CILEX

CPQ

A4 and A5 – Professional and Legal Skills

Advanced Stage

2021

A4 and A5: Professional and Legal Skills

The aim of this module is to develop the essential professional and legal skills introduced at Foundation Stage, helping you to progress your legal career.

A successful legal professional is one who has the skills to increase both individual and team productivity and efficiency. The skills developed at the Advanced Stage will allow you to do this through the development of your interpersonal skills, appreciation of the importance of continuous learning and an increased commercial awareness. You will also consider the potential impact of technology on the role you perform and the legal sector.

The module covers:

- Succeeding in the legal environment; The role of the senior paralegal in a legal environment
  - Personal impact
  - Working in a team
  - Setting standards
  - Client first approach
  - Commercial focus
  - The impact of technology
- Effective communication
  - Communicating with internal and external clients
- Using technology to carry out legal research

Learning Outcomes

By the end of this module you will be able to:

- Understand the purpose of an organisational strategy and how it aligns to individual and team targets and the role you play
- Understand how a legal entity operates and the opportunities technology presents
- Identify personal skills and knowledge gaps
- Understand accounts rules including handling a client's money
- Communicate more effectively, including accurate legal writing and drafting
- Apply a brief to carry out effective legal research, to support a legal outcome

Linked online assessment: A4 and A5

A4: Succeeding in the Legal Environment

1. Personal Impact	Your interpersonal skills are fundamental to achieving success in an organisation. You will need to effectively manage and develop relationships with others, whether they are internal or external clients. You are likely not just to have to manage your own workload, but to actively organise and monitor others within the organisation. Your focus needs to be on achieving the common goals of the organisation you work for.
	
	a) Interpersonal relationships
	• Illustrate how emotional intelligence is used to understand the needs and feelings of others to create a positive, high-functioning workplace
	• Show how an understanding of interpersonal skills can help manage and resolve conflict situations
	   o Identify conflict
	   o Understand why conflict exists
	   o Strategies to manage conflict
	• Define resilience and identify how it can be built in the workplace
	• Understand the principles of assertiveness
	• Know how to motivate others to achieve the common goals of the organisation
	• Understand your role as an informal mentor
	
	b) Diversity and respect
	• Actively consider the impact of equality, diversity, and cultural difference within the workplace
	• Review legal transactions through the lens of diversity and cultural difference
	   o Clients
	   o Third Parties
	
	c) Time Management
	• Plan, organise and monitor your own time in a work environment
	   o Keeping files up to date
	   o Communicating with clients and third parties in a timely manor
	• Monitor others' time management and act if necessary, to ensure goals are met
	• Understand how to overcome barriers to effective time management for self and others
	• Effectively manage chargeable and non-chargeable time
	• Manage your workload and self-care

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d) Building rapport and effective working relationships
- Build rapport with internal and external clients
- Ensure that knowledge is shared promptly with the appropriate person
- Identify opportunities to share knowledge and resources
- Acknowledge and respond to the needs of others; respecting differences

e) Networking
- Create internal networks
- Identify the potential to create external networks
- Understand how technology can be used to create a networking opportunity

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2. Working in a team

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You will be central to the team achieving its designated goals, whether you have set them, or they have been set by others in the organisation. You should use technology to enhance working in a team, personally supporting others to achieve common goals.

a) Role within a team and the organisation
- Participate as a key member of the team in order to achieve the designated goals:
  - Setting deadlines and prioritising
  - SMART action planning
  - Target setting
  - Accepting responsibility

b) The impact of technology on teams
- Use technology to support and enhance team collaboration
- Technology to support remote working
- Use of digital planning tools

c) Manage team workload
- Support others when needed to achieve goals
- Understand the principles and benefits of delegated responsibility

d) Decision making and developing solutions
- Analyse information from different sources to develop a reasoned conclusion
- Apply strategies to challenge information in a professional manner
  - Considerer alternative views and test the validity of ideas

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	○ Analyse alternative solutions using qualitative and quantitative data - Prioritise key issues - Appreciate when more expert help is required, identifying linkages, inconsistencies and ambiguities
3. Setting Standards	The profession is ever-changing, and you will be encouraged and supported through any changes to ensure that you are continuously developing and working towards becoming successful. You should always conduct business in line with the code for professional and personal conduct. Appraisal and CPD are important, and you should actively engage in the appraisal process, as an appraisee and an appraiser, setting performance targets for yourself and others, giving and receiving feedback. a) External Regulation - Apply the duties and responsibilities of the code for professional and personal conduct throughout internal and external transactions b) Accounts rules and handling client money - Understand the CILEx accounts rules ○ Ability to record and account for client money ensuring it is allocated promptly ○ Understand the need to keep client money safe and away from that of the business ○ Understand when and how to account for interest to the client ○ Know how to rectify mistakes on an account ○ Understand money held as an agent/stakeholder - Double Entry bookkeeping – in outline ○ Understand the requirement to post entries to the client ledger account and the appropriate cash books of a legal entity ○ Understand when and how to send a bill of costs and charge applicable VAT - Understand when it is appropriate to provide the client with a financial statement - Understand what is meant by a disbursement - Know how to deal with errors on an account c) Appraisal and CPD as a driver for improvement - Understand the importance of appraisals, as an appraiser and appraisee - Understand the different ways in which appraisals are used e.g. 360 appraisal, rating scale, management by objective

	• Set performance targets for self and others
	    ○ SMART objectives
	• Identify and pursue opportunities for CPD
	    ○ CILEx CPD requirements and support
	• Act on feedback to improve performance
	    ○ Use reflective practice models e.g.Gibbs reflective cycle
	• Understand how formal and informal feedback is given to allow others to improve performance

4. Client First Approach	Successful performance involves ensuring that the needs of a client are in line with the firm's professional and ethical obligations. You will be required to manage internal and external client expectations. To be able to do this you need to understand how your organisation puts client service at the centre of its culture, creating and implementing service standards for clients.
	
	a) The relationship of external client service to the success of the organisation
	• Understand how to provide a client focused service
	• Know how an organisation's objectives can go beyond profit
	• Effectively manage external client expectations
	    ○ Delivering negative news
	    ○ Questioning
	    ○ Agreement on deliverables
	    ○ Managing risk
	    ○ Managing internal drivers
	
	b) The importance of the internal client
	• Understand how internal client relationships are reflective of the culture of the organisation
	• Implement client service standards for internal clients
	• Effectively manage internal client expectations
	    ○ Delivering negative news
	    ○ Questioning
	    ○ Agreement on deliverables and timing
	
	c) Fulfilling professional and ethical considerations
	• Ensure that clients are served in an ethical and professional way

5. Commercial Focus	Regardless of the type of organisation you work for, there needs to be a commercial focus to ensure that you maximise performance and in the case of private practice, generate revenue. Although you are not expected to be an accountant, a basic understanding of accounts is essential. You also need to recognise the potential for opportunity, considering both legal and non-legal aspects, be aware of what can impact on performance, considering how they can be mitigated. Therefore, you should know:
	
	a) Opportunities to practice law
	• Identify potential non-contentious and contentious work within an organisation
	• Identify ways of mitigating factors which impact on an organisation structure
	
	b) Commercial opportunities in a legal practice
	• Recognise opportunities within the organisation to diversify or expand
	  o Apply knowledge of recent or current external issues facing legal entities
	• Explain what factors impact on performance within the legal organisation
	  o The definition and purpose of organisational strategy
	  o Understand how a competitive advantage arises and how a firm can differentiate themselves from competitors.
	  o Awareness of budgets and how they are used in a business
	  o Types of key performance indicators and the use of them in motivating teams
	• Understand the role of 'senior paralegal' in generating income
	  o Offer additional services and articulate value to the client
	
	c) Basic finance and business accounts awareness
	• Basic finance terminology e.g. income/capital and profit
	• Identify and understand the function, principles, and main components of a statement of profit and loss and a balance sheet - the relationship to a trial balance
	• Understand the taxation system as it applied to individuals and corporations

6. The Impact of Technology	The legal professional requires an appreciation of the potential impact of the growth in technology for the legal sector. You will use standard software applications on an almost daily basis, however your knowledge will need to go further and you will be required to understand where specific technology such as artificial intelligence, can be used effectively in the legal environment. As the use of technology becomes more prevalent in the legal office, you need to actively consider how you mitigate against hacking, fraudulent activity and so forth. Therefore, you need to know the following:
	
	a) Different types of software applications used in the workplace
	• Use standard software applications within the business environment
	• Understand the limitations of using specific types of software applications
	• Understand the benefits and limitations of a website
	
	b) The use of systems in practice
	• Understand the core principles of legal technology e.g. databases, search, automation
	• Explain how IT specific systems benefit practice e.g. efficiency, client satisfaction, automation of routine tasks
	• Have an overview of types of systems used
	  o Customer Relationship Management systems
	  o Case Management systems
	  o Cloud computing
	  o Cloud file sharing
	• Be aware of the use of specific systems in non-contentious and contentious work
	
	c) Use technology to communicate
	• Use online communication in the legal environment: Skype, Teams, Zoom etc.
	• Differentiate in language and format between internal and external communication
	• Differentiate in language between formal and informal communication.
	• Use the appropriate etiquette in communicating using IT systems.
	
	d) The risks associated with office technology
	• Illustrate how the risks associated with office technology can be mitigated
	  o Cybersecurity
	  o Emotional impact
	
	e) Explain how legal technology is changing the landscape of the legal sector and consider opportunities for your own firm/legal department

		- Overview of: - Smart contracting - Use of AI - Cybercrime - Encryption - Predictive coding - Legal apps - Legal spend management systems - DIY law - Unbundling Services - Using technology for marketing law firms
7.	**Communication with Internal and External Clients**	You will likely have daily communication with internal and external clients, as well as third parties such as the Land Registry, the Court or another lawyer. As such, you will need to use all your skills as an effective communicator, including the ability to negotiate effectively and take accurate instructions. Both your oral and written communication needs to be effective and appropriate. You will need to demonstrate the ability to draft appropriate documentation which has no spelling errors and is grammatically correct. a) The importance of effective communication within a legal environment - Use appropriate methods of communication with a range of clients and third parties - Prepare for and conduct successful client interviews - Prepare for and undertake straightforward negotiations and influence in favour of a preferred solution - Principled negotiation - Positional bargaining - Collaborative and distributive negotiation - BATNA (best alternative to negotiated agreement) - Explain why specific methods are used in specific circumstances - Illustrate where barriers have been overcome to effective communication b) The use of verbal communication to effectively communicate a message - Provide questions for different situations with internal and external clients and third parties - Tailor the message for different audiences, conveying the message concisely and, where appropriate, persuasively - Speak at the appropriate pace - Maintain high professional and ethical standards under pressure c) The role non-verbal ques play in effective communication

	• Explain how non-verbal cues helps with effective communication
	• Act on non-verbal cues to change approach in communication e.g. eye contact, posture, facial expression, personal space and distancing
	
	d) Actively listen to internal and external clients to effectively meet their requirements
	  • Use critical listening to evaluate and analyse
	  • Use reflective listening skills to paraphrase
	  • Take accurate instructions relating to legal matters from colleagues and client
	  • Understand how to communicate with vulnerable clients
	
	e) The importance of effective and accurate legal writing
	  • Effectively take notes on which to then base correspondence
	  • Draft correspondence, which is accurate, clear and unambiguous
	  • Draft correspondence, which is grammatically correct, with no spelling mistakes
	
	f) Drafting original and precedent forms of communication
	  • Create different forms of written communication by drafting:
	    o Routine letter
	    o Client care letter
	    o Attendance note
	    o Matter creation form
	    o Email
	    o Website correspondence
	    o File note

A5: Using Technology to carry out Legal Research

8. Conducting Legal Research	Legal research is an essential aspect of your practice and you ensure that you plan and execute your research in a timely and purposeful way. You can effectively use research tools for any legal purpose, whether that be contentious or non-contentious in nature. In respect of findings, you demonstrate your ability to use the information found in a constructive way to provide legal advice. a) The scope and purpose of legal research, ascertain the legal context and issues • Use legal research to support or challenge legal reasoning • Use legal research to provide supporting information in the preparation for hearings, advocacy or negotiations • Reach a conclusion upon which legal advice can be based • Identify the legal issues raised by the problem • Formulate the questions that need to be investigated and answered • Use non-legal sources of information and secondary sources to narrow the issues and gain an overview b) Determining the most appropriate legal resources to use • Use 'finding tools' such as databases, search engines or indexes to carry out legal research. • Justify the use of primary and secondary sources. • Understand the financial drivers in respect of choice. c) The importance of search terminology to use legal sources effectively • Use 'indexed' and 'free-text' searching to carry out legal research. • Correctly use search terms and connectors to effectively search. • Understand the potential dangers of unstructured internet searches. d) Using primary sources (Acts of Parliament, statutory instruments and case law) to inform research • Utilise appropriate information from an Act or Statutory Instrument in reaching a conclusion • Cite information from the Act or Statutory Instrument appropriately • Utilise appropriate information from a case in reaching a conclusion

	• Cite information from the case appropriately
	
	e) Evaluating different online sources
	   • Distinguish the utility of a source in respect of the research being undertaken and use ethically
	   • Use a primary source to access other primary and secondary sources
	   • Fake news - filtering information e.g. snopes
	
	f) Applying research to reach a conclusion and communicating the results
	   • Apply you own research findings to a problem to reach a conclusion which is clear
	   • Reflect on the appropriateness of the research techniques employed
	   • Provide a response to the problem researched to the intended audience in an appropriate format, which is accurate and concise
	
	g) The ethics and legality of information use
	   • Cite sources of research using a recognised and accepted format e.g. Oxford Standard for Citation of Legal Authorities (OSCOLA)