



Australian Government

DEFPL022 Run a file

Release: 1

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Modification History

Release	TP Version	Comments
2	DEF12V2	New unit.
1	DEF12V1	Primary release.

Unit Descriptor

This unit covers the competency required to manage the conduct of a file under the instruction of a qualified legal practitioner.

This includes establishing a file for the legal matter at hand, developing and obtaining appropriate documents, negotiating with clients, and file closure procedures.

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.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication. In a Defence context, this means that there is no civilian need to hold this unit in order to meet licensing, legislative, regulatory or certification requirements.

Application of the Unit

This unit applies to individuals who apply a well established, sound, theoretical knowledge base in the provision of administrative support to legal professionals.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency.

Performance Criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the Required Skills and Knowledge and/or the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Initiate preliminary file activities	1.1 Meeting with legal officer to discuss new file, and to plan and prioritise preliminary work is arranged. 1.2 Details of the legal matter are obtained from client according to organisation's policies and procedures. 1.3 Matter is clarified with legal officer and client, and mutual expectations are agreed upon and documented. 1.4 Initial file documentation is prepared.
2. Carry out conflict of interest test	2.1 Conflict of interest check is carried out. 2.2 Results of conflict of interest check are recorded on preliminary file notes, and any areas of potential conflict are discussed and resolved.
3. Open file	3.1 Relevant information for initiating files is located, accessed and extracted. 3.2 Support staff are selected and briefed to assist on file, in consultation with legal officer where required. 3.3 Confirmation of instructions, details of those working on the file, a summary of work to be performed and associated timelines are forwarded to client on behalf of legal officer.
4. Determine appropriate process and steps to facilitate the process	4.1 Work is planned in conjunction with legal officer, staff are assigned to tasks and resources are allocated. 4.2 Relevant background information is obtained and prepared, and relevant documents are submitted to legal officer for checking. 4.3 Relevant legislation and cases are identified, relevant legal requirements are clearly outlined to the client and questions are answer or referred to legal officer for follow-up. 4.4 Summary of future activities and preliminary work already performed are submitted to legal officer for sign-off and forwarded to client within agreed timelines.
5. Contact other persons about the file	5.1 Liaison is undertaken with other persons and statements are obtained if necessary. 5.2 File notes detailing all activities, actions and outcomes are updated.

**6. Facilitate file
administration and
closure**

- 6.1 File notes are updated and completed.
6.2 File is closed and archived according to
organisation's policies and procedures.

Required Skills and Knowledge

This describes the essential skills and knowledge and their level, required for this unit.

Required Skills

- accurately record files
- assemble and evaluate background information and critical documents
- classify and sort information
- establish timelines and criteria for managing staff performance
- follow and provide clearly written and sequenced instructions
- follow intricate legal procedures
- maintain accurate records of all relevant activities
- monitor and finalises accounts
- participate in sustained and complex transactions
- plan for contingencies
- pose questions to elicit and clarify information
- read and interpret legal documents
- undertake research
- use legal vocabulary and grammatical structures to achieve precise meaning
- write reports

Required Knowledge

- court process
- organisation's policies and procedures required in the full range of tasks covered
- relevant current legislation
- relevant legal process
- relevant legal terminology
- stages involved in the legal process

Evidence Guide

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

Assessment must confirm the ability to:

- manage the conduct of a file under the instruction of a qualified legal practitioner
- establish a file for the legal matter at hand
- develop and obtain appropriate documents
- negotiate with clients
- follow file closure procedures

The candidate must at all times comply with legislative requirements, policy and standards, and demonstrate an awareness of access, equity and diversity principles and practices.

Consistency in performance

Competency should be demonstrated in a range of actual or simulated workplace contexts.

Context of and specific resources for assessment

Context of assessment

Competency should be assessed in the workplace or in a simulated workplace environment.

Specific resources for assessment

Access is required to appropriate documentation and resources normally found in the work environment.

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 in the Performance Criteria is detailed below.

<i>Legal matter</i> may include:	• agreements • contracts • disputing a claim • initiating litigation • mediated disputes • protecting rights • settling a dispute • trademarks
<i>Client</i> may include:	• business • individual

	• insurance company • third party
Organisation's policies and procedures may include:	• accessing files • checking conflict of interest • contingency management • fee structure • information sources • information specific to the organisation • initiation of files • interviewing • legal officer supervisory procedures • office procedures manual • providing quotes • protocol for accommodating specific client needs such as case manager, social worker, parole officer • protocol for contacting clients such as translator, interpreter • recording information • security/confidentiality/privacy procedures • telephone protocol • terms of engagement • time recording procedures • updating files • verifying and authorising information
Expectations in relation to the matter may include:	• bill narrative • billing frequency • charge out rate • estimating total legal costs • information about avenues for challenging invoice • name and address of recognised professional association (RPA) which regulates the organisation or the practitioner • other requirements as described by relevant state/territory and/or local legislation, rules, regulations and/or codes of practice • reporting frequency
Initial file documentation may include:	• assigning file/matter number to client • ensuring file/matter number is attached to all relevant • documentation • recording relevant client matter details
Conflict of interest may	• representing other party

include:	• representing relative • vested interest in outcome
Conflict of interest check may include:	• accounting package • databases • past working history of supervisor • searching files
Carrying out conflict of interest check may include:	• engaging someone else to undertake the task • undertaking the task oneself
Resources may include:	• access to experts • office materials • services • staff • time • venues for liaison and meetings
Relevant background information may include:	• open file • relevant legislation • previous dealings with client or relevant third party
Relevant documents 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 • pleadings • precedents • statements • transcripts from supervisor's notes • transfer of shares • wills • other relevant documentation required under commonwealth, state/territory and/or local legislation, rules, regulations and/or codes of practice
Relevant legislation and	• common law

<i>cases</i> may include:	• constitutional law • statutory law
<i>Other persons with whom liaison may occur</i> may include:	• experts • government departments/agencies • opposing party/ies
<i>Activities, actions and outcomes</i> may include:	• consulting experts • discovery • exchange of information • failure to return call • verbal communication with external parties

Unit Sector(s)

Not applicable.

Custom Content Section

Not applicable.