

# ANNEX 8: CHARTERED LEGAL EXECUTIVE (BUSINESS)<sup>1</sup>

A Chartered Legal Executive (Business) may follow the Chartered Legal Executive route to qualification.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status, where this authorisation is sought. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum.

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice. This is set out below.

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<sup>1</sup> This document forms the education standards for Business Practitioners

## TECHNICAL KNOWLEDGE REQUIREMENTS:

### GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

<b>MINIMUM CONTENT:</b>
<b>STAGE 1</b>
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
<b>STAGE 2</b>
Contextualised legal technology
Conduct and professional ethics
<b>CHARTERED LEGAL EXECUTIVE</b>
Basic accounts
Specialist legal technology
Conduct and professional ethics

### KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (BUSINESS)

<b>MINIMUM CONTENT:</b>
<b>Contract law</b>
An understanding of the core principles of the law of contract including
The requirements of a legally binding contract
Determining a party's intention to create legal relations
Understanding 'Consideration'
Understanding Privity of contract and the rights of third parties
Determining the terms of a contract – both express and implied terms, including certainty
Understanding the implications of Exemption clauses and unfair terms

Understanding Misrepresentation and mistake
Determining whether Duress and/or undue influence arises
Understanding Illegal contracts
Determining the discharge of a contract
Understanding the legal and equitable Remedies for breach of contract that may arise, including interpretation of terms and performance
<b>Company and Partnership law and practice</b>
An understanding of the various business models
An understanding of the key legal and taxation frameworks in which the different business models operate
An understanding of the procedural requirements and formalities relevant to the formation of each business model
An understanding of 'Limited liability', and of the 'legal personality' in a business context
An understanding of 'Partnerships' and LLP's, including partnership agreements, decision-making, partnership property and termination of the partnership
An understanding of the prospective rights, duties and responsibilities as an employer within a business model
An understanding of the legal and commercial factors arising for a business (within each business model) as a party to common commercial transactions
An understanding of the rules and procedures necessary to ensure proper governance of each business model
An understanding of basic business accounting and business finance
An understanding of the procedure/processes to issue, allot and transfer shares, share capital and capital maintenance
An understanding of company borrowing and security for debts
An understanding of corporate governance and company decision-making and meetings
An understanding of the rights and protection of minority shareholders
An understanding of the principles of reconstruction, merger and acquisition
An understanding of the key concepts of bankruptcy and insolvency
An understanding of the procedural requirements relating to the options available for continuing the business or winding up and the order of priority for creditors
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

## **COMPETENCE REQUIREMENTS:**

### **1. APPLICATION OF LAW AND PRACTICE**

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

### **2. COMMUNICATION**

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3<sup>rd</sup> party relationships

### **3. CLIENT RELATIONSHIPS**

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

### **4. EFFECTIVE WORKING PRACTICES**

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

### **5. BUSINESS AWARENESS**

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

## **6. SELF DEVELOPMENT**

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements
- ✓ Demonstrate leadership and management skills (optional)

## **7. CONDUCT, ETHICS AND PROFESSIONALISM**

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

## **8. USE OF TECHNOLOGY**

- ✓ Use available technology as it is used in business law
- ✓ Identify uses for emerging technology in business law and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically