

ENRICHED

— MIGRATION TRAINING —

WORKBOOK

CORE SKILLS

- Client Interview and Client Management Skills
- File Management
- Ethics in Migration Practice

This workshop is an OMARA approved CPD activity

Item Number **WK638**

Completion of the Workshop awards Legal Practitioners under the Legal Profession Uniform Law **3 Compulsory CPD units:**

- 1 Professional Skills
- 1 Practice Management and Business Skills
- 1 Legal Ethics and Professional Responsibility

Completion of the Workshop awards a Registered Migration Agent **3 OMARA CPD Points** (including **1 Mandatory Point**)

TABLE OF CONTENTS

INTRODUCTION	5
Foreword.....	5
CPD Points.....	5
Currency of document	5
Authors.....	5
LIST LEGEND	6
CONTENT OUTLINE	7
LEARNING OUTCOMES.....	9
PROFESSIONAL SKILLS – CLIENT INTERVIEW AND CLIENT MANAGEMENT SKILLS	11
PRE-INTERVIEW PREPARATION.....	13
Formulating a structured plan for the client interview	15
Adaptability to Client circumstances	20
GIVING ADVICE.....	22
Applicable rules for Giving Advice under the Legal Profession Uniform Law.....	22
Applicable rules for Giving Advice applicable to Migration Law practice.....	23
Practical Tips for Giving Advice in Migration Law practice	24
ENSURING CLIENT UNDERSTANDING OF ADVICE.....	27
Practical Tips for Ensuring Client Understanding of Advice.....	28
MANAGING CLIENT EXPECTATIONS.....	32
Managing Advice regarding Prospects of Success	34
Managing Expectations about Costs.....	37
Managing Expectations about Time-Frames for Completing Work	40
DEALING WITH DIFFICULT CLIENTS.....	42
Managing Clients who Dispute or Fail to Follow Advice.....	43
Managing Clients who are Traumatized or Distressed	46
Managing Clients who act Aggressively to the Practitioner or to Office Staff.....	48
GIVING ADVICE ON NEGATIVE OUTCOMES	50
Managing Client Expectations Pre-Outcome	51
Addressing a negative decision and identifying options.....	53
Managing Unhappy Clients	57
GIVING ADVICE ON POSITIVE OUTCOMES.....	60
HYPOTHETICAL CASE STUDIES – CLIENT INTERVIEW AND CLIENT MANAGEMENT SKILLS.....	62
PRACTICE MANAGEMENT – FILE MANAGEMENT.....	71
MAINTAINING AN ORGANISED FILE.....	73

FILE NOTES AND CORRESPONDENCES	77
SUBMITTING COMPLETE APPLICATIONS	81
FILE MANAGEMENT SYSTEMS	83
Where multiple separate files for a related matter are necessary.....	85
File Retention Policies.....	87
MAINTAINING CLIENT CONFIDENTIALITY – FILE MANAGEMENT CONSIDERATIONS	88
Legal Practitioners Legal Privilege overrides obligations of disclosure to OMARA	89
COSTS AGREEMENTS.....	91
RETURNING CLIENT DOCUMENTS	96
Solicitor’s Lien on documents based on unpaid costs	98
WHEN THE CLIENT TERMINATES THE APPOINTMENT	100
HYPOTHETICAL CASE STUDIES – FILE MANAGEMENT	102
ETHICS IN MIGRATION LAW PRACTICE	107
THE OMARA CODE OF CONDUCT AND THE LEGAL PROFESSION UNIFORM LAW	108
DUTY TO THE COURT AND TO THE ADMINISTRATION OF JUSTICE	111
Fit and Proper Person	113
Avoiding making false or misleading statements to Administrative or Judicial Authorities	116
Maintaining frankness and honesty with clients	118
Maintaining formality and independence from Administrative and Judicial Authorities	121
Avoiding coercive or intimidatory tactics	122
DUTY OF COMPETENCE AND STANDARDS OF PROFESSIONAL CONDUCT	124
Competence and Diligence within the law	124
Maintaining accurate and up-to-date knowledge of migration laws, regulations and policies	126
Ensuring timely performance of services.....	128
Keeping the client properly informed.....	129
PROFESSIONAL OBLIGATIONS TO CLIENTS	131
Handling Conflicts of Interest – for Legal Practitioners.....	132
Handling Conflicts of Interest – for OMARA Registered Migration Agents	137
Client Confidentiality and Legal Professional Privilege.....	141
Financial Obligations – Account-Keeping.....	144
PROFESSIONAL COURTESY AND RELATIONS BETWEEN PRACTITIONERS	149
Legal Professional Conduct Rules relating to professional courtesy and dealings.....	149
OMARA Code of Conduct Obligations relating to professional courtesy and dealings	153
Comparison between Legal Conduct Rules and OMARA Code of Conduct relating to professional courtesy and dealings	155
EMPLOYEE OVERSIGHT AND RESPONSIBILITY OVER SUBORDINATE CONDUCT.....	156

RESPONDING APPROPRIATELY TO REGULATORY AUTHORITIES..... 161

SNAPSHOT OF PRACTITIONER COMPLAINT STATISTICS 163

HYPOTHETICAL CASE STUDIES – ETHICS 166

APPENDIX 1 – Trust Accounting Provisions under Legal Profession Uniform General Rules 2015 175