



Australian Government

DEFDPL009 Manage and analyse a legal file

Release: 1

DEFDPL009 Manage and analyse a legal file

Modification History

Release 1. This is the first release of this unit of competency in the DEF Defence Training Package.

Application

This unit specifies the skills and knowledge required to manage the conduct of a legal file under the instruction of a qualified legal practitioner.

It includes initiating preliminary file activities and carrying out a conflict of interest test to open a file. It also includes determining appropriate processes and steps to facilitate running a file, contacting relevant persons about the file, then facilitating file administration and closure.

This unit applies to Defence personnel who are required to provide paralegal support services.

All aspects of legal practice may be subject to a range of legislation, rules, regulations and/or codes of practice relevant to different job roles and jurisdictions.

The skills and knowledge described in this unit must be applied within the legislative, regulatory and policy environment in which they are carried out. Organisational policies and procedures must be consulted and adhered to.

Persons undertaking this unit apply a well-established, sound, theoretical knowledge base in the provision of administrative support to legal professionals.

No licensing, legislative or certification requirements apply to this unit at the time of publication.

Pre-requisite Unit

Not applicable

Competency Field

Defence Paralegal Operations

Unit Sector

Not applicable.

Elements and Performance Criteria

ELEMENTS

PERFORMANCE CRITERIA

Elements describe the essential outcomes.

Performance criteria describe the performance needed to demonstrate achievement of the element.

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| 1 Initiate preliminary file activities | 1.1 Arrange a meeting with legal officer to discuss new file, and to plan and prioritise preliminary work |
| | 1.2 Obtain details of legal matter from client in accordance with organisational procedures |
| | 1.3 Clarify matter with legal officer and client, and document agreed mutual expectations |
| | 1.4 Prepare initial file documentation in accordance with organisational procedures |
| 2 Carry out conflict of interest test | 2.1 Carry out conflict of interest check in accordance with organisational and legal procedures |
| | 2.2 Record on preliminary file notes, results of conflict of interest check and discuss and/or resolve any areas of potential conflict with legal officer |
| 3 Open file | 3.1 Locate, access and extract relevant information for initiating files in accordance with organisational procedures |
| | 3.2 Select and brief support staff to assist, in consultation with legal officer, as required |
| | 3.3 Forward to client, on behalf of legal officer, confirmation of instructions, details of those working on the file, a summary of work to be performed and associated timelines, in accordance with organisational procedures |
| 4 Determine process and steps to facilitate running a file | 4.1 Plan work, assign staff and allocate resources to tasks in conjunction with legal officer |
| | 4.2 Obtain, prepare and submit relevant background information and submit documents to legal officer for checking |
| | 4.3 Conduct research to identify and review relevant legislation and cases |
| | 4.4 Outline relevant legal requirements clearly to client and answer or refer questions to legal officer for follow-up |

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| | 4.5 | Submit summary of future activities and preliminary work already performed to legal officer for sign-off and forward to client within agreed timelines |
| 5 | Contact other persons about the file | 5.1 Contact and obtain statements from relevant people, as required |
| | 5.2 | Update file notes detailing all activities, actions and outcomes in accordance with organisational procedures |
| 6 | Facilitate file administration and closure | 6.1 Package and disseminate file notes in accordance with organisational and legal procedures |
| | 6.2 | Close and archive file in accordance with organisational policies and procedures |

Foundation Skills

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Range of Conditions

Range is restricted to essential operating conditions and any other variables essential to the work environment.

Non-essential conditions may be found in the Companion Volume Implementation Guide.

Unit Mapping Information

This unit replaces and is equivalent to DEFPL022 Run a file.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=6bdbab1e-11ed-4bc9-9cba-9e1a55d4e4a9>

Assessment Requirements for DEFDPL009 Manage and analyse a legal file

Modification History

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Performance Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria on at least one occasion and include:

- classifying and sorting information
- determining processes and steps to facilitate running a file
- opening a file for the legal matter at hand including:
 - assembling and evaluating background information and critical documents
 - carrying out conflict of interest test
 - communicating effectively on complex legal matters
 - coordinating with instructing legal officer to prepare for complex trial or service discipline proceedings
 - ensuring trial/tribunal and post-trial/tribunal administration is completed in accordance with legal and operational procedures
 - establishing timelines and criteria
 - implementing written and oral instructions to prepare effective complex briefs
 - initiating preliminary file activities
 - obtaining relevant documents
 - preparing and processing documents involved in complex criminal law matters
 - preparing legal documents to support complex legal matters
 - preparing summaries of cases in complex legal matters
 - providing appropriate support in complex criminal law matters
 - undertaking analysis of information to determine status and value
 - undertaking complex research to support instructing legal officer.

Knowledge Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria and include knowledge of:

- client negotiation techniques
- complex legal practices and procedures
- conflict of interest test check procedure

- criminal law matters and service discipline proceedings
- Defence Force Discipline Act (DFDA) and related legislation
- legal terminology relevant to simple and complex legal matters
- privacy principles
- relationship between trials and tribunals, and potential impact on legal proceedings
- relevant legal practices and procedures
- relevant legal process, documents and exhibits, legislation and sections, and stages involved in the legal process
- running a file procedures and required tasks
- summary hearing/court/tribunal processes and their relevance to paralegal operational procedures
- trials and service discipline proceedings and their relevance to paralegal operational procedures.

Assessment Conditions

As a minimum, assessors must satisfy applicable regulatory requirements, which include requirements in the Standards for Registered Training Organisations current at the time of assessment.

As a minimum, assessment must satisfy applicable regulatory requirements, which include requirements in the Standards for Registered Training Organisations current at the time of assessment.

Assessment processes and techniques must be appropriate to the language, literacy and numeracy requirements of the work being performed and the needs of the candidate.

Assessment must occur in workplace operational situations where it is appropriate to do so; where this is not appropriate, assessment must occur in simulated workplace operational situations that replicate workplace conditions.

Resources for assessment must include access to:

- a range of relevant exercises, case studies and/or other simulations
- relevant and appropriate materials, tools, equipment and personal protective equipment currently used in industry
- applicable documentation including workplace procedures, regulations, codes of practice and operation manuals.

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