

INTRODUCTION – CIVIL LITIGATION PRACTICE RIGHTS

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise 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
- ~~• **Note:** In order to obtain civil litigation practice rights, applicants must combine the application with an application for rights of audience in chambers. An application for rights of audience in open court remains optional and that applicants seeking rights of audience accreditation in hearings in chambers and/or in open court should refer to the criteria set out in the Advocacy Rights accreditation document~~
- the elements required to evidence the required level of competence for these relevant skills.

Certification 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 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 the tasks required to advance transactions or matters, to include (but not restricted by), 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
- the ability and experience to undertake advocacy in the required fields within this practice area
- demonstrated 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	Supporting Experience
	The entry requirement to achieve civil litigation practice rights seeks to ensure that an applicant:	The applicant will need to provide evidence of:
STAGE 1 ENTRY CRITERIA KNOWLEDGE UNDERSTANDING SKILLS EXPERIENCE ENTRY KNOWLEDGE AND UNDERSTANDING	<ul style="list-style-type: none"> Has practical knowledge, understanding, experience and skills 	<ul style="list-style-type: none"> Knowledge and understanding qualifications Legal Skills qualifications Fellowship <p>Knowledge and understanding qualifications</p> <ul style="list-style-type: none"> Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in civil litigation practice and Level 6 contract or tort <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of experience of an equivalent standard <p>Legal Skills qualifications</p> <ul style="list-style-type: none"> Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> Supplied evidence of experience of an equivalent standard <p>Fellowship</p> <ul style="list-style-type: none"> Is a Fellow of CILEXCILEX <p>Note 1: Where the applicant holds appropriate qualifications which enable an application for Fellowship</p>

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>Demonstrate knowledge and understanding of civil litigation</p>	<ul style="list-style-type: none"> • 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. <p>and</p> <ul style="list-style-type: none"> • 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 • 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.
<p>ENTRY SKILLS</p>		<ul style="list-style-type: none"> • Where the applicant does not hold the relevant CILEXCILEX Level 6 Legal Research or Client Care (or equivalent) qualification, they should provide a portfolio of evidence and logbook which demonstrates how they met each of the outcomes set out below in

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</p> <p>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</p> <p>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</p> <p>Ability to record and evaluate information</p> <p>Ability to synthesise research to present advice</p>	<ul style="list-style-type: none"> • Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem. • Identify relevant statutes, case law and other sources from their research. • Evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter • Evidence their synthesis of the research materials to provide a structured and accurate report • Evidence how they evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.
<p>ENTRY EXPERIENCE:</p> <p>ALL APPLICANTS</p>	<ul style="list-style-type: none"> • Civil proceedings litigation experience in the 2 years preceding the application 	<ul style="list-style-type: none"> • General description of civil work carried out • Description of typical case load • An indication of chargeable hours spent on civil proceedings work in each of the last 2 years • The proportion of time spent on civil proceedings work • The number of cases which have included preparation for trial • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities. <p>The applicant is required to demonstrate experience of Contract/Tort Law and Civil Litigation through the submission of 3 portfolios in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from</p>

Entry Level Competencies	Learning Outcome	Supporting Experience
		the applicant's case load.
STAGE 2 QUALIFICATION CRITERIA: SKILLS	<p>The qualification requirement to obtain civil litigation practice rights will require the applicant to demonstrate that they meet the following skills:</p>	<p>In order to achieve accreditation the applicant needs to demonstrate the outcomes by either</p> <ul style="list-style-type: none"> • Attendance on a course, or • Through work experience and by satisfying the qualification criteria. <p>This can be evidenced by the civil litigator demonstrating the ability to:</p>
Element 1. INTERVIEWING, ADVISING & COMMUNICATING	<p>INTERVIEWING</p> <ul style="list-style-type: none"> • An ability to conduct effective interviews with the client and potential witnesses across a range of civil disputes <p>ADVISING AND COMMUNICATING</p> <ul style="list-style-type: none"> • 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"> • Prepare for an initial interview and apply a structured approach to it • Greet the interviewee appropriately • Use appropriate listening, questioning and feedback techniques • Maintain rapport with the interviewee • Be sensitive to diversity issues • Keep a full and accurate record of the interview • Close the interview appropriately • Obtain all relevant information and identified the clients objectives • Is able to disseminate, appropriately and accurately, the information received from the client and seek appropriate instructions. • Give clear advice on all relevant matters arising • Identify the options available and explain the pros and cons of each of those options • Enable the client to make decisions in the case based on appropriate advice • Give clear, appropriate and accurate advice regarding costs and funding • Seek appropriate instructions and give clear advice regarding the next steps to be taken

Entry Level Competencies	Learning Outcome	Supporting Experience
		<ul style="list-style-type: none"> • Deal appropriately with any diversity issues that arise • Produce an accurate record of the interview • Can identify and effectively communicate the complex legal, tactical and commercial factors involved in litigation and has appreciated the options available for seeking resolution of a dispute.
Element 2. COSTS AND FUNDING	<p>COSTS</p> <ul style="list-style-type: none"> • 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>FUNDING</p> <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 • Ensure full compliance with the CPR costs rules • Explain the differences between the indemnity and standard basis of costs • Explain the cost implications of CPR 36 and other Offers to Settle • Provide appropriate advice regarding the fees that will be charged • Prepare estimates and schedules of costs • Understand all matters relating to a summary assessment of costs and detailed costs assessments. • Identify the funding options available in a particular case • Communicate the risks and benefits of each method of funding available • Be aware of the funding regulations and restrictions (for example non-regulated activities) • Advise the client or service user of significant developments in the case • Identify and have regard to potential conflicts of interest on funding issues • Identify the appropriate documents to put in place the agreed funding method.

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>DOCUMENTATION</p> <ul style="list-style-type: none"> Draft or complete the necessary documents relating to funding 	<ul style="list-style-type: none"> Draft client care letters Draft or complete for the client or inform the client of the appropriate documentation and explain the requirements of the agreed funding method Draft funding agreements Prepare estimates and schedules of costs Understand all matters relating to a summary assessment of costs and detailed costs assessment.
<p>Element 3. CONDUCT AND ETHICS</p>	<p>CONDUCT AND ETHICS</p> <p>PROFESSIONAL OBLIGATIONS</p> <ul style="list-style-type: none"> 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 An awareness of their obligations to: the court, their client, other lawyers, the public and money laundering legislation and regulation <p>CONFLICTS</p> <ul style="list-style-type: none"> An ability to identify and deal appropriately with conflicts of interest throughout the handling of the matter <p>WITHDRAWAL FROM A CASE</p> <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Draft client care letters Identify situations where their obligations to: the court, their client, other lawyers, the public, and money laundering legislation arise Demonstrate an understanding of the application of their professional obligations in their dealing with these persons or bodies. 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 him and any relevant third party. 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

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>UNDERTAKINGS</p> <ul style="list-style-type: none"> 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>CONFIDENTIALITY AND PRIVILEGE</p> <ul style="list-style-type: none"> 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>COMPLAINTS AND NEGLIGENCE</p> <ul style="list-style-type: none"> 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>required.</p> <ul style="list-style-type: none"> Identify when an undertaking may be required and shown an awareness of the implications of giving the undertaking and putting in place, or obtaining the appropriate safeguards in respect of the undertaking given. Distinguish between legal advice privilege and litigation privilege Distinguish between confidential information and privileged information. Identify the circumstances when a complaint could be made or negligence may arise Describe/explain the complaints procedure operated by his professional body Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made Explain what steps would need to be taken in respect of the identified, or potential, mistake or act of negligence Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to evidence that no mistake or negligence had occurred.
Element 4. MANAGING LITIGATION WORK	FILE HANDLING	

