

# ANNEX 1: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CIVIL LITIGATION)<sup>1</sup>

A Chartered Legal Executive (Civil Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a prerequisite of practising civil litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge requirements 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.

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<sup>1</sup> This document forms the education standards for Civil Litigators and Advocates

## 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 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

### TECHNICAL KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CIVIL LITIGATION)

<b>MINIMUM CONTENT:</b>
<b>Contract law</b>
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>Tort law</b>
The core principles of tortious liability and sources – cases, statutes or regulations
Understanding the objectives of the law of tort
Understanding vicarious liability
Understanding Trespass
Understanding Negligence, including causation, duty of care and remoteness (of damage)
Understanding Employers' liability
Understanding Occupiers' liability
Understanding Nuisance
Determining defences including consent and contributory negligence
Remedies, including damages and injunctions
<b>Civil litigation</b>
Understanding Alternative Dispute Resolution (ADR) – methods and their appropriateness as a means of dispute resolution
Main underlying features that enable litigation, including courts' structure
The portals
Pre-action steps before a claim is issued (including ADR)
Understanding limitation, joinder
The stages of proceedings in court, including jurisdiction and which court
Drafting Statements of Case
Understanding when a matter can be terminated without a trial
Track allocation system, directions
Disclosure
Key steps made in the progress of a matter to trial

Interim applications
Evidence, drafting witness statements and drafting applications
Offers of settlement
Trial procedure and preparations for trial
Orders and judgments, enforcement and appeal
Costs and Funding
<b>Evidence</b>
Rules and principles of evidence as they operate in civil proceedings
Drafting witness statements
Expert evidence – appropriate use, adducing
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 civil litigation and advocacy
- ✓ Identify uses for emerging technology in civil litigation and advocacy and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically