

Annex 4

ASSESSMENT CRITERIA AND FRAMEWORK DOCUMENT FOR ADVOCACY SKILLS COURSES

GENERAL

Assessment Criteria

The competence of candidates will be assessed in accordance with the criteria set out in this appendix by means of case studies relating to a trial or an application.

Assessment Standard

The standard of competence for each assessment will be 50% and candidates will be required to meet this standard of attainment for each formal assessment to attain an overall level of competence. This requirement only applies to formal assessments and candidates will not be required to reach this standard on the formative assessments which will take place at various stages during the Advocacy Skills Course. Course providers will decide which assessments will be formally assessed.

The Assessment Organisation(s) will be required to develop their own mark and weighting bands for each element of the formal assessment criteria to be approved by ILEX. Assessors should have the flexibility to mark in between the weighting bands devised by the Assessment Organisation(s).

Assessors will retain a general discretion to determine overall competence even if a candidate reaches the appropriate mark of 50% in each formal assessment. The following is a non-exhaustive list of examples that may affect the assessor's overall assessment of competence:

- errors relating to gross professional misconduct;
- fundamental errors of law / evidence / procedure;
- making a majority of submissions from a prepared script;
- engaging in inappropriate court room behaviour.

Written Test

The standard that candidates seeking open court rights of audience will be required to achieve in evidence will be comparable to the standard required generally. However, the marks required to achieve a comparable standard may be higher than 50% where a multiple choice question format is adopted. The nature of the written test and the proposed standard of competence will be considered by the Admissions and Licensing Committee.

Resubmissions

A candidate who is assessed as being not yet competent in one or more of the formal assessments will be allowed one further opportunity to achieve the required standard of competence in relation to that assessment(s). If he or she is successful they may be awarded a pass mark. If they are still assessed as being not yet competent on this resubmission then they will be required to undertake all the assessments again before they can achieve the appropriate level of competence.

A candidate who is unable to complete one or more of the formal assessments owing to ill health or other such cause, beyond their control, will be allowed a further opportunity to achieve the required standard of competence.

Professional Conduct

Case studies will enable candidates to be assessed on their ability to recognise and deal with issues of professional and ethical conduct in the course of advocacy in accordance with the Rights of Audience Conduct Rules. The conduct issues to be assessed may include:

- The overriding duty to the court.
- The duty not to engage in conduct which is dishonest/discreditable, prejudicial to the administration of justice or likely to diminish public confidence in the administration of justice or the legal profession.
- The duty to the client to promote and protect their interests, to act in good faith towards them and to avoid or deal with any conflict.
- The interests of the client and the advocate, his employer and any other party to the proceedings.
- The duty not to discriminate against, nor treat less favourably any person, including the client, on the grounds of their age, race, colour, ethnic or national origin, sex, sexual orientation, religion or political persuasion of the client.
- The duty of confidentiality in relation to a client's affairs and misuse of confidential information.
- The duties owed to other advocates in court.

ASSESSMENT CRITERIA FOR THE CIVIL PROCEEDINGS CERTIFICATE

In order to pass the advocacy assessments for the Civil Proceedings Certificate a candidate seeking chambers rights of audience must demonstrate competence in the following assessment categories:

- Case Analysis & Theory or Skeleton Arguments
- Interim Applications.

In order to pass the advocacy assessments for the Civil Proceedings Certificate a candidate seeking open court rights of audience must demonstrate competence in one assessment from each of the following assessment categories:

- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Legal submission

A candidate who completes the chambers and open court rights of audience course at the same time must demonstrate competence in one assessment from each of the following assessment categories:

- Case analysis and theory or skeleton arguments
- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Interim application / legal submission

ANALYSIS & THEORY

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a case theory based on a case study and / or to make use of such a case theory during an interim application, a piece of cross-examination or a closing speech.

ACTIVITY	CRITERIA
CASE ANALYSIS	Factual issues <ul style="list-style-type: none">▪ 3 best facts▪ 3 worst facts Available evidence to prove factual issues Legal issues Relevant law
CASE THEORY	<ul style="list-style-type: none">▪ Succinct▪ Provable

SKELETON ARGUMENTS

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a skeleton argument based on a case study.