Entry Level Competencies	Learning Outcome	Supporting Experience
	<ul style="list-style-type: none"> An ability to plan and manage litigation, to progress matters expeditiously and maintain files and records in accordance with procedures 	<ul style="list-style-type: none"> Plan and prioritise a workload and manage files and tasks concurrently, efficiently, making the best use of available resources, exercise good judgment, been realistic (as to the client's or service user's expectations, proportionality, time or available funds) and seek support when necessary Show that he is able to deal with a diverse range of client issues presenting a range of civil disputes Deal with matters without causing delay Maintain files and systems (which may include electronic systems) appropriately and correctly Ensure that files are up to date and 'in budget' Manage financial transactions on the file correctly and appropriately Has exercised and applied appropriate case analysis, critical judgment and evaluation through a thorough risk assessment and has identified the issues arising and applied the correct law and procedures to a matter Is able to 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 Has shown an ability to think independently and highlight strategies available to the client that meet the client's objectives Is able to act within a team and independently and demonstrates self-direction and an assumption of responsibility for the actions undertaken.
	<p>CASE ANALYSIS AND CASE PREPARATION</p> <p>An ability to formulate a case strategy which is:</p>	<ul style="list-style-type: none"> Identify the 'strengths' and the 'weaknesses' in a case Identify gaps in available evidence Draw up a realistic case plan Relate the case theory to the client's or service user's objectives and expectations

Entry Level Competencies	Learning Outcome	Supporting Experience
	<ul style="list-style-type: none"> Compatible with the client's objectives and Is legally and procedurally sustainable <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> <p>DEALING WITH OTHER PROFESSIONALS</p> <ul style="list-style-type: none"> An appropriate level of professionalism in establishing an effective working relationship with others involved in a legal matter Identified and provided appropriate information to others involved in a matter which may include; An ability to instruct an advocate when necessary <ul style="list-style-type: none"> An ability to select, appoint and instruct an expert and shown an awareness of the range of expertise that may be needed for a case 	<ul style="list-style-type: none"> Provide the client with a balanced view of the likely risks, costs and benefits of the case strategies Adopt a cost effective, analytical and pragmatic approach to the wider issues (which may include the client's or service users commercial objectives). Deal with other professionals involved in a matter appropriately, professionally and ethically Provide other professionals involved in a matter with appropriate information, instructions and guidance.
<p>Element 5.</p> <p>SETTLEMENT V LITIGATION</p>	<p>SETTLEMENT</p> <ul style="list-style-type: none"> Be able to identify when settlement of a case is in the client's interest and give clear and accurate advice on settling his case and take the necessary steps to secure settlement 	<ul style="list-style-type: none"> Explain the merits of settlement in achieving the client's or service user's objectives Give consideration to offers to settle Understand the significance of 'open' offers, Part 36 Offers and Global Offers Explain the advantages of a form of offer Advise the client when responding to an offer to settle 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) Understand and has applied an appropriate use of the different types of consent orders.

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>NEGOTIATION</p> <ul style="list-style-type: none"> Be able to negotiate in a clients case <p>ADR</p> <ul style="list-style-type: none"> Be aware of the ADR processes available, including mediation, early neutral evaluation, and expert determination, identify the relevant and appropriate method of ADR and be aware of the role of the persons engaged in a form of ADR 	<ul style="list-style-type: none"> Negotiate a settlement, this may include, but is not limited to, effective and appropriate negotiation immediately before, and during, a trial or hearing Prepare effectively prior to negotiating with the other party Identify the client's interests and expectations (and manage those expectations appropriately) Identify the other party(ies) interests and expectations Identify the strengths and weaknesses of the client's and other party(ies) cases Prepare an agenda to deal with the relevant issues Explain the appropriateness of the form of negotiation entered into (this may be by, but not limited to, an exchange of letters, or by a meeting). Explain the nature and procedures of alternative dispute resolution methods Explain the advantages and disadvantages of those methods Recommend any appropriate ADR process which would be in the client's, or service user's, best interests Advise the client or service user how to pursue a particular ADR process.
Element 6. LEGAL WRITING AND DRAFTING	<p>LEGAL WRITING AND DRAFTING</p> <ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical, consistent and with appropriate structure and format Draft a document that forms a coherent whole and, where 	<ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical, consistent and with appropriate structure and format Draft a document that forms a coherent whole and,

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>appropriate, advances the matter, where appropriate identifies the client's objectives and priorities, where appropriate provides a clear risk analysis</p> <ul style="list-style-type: none"> • Address the document appropriately and accurately • Understand the appropriate uses of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients 	<p>where appropriate, has advanced the matter, and where appropriate has identified the client's objectives and priorities, and where appropriate provided a clear risk analysis</p> <ul style="list-style-type: none"> • Address the document appropriately and accurately • Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.

INTRODUCTION – CIVIL LITIGATION ADVOCACY RIGHTS

In chambers in the High Court and County Courts and in open court in the County Courts and the Coroners' Courts The entry criteria and evidence of competency stated in this schedule set out and envisages:

- that the applicant will already have obtained practice rights in civil litigation practice or is ~~making a combined application~~ applying for litigation advocacy rights at the same time as an application for civil litigation practice rights

NOTE: (an application for Civil Litigation Advocacy Rights may also be combined with one for Family Litigation Practice Rights or Criminal – Litigation Practice Rights (or a combination of these)

Certification of Civil Litigation Advocacy rights will ensure that:

- that the applicant has provided the required evidence to demonstrate the required level of competency, knowledge and understanding set out in this document
- that the applicant has the required level of competency in the relevant skills: advocacy, client care, research and interviewing
- that the applicant has entered onto and passed the ~~CILEX~~ CILEX Rights of Audience advocacy skills course

NOTE: that the applicant may make an application for rights or audience in chambers only or for rights of audience in open court in the County Courts and Coroners Courts.

ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
<p>Stage 1</p> <p>ENTRY LEVEL</p> <p>COMPETENCY CRITERIA:</p> <p>In order to apply for the rights of audience qualification the applicant must meet the criteria for civil litigation practice rights and will have relevant advocacy experience (on the determination of the Admissions and Licensing Committee) in the 2 years immediately preceding their application</p>	<p>The applicant will be able to demonstrate :</p> <ul style="list-style-type: none"> • 2 years advocacy experience of an appropriate standard expected in the courts for which they are seeking rights of audience • Ability to carry out analysis, evaluation and critical judgment • Autonomy and an ability to learn 	<p>In relation to the 2 years preceding the application, applicants must give by way of a statement the following information:</p> <ul style="list-style-type: none"> • A general description of the advocacy, trial preparation and trial involvement carried out • A breakdown of the proportion or number of cases which have concluded at trial or been prepared for trial and the stage when the cases were concluded, if before trial • A description of the applicant's typical caseload • A description of the range and nature of advocacy experience including observed advocacy the applicant has undertaken. <p>The applicant must also submit a portfolio of cases based on the case load in which they have been involved (stating the level of their involvement) which demonstrates their advocacy experience in compliance with the competence criteria set out below. The portfolio requirements are set out in the Portfolio Guidelines.</p> <p>The applicant will be expected to be able to demonstrate through their portfolios that they can:</p> <ul style="list-style-type: none"> • Recognise and rank items and issues in terms of relevance and importance • Integrate information and materials from a variety of different sources • Undertake the analysis of factual information in a

ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
		<p>represent the client at court</p> <ul style="list-style-type: none"> • Understand when it would be inappropriate to act or appropriate to cease to act as an advocate.
<p>FOR CANDIDATES SEEKING OPEN COURT RIGHTS OF AUDIENCE</p> <p>Trial Advocacy</p>	<ul style="list-style-type: none"> • An appropriate level of trial advocacy 	<ul style="list-style-type: none"> • Understand in particular the purpose, technique and tactics of opening speeches; examination-in-chief; cross-examination; re-examination and closing speeches to adduce, rebut and clarify evidence • Undertake competently an opening speech, examination-in-chief, cross-examination, re-examination and a closing speech • Deal appropriately with client care and ethical issues • Demonstrate an understanding of the ethics, etiquette and convention of advocacy.

Evidence	<ul style="list-style-type: none"> • Knowledge and understanding of the rules of evidence as they apply in civil proceedings 	<ul style="list-style-type: none"> • Understand the incidence of the burden and standard of proof • Apply the rules relating to competence and compellability of witnesses • Understand the significance and admissibility of circumstantial evidence • Understand and has applied the ways in which evidence may be adduced • Understand the rules relating to admissibility and weight that will be applied to the evidence to be adduced for example relating to hearsay evidence or to prior consistent statements and to impugning the
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ENTRY LEVEL Competencies	Learning Outcomes	Supporting Experience
		<p>testimony of witnesses by their prior inconsistent statements (these examples are not a complete list of examples the applicant can use to demonstrate his ability to understand the rules relating to admissibility and weight)</p> <ul style="list-style-type: none"> • Understand and has applied the rules relating to expert evidence • Understand the relevance of human rights issues.

INTRODUCTION – CRIMINAL LITIGATION PRACTICE RIGHTS

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of Criminal 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
- the elements required to evidence the required level of competence for these relevant skills
- 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.

Note that applicants seeking rights of audience accreditation in hearings in open court and chambers should refer to the criteria set out in the Advocacy Rights accreditation document.

Certification of Criminal Litigation Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of criminal litigation in practice which must include not less than two years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of criminal litigation, including the ability to advise, manage and undertake all aspects of case management commonly associated within this field of practice
- 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 and personal priorities and constraints to be taken account of together with the costs, benefits and risks involved in a procedure or course of action
- the ability and experience to perform the tasks required to advance matters, to include (but not restricted to) drafting letters of advice to clients, communicating with co-professionals, the police, the Crown Prosecution Service and with the court
- the ability and experience to draft all relevant documentation including (but not restricted to) drafting applications and notices to the court, case management forms, witness statements and documentation required to obtain public funding
- the ability and experience to undertake advocacy in the required fields within this practice area
- 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.

	Learning Outcomes	Supporting Experience
	The entry requirement to obtain Criminal litigation practice rights seeks to ensure that an applicant will be able to demonstrate that they:	The applicant will need to provide evidence of:
STAGE 1 ENTRY CRITERIA <ul style="list-style-type: none"> • KNOWLEDGE UNDERSTANDING • SKILLS • EXPERIENCE 		
ENTRY KNOWLEDGE AND UNDERSTANDING	<ul style="list-style-type: none"> • Have practical knowledge, understanding, experience and skills 	<ul style="list-style-type: none"> • Knowledge and understanding qualifications • Legal Skills qualifications • Fellowship <p>Knowledge and understanding qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in criminal litigation practice and Level 6 criminal law <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of experience of an equivalent standard <p>Legal Skills qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard

	Learning Outcomes	Supporting Experience
		<p>Or</p> <ul style="list-style-type: none"> Supplied evidence of experience of an equivalent standard <p>Fellowship</p> <ul style="list-style-type: none"> Is a Fellow of CILEXCILEX <p>Note 1: Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Criminal Litigation Practice Rights</p> <p>Note 2: 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, in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
KNOWLEDGE AND UNDERSTANDING		Note: elements in italics are optional
ENTRY SKILLS	<p>Demonstrate knowledge and understanding of criminal law as it operates in practice.</p> <p>Demonstrate knowledge and understanding of criminal procedure and the law of evidence as they operate in practice.</p>	<ul style="list-style-type: none"> The criminal law relating to analysis of actus reus, mens rea, offences of strict liability, negligence giving rise to criminal liability and defences. This may be in the context of non-fatal offences, sexual offences, homicide offences, offences against property, road traffic offences and inchoate offences Application and critical evaluation of criminal liability in given factual situations Police investigative powers; public funding of criminal cases; bail; summary proceedings; how and why cases go the Crown Court; trial on indictment; sentencing; appeals and the rules of evidence in criminal proceedings

	Learning Outcomes	Supporting Experience
		<ul style="list-style-type: none"> • <i>Cases dealt with in the Youth Court that demonstrate any of the above subject matter.</i>
Client care	<p>Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice</p> <p>Demonstrate good practice in legal writing</p>	<ul style="list-style-type: none"> • Understand successful client interviewing • Interviews which the applicant considers to be successful and identify what made them successful • Understand 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 • Examples of the following which have been overcome in a negotiation situation: <ul style="list-style-type: none"> ○ The use of different types of negotiation using different media ○ A situation in which preparation for negotiation was central to success ○ A situation in which communication barriers were overcome for a successful outcome ○ Use of persuasion to achieve a successful outcome. <p>Legal writing which demonstrates understanding of the following key areas of good practice:</p> <ul style="list-style-type: none"> • Accurate, succinct, complete and precise writing • Awareness of the need to use 'plain English' and writing using correct grammar and spelling • legal English is used only when necessary and is appropriately explained • Judicious use of structure to clearly and logically set out information • The synthesis of a variety of sources to provide advice to the client. • Use of appropriate communication, including use of appropriate tone and style, to sensitively manage

	Learning Outcomes	Supporting Experience
	<p>Demonstrate knowledge and understanding of professional conduct issues arising in practice</p> <p>Demonstrate knowledge and understanding the importance of client care in legal practice</p>	<p>client expectations.</p> <ul style="list-style-type: none"> • Explain where the applicant will find the rules of professional conduct which affect their practice of the law • Identify situations in which an ethical issue may have arisen in their practice and how the applicant dealt with those situations • Identify any professional organisations that exist within the applicant's area of practice and explain benefits of membership. • Explain the conduct rules relating to client care and evidence use of the rules in practice • Evidence use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. • Demonstrate understanding of the need for good client care to benefit the business.
Legal Research	<p>Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research</p> <p>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</p> <p>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</p> <p>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</p> <p>Ability to record and evaluate information</p>	<ul style="list-style-type: none"> • Identify situations in which the need for legal research has arisen in their work • Explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered • Explain their understanding of primary and secondary sources and how these sources can be used to ensure the applicant sufficiently researched the problem • Identify relevant statutes, case law and other sources from research • how research was prioritised and analysed and used to better understand the issues raised in the legal matter • synthesis of the research materials to provide a

	Learning Outcomes	Supporting Experience
	Ability to synthesise research to present advice	<p>structured and accurate report</p> <ul style="list-style-type: none"> • how the applicant evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.
ENTRY EXPERIENCE: ALL APPLICANTS	Criminal proceedings litigation experience in the 2 years preceding the application	<ul style="list-style-type: none"> • General description of criminal work carried out • Description of typical case load • An indication of chargeable hours spent on criminal proceedings work in each of the last 2 years • The proportion of time spent on criminal proceedings work • The number of cases which have included preparation for trial • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities <p>The applicant is required to demonstrate their experience of Criminal Law, Practice and litigation through the submission of 3 portfolios in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
STAGE 2 QUALIFICATION CRITERIA: SKILLS	The qualification requirement to obtain criminal litigation practice rights will require the applicant to demonstrate that they meet the following skills:	<p>In order to obtain accreditation the applicant needs to demonstrate the outcomes by either:</p> <ul style="list-style-type: none"> • Attendance on a course, or • Through work experience <p>and</p> <ul style="list-style-type: none"> • By satisfying the assessment criteria. <p>Applicants must show the required level of skills in 4 elements, across a range of Criminal matters which may include representing a client in proceedings before:</p>

	Learning Outcomes	Supporting Experience
		(1) a Magistrates' Court; (2) a Youth Court (3) a Crown Court.
Element 1. INTERVIEWING, ADVISING AND COMMUNICATING	INTERVIEWING <ul style="list-style-type: none"> conduct effective interviews with the client and potential witnesses across a range of criminal matters ADVISING & COMMUNICATING <ul style="list-style-type: none"> 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). Where necessary, the applicant will be able to refer the client on to outside agencies or professionals better able to deal with the wider aspect of their problem 	<ul style="list-style-type: none"> Prepare for an initial interview and apply a structured approach to it Greet the interviewee appropriately Use appropriate listening questioning and feedback techniques Maintain rapport with the interviewee Be sensitive to diversity issues Keep a full and accurate record of the interview Close the interview appropriately. <ul style="list-style-type: none"> Obtain all relevant information and identify the clients objectives Give clear advice on all relevant matters arising Identify the options available and explain the pros and cons of each of those options Enable the client to make decisions in the case based on appropriate advice Give clear, appropriate and accurate advice regarding costs and funding Seek appropriate instructions and give clear advice regarding the next steps to be taken Deal appropriately with any diversity issues that arise Handle an emotionally distressed client in a sensitive and professional manner Produce an accurate record of the interview.
Element 2. COSTS AND FUNDING	COSTS <ul style="list-style-type: none"> An ability to provide clear and accurate advice on the power of the court to make orders in relation to costs 	<ul style="list-style-type: none"> Provide appropriate advice and information about the court's powers to make an order in relation to a client paying a contribution towards prosecution

	Learning Outcomes	Supporting Experience
	<p>FUNDING</p> <ul style="list-style-type: none"> An ability to provide clear, accurate and regular advice on funding options to include private funding and public funding <p>DOCUMENTATION</p> <ul style="list-style-type: none"> Draft or complete the necessary documents relating to funding 	<p>costs and when defence costs may be paid from central funds or by the prosecution.</p> <ul style="list-style-type: none"> Advise a client about their eligibility for publicly funded legal advice and representation Explain what supporting documentation will be required to obtain publicly funded representation Advising the client on the financial and other implications of obtaining publicly funded representation Provide appropriate information to privately funded clients regarding the fees which will be charged. Draft client care letters Complete all relevant Criminal Defence Solicitor Forms required in order to obtain public funding Complete all relevant Criminal Defence Solicitor Forms required in order to obtain authority to instruct experts when this is necessary prepare estimates and schedules of costs for privately funded clients.
Element 3. PROFESSIONAL CONDUCT AND ETHICS	<p>CONDUCT AND ETHICS</p> <ul style="list-style-type: none"> 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 An awareness of their obligations to: the court, their client, other lawyers, the public and the Community Legal Service in respect of money laundering legislation and regulation <p>CONFLICTS</p> <ul style="list-style-type: none"> An ability to identify and deal appropriately with conflicts of interest throughout his handling of the matter 	<ul style="list-style-type: none"> Identify situations and their obligations to: the court, their client, other lawyers, the public and money laundering legislation and regulation in practice. Identify and deal appropriately with conflicts; arising between the applicant and the client, arising between the applicant and their duty to the court, or arising between the applicant and any relevant third

	Learning Outcomes	Supporting Experience
	<p>WITHDRAWAL FROM THE CASE</p> <ul style="list-style-type: none"> 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>CONFIDENTIALITY AND PRIVILEGE</p> <ul style="list-style-type: none"> An understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts <p>COMPLAINTS AND NEGLIGENCE</p> <ul style="list-style-type: none"> An awareness of how complaints and allegations of negligence might arise and appropriate measures/procedures for preventing and dealing with them 	<p>party.</p> <ul style="list-style-type: none"> Show an awareness of the need to withdraw; when the client's interests conflict with their duties to the court or any other circumstances where withdrawal is required The appropriate steps to take when withdrawing from a case. Distinguish between legal advice privilege and litigation privilege Distinguish between confidential information and privileged information Identify when confidential and privileged information may or must be disclosed and to whom. Describe/explain the complaints procedure operated by his professional body Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made Describe the consequences of a successful complaint or allegation of negligence being made.
Element 4. MANAGING LITIGATION WORK	<p>FILE HANDLING</p> <ul style="list-style-type: none"> An ability to plan and manage litigation effectively <p>CASE ANALYSIS AND CASE PREPARATION</p> <ul style="list-style-type: none"> An ability to effectively analyse a case An ability to formulate a case strategy which is: 	<ul style="list-style-type: none"> Allocate time and resources appropriately Adopt and maintain an appropriate case strategy Be aware of procedural requirements including relevant practice directions and procedural rules Actively manage cases. Identify the key points the prosecution must prove in order to secure a conviction

	Learning Outcomes	Supporting Experience
	<ul style="list-style-type: none"> - compatible with the client's objectives - legally and procedurally sustainable <p>ASSEMBLY SKILLS</p> <ul style="list-style-type: none"> • An ability to assemble all materials relevant to the case, in accordance with the case analysis <p>INSTRUCTING ADVOCATES</p> <ul style="list-style-type: none"> • An ability to instruct an advocate when necessary 	<ul style="list-style-type: none"> • Identify the available evidence the prosecution has to prove these points • Identify what defence, if any, the client is raising and what evidence is available in relation to this defence • Identify the strengths and weaknesses in the case • Identify gaps in the available evidence • Draw up a realistic case theory • Relate the case theory to the client's objectives and expectations • Draw up a strategy for the case. • Identify relevant law and procedural rules • Efficiently collate all relevant evidence • Summarise relevant law, procedure and evidence • Locate and interview witnesses • Locate and instruct expert witnesses in accordance with relevant Criminal procedure rules. • Identify when a specialist legal opinion is required/when it is necessary to instruct an advocate • Identify a suitably qualified/experienced advocate • Agree an appropriate fee for work to be carried out by the advocate • Draft a brief to the advocate where necessary • Liaise between the client and the advocate • Demonstrate an awareness of the obligations of the advocate to the court and under his professional obligations. • Appreciate the nature and function of different types of experts relevant to criminal practice

	Learning Outcomes	Supporting Experience
	<p>EXPERTS</p> <ul style="list-style-type: none"> An ability to instruct an expert when necessary <p>INSTRUCTING OTHER PROFESSIONALS</p> <ul style="list-style-type: none"> An ability to correspond or otherwise communicate with the court and these other parties when it is necessary to do so 	<ul style="list-style-type: none"> Identify when it is appropriate to instruct an expert Be familiar with the available registers and databases through which an appropriate expert may be identified and located Understand the relevant procedural rules to ensure that an expert is instructed properly Understand the substantive law relating to expert evidence and the ways in which such evidence can be challenged. Relevant prosecuting agency as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case Legal advisers of a co-defendant in relation to any issues arising between the defendants, court as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case.
<p>Element 5. LEGAL WRITING AND DRAFTING</p>	<ul style="list-style-type: none"> An ability to understand and apply the principles of good writing and drafting 	<ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical, consistent and with appropriate structure and format Draft a document that forms a coherent whole and, where appropriate, advances the matter Understand the appropriate uses of e-mails, letters, memoranda and other forms of written communication Choose the appropriate medium, form and style of written communication Tailor the written communication to suit the purposes of the communication and the needs of

INTRODUCTION – CRIMINAL PRACTICE ADVOCACY RIGHTS

In open court in the Magistrates' Courts (including Youth Courts), bail before judge in chambers in the Crown Court, in open court in the Crown Court for appeals against conviction and sentence where the applicant or his firm represented the defendant in the Magistrates'/Youth Court and on committal for sentence where the applicant or his firm represented the defendant in the Magistrates' Court.

The entry criteria and evidence of competency stated in this schedule set out and envisages:

- that an applicant for Criminal Practice Advocacy rights will already have obtained, ~~or is making a combined application for or is making an application for~~ Criminal Litigation Practice Rights at the same time as the application for Criminal Practice Advocacy Rights provided they have met the Stage 1 entry requirement for Criminal Litigation Practice Rights

NOTE: an application may also be combined with one for Family Litigation Practice Rights or Civil Litigation Practice Rights (or a combination of these)

- that the applicant has provided the required evidence to demonstrate the level of competency, knowledge and understanding set out in this document
- that the applicant has the required level of competency in the relevant skills of: advocacy, client care, research and interviewing
- that the applicant has entered onto and passed the ~~GLE~~**ExCILEX** Rights of Audience advocacy skills course

NOTE: that the applicant may make an application for rights or audience to appear in open court in the Magistrates' Courts (including Youth Courts), bail before judge in chambers in the Crown Court, in open court in the Crown Court for appeals against conviction and sentence where the applicant or his firm represented the defendant in the Magistrates'/Youth Court and on committal for sentence where the applicant or his firm represented the defendant in the Magistrates' Court.

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
<p>Stage 1 ENTRY LEVEL COMPETENCY CRITERIA: In order to apply for the rights of audience qualification the applicant must meet the criteria for criminal litigation rights, And will have, relevant experience on the determination of the Admissions and Licensing Committee in the 2 years immediately preceding their application.</p>	<p>The criminal practice advocate will be able to demonstrate:</p> <ul style="list-style-type: none"> • 2 years advocacy experience • Either appropriate experience of the style and standards of practice of advocacy expected in the courts for which they are seeking rights of audience, or have observed advocacy in those areas where currently no rights of audience exist but where they will be granted rights upon achieving the qualification • Analysis, critical judgment and evaluation • Autonomy and ability to learn. 	<p>In relation to the 2 years preceding the application, applicants must give by way of a statement the following information:</p> <ul style="list-style-type: none"> • A general description of the advocacy, trial preparation and trial involvement carried out • A breakdown of the proportion or number of cases which have included preparation for trial or prepared for trial and the stage when the cases were concluded if before trial • A description of the applicant's typical caseload • A description of the range and nature of advocacy experience including observed advocacy (this may include advocacy experience gained through representing clients at police stations). <p>The applicant must also submit a portfolio of cases which demonstrates their advocacy experience based on the caseload in which they have been involved (stating their level of involvement) in compliance with the competence criteria set out below. The portfolio requirements are set</p>

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
		<p>out in the Portfolio Guidelines.</p> <p>The applicant will be expected to be able to demonstrate through their portfolios that they can:</p> <ul style="list-style-type: none"> • Recognise and rank items and issues in terms of relevance and importance • Integrate information and materials from a variety of different sources • Undertake the analysis of factual information in a logical and coherent way • Make critical judgments of the merits of particular arguments • Present and make a reasoned choice between alternative solutions • Act independently in planning, preparing and undertaking tasks in the above areas of law <ul style="list-style-type: none"> • Undertake independent research in the above areas of law using standard legal information sources <ul style="list-style-type: none"> • Reflect on their learning and make constructive use of feedback

QUALIFICATION CRITERIA	LEARNING OUTCOMES	SUPPORTING EVIDENCE
Stage 2	Stage 2 The applicant must be able to demonstrate:	This can be evidenced by the applicant demonstrating the ability to:
Case Analysis and Theory	<ul style="list-style-type: none"> An appropriate level of case analysis, critical judgement and evaluation 	<ul style="list-style-type: none"> Identify the relevant factual, legal and evidential issues in a given case Identify the evidence available to the prosecution to prove these issues and the evidence available to the defence to challenge these issues and where appropriate to prove or support a defence Identify the strengths and weaknesses of a case Understand the relevant law in context Prepare a case theory that is both succinct and persuasive Prepare a case theory that observes the rules of professional conduct.
Trial Advocacy	<ul style="list-style-type: none"> An appropriate level of trial advocacy 	<ul style="list-style-type: none"> Understand the importance of preparation and effective ways to undertake this Identify the client's goals Analyse the relevant factual issues Understand the legal and evidential context in which these factual issues arise and how they relate to each other Summarise the strengths and weaknesses of the prosecution's case and the defence case Develop an effective case presentation strategy Prepare a coherent submission to the court based upon relevant facts, general principles and legal authority in a structured, concise and persuasive manner in a practical setting which may include a

QUALIFICATION CRITERIA	LEARNING OUTCOMES	SUPPORTING EVIDENCE
		<p>contested bail application or bail appeal; making a submission of no case to answer; a trial, a voire dire hearing and a plea in mitigation</p> <ul style="list-style-type: none"> • Understand and appreciate the relevant communication skills and techniques used by an advocate • Understand in particular the purpose, technique and tactics of examination-in-chief; cross-examination; re-examination and closing speeches to adduce, rebut and clarify evidence • Deal appropriately with client care and ethical issues • Demonstrate an understanding of the ethics, etiquette and conventions of advocacy.
Evidence	<ul style="list-style-type: none"> • Knowledge and understanding of the rules of evidence as they apply in criminal proceedings 	<ul style="list-style-type: none"> • The incidence of the burden and standard of proof • The rules relating to competence and compellability of the accused and all other witnesses • The ways in which evidence may be adduced • The rules relating to memory refreshing • The rules relating to hostile and unfavourable witnesses • The rules relating to admissibility and weight to be attached to prior consistent statements and to impugning the testimony of witnesses by their prior inconsistent statements • The rules relating to finality to collateral issues • The rules relating to the admissibility of hearsay evidence • The admissibility of confessions in criminal trials • The rules relating to inferences • The rules relating to the admissibility of and weight to be attached to disputed visual identification evidence • The rules relating to the admissibility of improperly

QUALIFICATION CRITERIA	LEARNING OUTCOMES	SUPPORTING EVIDENCE
		<p>obtained evidence</p> <ul style="list-style-type: none"> • The statutory rules relating to the admissibility of character evidence of the accused and non-defendants • The relevance of human rights issues • The rules relating to expert evidence.
Professional Ethics and Conduct	Knowledge and understanding of the conduct rules as they apply in criminal practice	<ul style="list-style-type: none"> • The fundamental duties to the court and the administration of justice • The decision to appear • Ceasing to act as an advocate • Conduct of work.

INTRODUCTION – FAMILY LITIGATION PRACTICE RIGHTS

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of Family 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
- the elements required to evidence the required level of competence for these relevant skills
- 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
- ~~In order to obtain Family Litigation Practice Rights, applicants must combine the application with an application for rights of audience in chambers in the County Courts. An application for advocacy rights of audience in open court remains optional (although it will be necessary in the case of applicants seeking rights of audience in the Family Proceedings Court).~~

Note: that applicants seeking rights of audience accreditation in hearings in open court and/or in chambers should refer to the criteria set out in the Advocacy Rights accreditation document.

Certification of Family Litigation Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of family 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 family litigation, including the ability to advise, manage and undertake different methods of dispute resolution in all aspects of family practice. Emphasis will be given to the practical aspects of conducting cases in a family 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 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 the tasks required to advance transactions or matters, to include (but not restricted by), 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
- the ability and experience to undertake advocacy in the required fields within this practice area
- 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.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	To obtain Family Litigation Practice Rights an applicant must:	The applicant will need to provide evidence of:
STAGE 1 ENTRY CRITERIA <ul style="list-style-type: none"> • KNOWLEDGE • UNDERSTANDING • SKILLS • EXPERIENCE ENTRY KNOWLEDGE AND UNDERSTANDING	<ul style="list-style-type: none"> • Have practical knowledge, understanding, experience and skills 	<ul style="list-style-type: none"> • Knowledge and understanding qualifications • Legal Skills qualifications • Fellowship <p>Knowledge and understanding qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in family practice and Level 6 family law <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of experience of an equivalent standard <p>Legal Skills qualifications</p> <ul style="list-style-type: none"> • Successful completion of CILEXCILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of qualification of an equivalent standard <p>Or</p> <ul style="list-style-type: none"> • Supplied evidence of experience of an equivalent standard <p>Fellowship</p> <ul style="list-style-type: none"> • Is a Fellow of CILEXCILEX

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
		<p>Note 1: Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Family Litigation Practice Rights</p> <p>Note 2: 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, in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
KNOWLEDGE AND UNDERSTANDING	<p>Demonstrate knowledge and understanding of the underlying legal principles of marriage, adult partnerships and nullity in marriage</p> <p>Demonstrate knowledge and understanding of the underlying legal principles of dissolution of marriage, civil partnership and judicial separation</p>	<ul style="list-style-type: none"> • Examples from their work which evidence their knowledge, understanding and application of at least one of these areas, for example analysis of the legal differences between marriage and cohabitation, the concept of domicile and foreign marriages, the legal consequences of a void marriage etc. • Examples from their work which evidence their knowledge and understanding of the requirements for each and the application of these. This should include the discussion of undefended divorce and dissolution of civil partnership, the process and effect of each, costs which may be incurred, funding implications and identify best practice (including with reference to the Family Law Protocol) • Using examples from their caseload, identify the most common forms of dispute resolution including mediation and the costs involved in this process.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of the legal basis for parental responsibility, or</p> <p>Demonstrate knowledge and understanding of the law relating to children: private law</p>	<p>effects of the statutory charge)</p> <ul style="list-style-type: none"> • Explain the overriding objective in relation to proportionality of costs including tactics for making offers to settle and the pre application protocol • Using examples from their caseload, applicants should identify the most common forms of dispute resolution including mediation, collaborative law, the benefits and limitation as well as the costs involved in those processes. • Provide examples from their work which evidence their knowledge and understanding of how parental responsibility arises automatically and how it can be acquired under the Children Act 1989, including the factors the court considers in parentage identification cases. • Provide examples from their work which evidence their knowledge, understanding and application of the welfare principle, no delay principle and no order principle, the orders available for private matters under the Children Act 1989, section 8 orders and entitlement to apply (including requirement for leave), the key legal principles under the Children Act that the court will consider in making any order and their application and the procedure for obtaining these orders. Applicants should where possible identify best practice (with reference to relevant sections of the protocol) • <i>Applicants may also include examples which evidence their knowledge and understanding of relevant legislation and current practice directions relating to removal from the jurisdiction, child abduction or change of name, financial relief</i>

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of the law relating to children: public law</p> <p>Demonstrate knowledge and understanding of the law relating to adoption</p> <p>Demonstrate knowledge and understanding of the legislation, provisions and remedies available in cases of domestic violence and molestation</p>	<p><i>available for children under Children Act 1989 and the powers of the court to make family assistance orders. This evidence should demonstrate an understanding of the relevant procedure and the impact of relevant protocols and practice directions.</i></p> <ul style="list-style-type: none"> <i>Provide examples from their work which evidences their knowledge and understanding of Local Authority obligations to support families and children in need; the requirements for the making of and the impact of interim orders, to include emergency protection orders; the statutory criteria for the making of care and supervision orders and the legal effect of such orders and the discharge of those orders; contact relating to children within public law proceedings and the making of special guardianship orders and their effect.</i> <i>Examples from their work which evidence knowledge and understanding of relevant legislation and current practice direction relating to the making of adoption orders and their effect.</i> <i>Knowledge and understanding of the alternatives to court proceedings in domestic violence cases, the impact of legislation in this area (FLA 1996 and Protection from Harassment Act 1997), the procedure and criteria to apply for appropriate orders, including non molestation and exclusion orders (with or without notice) and methods of enforcement of both orders.</i>
ENTRY SKILLS:		<ul style="list-style-type: none"> Where the applicant does not hold the relevant CILEXCILEX Level 6 Legal Research or Client Care (or

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
		<p>equivalent) qualification, they should provide a portfolio of evidence and logbook which demonstrates meeting each of the outcomes set out below in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
Client care	<p>Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice</p> <p>Demonstrate good practice in legal writing</p>	<ul style="list-style-type: none"> • Explain what they understand by successful client interviewing • Demonstrate interviews which they consider to be successful and identify what made them successful • Explain what they understand 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 • Provide examples of the following which have been overcome in a negotiation situation: <ul style="list-style-type: none"> ○ The use of different types of negotiation using different media ○ A situation in which preparation for negotiation was central to success ○ A situation in which communication barriers were overcome for a successful outcome ○ Use of persuasion to achieve a successful outcome. <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"> • Accurate, succinct, complete and precise writing

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of professional conduct issues arising in practice</p> <p>Demonstrate knowledge and understanding the importance of client care in legal practice</p>	<ul style="list-style-type: none"> • Awareness of the need to use 'plain English' and writing using correct grammar and spelling • Legal English is used only when necessary and is appropriately explained • Judicious use of structure to clearly and logically set out information • The synthesis of a variety of sources to provide advice to the client. • Use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations. • Explain where they will find the rules of professional conduct which affect their practice of the law • Identify situations in which an ethical issue may have arisen in their practice and how they dealt with those situations • Identify any professional organisations that exist within their area of practice and explain benefits of membership. • Explain the rules relating to client care and evidence their use of the rules in practice • Evidence use of the use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. • Demonstrate understanding of the need for good client care to benefit the business.
Legal Research	Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research	<ul style="list-style-type: none"> • Identify situations in which the need for legal research has arisen in their work • Explain the steps they undertook to identify relevant

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</p> <p>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</p> <p>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</p> <p>Ability to record and evaluate information</p> <p>Ability to synthesise research to present advice</p>	<p>sources of information and how they determined the reliability, accuracy and currency of the information discovered</p> <ul style="list-style-type: none"> • Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem • Identify relevant statutes, case law and other sources from their research • Evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter • Evidence their synthesis of the research materials to provide a structured and accurate report • Evidence how they evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.
<p>ENTRY EXPERIENCE:</p> <p>ALL APPLICANTS</p>	<ul style="list-style-type: none"> • Family proceedings litigation experience in the 2 years preceding the application 	<ul style="list-style-type: none"> • General description of family work carried out • Description of typical case load • An indication of chargeable hours spent on family proceedings work in each of the last 2 years • The proportion of time spent on family proceedings work • The number of cases which have included preparation for trial • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities <p>The applicant is required to demonstrate their</p>

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
		<p>experience of Family Law and Practice through the submission of 3 portfolios in accordance with the Portfolio Guidelines.</p> <p>Examples will be drawn from a range of cases from the applicant's case load.</p>
<p>STAGE 2</p> <p>QUALIFICATION CRITERIA:</p> <p>SKILLS</p>	<p>To obtain Family Litigation Practice Rights the applicant must demonstrate:</p>	<p>The applicant must demonstrate the outcomes by either:</p> <ul style="list-style-type: none"> • attendance on a course, or • through work experience <p>and</p> <ul style="list-style-type: none"> • by satisfying the assessment criteria. <p>Applicants must show the required level of skills in 6 elements, across a range of family matters to include:</p> <ul style="list-style-type: none"> • Matrimonial/divorce and Civil Partnership Proceedings • Relationship breakdown between cohabitants • Financial matters/proceedings • Domestic violence • Private law children proceedings; issues relating to children involving both parents and the wider family • Public law children proceedings • Adoption • Bankruptcy and insolvency in so far as it may affect family problems • Welfare benefits and housing. <p>This can be evidenced by the applicant demonstrating the ability to:</p>

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
Element 1. INTERVIEWING, ADVISING AND COMMUNICATING	<p>INTERVIEWING</p> <ul style="list-style-type: none"> An ability to conduct effective interviews with the client and potential witnesses across a range of family disputes <p>ADVISING & COMMUNICATING</p> <ul style="list-style-type: none"> 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). Where necessary, the applicant will be able to refer the client on to outside agencies or professionals better able to deal with the wider aspect of their problem 	<ul style="list-style-type: none"> Prepare for an initial interview and apply a structured approach to it Greet the interviewee appropriately Use appropriate listening, questioning and feedback techniques Maintain rapport with the interviewee Be sensitive to diversity issues Keep a full and accurate record of the interview Close the interview appropriately. Obtain all relevant information and identifying the clients objectives Give clear advice on all relevant matters arising Identify the options available and explain the pros and cons of each of those options Enable the client to make decisions in the case based on appropriate advice Give clear, appropriate and accurate advice regarding costs and funding Seek appropriate instructions and give clear advice regarding the next steps to be taken Deal appropriately with any diversity issues that arise Handle an emotionally distressed client in a sensitive and professional manner Producing an accurate record of the interview.
Element 2. COSTS & FUNDING	<p>COSTS</p> <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 Ensure full compliance with the FPR, FP(FPC)R and CPR costs rules

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>FUNDING</p> <ul style="list-style-type: none"> An ability to provide clear and accurate advice on funding options to include private funding, public funding and third party funding <p>DOCUMENTATION</p> <ul style="list-style-type: none"> Draft or complete the necessary documents relating to funding 	<ul style="list-style-type: none"> Explain the differences between the indemnity and standard basis of costs Explain the steps that can be taken under CPR and FPR to transfer costs risks to the other side Provide appropriate advice regarding the fees that will be charged. Identify the funding available in a particular case and advise on the suitability of alternative funding sources Communicate the risks and benefits of each method of funding available Be aware of the funding regulations and restrictions (for example non-regulated activities) Advise the client of significant developments in the case Identify and have regard to potential conflicts of interest on funding issues If the client is in receipt of public funding, provide appropriate advice including relevant financial implications and in particular explain the significance of the statutory charge in publicly funded cases where this might have an impact and take all necessary steps to protect the interests of both the client and the CLS fund Prepare estimates and schedules of costs Understand all matters relating to a summary assessment of costs and detailed costs assessment. Draft client care letters Complete all appropriate applications, notices and records in publicly funded cases Prepare detailed cost assessments or instruct a specialist to do so.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
Element 3. PROFESSIONAL CONDUCT AND ETHICS	<p>CONDUCT AND ETHICS</p> <p>PROFESSIONAL OBLIGATIONS</p> <ul style="list-style-type: none"> • 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 • An awareness of their obligations to: the court, their client, other lawyers, the public, the Community Legal Service in respect of money laundering legislation and regulation <p>CONFLICTS</p> <ul style="list-style-type: none"> • An ability to identify and deal appropriately with conflicts of interest throughout his handling of the matter <p>WITHDRAWAL FROM THE CASE</p> <ul style="list-style-type: none"> • 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>UNDERTAKINGS</p> <ul style="list-style-type: none"> • 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>CONFIDENTIALITY AND PRIVILEGE</p> <ul style="list-style-type: none"> • An understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts 	<ul style="list-style-type: none"> • Identify situations and their obligations to: the court, their client, other lawyers, the public, and money laundering legislation. • Identify and deal appropriately with conflicts: arising between the applicant and the client, arising between the applicant and their duty to the court, or arising between the applicant and any relevant third party. • Show an awareness of the need to withdraw; of the proper action when the client refuses to make proper disclosure; of the proper action where the interests conflict with the applicant's duties to the court or any other circumstances where withdrawal is required. • 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. • Distinguish between legal advice privilege and litigation privilege • Distinguish between confidential information and privileged information.

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>COMPLAINTS AND NEGLIGENCE</p> <ul style="list-style-type: none"> An awareness of how complaints and allegations of negligence might arise and appropriate measures/procedures for preventing and dealing with them and the ability to apply the relevant conduct rules and other law and regulations in respect of complaints and negligence 	<ul style="list-style-type: none"> Identify the circumstances when a complaint could be made or negligence may arise Describe/explain the complaints procedure operated by their professional body Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made Explain what steps would need to be taken in respect of the identified, or potential, mistake or act of negligence Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to evidence that no mistake or negligence had occurred.
<p>Element 4.</p> <p>MANAGING LITIGATION WORK</p>	<p>FILE HANDLING</p> <ul style="list-style-type: none"> An ability to plan and manage litigation; to progress matters expeditiously and maintain files and records in accordance with procedures <p>CASE ANALYSIS AND CASE PREPARATION</p> <ul style="list-style-type: none"> An ability to formulate a case strategy which is: <ul style="list-style-type: none"> Compatible with the client's objectives Is legally and procedurally sustainable 	<ul style="list-style-type: none"> Allocate time and resources appropriately and prioritise workloads effectively Deal with matters without causing delay Apply project planning principles to casework Adopt and maintain an appropriate case strategy Be aware of procedural requirements including relevant protocols Actively and efficiently manage cases, making best use of resources Maintain files and systems (including electronic systems) appropriately and correctly. Identify strengths and weaknesses in a case Identify gaps in available evidence Draw up a realistic case plan Relate the case theory to the client's objectives and expectations

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
DEALING WITH OTHER PROFESSIONALS	<ul style="list-style-type: none"> 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>ASSEMBLY SKILLS</p> <ul style="list-style-type: none"> An ability to assemble all materials relevant to the case, in accordance with the case analysis <p>INSTRUCTING ADVOCATES</p> <ul style="list-style-type: none"> An ability to instruct an advocate when necessary <p>EXPERTS</p> <ul style="list-style-type: none"> An ability to select, instruct and appoint an expert and show an awareness of the range of expertise that may be needed 	<ul style="list-style-type: none"> Provide the client with a balanced view of the likely risks, costs and benefits of case strategies Adopt a cost effective, analytical and pragmatic approach to the wider factual issues Draft or write documents, letters, memoranda or agreements that have been used effectively in the presentation and procedures for an action to proceed by way of settlement or litigation. Identify relevant law Efficiently collate all relevant evidence Summarise relevant law and evidence Locate and interview witnesses Locate and instruct expert witnesses in accordance with relevant family procedure rules. Identify when a specialist legal opinion is required/when it is necessary to instruct an advocate Identify a suitably qualified/experienced advocate Agree an appropriate fee for work to be carried out by the advocate Draft a brief to the advocate providing appropriate information and instructions Liaise between the client and advocate Demonstrate an awareness of the obligations of the advocate to the court and under his professional obligations Deal with the advocate in an appropriate and professional manner. Appreciate the nature and function of different type of expert relevant to family practice, such as child psychiatrist, educational psychologist and forensic

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	for a case	<p>accountant</p> <ul style="list-style-type: none"> Identify when it is appropriate to instruct an expert Agree an appropriate fee for work to be carried out by the expert Be familiar with the available registers and databases through which an appropriate expert may be identified and located Instruct an expert appropriately applying relevant rules and protocol; for example the Children Act Protocol Provide the expert with appropriate information, instructions and guidance Understand the substantive law relating to expert evidence and the ways in which such evidence can be challenged Deal with the expert in an appropriate and professional manner.
<p>Element 5.</p> <p>SETTLEMENT V LITIGATION</p>	<p>CONCLUDING CASES</p> <ul style="list-style-type: none"> Identify and carry out steps to be taken to conclude cases <p>SETTLEMENT</p> <ul style="list-style-type: none"> Be able to identify when settlement of a case is in the client's interest, give clear and accurate advice on settling a case and take the necessary steps to secure settlement 	<ul style="list-style-type: none"> Draft and check orders of the court and/or agreements of the parties Check judgements Advise clients on the outcome of the proceedings or disputes and any further steps necessary Implement and/or enforce agreements/orders Understand the rules/procedure relating to appeals against a judgment Deal with any costs issues arising. Explain the merits of settlement in achieving the client's objectives Give consideration to offers to settle Understand the significance of 'open' offers under

