



# **Civil Litigation Independent Practice Rights Handbook**

# Contents

<b>Section</b>	<b>Page(s)</b>
<b>Overview</b>	<b>3-4</b>
<b>Section 1 – Introduction</b>	<b>5-6</b>
Who can apply for civil litigation practice rights?	5
What can a Chartered Legal Executive Litigator (Civil Litigation) do?	5
How will CILEx Regulation assist me with my application?	5
Introduction to assessment	5-6
<b>Section 2 – The Application Form</b>	<b>7-12</b>
How do I make my application?	7
Completing the application form	7-12
<b>Section 3 – Demonstrating Competence</b>	<b>13-18</b>
How do I demonstrate competence?	13
Compiling the knowledge and understanding portfolios	13-16
Compiling the experience portfolios	16
Completing the skills logbook and compiling the portfolio of evidence	16-18
<b>Section 4: How is your Application Assessed</b>	<b>19-20</b>
<b>Section 5: Next Steps</b>	<b>21</b>
<b>Section 6: The Competence Framework</b>	<b>22-32</b>

# Overview

## **IMPORTANT**

Please note, if you are not authorised in the conduct of litigation, you are only permitted under CRL's rules and guidance to assist or support an Authorised Person in the conduct of litigation.

1. This handbook takes you through the application process to obtain civil litigation practice rights with CILEx Regulation and become authorised as a Chartered Legal Executive Litigator (Civil Litigation).
2. You should read all of this handbook before starting to make your application.
3. In order to become authorised as a Chartered Legal Executive Litigator (Civil Litigation), you are required to demonstrate your knowledge and understanding, experience and skills in civil litigation. This handbook explains how you will demonstrate each of these elements.
4. If you wish to work in a CILEx Regulation regulated entity, you will also need to separately demonstrate your knowledge and understanding, experience and skills in practice management and accounts management at Level 1. For further information, please visit the CILEx Regulation website at [Management skills - Demonstrating Competence - CILEx Regulation](#).
5. Once you have completed the process and you have been approved as a Chartered Legal Executive Litigator (Civil Litigation), you will be authorised by CILEx Regulation to undertake litigation in civil matters. However, you will need to work in a legal practice that is regulated by an approved regulator or you may also work in an unregulated employer as their in-house adviser provided that the employer does not provide legal services to the public or a section of the public as part of their business.
6. This handbook is divided into 6 different sections:

### **Section 1: Introduction**

This section sets out who is eligible to make an application for civil litigation practice rights

### **Section 2: The Application Form**

This section takes you through the application process including how to complete each part of the application form

### **Section 3: Demonstrating Competence**

This section provides an overview of the Competence Framework. It explains how the knowledge and understanding, experience and skills contained in the Competence Framework should be demonstrated through your portfolios and logbook to demonstrate your competence in litigation

### **Section 4: How your Application is Assessed**

This section explains how your application is assessed including the role of external assessors in the process

**Section 5: Next Steps**

This section explains what happens once CILEx Regulation has received the assessment of your portfolio and logbook

**Section 6: The Competence Framework**

7. Once you have read this handbook, if you have any questions on the application process, please email us at [practicerights@cilexregulation.org.uk](mailto:practicerights@cilexregulation.org.uk).

# Section 1: Introduction

## Who can apply for civil litigation practice rights?

8. Applications to become a Chartered Legal Executive Litigator (Civil Litigation) can be made by a range of applicants including CILEX members, non-CILEX members, authorised persons from other branches of the legal profession and others who can demonstrate that they meet the necessary knowledge and understanding, experience and skills outlined in this handbook.
9. However, you may not be authorised as a Chartered Legal Executive Litigator (Civil Litigation) by CILEX Regulation until you have been admitted to CILEX as a Chartered Legal Executive. For further information on how to become a Chartered Legal Executive, you should visit the CILEX website at [Membership | CILEX](#).

## What can a Chartered Legal Executive Litigator (Civil Litigation) do?

10. Under the Legal Services Act 2007 (s12), litigation activities can only be carried out by an authorised person. CILEX Regulation is a regulator that can award litigation practice rights to enable you to become an authorised person. Litigation activities, under the Legal Services Act 2007 means the right to conduct litigation.
11. CILEX Regulation has split litigation practice rights into different practice areas. They are civil, criminal and family. Therefore, your authorisation will relate to one of these practice areas.
12. Litigation services can only be delivered through a regulated entity. You can become a Chartered Legal Executive Litigator (Civil Litigation) while you are working in an employed position. If you want to practice independently in an entity, you should apply to CILEX Regulation for regulation of your entity. For more information, please visit the CILEX Regulation website at [Firms authorised to provide legal services - CILEX Regulation](#).
13. If you work for a not-for-profit, community interest company or independent trade union body, you may also deliver litigation services but please confirm with your employer before applying.
14. This handbook is for applicants applying for civil litigation practice rights. If you wish to also apply for family and/or criminal practice rights, you will need to refer to those handbooks.

## How will CILEX Regulation assist me with my application?

15. We will support you during the application process to ensure that we have all the information necessary to enable us to make an informed decision as to whether you have the required knowledge and understanding, skills and experience to become a Chartered Legal Executive Litigator (Civil Litigation).

## Introduction to assessment

16. CILEx Regulation is responsible for assessing applications to become a Chartered Legal Executive Litigator (Civil Litigation). Set out below is a summary of the application process which is followed by more detailed information to which you should refer prior to submitting your application.
17. Before you begin completing the process, you may wish to discuss your application with your employer to ensure that you have their full support and they are willing to complete/provide the necessary documentation in connection with your application. You will need to agree with your employer (who will act as your supervisor) how you will meet the competencies and outcomes.
18. There are **five** steps involved in the application process:
  - Step 1:** Complete the Application Form
  - Step 2:** Compile knowledge and understanding evidence (exemptions can apply)
  - Step 3:** Compile experience evidence
  - Step 4:** Compile skills experience (exemptions can apply)
  - Step 5:** Submit Application Form and supporting documentation via the **KnowB4 portal**.

## Section 2: The Application Form

### How do I make my application?

19. To make your application to become a Chartered Legal Executive Litigator (Civil Litigation), you should submit the following:
  - completed application form
  - evidence of your qualifications
  - evidence of your experience
  - evidence of your skills
20. A copy of the Civil Litigation Practice Rights Application Form can be found on the CILEX Regulation website at [Civil-Litigation-Practice-Rights-Application-Form-011125.docx](https://www.cilex.org.uk/assets/documents/Civil-Litigation-Practice-Rights-Application-Form-011125.docx).
21. The application form includes sections for you to demonstrate your knowledge and understanding, skills and experience in civil litigation.
22. When you are ready to submit your application, please access this [link](#) to express your interest in applying for litigation practice rights and we will send you a custom **KnowB4** link.
23. You must then upload your application form and supporting documentation to the **KnowB4 portal**.

### Completing the Application Form

#### Part One: General Information

24. This section asks for your personal information. You should answer all questions in this section.
25. You do not need to be a member of CILEX to apply for civil litigation practice rights. However, to be authorised as a Chartered Legal Executive Litigator (Civil Litigation), **you must be a Chartered Legal Executive**. If you are successful in obtaining authorisation from us, we will register you as a Chartered Legal Executive Litigator (Civil Litigation) once you have been admitted as a Chartered Legal Executive. You could therefore apply to become a Chartered Legal Executive at the same time as you apply for civil litigation practice rights, although we recommend that you apply to become a Chartered Legal Executive first.

#### Part Two: Knowledge and Understanding

26. To obtain civil litigation practice rights, you must demonstrate that you have gained knowledge in:
  - either Contract OR Tort law; AND
  - Civil Litigation

to Level 6 standard. We have developed a Competence Framework which set out the competencies we require in litigation at **Section 6**.

27. If you are demonstrating knowledge and understanding through Level 6 qualifications – CILEX or equivalent, you must submit portfolios of **THREE** of cases in which you have assisted in the conduct of litigation demonstrating your experience of Contract Law/Law of Tort/Civil Litigation.
28. If you are demonstrating knowledge and understanding through practice, you must submit portfolio of **FIVE** of cases in which you have assisted in the conduct of litigation demonstrating your experience of Contract Law/Law of Tort/Civil Litigation.
29. Portfolio templates are provided on the Stand-alone Litigation Page of CILEX Regulation Website at [Litigation-Portfolio-Template-011125.docx](#).
30. There are three routes through which you can demonstrate competence. This part of the application form requires you to choose one or a combination of options from the three routes.
31. You may find you only need to choose of these options, or alternatively, you may demonstrate your knowledge and understanding through choosing elements from more than one of these options.
32. The options set how you may demonstrate your knowledge and understanding are explained below:

#### **Option 1: CILEX Examinations**

If you have passed the CILEX Level 6 examinations in Contract or Tort law and Civil Litigation, you should select this option. You must record the title of the examination and the date on which you passed the examination.

If you have not completed either or both of these examinations, you may demonstrate your knowledge and understanding, equivalent to the Level 6 examinations in the subject(s) you do not have through option two or option three or a combination of both. Collectively, you must demonstrate knowledge of relevant law and practice subjects.

#### **Option 2: Equivalent Examinations**

You may rely on examinations you have passed in Contract Or Tort law and Civil Litigation with an organisation other than CILEX. The examinations must be to Level 6 standard, which is honours degree level, and map to the Competence Framework at **Section 6** which is equivalent to the CILEX examinations. For example, you may have completed these subjects and been assessed as part of a law degree, LPC or BPTC.

If you have already been provided with exemptions from the Level 6 CILEX examinations, you will not need to repeat this process for the purpose of making an application for civil litigation rights.

We will map the examinations that you rely upon against the Competence Framework at **Section 6** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:

- the name of the Awarding Organisation of each examination on which you rely;
- the title of each examination passed;
- that date on which you passed each examination;
- evidence of your results (e.g. a certificate or transcript of marks); and
- the syllabus for each examination.

Once we have received all the necessary information, we will map your examinations against the requirements set out in the Competence Framework at **Section 6**.

Each examination that you rely upon must have covered at least 50% of the competencies in the Competence Framework.

Where we do not find that the alternative examinations map to at least 50% of the competencies, we may also ask you supply further information about the examinations upon which you rely. Alternatively, you may be asked to complete Option 3 below. CILEx Regulation's assessment following the mapping exercise is final.

#### **Option 3: Knowledge and understanding obtained through practice**

Where you have not passed the CILEX Level 6 or equivalent examinations in Contract or Tort law and Civil Litigation, you must use this option to demonstrate your knowledge in these subjects. This option enables you to demonstrate that through your practical experience you have gained knowledge of Contract or Tort law and Civil Litigation. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to at least 50% of the Competence Framework at **Section 6**.

You should select cases for your portfolios that demonstrate the range and breadth of your knowledge and understanding of the learning outcomes, as set out in the Competence Framework at **Section 6**.

### **Part Three: Experience**

33. In this part of the application form, you must set out your experience in civil litigation by outlining work that you have undertaken in the last 5 years.
34. You must begin by setting out your employment and work experience. This should cover the previous 5 years. If you have had a break in your employment in the last 5 years, please provide an explanation for such breaks (e.g. maternity leave etc).
35. You must have at least 2 years of experience in civil litigation immediately preceding your application. Where you have had a break in your employment, you may rely on litigation experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.
36. For each of the employment/work roles you have identified on your application form, you should provide the following information:

- a description of the type of cases that you have handled;
- a description of your typical caseload, including details about the complexity of the caseload and a summary of any difficult cases you have handled;
- the number of chargeable hours you spend on civil litigation;
- the proportion of time you spend on civil litigation, as opposed to other areas of practice;
- a description of the range and nature of civil litigation matters you have handled; and
- any distinctive features of your work.

#### **Part Four: Skills**

37. In this part of the application, you must demonstrate that you have the skills required to undertake civil litigation, deliver client care and undertake legal research. We have produced skills outcomes for client care, legal research and civil litigation.

38. The Competence Framework at **Section 6** sets out the skills you must demonstrate. We have called them learning outcomes for litigation.

39. You can meet legal research and client care skills through a number of routes, namely:

- by undertaking the CILEX Level 6 examinations in these subjects;
- through having completed an LLB (legal research only); and/or
- LPC/BPTC; or
- through your work experience.

40. You can demonstrate that you meet civil litigation and also client care and legal research outcomes either by:

- taking a course or examination which meets the outcomes set out in the Competence Framework; or
- by providing a logbook and portfolio of evidence which demonstrates how you have met each outcome; or
- a combination of the two.

