

ANNEX 2: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CRIMINAL LITIGATION)¹

A Chartered Legal Executive Litigator and Advocate (Criminal Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a pre-requisite of practising criminal 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 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.

¹ This document forms the education standards for Criminal Litigators and Advocates

KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
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
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

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

MINIMUM CONTENT:
Criminal Law
Fundamental legal principles of criminal liability
Requirements for liability for homicide
Requirements for liability for non-fatal offences against the person, including harassment offences
Requirements for liability for criminal damage
Requirements for liability for theft, robbery and burglary
Requirements for liability for inchoate offences and accomplice liability

Requirements for general defences and defences specific to the offences of theft, homicide, sexual offences, criminal damage, inchoate offences and non-fatal offences against the person
Criminal Litigation
Criminal Procedure Rules
Police powers of stop and search, identification procedures, arrest and detention for the purposes of investigating a crime
Public funding for advice, assistance and representation in the criminal justice process
Procedures and processes involved in advising clients at the police station
Special rules relating to juveniles and vulnerable clients in relation to giving advice at the police station and throughout criminal proceedings, including youth court proceedings
Rules and procedures relating to bail applications
The stages and procedures in the magistrates' and Crown Courts from the first hearing before the Magistrates to trial and sentencing
Sentencing and ancillary orders in criminal proceedings
Appeals procedures from magistrates' Court and Crown Court
Principles of professional ethics in criminal matters
Evidence
Rules and principles of evidence as they operate in the investigation of a crime and criminal proceedings for example, their relationship with Human Rights contained in Articles 5,6 & 8 of the ECHR

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 3rd 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 criminal litigation and advocacy
- ✓ Identify uses for emerging technology in criminal litigation and advocacy and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically