

Unit 22



<b>Title:</b>	<b>Client Care Skills</b>
<b>Level:</b>	<b>6</b>
<b>Credit Value:</b>	<b>7</b>

<b>Learning outcomes</b>	<b>Assessment criteria</b>	<b>Knowledge, understanding and skills</b>
<b>The learner will:</b>	<b>The learner can:</b>	
<b>1 Understand the role played by negotiation within legal practice</b>	<p><b>1.1</b> Explain the key underpinning features of successful client interviewing</p> <p><b>1.2</b> Explain the importance of negotiation in legal practice</p> <p><b>1.3</b> Explain the concepts of principled negotiation, positional bargaining, collaborative and distributive negotiation situations</p>	<p><b>1.1</b> Understanding the purpose of the interview; the interview's objectives; the advantages and disadvantages of interviewing through different media; planning to realise objectives; interview styles and tactics, eg, listening to the client, questioning to obtain more information, answering the client's questions, sticking to the point, moving matters forward; interview behaviours, eg, greetings, closures, remaining professional, being approachable, but never overly familiar, dealing with the unexpected etc</p> <p><b>1.2</b> Definitions of negotiation; the basic premise; different types of negotiation styles; its advantages and disadvantages in legal practice; recognising the importance of ethical behaviour within legal negotiation</p> <p><b>1.3</b> Principled negotiation and positional bargaining; the advantages and disadvantages of these negotiation styles; negotiating collaboratively (win, win); alternatively, a distributive situation (win, lose); managing the</p>

	<p><b>1.4</b> Explain how to address communication barriers to make progress in a negotiation</p> <p><b>1.5</b> Explain the role of the BATNA within negotiation</p> <p><b>1.6</b> Prepare for a negotiation in order to present one's arguments fully and effectively</p> <p><b>1.7</b> Evaluate methods of communication and persuasion in negotiation</p>	<p>competitive approach to negotiation</p> <p><b>1.4</b> Understanding that progression is the most important part of negotiation; recognising the barriers to progress both by the opponent and one's own negotiating style; identifying the potential barriers to progress and the use of persuasion techniques to make progress</p> <p><b>1.5</b> Knowing the BATNA (best alternative to a negotiated agreement) in a case; understanding the role of a BATNA within negotiation</p> <p><b>1.6</b> The basic need to plan for interviews and situations where negotiation is required; an ability to assess one's own and other's cases/positions; familiarity with using a SWOT analysis and the concept of risk assessment; the importance of planning how to conduct oneself within an interview or negotiation; the advantages and disadvantages of passivity, activity, authority and empathy as negotiation behaviours; the importance of being able to synthesise all available information into a coherent plan and evaluate the strengths and weaknesses of one's own and other's cases; anticipating the issues raised and constructing arguments to be used within the negotiation; being able to outline an overall strategy for a negotiation</p> <p><b>1.7</b> Understanding the role of power during negotiations and how this can influence communication and cause communication difficulties; identifying what improves communication during negotiation; managing conflict within negotiations and how to move</p>
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	<p><b>1.8</b> Evaluate the most appropriate medium for negotiation within a legal context</p>	<p>from an entrenched position; the role of questioning in negotiation</p> <p><b>1.8</b> The various media of negotiation, eg, telephone, meetings, at court, round table and collaborative negotiation; identifying the advantages and disadvantages of each medium</p>
<p><b>2 Understand how to demonstrate good practice in legal writing</b></p>	<p><b>2.1</b> Write appropriate legal correspondence to the client accurately, precisely and in keeping with the requirements of professional business communication</p> <p><b>2.2</b> Use relevant information sources to produce written legal content that thoroughly and appropriately addresses the client's issues</p> <p><b>2.3</b> Write legal correspondence to the client that is logical, transparent and easy to read</p>	<p><b>2.1</b> All information should be presented accurately, precisely and succinctly; writing should not be repetitive, ambiguous or inaccurate; nor should include material which is verbose or unnecessary; an awareness of the use of 'plain English' in legal writing and the existence of guides to good practice; the uses of legal jargon, its inclusion in writing only in instances where it is necessary and it is expressed in a way that the recipient will understand</p> <p><b>2.2</b> Working from a series of documents, some of them including complex facts and ideas; interpreting content and the use value of information; summarising complex information; applying information to a situation; understanding the client and their requirements; advising sensitively and appropriately paying attention to all relevant legal and non-legal facts; managing expectations; writing content that is complete, relevant and correct</p> <p><b>2.3</b> Using judgment to arrive at the most appropriate structure for documents; including the appropriate use of subheadings, paragraphs and sequencing of information; structure of documentation should be clear</p>

	<p><b>2.4</b> Write legal correspondence to the client using a standard of grammar, spelling and punctuation commensurate with professional business communication</p> <p><b>2.5</b> Write legal correspondence to the client with a tone and style that reflects the circumstance of the client's situation</p>	<p>and logical and easy for the reader to follow</p> <p><b>2.4</b> The importance of grammar, spelling and punctuation to a professional career; good grammar, spelling and punctuation skills; which should be commensurate with the level of skill found in a professional business environment; the intolerance of even superficial errors within business and the impression created by errors; the importance of proofreading written materials</p> <p><b>2.5</b> The difference between tone and style; the importance of getting tone and style correct; factors affecting tone and style of writing: the medium and the context of communication, the recipient, overarching objectives; awareness of the recipient(s) and the potential effects of the communication; varying tone and style to meet the needs of a situation, a recipient, an overarching objective</p>
<p><b>3 Understand professional conduct issues arising in practice</b></p>	<p><b>3.1</b> Explain the major professional conduct aspects of the SRA (Solicitors' Regulation Authority) Code of Conduct</p> <p><b>3.2</b> Describe those professional organisations within their area of practice and the benefit of membership of such organisations</p>	<p><b>3.1</b> An understanding of Rules 1, 2, 3 ,4, 6, 10, 11 of the SRA Code and procedures developed by firms to uphold these rules; a sound awareness of the issues of conflict of interest, confidentiality, complaints and client relations; familiarity with firm's complaints procedures and key best practice steps in resolving a complaint; the ILEX Code of Conduct; the SRA and disciplinary measures; disciplinary measures for ILEX members and fellows</p> <p><b>3.2</b> Students should be aware of panel membership and specialist law organisations, for eg, in the context of Family Practice: Family and Children Panels, Resolution etc</p>
<p><b>4 Understand the importance of client care within legal practice</b></p>	<p><b>4.1</b> Explain the SRA Code of Conduct rules on client care</p>	<p><b>4.1</b> Rule 2 of the SRA Code as the basis of the retainer and the main rule on client care; a</p>

	<p><b>4.2</b> Explain The Law Society's guidance on client care</p> <p><b>4.3</b> Explain the sound business reasons for good client care</p>	<p>good understanding of this rule and the associated requirements in client care</p> <p><b>4.2</b> The Law Society guidance on client care letters and complaint management and 'Your Clients, Your Business' as well as the benefits of LEXCEL and membership of other professional bodies</p> <p><b>4.3</b> Awareness of the commercial reality of a law firm as a business; the impact on the business of poor client care and the importance of adhering to procedures in the firm as well as professional standards</p>
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<b>Additional information about the unit</b>	
Unit aim(s)	To accredit a range of sophisticated and practical client care skills
Unit expiry date	31 March 2015
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards; specifically, Unit 1 Establish Communication with Clients, Unit 2 Support Clients to make use of the Service, Unit 3 Develop and Manage Interviews with Clients, Unit 4 Provide Information and Advice Using the Telephone, Unit 5 Provide Information to Clients, Unit 6 Support Clients to Plan, Implement And Review Action, and Unit 7 Provide Continuing Support to Clients
Details of the relationship between the unit and other standards or curricula (if appropriate)	N/A
Assessment requirements specified by a sector or regulatory body (if appropriate)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	ILEX (Institute of Legal Executives)
Availability for use	Available to all Awarding Bodies to award credit (shared)
Availability for delivery	1 September 2011