ACTIVITY	CRITERIA
STRUCTURE	Identifies appropriately: <ul style="list-style-type: none">▪ Parties▪ Chronology▪ List of issues▪ Relevant facts▪ Relevant law
SUBMISSIONS	States and develops a sound argument in an effective and persuasive manner on the above issues
GENERAL	<ul style="list-style-type: none">▪ Divided into numbered paragraphs▪ Paged consecutively▪ Cites main authorities relied on▪ Avoids formality▪ Appropriate use of abbreviations▪ Use of clear, grammatical English

INTERIM APPLICATION / LEGAL SUBMISSIONS

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in an interim application or to make legal submissions to a court in the context of a case study scenario.

ACTIVITY	CRITERIA
PREPARATION	<ul style="list-style-type: none"> ▪ Undertake case analysis ▪ Perform appropriate legal research
CONTENT	<p>The application / submission must:</p> <ul style="list-style-type: none"> ▪ Be appropriate and relevant to context ▪ Be legally, evidentially and factually accurate ▪ Have appropriate reference to legal sources ▪ Use documents where necessary ▪ Observe the rules of professional conduct
STRUCTURE	<ul style="list-style-type: none"> ▪ Clear and logical ▪ Respond to the judge's questions ▪ Respond to points raised by the other side
DELIVERY	<ul style="list-style-type: none"> ▪ Clear and fluent ▪ Appropriate language, pace, volume and mannerisms ▪ Refer to documents when required
EFFECTIVE AND PERSUASIVE	The extent to which the application / response influences the tribunal to find for the applicant / respondent

OPENING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
INTRODUCTION	Appropriate "in" line introducing self, opponent and nature of case
DOCUMENTS	Check court has relevant documents and the opportunity to read them
SUMMARISES DISPUTE	<ul style="list-style-type: none"> ▪ Background ▪ Identifies legal and factual issues in dispute
EVIDENCE	Introduces evidence by reference to the witnesses intend to call and matters contained in agreed documents
LAW	<ul style="list-style-type: none"> ▪ Summarises legal principles involved ▪ Indicates areas where a ruling will be necessary
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids overstating case ▪ Deals appropriately with any conduct issues

EXCHANGED WITNESS STATEMENT / SWORN STATEMENT & RE-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
EXAMINATION-IN-CHIEF	<ul style="list-style-type: none">▪ Name, address, occupation▪ Directions▪ Identifies witness statement/ sworn statement▪ Identifies signature▪ Confirms date signed▪ Elicits further evidence with an appropriate range of non-leading questions▪ Confirms truth to the best of knowledge and belief▪ “Out” line (with appropriate directions to remain for xx)
RE-EXAMINATION	<ul style="list-style-type: none">▪ Was it necessary to re-examine?▪ No inappropriate leading questions▪ Only deals with issues already raised▪ “Out” line
GENERAL	<ul style="list-style-type: none">▪ Speaks effectively (including not reading from a prepared text)▪ Maintains suitable court room demeanour▪ Deals appropriately with any conduct issues

CROSS-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
TECHNIQUES	<ul style="list-style-type: none">▪ Leading questions to control witness▪ Short questions that witness understands▪ Asks one question at a time▪ Listens to witnesses answers and makes appropriate notes▪ Avoids: Making statements; asking too many questions; misquoting witness; echoing witness’ reply inappropriately

OBJECTIVES	<p>Does the advocate achieve the following objectives where appropriate:</p> <ul style="list-style-type: none"> ▪ Obtains favourable information from the witness ▪ Demonstrates that the witness is wrong (mistaken/lying) ▪ Undermines the witnesses' credibility ▪ Puts the client's case to the witness
GENERAL	<ul style="list-style-type: none"> ▪ Appropriate range of leading questions ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Deals appropriately with any conduct issues

CLOSING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
ISSUES	Identifies the outstanding issues
EVIDENCE	<p>Summarises the evidence appropriately by highlighting the points which</p> <ul style="list-style-type: none"> ▪ Strengthen own case ▪ Weaken opponent's case <p>Deals appropriately with unfavourable evidence Deals appropriately with burden of proof</p>
LAW	Makes appropriate submissions on points of law (with copies of authorities if necessary)
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids giving evidence/introducing new matters ▪ Deals with any conduct issues

EVIDENCE

Candidates seeking open court rights of audience will be required to sit an examination on the rules and principles of evidence as they operate in civil proceedings. The examination will be in the format of a written test or multiple choice questions.

