



Chartered Legal Executives work in the Court of Protection

CILEx Regulation (CRL) has explored options available to Chartered Legal Executives (CLEs) undertaking various roles within the Court of Protection (CoP) who need litigation practice rights to continue in their role.

We recognise that CoP practice is extremely varied and practitioners, including CLEs, often have different professional backgrounds and experience.

In large, specialised practices, practitioners may concentrate solely on CoP work, whilst in other practices they may undertake a mix of CoP work alongside other areas of Family or Civil Practice. In other practices, it may be part of what is often referred to as 'Private Client' work, that is dealing mainly with high net-worth individuals and their property, trusts, tax arrangements etc which may not involve much court-based work.

In terms of the most appropriate litigation pathway, Family Litigation or Civil Litigation are the closest match to the work undertaken for the CoP.

It is up to an individual CLE to decide which of the 2 litigation pathways best reflects the work they undertake in their role. CRL will recognise 2 years' experience of working in a CoP role as meeting the eligibility criteria, along with 5 years overall legal experience, for either the Portfolio or ULaw routes to authorisation.

CILEX members have felt they would have difficulty evidencing some of the skills elements within the litigation pathways, namely:

- Costs and funding
- Managing litigation work
- Settlement V Litigation

In reviewing CoP applications, CRL Assessors recognise that evidence may not be available to support each individual learning outcome. When such situations arise, we expect applicants to detail how the particular learning outcome applies to their CoP role.

For example, in relation to the costs and funding element, we recognise that costs are determined in accordance with Practice Direction 19b. We would accept evidence from a CLE of compliance with the Practice Direction and details of circumstances in which they choose not to limit their fees to the fixed fee but request a detailed assessment by the Senior Court Costs Office.

However, please note, currently, CRL can only authorise Litigation Practice Rights by type of proceedings (Civil, Criminal or Family). As a result, all applicants seeking litigation practice rights in either Civil Litigation or Family Litigation must demonstrate knowledge and understanding within their litigation portfolio case studies of either:

- Contract Law OR Law of Tort AND Civil Litigation for Civil Litigation; or
- Family Law/Family Practice for Family Litigation.

CLEs are also eligible to apply for Mental Capacity (Welfare) Accreditation through the Scheme offered by The Law Society. For more information, please click [here](#).