psychologist • social scientist • social worker.
Activities, actions and outcomes may include:	• consulting experts • exchange of information • failure to return call • process of discovery • verbal communication with external parties.
Issues or problems may include:	• difficulties with accessing required information • ensuring that support staff are adhering to security, confidentiality, privacy and timeline requirements • technical difficulties.
Relevant documentation may include:	• agreements • bank statements • briefs • contracts • information for client • internal correspondence • leases • letters • memorandums of law • mortgages • opinion letters • organisation's templates • other financial documentation

RANGE STATEMENT	
	• pleadings • precedents • statements • transcripts from supervisor's notes • transfer of shares • wills • other relevant documentation required under commonwealth, state or territory and local legislation, rules, regulations and codes of practice.
Relevant documentation to be <i>forwarded to client</i> may include:	• certificates • experts' reports • letters.
<i>Disbursements</i> may include:	• billable hours • cost of duty stamps • court costs • filing fees • hiring experts • hiring services • photocopying • postage.

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		

Co-requisite units		