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
	<p>NEGOTIATION</p> <ul style="list-style-type: none"> Knowledge and understanding of effective and appropriate negotiation (to include immediately before, and during, the trial or hearing) <p>ADR</p> <p>Be aware of the ADR processes available, including mediation, early neutral evaluation, conciliation and Financial Dispute Resolution appointments in financial proceedings and be able to identify those which are relevant to the case in hand and when they should be applied</p>	<p>the financial relief costs rules</p> <ul style="list-style-type: none"> Explain the advantages of conciliation, negotiation, counselling, mediation and resolving matters using a collaborative lawyer. Apply the principles of proportionality Prepare effectively prior to negotiation Prepare an agenda to deal with relevant issues Determine the client's and opponent's underlying interests and expectations Identify the strengths and weaknesses of the client's and opponent's position Identify the most and least favourable outcomes for the client Identify the likely outcome if the case goes to trial Draft negotiated agreements and secure relevant orders. Explain the nature and procedures of alternative dispute resolution methods Explain the advantages and disadvantages of those methods Recommend any appropriate ADR process which would be in the client's best interests Advise a client how to pursue a particular ADR process.
<p>Element 6</p> <p>LEGAL WRITING AND DRAFTING</p>	<p>An ability to understand and apply the principles of good writing and drafting</p>	<ul style="list-style-type: none"> Understand and apply the principles of good writing Use accurate, straightforward and modern language Use correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical,

	LEARNING OUTCOME:	SUPPORTING EXPERIENCE:
		<p>consistent and with appropriate structure and format</p> <ul style="list-style-type: none"> • Draft a document that forms a coherent whole and, where appropriate, has advanced the matter, and where appropriate has identified the client's objectives and priorities, and where appropriate provided a clear risk analysis • Address the document appropriately and accurately • Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.

INTRODUCTION – FAMILY LITIGATION ADVOCACY RIGHTS

In chambers and in open court in the Family Proceedings Court, County Courts and Coroners' Courts The entry criteria and evidence of competency stated in this schedule set out and envisages:

- that the applicant will already have obtained practice rights in Family Litigation Practice or ~~is making a combined application~~ is applying for Family Litigation Advocacy Rights at the same as an application for Family Litigation Practice Rights

NOTE: (an application may also be combined with one for Civil Litigation Practice Rights or Criminal Litigation Practice Rights (or a combination of these)

Certification of Family Proceedings Advocacy Rights will ensure:

- that the applicant has provided the required evidence to demonstrate the required level of competency, knowledge and understanding set out in this document
- that the applicant has the required level of competency in the relevant skills: in advocacy, client care, research and interviewing
- that the applicant has entered on to and passed the relevant ~~CILEX~~ CILEX advocacy skills course

NOTE: that the applicant may make an application for rights of audience in chambers only in the County Courts or for rights of audience in open court in the County Courts and the Family Proceedings Court (FPC) and that applicants seeking rights of audience in the FPC must complete the open court rights of audience qualification.

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
<p>Stage 1</p> <p>ENTRY LEVEL</p> <p>COMPETENCY CRITERIA:</p> <p>In order to apply for the rights of audience qualification the applicant must meet the criteria for Family Litigation Rights and will have relevant advocacy experience (on the determination of the Admissions and Licensing Committee) in the 2 years immediately preceding their application</p>	<p>The applicant will be able to demonstrate</p> <ul style="list-style-type: none"> • 2 years advocacy experience of an appropriate standard of advocacy expected in the courts for which they are seeking rights of audience • Analysis, evaluation and critical judgement • Autonomy and ability to learn 	<p>In relation to the 2 years preceding the application, the applicant must give, by way of statement, the following information:</p> <ul style="list-style-type: none"> • A general description of the advocacy, trial preparation and trial involvement carried out • A breakdown of the proportion or number of cases which have concluded at trial or been prepared for trial and the stage when the cases were concluded if before trial. • A description of the applicant's typical caseload • A description of the range and nature of advocacy experience including observed advocacy. <p>The applicant must also submit a portfolio of cases based on the caseload in which they have been involved (stating their level of involvement) which demonstrates their advocacy experience in compliance with the competence criteria set out below. The portfolio requirements are set out in the Portfolio Guidelines. The applicant will be expected to be able to demonstrate through their portfolios that they can:</p> <ul style="list-style-type: none"> • Recognise and rank items and issues in terms of relevance and importance • Integrate information and materials from a variety of different sources • Undertake the analysis of factual information in a logical and coherent way

QUALIFICATION Competencies	Learning Outcomes	Supporting Experience
QUALIFICATION CRITERIA Stage 2 FOR ALL APPLICANTS Case analysis and theory	Stage 2 The applicant must be able to demonstrate:	<ul style="list-style-type: none"> • Make critical judgments of the merits of particular arguments • Present and make a reasoned choice between alternative solutions. <p>An applicant will be expected to be able to demonstrate through their portfolio that they can:</p> <ul style="list-style-type: none"> • Act independently in planning, preparing and undertaking tasks in the above areas of law • Undertake independent research in the above areas of law using standard legal information sources • Reflect on their learning and make constructive use of feedback. <p>This can be evidenced by the applicant demonstrating the ability to:</p> <ul style="list-style-type: none"> • Identify the relevant factual, legal and evidential issues in a given case • Identify the evidence available to both parties to
	<ul style="list-style-type: none"> • An appropriate level of experience of case analysis, critical judgment and evaluation 	<ul style="list-style-type: none"> • prove these issues • Identify the strengths and weaknesses of a case • Understand the relevant law in context • Prepare a case theory that is both succinct and persuasive • Prepare a case theory that observes the rules of professional conduct. <ul style="list-style-type: none"> • Understand the importance of preparation and effective ways to undertake this • Identify the client's goals • Analyse the relevant factual issues • Understand the legal and evidential context in which

Judges Room Advocacy	<ul style="list-style-type: none"> • An appropriate level of experience of judge's room advocacy 	<p>these factual issues arise and how they relate to each other</p> <ul style="list-style-type: none"> • Summarise the strengths and weaknesses of each party's case • Develop an effective case presentation strategy. • Outline the relevant facts in a clear, effective format • Understand and use the English language proficiently in relation to legal issues. • Present a sustained argument in a way which is comprehensible to others • Prepare and present a coherent submission to the court based upon relevant facts, general principles and legal authority in a structured, concise and persuasive manner in a practical setting in relation to a without notice application • Understand and appreciate the relevant communication skills and techniques used by an advocate.
Skeleton Arguments	<ul style="list-style-type: none"> • The ability to draft a skeleton argument 	<ul style="list-style-type: none"> • Draft a skeleton argument and consent order • Identify appropriately the relevant chronology and issues • Make effective submissions on these issues by use of numbered paragraphs; citing relevant authorities; arguments for the case and use of appropriate factual and legal arguments.
Professional Conduct	<ul style="list-style-type: none"> • knowledge and understanding of the conduct rules as they apply in family proceedings 	<ul style="list-style-type: none"> • How to deal appropriately with client care and ethical issues • The fundamental duties to the court and the administration of justice • Making an appropriate decision to appear and represent the client at court • When it would be appropriate to cease to act as an advocate.