41. If you are providing a Skills Logbook and portfolio of evidence, we have produced a Skills Logbook template which asks a series of questions about your skills. The template can be found at [Skills-Logbook-Sheet-011125.docx](#). You must be able to evidence that your skills cover each learning outcomes identified in column 2 of the skills section of the Competence Framework. You do this by completing a logbook sheet and providing supporting evidence for each learning outcome in Column 2. Further guidance on how the Competence Framework works is provided in Section 3 of this handbook.

#### **Part Five: Membership of Professional Bodies**

42. This part of the application form asks you to outline any membership you have of other professional bodies and your prior conduct.

## **Membership of Professional Bodies**

43. You should complete the table setting out details of all professional body memberships you hold or have held. You should set out dates of each period of membership where you have held membership more than once with the same organisation.
44. You should include a statement of good standing for each of these memberships. A statement of good standing confirms that you have maintained any CPD requirements required as a member of each organisation and, that for current memberships, your subscriptions or regulatory fees are up to date.

## **Part Six: Statement of Prior Conduct**

45. This section asks you about your past conduct. You must answer all questions on the statement of prior conduct.
46. Where you have answered 'Yes' to any of the questions, you must provide full details of the circumstances giving rise to the declaration, including dates of any declared conduct.
47. We will refer any prior conduct matters you declare to the CILEx Regulation Enforcement Team who will ask you for further information. The Team will decide whether the prior conduct matter affects your application for litigation practice rights.
48. You should then sign the declaration part of the document. This declaration relates specifically to the information declared in this section in respect of prior conduct. You will also be asked to sign the application form at the end, to confirm that the information you have provided within the whole application is accurate and complete.
49. Please do not use Adobe Acrobat Sign on the application form. A signature request using Adobe Acrobat Sign will be sent to you after initial reviews of your application has been conducted and an invoice for the approval fees has been raised.

## **Part Seven: References and Declaration**

50. This part of the application asks you to provide details of **two** legal professionals who have knowledge of your work and are willing to provide a reference for you. The legal professionals should be authorised persons or members of the judiciary. An authorised person is defined in section 18 of the Legal Services Act 2007 as a solicitor, barrister, CILEX Practitioner, CILEX Fellow, Licensed Conveyancer, Patent Agent, Trademark Attorney, Costs Lawyer or Notarial Agent.
51. You should provide full contact details of your referees, including their name, professional email address, employer/organisation and position they hold within that employer/organisation. In addition, please provide their legal regulatory body membership number. We will write to your referees and ask for a reference. We treat references as confidential and therefore will not ordinarily share them with you.
52. You should then sign and date the application form, stating that you have provided full and complete information to the best of your knowledge and that you agree to be bound

by the rules governing authorisation as a Chartered Legal Executive Litigator (Civil Proceedings) by CILEx Regulation.

## Section 3: Demonstrating Competence

### How do I demonstrate competence?

53. You are required to demonstrate competence by providing evidence against the Competence Framework which can be found at **Section 6**.
54. You may not be familiar with the Competence Framework in which case, you should read this section before you start to complete the portfolios.
55. The Competence Framework has **three** columns:
  - The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify which sections relate to knowledge and understanding, experience or skills elements;
  - The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge and understanding, experience or skill through your work. When completing your portfolio or logbooks, you should refer to the outcomes in the column for the knowledge and understanding, skills or experience part;
  - The third column sets out the experience that you must have gained in order to meet the learning outcomes set out in the second column. Where relevant, they explain the steps you should take to evidence the corresponding outcome.

### Compiling the knowledge and understanding portfolios

56. You must demonstrate your knowledge and understanding of the elements set out in the Competence Framework at **Section 6**.
57. If you have not passed the CILEX Level 6 examinations or equivalent examinations in Contract or Tort law and Civil Litigation, you must complete portfolios to demonstrate your knowledge and understanding of each of the knowledge and understanding learning outcomes. This section provides guidance on completing the portfolios.
58. You must complete **five** portfolios to demonstrate your knowledge and understanding of the relevant area of law and practice in accordance with the learning outcomes from the relevant Competence Framework (second column of the knowledge and understanding section of the Competence Framework).
59. Whilst you need not demonstrate all of the outcomes in each portfolio, you should demonstrate each knowledge and understanding learning outcome at least once across the **five** portfolios.
60. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in the third column of the Competence Framework. You must explain how your case example

demonstrates these as this in turn demonstrates that you have met the learning outcome. For example:

Knowledge & Understanding	Learning Outcome	Supporting Experience
Civil law and practice	<p><i>The outcome states:</i></p> <p>Demonstrate knowledge and understanding of civil litigation</p>	<p>The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome, such as:</p> <ul style="list-style-type: none"> <li>- Examples from the applicant's work to demonstrate the specific application of matters relating to the law of contract. This may include, but is not limited to, matters of privity, contractual terms, the incorporation of contractual terms, exemption clauses, misrepresentation, duress and undue influence, illegal contracts, discharge, revocation and remedies</li> </ul>

61. To meet this outcome, you could outline a case where you took instructions from a party seeking representation for a breach of contract matter. In your explanation, you should demonstrate that you covered the steps outlined in the supporting experience column to show that you have satisfied the outcome of knowledge and understanding of civil litigation.
62. Although each portfolio does not need to cover all of the learning outcomes, ideally you should demonstrate that you meet each learning outcome at least once across the **five** portfolios. The minimum requirement is to demonstrate overall that you meet at least 50% of the learning outcomes. You should indicate in your portfolio the learning outcomes you believe you demonstrate.
63. The portfolio requires you demonstrate the learning outcomes through answering the questions set out below. We have outlined how you can answer the questions.
  - Provide an outline of the facts of the case/matter

*You should provide an outline of the facts of the case/matter that you handled that you are using. You could, for example, set out the facts of a case where a client asks you to represent them following a breach of contract.*
  - Provide an explanation of the law arising in the case/matter and how the law applies to the facts outlined above

*You should provide an outline of the law which you identify as relevant to the facts in the matter you are using to illustrate the learning outcomes. You may find that you are able to demonstrate some of the law competencies from the Competence Framework in this section of the portfolio. For example, you could outline the law of negligence for a negligence claim.*
  - Provide an outline of any procedural and process matters that arose in the case/matter and how they were dealt with

*You should outline the steps undertaken to progress the case. This may include any appropriate orders applied for, such as directions orders.*

- Provide an outline of any evidential issues that arose in the case and how they were dealt with

*You should provide an outline of the evidence you had and how you dealt with this to illustrate the learning outcomes. For example, evidential issues arising where one party asserts that there was no contract could involve outlining the contractual terms that apply to a breach case.*

*You should note that 'issues' does not mean problems. By this, we mean that you should outline all the evidential matters involved in the case. The question is not limited to situations where a problem arose in relation to the evidence used in the case.*

- Provide an outline of any ethical or conduct issues that arose in the case and how they were dealt with

*You should provide an outline of any relevant ethical or conduct issues that arose in the matter you are using to illustrate the learning outcome. It is important that you are aware of your obligations to your client and act with honesty and integrity. For example, where you needed to seek advice on an area of law where you were unfamiliar with the requirements so to not act beyond your competence in a matter.*

- Provide an outline of any funding issues that arose in the case and how they were dealt with

*You should provide an explanation of how the case was funded.*

*You should note that 'issues' does not mean problems. By this, we mean that you should outline all the funding matters involved in the case. The question is not limited to situations where a problem arose in relation to the funding used in the case.*

- Provide an outline of the advice provided to the applicant and the outcome of the matter

*You should provide an outline of the advice you provided to your client which was relevant to progressing the matter that you are using to illustrate the learning outcome. For example, the advice you provided on debt matters on how a debt claim could be enforced.*

- Provide an outline of the decisions you had to make in the case and whether you had to take any strategic decisions in the case

*You should provide an outline of any decisions you had to make, including strategic decisions relevant in the matter that you are using to illustrate the learning outcomes.*

- Provide a description of any training or development needs you have identified as a result of having dealt with the case

*Having reflected on the case/matter you used in your portfolio, you should consider whether any training or development needs arose either during the case or on reflection following completion of the matter which would assist you in dealing with similar cases in future. You should also outline how you have addressed any identified training or development needs.*

64. At the end of each portfolio, you should identify which of the knowledge and understanding outcomes you believe you have met in that portfolio.

## Compiling the experience portfolios

65. You are required to demonstrate your experience of the elements set out in the 'Entry Experience All Applicants' section of the Competence Framework at **Section 6**.
66. All applicants must complete this part of the form **unless you have already completed five portfolios to demonstrate your knowledge and understanding**.
67. You should complete **three** portfolios of cases to demonstrate your experience of civil litigation in accordance with the relevant elements identified in the Competence Framework.
68. Where you have not produced **five** portfolios to demonstrate knowledge and understanding of Contract or Tort law and Civil Litigation, you should produce **three** portfolios which demonstrate your breadth of experience in these areas. You should follow the guidance in **paragraph 63** above on answering the questions.
69. Each portfolio must cover a range of learning outcomes from the knowledge and understanding part of the Competence Framework so as to demonstrate your experience in civil litigation gained in the last 2 years.
70. Where the knowledge and understanding portfolios do not demonstrate your experience to meet this requirement, you should submit additional portfolios to demonstrate your experience of Civil Litigation gained in accordance with the experience requirements. The portfolios will be marked by a CILEx Regulation External Assessor.
71. At the end of each portfolio, you should identify how the portfolio demonstrates your experience in Civil Litigation.

## Completing the skills logbook and compiling the portfolio of evidence

72. The following guidance explains how to complete and present your logbook and portfolio for the skills part of the application. You must demonstrate your skills in civil litigation, client care and legal research by completing a logbook sheet for each skills element. Alternatively, you may complete a skills course or qualification to meet the learning outcomes.
73. The skills that you are required to demonstrate can be found in 2 stages of the Competence Framework at **Section 6**, namely:

- Stage 1: Entry Skills;
- Stage 2: Qualification Criteria: Skills.

74. In the first column of the Competence Framework, there are 6 skills elements identified.

75. Stage 1: Entry Skills element 1 is Client Care. This can be demonstrated as follows:

- by passing the CILEX Level 6 Client Care examination;
- completion and passing the LPC or BPTC;
- another examination which meets the outcomes set out in the second column of the Competence Framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

76. Stage 1: Entry Skills element 2 is Legal Research. This can be demonstrated as follows:

- by passing the CILEX Level 6 Legal Research examination;
- completion and passing the LPC or BPTC;
- another examination which meets the outcomes set out in the second column of the Competence Framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

77. Stage 2: Qualification Skills elements 1 to 6 are specific to civil litigation and cover the following elements:

- Interviewing, advising and communicating;
- Costs and funding;
- Conduct and ethics;
- Managing litigation work;
- Settlement v litigation;
- Legal writing and drafting.

78. Stage 2: Qualification Skills elements 1 to 6 can be demonstrated as follows:

- successfully completing a course which meets the outcomes set out in the second column of the Competence Framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

79. You should complete a separate logbook sheet for each of the skills learning outcomes set out in the second column. In producing your logbook sheet for each of these outcomes in the second column, you should aim to address the experience elements in the third column.

80. For each piece of evidence you provide to support meeting the skills learning outcomes in the second column, you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in the second and third columns). For example, to meet

Qualification Skills element 6 (Legal writing and drafting), learning outcome 1, you could provide evidence of having drafted a witness statement or particulars of claim.

81. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the particulars of claim will be used to support the claim form.
82. Where the activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.
83. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified in the logbook sheet.
84. The evidence should be provided in a page numbered portfolio with the relevant logbook sheet attached to the evidence.
85. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied.
86. You should sign and date each logbook sheet with the date you complete the logbook entry.

# Section 4: How your application is assessed

## General guidance

87. The assessment of your application for civil litigation practice rights will be made on the basis of the evidence you have provided to demonstrate you have met each of the learning outcomes in relation to your knowledge and understanding, experience and skills in civil litigation, client care and legal research.
88. Assessment is set at a level which is considered to be equivalent to Level 6 on the National Qualifications Framework (NQF).
89. You should be able to demonstrate that you are able to:
  - refine and apply knowledge, understanding and application of the law to complex problems;
  - take responsibility for planning and developing courses of action autonomously;
  - make a judgement and take into account changes and developments in the law.
90. This means that the evidence you provide should demonstrate the following standards.

### **Knowledge and understanding**

- Ability to refine and use facts, law and evidence involved in the matter to create ways forward;
- Ability to critically analyse, interpret and evaluate complex information in the context of legal practice;
- Ability to understand the matter in the context of the areas of practice;
- Awareness of recent legal developments in area of practice;
- Ability to understand different approaches, perspectives and developments in the law and business in the legal context, including the legal theory which underpins these approaches.

### **Application and action**

- Ability to address problems that have limited definition and involve a number of related issues;
- Ability to determine, refine, adapt and use appropriate methods and skills;
- Ability to use and/or develop legal research to inform actions;
- Ability to evaluate the likely outcome of actions and methods and the implications of these.

### **Autonomy and accountability**

- Ability to demonstrate responsibility for planning and developing courses of action in the context of legal practice;
- Ability to initiate and lead tasks and processes in the context of legal practice;
- Ability to exercise broad autonomy and judgement.

91. In determining whether your application has met the required standard, we will consider your ability to:
  - recognise and rank items in terms of relevance and importance;

- integrate information and materials from a variety of different sources;
- undertake the analysis of information in a logical and coherent way;
- make critical judgements on the merits of particular courses of action;
- present and make a reasoned choice between alternative solutions;
- act independently in planning, preparation and undertaking tasks in civil litigation;
- undertake independent research in civil litigation using standard legal information sources; and
- Reflect on learning and make constructive use of feedback.

## Section 5: Next steps

92. Once the non-refundable assessment fee has been processed, we will send out declarations to you using [Adobe Acrobat Pro](#). When these declarations are completed, your application will be assessed. You will be sent an acknowledgement email providing you with information on the process and estimated timescales.
93. If your application is approved, subject to receipt of satisfactory references and DBS check, we will notify you in writing and you will be admitted as a Chartered Legal Executive Litigator (Civil Litigation).
94. If your application is not approved, we will notify you in writing and request that you provide further information to support your application. Once we receive this further information it will be assessed, and you will be notified in writing of the decision.
95. If we are unable to determine whether you have met the criteria for admission, your application will be referred to the Admissions and Licensing Committee (ALC) for a decision. You will be notified of the date upon which your application will be considered by the ALC, and we will write to notify you of their decision.

# Section 6 – Competence Framework

## Introduction

1. The entry criteria, learning outcomes and evidence of competency in the Competence Framework set out:
  - the level of competency, knowledge and understanding required to practice in the area of civil litigation;
  - the elements required to evidence that level of competency, knowledge and understanding;
  - the level of competency required in the relevant skills for this area of practice – client care, research and interviewing;
  - a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements;
  - the elements required to evidence the required level of competence for these relevant skills.
2. Authorisation of Civil Litigation Practice Rights will ensure that the applicant has:
  - met the application requirements;
  - an appropriate level of experience in the field of civil litigation in practice, which must include not less than 2 years relevant experience immediately preceding the application;
  - an appropriate level of knowledge and appreciation of the key legal features of civil litigation including the ability to advise, manage and undertake different methods of dispute resolution in all aspects of case management commonly associated with civil practice. Emphasis will be given to the practical aspects of conducting cases in a civil litigation context through the court system but a level of knowledge and understanding of other forms of dispute resolution will also be expected;
  - the ability and experience to research aspects of case law, legal procedure and documentation that is current;
  - the ability and experience to interview clients appropriately, identify the client's objectives and different means of achieving those objectives and advise and be aware of the financial, commercial and personal priorities and constraints to be taken into account of together with the costs, benefits and risks involved in a transaction or procedure or course of action;
  - the ability and experience to perform tasks required to advance transactions or matters, to include (but not restricted to) drafting letters of advice to clients, communicating with co-professionals and with the court;
  - the ability and experience to draft statements of case, applications and witness statements;

- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

Entry Level Competencies	Learning Outcome The entry requirement to achieve civil litigation practice rights seeks to ensure that an applicant:	Supporting Experience The applicant will need to provide evidence of:
<b>STAGE 1 ENTRY CRITERIA</b> KNOWLEDGE UNDERSTANDING SKILLS EXPERIENCE <b>ENTRY KNOWLEDGE AND UNDERSTANDING</b>	<ul style="list-style-type: none"> <li>• Has practical knowledge, understanding, experience and skills</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Knowledge and understanding qualifications</b></li> <li>• <b>Legal Skills qualifications</b></li> <li>• <b>Fellowship</b></li> </ul> <p><b>Knowledge and understanding qualifications</b></p> <ul style="list-style-type: none"> <li>• Successful completion of CILEX Level 6 Professional Higher Diplomas in civil litigation practice and Level 6 contract or tort law</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of qualification of an equivalent standard</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of experience of an equivalent standard</li> </ul> <p><b>Legal Skills qualifications</b></p> <ul style="list-style-type: none"> <li>• Successful completion of CILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of qualification of an equivalent standard</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of experience of an equivalent standard</li> </ul> <p><b>Fellowship</b></p> <ul style="list-style-type: none"> <li>• Is a Fellow of CILEX</li> </ul> <p><b>Note 1:</b> Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Civil Litigation Practice Rights</p> <p><b>Note 2:</b> Where the applicant does not hold the relevant Level 6 examinations (or equivalent), they are required to demonstrate their knowledge and understanding through the submission of 5 portfolios. Examples will be drawn from a range of cases from the applicant's case load.</p>

Entry Level Competencies	Learning Outcome To obtain Civil Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
<b>KNOWLEDGE AND UNDERSTANDING</b>	<p><b>Demonstrate knowledge and understanding of civil law, notably in contract and tort</b></p> <ul style="list-style-type: none"> <li>• <b>Contract</b> <ul style="list-style-type: none"> <li>• Examples from the applicant's work to demonstrate their knowledge and understanding of contract formation and an ability to apply the law to relevant facts. This may include, but is not limited to, evidence of agreement, communication, revocation, termination and acceptance of an offer</li> <li>• Examples from the applicant's work to demonstrate the specific application of matters relating to the law of contract. This may include, but is not limited to, matters of privity, contractual terms, the incorporation of contractual terms, exemption clauses, misrepresentation, duress and undue influence, illegal contracts, discharge, revocation and remedies.</li> </ul> </li> <li>• <b>Tort</b> <ul style="list-style-type: none"> <li>• Examples from the applicant's work to demonstrate their knowledge and understanding of the tort of negligence and an ability to apply the law to relevant facts. This may include, but is not limited to, evidence of identifying the duty of care, breach of duty (of care), causation, remoteness of damage, quantum, defences and remedies</li> <li>• Examples from the applicant's work to demonstrate the specific application of matters relating to the law of the tort of negligence. This may include, but is not limited to, matters of trespass, employer liability cases, liability for premises, nuisance and defamation.</li> </ul> </li> </ul> <p><b>Demonstrate knowledge and understanding of civil litigation</b></p>	<p><b>and/or</b></p> <ul style="list-style-type: none"> <li>• Examples from the applicant's work to demonstrate experience in the application of facts to the law and of the practical advice to be given arising from that application</li> <li>• Examples from the applicant's work to demonstrate knowledge, understanding and experience of the practice and procedure of civil litigation to include, but not limited to, pre-action matters, ADR, the application of the CPR and of the steps required to progress an action through the courts. This may include, but is not limited to, matters of funding, the appropriate court, the tracks, causes of action, defences, counterclaims, additional claims, requests for further information, allocation, case management and directions, disclosure, evidence (both of fact and expert evidence), interim applications, costs, judgments, enforcement, appeals and professional conduct issues.</li> </ul>

<b>Entry Level Competencies</b>	<b>Learning Outcome</b> To obtain Civil Litigation Practice Rights an applicant must:	<b>Supporting Experience</b> The applicant will need to provide evidence of:
<b>ENTRY SKILLS</b> <b>Client care</b>	<p><b>Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice</b></p>	<ul style="list-style-type: none"> <li>Where the applicant does not hold the relevant CILEX Level 6 Legal Research or Client Care (or equivalent) qualification, they should provide a portfolio of evidence and a logbook which demonstrates how they meet each of the outcomes set out below.</li> </ul> <p>Examples will be drawn from a range of cases from the applicant's case load.</p> <ul style="list-style-type: none"> <li>Explain what is understood by successful client interviewing</li> <li>Demonstrate interviews which they consider to be successful and identify what made them successful</li> <li>Explain what is understood by negotiation and its importance in legal practice, including identification of a number of types of negotiation and the importance of preparation in successful negotiation. Identify a number of media through which negotiation can take place</li> <li>Provide examples of the following which have been overcome in a negotiation situation: <ul style="list-style-type: none"> <li>The use of different types of negotiation using different media</li> <li>A situation in which preparation for negotiation was central to success</li> <li>A situation in which communication barriers were overcome for a successful outcome</li> <li>Use of persuasion to achieve a successful outcome.</li> </ul> </li> </ul>
	<p><b>Demonstrate good practice in legal writing</b></p>	<p>Provide evidence of legal writing which demonstrates their understanding of the following key areas of good practice:</p> <ul style="list-style-type: none"> <li>Accurate, succinct, complete and precise writing</li> <li>Awareness of the need to use 'plain English' and Writing using correct grammar and spelling</li> <li>Legal English is used only when necessary and is appropriately explained</li> <li>Judicious use of structure to clearly and logically set out information</li> <li>The synthesis of a variety of sources to provide advice to the client</li> <li>Use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations.</li> </ul>

<b>Entry Level Competencies</b>	<b>Learning Outcome</b> To obtain Civil Litigation Practice Rights an applicant must:	<b>Supporting Experience</b> The applicant will need to provide evidence of:
	<b>Demonstrate knowledge and understanding of professional conduct issues arising in practice</b>	<ul style="list-style-type: none"> <li>Explain where they will find the rules of professional conduct which affect their practice of the law</li> <li>Identify situations in which an ethical issue may have arisen in their practice and how they dealt with those situations</li> <li>Identify any professional organisations that exist within their area of practice and explain the benefits of membership.</li> </ul>
	<b>Demonstrate knowledge and understanding the importance of client care in legal practice</b>	<ul style="list-style-type: none"> <li>Explain the rules relating to client care and evidence their use of the rules in practice</li> <li>Evidence their use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc.</li> <li>Demonstrates an understanding of the need for good client care to benefit the business.</li> </ul>
<b>Legal research</b>	<b>Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research</b>  <b>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</b>  <b>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</b>  <b>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</b>  <b>Ability to record and evaluate information</b>  <b>Ability to synthesise research to present advice</b>	<ul style="list-style-type: none"> <li>Identify situations in which the need for legal research has arisen in their work</li> <li>Explain the steps they undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered.</li> <li>Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem.</li> <li>Identify relevant statutes, case law and other sources from their research.</li> <li>Evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter.</li> <li>Evidence their synthesis of the research materials to provide a structured and accurate report.</li> <li>Evidence how they evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.</li> </ul>
<b>ENTRY EXPERIENCE: ALL APPLICANTS</b>	<ul style="list-style-type: none"> <li>Civil proceedings litigation experience in the 2 years preceding the application</li> </ul>	<ul style="list-style-type: none"> <li>General description of civil work carried out</li> <li>Description of typical caseload</li> <li>An indication of chargeable hours spent on civil proceedings work in each of the last 2 years</li> <li>The proportion of time spent on civil proceedings work</li> </ul>

<b>Entry Level Competencies</b>	<b>Learning Outcome</b> To obtain Civil Litigation Practice Rights an applicant must:	<b>Supporting Experience</b> The applicant will need to provide evidence of:
		<ul style="list-style-type: none"> <li>The number of cases which have included preparation for trial</li> <li>Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities.</li> </ul> <p>The applicant is required to demonstrate experience of Contract/Tort Law and Civil Litigation through the submission of 3 portfolios.</p> <p>Examples will be drawn from a range of cases from the applicant's case load.</p>
<b>STAGE 2</b> <b>QUALIFICATION CRITERIA: SKILLS</b>	The qualification requirement to obtain civil litigation practice rights will require the applicant to demonstrate that they meet the following skills:	<p>In order to achieve accreditation, the applicant needs to demonstrate the outcomes by either:</p> <ul style="list-style-type: none"> <li>Attendance on a course; or</li> <li>Through work experience and by satisfying the qualification criteria.</li> </ul> <p>This can be evidenced by the civil litigator demonstrating the ability to:</p>
<b>Element 1.</b> <b>INTERVIEWING, ADVISING &amp; COMMUNICATING</b>	<b>INTERVIEWING</b> An ability to conduct effective interviews with the client and potential witnesses across a range of civil disputes	<ul style="list-style-type: none"> <li>Prepare for an initial interview and apply a structured approach to it</li> <li>Greet the interviewee appropriately</li> <li>Use appropriate listening, questioning and feedback techniques</li> <li>Maintain rapport with the interviewee</li> <li>Be sensitive to diversity issues</li> <li>Keep a full and accurate record of the interview</li> <li>Close the interview appropriately</li> <li>Obtain all relevant information and identify the client's objectives</li> <li>Is able to disseminate, appropriately and accurately, the information received from the client and seek appropriate instructions.</li> </ul>
	<b>ADVISING AND COMMUNICATING</b> An ability to give and communicate clear, accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success (either orally, in writing or other media)	<ul style="list-style-type: none"> <li>Give clear advice on all relevant matters arising</li> <li>Identify the options available and explain the pros and cons of each of those options</li> <li>Enable the client to make decisions in the case based on appropriate advice</li> <li>Give clear, appropriate and accurate advice regarding costs and funding</li> <li>Seek appropriate instructions and give clear advice regarding the next steps to be taken</li> <li>Deal appropriately with any diversity issues that arise</li> <li>Produce an accurate record of the interview</li> <li>Identify and effectively communicate the complex legal, tactical and commercial factors involved in litigation and appreciate the options available for seeking resolution of a dispute.</li> </ul>

<b>Entry Level Competencies</b>	<b>Learning Outcome</b> To obtain Civil Litigation Practice Rights an applicant must:	<b>Supporting Experience</b> The applicant will need to provide evidence of:
<b>Element 2.</b> <b>COSTS AND FUNDING</b>	<p><b>COSTS</b> An awareness of the requirements of the relevant practice rules that relate to contentious and non-contentious costs and be able to give clear, accurate and regular advice or information on costs issues arising in the case</p>	<ul style="list-style-type: none"> <li>Provide realistic costs estimates of all costs and disbursements at the start of the case and update throughout the progress of the action to include the cost implications of case strategies</li> <li>Ensure full compliance with the CPR costs rules</li> <li>Explain the differences between the indemnity and standard basis of costs</li> <li>Explain the cost implications of CPR 36 and other Offers to Settle</li> <li>Provide appropriate advice regarding the fees that will be charged</li> <li>Prepare estimates and schedules of costs</li> <li>Understand all matters relating to a summary assessment of costs and detailed costs assessments.</li> </ul>
	<p><b>FUNDING</b> An ability to provide clear and accurate advice on funding options to include private funding, public funding, insurance, conditional fees and other forms or third-party funding</p>	<ul style="list-style-type: none"> <li>Identify the funding options available in a particular case</li> <li>Communicate the risks and benefits of each method of funding available</li> <li>Be aware of the funding regulations and restrictions (for example non-regulated activities)</li> <li>Advise the client or service user of significant developments in the case</li> <li>Identify and have regard to potential conflicts of interest on funding issues</li> <li>Identify the appropriate documents to put in place the agreed funding method.</li> </ul>
	<p><b>DOCUMENTATION</b> Draft or complete the necessary documents relating to funding</p>	<ul style="list-style-type: none"> <li>Draft client care letters</li> <li>Draft or complete for the client or inform the client of the appropriate documentation and explain the requirements of the agreed funding method</li> <li>Draft funding agreements</li> <li>Prepare estimates and schedules of costs</li> <li>Understand all matters relating to a summary assessment of costs and detailed costs assessment.</li> </ul>

<b>Entry Level Competencies</b>	<b>Learning Outcome</b> To obtain Civil Litigation Practice Rights an applicant must:	<b>Supporting Experience</b> The applicant will need to provide evidence of:
<b>Element 3.</b> <b>CONDUCT AND ETHICS</b>	<p><b>CONDUCT AND ETHICS PROFESSIONAL OBLIGATIONS</b></p> <ul style="list-style-type: none"> <li>An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct</li> <li>An awareness of their obligations to: the court; their client; other lawyers; the public and money laundering legislation and regulation</li> </ul>	<ul style="list-style-type: none"> <li>Draft client care letters</li> <li>Identify situations where their obligations to: the court; their client; other lawyers; the public and money laundering legislation arise</li> <li>Demonstrate an understanding of the application of their professional obligations in their dealing with these persons or bodies.</li> </ul>
	<p><b>CONFLICTS</b> An ability to identify and deal appropriately with conflicts of interest throughout the handling of the matter</p>	<ul style="list-style-type: none"> <li>Identify and deal appropriately with conflicts: arising between the applicant and the client or service user; arising between the applicant and their duty to the court; or arising between them and any relevant third party.</li> </ul>
	<p><b>WITHDRAWAL FROM A CASE</b> An awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client</p>	<ul style="list-style-type: none"> <li>Show an awareness of the need to withdraw, show an awareness of the proper action when the client refuses to make proper disclosure, show an awareness when the client's or service user's interests' conflict with the applicant's duties to the court, or any other circumstances where withdrawal is required.</li> </ul>
	<p><b>UNDERTAKINGS</b> An understanding of the bases for the giving of professional undertakings to clients, the court and others; the implications of giving such undertakings; the consequences of breaching such undertakings and demonstrate Awareness of the appropriate use of undertakings in legal proceedings</p>	<ul style="list-style-type: none"> <li>Identify when an undertaking may be required and show an awareness of the implications of giving the undertaking and putting in place or obtaining the appropriate safeguards in respect of the undertaking given.</li> </ul>
	<p><b>CONFIDENTIALITY AND PRIVILEGE</b> In respect of confidentiality and privilege the applicant must demonstrate an understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts</p>	<ul style="list-style-type: none"> <li>Distinguish between legal advice privilege and litigation privilege</li> <li>Distinguish between confidential information and privileged information.</li> </ul>

Entry Level Competencies	Learning Outcome To obtain Civil Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
	<p><b>COMPLAINTS AND NEGLIGENCE</b></p> <p>In respect of complaints and negligence the applicant must demonstrate an understanding of the professional conduct rules as they are applied in practice and the steps that must be taken in the event that a mistake (or an act of negligence) as occurred</p>	<ul style="list-style-type: none"> <li>Identify the circumstances when a complaint could be made or negligence may arise</li> <li>Describe/explain the complaints procedure operated by their professional body</li> <li>Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made</li> <li>Explain what steps would need to be taken in respect of the identified, or potential mistake or act of negligence</li> <li>Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to evidence that no mistake or negligence occurred.</li> </ul>
<p><b>Element 4.</b> <b>MANAGING LITIGATION WORK</b></p>	<p><b>FILE HANDLING</b></p> <p>An ability to plan and manage litigation, to progress matters expeditiously and maintain files and records in accordance with procedures</p>	<ul style="list-style-type: none"> <li>Plan and prioritise a workload and manage files and tasks concurrently, efficiently, making the best use of available resources, exercise good judgment, be realistic (as to the client's or service user's expectations, proportionality, time or available funds) and seek support when necessary</li> <li>Show that they are able to deal with a diverse range of client issues presenting a range of civil disputes</li> <li>Deal with matters without causing delay</li> <li>Maintain files and systems (which may include electronic systems) appropriately and correctly</li> <li>Ensure that files are up to date and 'in budget'</li> <li>Manage financial transactions on the file correctly and appropriately</li> <li>Exercised and applied appropriate case analysis, critical judgment and evaluation through a thorough risk assessment and identified the issues arising and applied the correct law and procedures to a matter</li> <li>Adopt and maintain an appropriate, and effective, case strategy that is compatible with the client's aims or requirements and that is legally, procedurally and ethically sustainable</li> <li>Ability to think independently and highlight strategies available to the client that meet the client's objectives</li> <li>Act within a team and independently and demonstrate self-direction and an assumption of responsibility for the actions undertaken.</li> </ul>

Entry Level Competencies	Learning Outcome To obtain Civil Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
	<p><b>CASE ANALYSIS AND CASE PREPARATION</b> An ability to formulate a case strategy which is:</p> <ul style="list-style-type: none"> <li>• Compatible with the client's Objectives and</li> <li>• Is legally and procedurally sustainable</li> </ul> <p>An ability to draft legal documents and letters that can be used effectively in the presentation and procedures for an action to proceed either by way of settlement or litigation</p>	<ul style="list-style-type: none"> <li>• Identify the 'strengths' and the 'weaknesses' in a case</li> <li>• Identify gaps in available evidence</li> <li>• Draw up a realistic case plan</li> <li>• Relate the case theory to the client's or service user's objectives and expectations</li> <li>• Provide the client with a balanced view of the likely risks, costs and benefits of the case strategies</li> <li>• Adopt a cost effective, analytical and pragmatic approach to the wider issues (which may include the client's or service users' commercial objectives).</li> </ul>
	<p><b>DEALING WITH OTHER PROFESSIONALS</b></p> <ul style="list-style-type: none"> <li>• An appropriate level of professionalism in establishing an effective working relationship with others involved in a legal matter</li> <li>• Identify and provide appropriate information to others involved in a matter which may include: <ul style="list-style-type: none"> <li>• An ability to instruct an advocate when necessary</li> <li>• An ability to select, appoint and instruct an expert and show an awareness of the range of expertise that may be needed for a case</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Deal with other professionals involved in a matter appropriately, professionally and ethically</li> <li>• Provide other professionals involved in a matter with appropriate information, instructions and guidance.</li> </ul>
<b>Element 5.</b> <b>SETTLEMENT V LITIGATION</b>	<p><b>SETTLEMENT</b> Be able to identify when settlement of a case is in the client's interest and give clear and accurate advice on settling this case and take the necessary steps to secure settlement</p>	<ul style="list-style-type: none"> <li>• Explain the merits of settlement in achieving the client's or service user's objectives</li> <li>• Give consideration to offers to settle</li> <li>• Understand the significance of 'open' offers, Part 36 Offers and Global Offers</li> <li>• Explain the advantages of a form of offer</li> <li>• Advise the client when responding to an offer to settle</li> <li>• Understand the appropriate way to settle an action (for example by discontinuing or consent orders – these examples are not an exhaustive list of examples that the applicant can use to demonstrate awareness and experience in matters relating to settlement)</li> <li>• Understand and apply an appropriate use of the different types of consent orders.</li> </ul>

<b>Entry Level Competencies</b>	<b>Learning Outcome</b> To obtain Civil Litigation Practice Rights an applicant must:	<b>Supporting Experience</b> The applicant will need to provide evidence of:
	<p><b>NEGOTIATION</b> Be able to negotiate in a client's case</p>	<ul style="list-style-type: none"> <li>• Negotiate a settlement, this may include, but is not limited to, effective and appropriate negotiation immediately before, and during, a trial or hearing</li> <li>• Prepare effectively prior to negotiating with the other party</li> <li>• Identify the client's interests and expectations (and manage those expectations appropriately)</li> <li>• Identify the other party(ies) interests and expectations</li> <li>• Identify the strengths and weaknesses of the client's and other party(ies) cases</li> <li>• Prepare an agenda to deal with the relevant issues</li> <li>• Explain the appropriateness of the form of negotiation entered into (this may be by, but not limited to, an exchange of letters, or meeting).</li> </ul>
	<p><b>ADR</b> Be aware of the ADR processes available, including mediation, early neutral evaluation and expert determination</p> <ul style="list-style-type: none"> <li>• Identify the relevant and appropriate method of ADR and be aware of the role of the persons engaged in a form of ADR</li> </ul>	<ul style="list-style-type: none"> <li>• Explain the nature and procedures of alternative dispute resolution methods</li> <li>• Explain the advantages and disadvantages of those methods</li> <li>• Recommend any appropriate ADR process which would be in the client's or service user's best interests</li> <li>• Advise the client or service user how to pursue a particular ADR process.</li> </ul>
<p><b>Element 6.</b> <b>LEGAL WRITING AND DRAFTING</b></p>	<p><b>LEGAL WRITING AND DRAFTING</b> An ability to understand and apply the principles of good writing and drafting</p>	<ul style="list-style-type: none"> <li>• Understand and apply the principles of good writing</li> <li>• Use accurate, straightforward and modern language</li> <li>• Use correct spelling, grammar, syntax and punctuation</li> <li>• Draft a document that is clear, logical, consistent and with appropriate structure and format</li> <li>• Draft a document that forms a coherent whole and, where appropriate, has advanced the matter, has identified the client's objectives and priorities and provided a clear risk analysis</li> <li>• Address the document appropriately and accurately</li> <li>• Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication</li> <li>• Choose the appropriate medium, form and style of written communication</li> <li>• Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.</li> </ul>