Candidates must achieve a mark 50% or above to be assessed as competent in this examination. The examination will assess candidates' knowledge and understanding on a number of the following rules and principles of the law of evidence as they apply to civil proceedings:

- The operation of the burden and standard of proof.
- Competence and compellability of witnesses.
- The admissibility and significance of circumstantial evidence.
- The court's power to control evidence.
- Expert opinion evidence.
- Examination-in-chief and re-examination of witnesses called by that party.
- Admissibility and relevance of previous consistent and inconsistent statements made by witnesses.
- Cross-examination of witnesses called for the other party.
- Finality to collateral issues.
- Admissibility and weight to be given to hearsay evidence.
- Improperly obtained evidence.
- Character and disposition in relation to a party or a witness to the proceedings.
- Privilege and public interest immunity.
- The relevance of human rights issues in civil proceedings.

ASSESSMENT CRITERIA FOR THE FAMILY PROCEEDINGS CERTIFICATE

In order to pass the advocacy assessments for the Family Proceedings Certificate a candidate seeking chambers rights of audience must demonstrate competence in the following assessment categories:

- Case Analysis & Theory or Skeleton Arguments
- Interim Application

In order to pass the advocacy assessments for the Family Proceedings Certificate a candidate seeking open court rights of audience must demonstrate competence in one assessment from each of the following assessment categories:

- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Legal submission

A candidate who completes the chambers and open court rights of audience course at the same time must demonstrate competence in one assessment from each of the following assessment categories:

- Case analysis and theory or skeleton arguments
- Opening speech or closing speech
- Examination in Chief, Cross Examination or Exchanged witness statement/ sworn statement and re-examination
- Interim application / legal submission

CASE ANALYSIS & THEORY

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a case theory based on a case study and / or to make use of such a case theory during an interim application, a piece of cross-examination or a closing speech.

ACTIVITY	CRITERIA
CASE ANALYSIS	Factual issues <ul style="list-style-type: none">▪ 3 best facts▪ 3 worst facts Available evidence to prove factual issues Legal issues Relevant law
CASE THEORY	<ul style="list-style-type: none">▪ Succinct▪ Provable

SKELETON ARGUMENTS

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a skeleton argument based on a case study.

ACTIVITY	CRITERIA
STRUCTURE	Identifies appropriately: <ul style="list-style-type: none">▪ Parties▪ Chronology▪ List of issues▪ Relevant facts▪ Relevant law
SUBMISSIONS	States and develops a sound argument in an effective and persuasive manner on the above issues
GENERAL	<ul style="list-style-type: none">▪ Divided into numbered paragraphs▪ Paged consecutively▪ Cites main authorities relied on▪ Avoids formality▪ Appropriate use of abbreviations▪ Use of clear, grammatical English

WITHOUT NOTICE APPLICATION / LEGAL SUBMISSIONS

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in an interim application or to make legal submissions to a court in the context of a case study scenario.

ACTIVITY	CRITERIA
PREPARATION	<ul style="list-style-type: none"> ▪ Undertake case analysis ▪ Perform appropriate legal research
CONTENT	<p>The application / submission must:</p> <ul style="list-style-type: none"> ▪ Be appropriate and relevant to context ▪ Be legally, evidentially and factually accurate ▪ Have appropriate reference to legal sources ▪ Use documents where necessary ▪ Observe the rules of professional conduct
STRUCTURE	<ul style="list-style-type: none"> ▪ Clear and logical ▪ Respond to the judge's questions ▪ Respond to points raised by the other side
DELIVERY	<ul style="list-style-type: none"> ▪ Clear and fluent ▪ Appropriate language, pace, volume and mannerisms ▪ Refer to documents when required
EFFECTIVE AND PERSUASIVE	The extent to which the application / response influences the tribunal to find for the applicant / respondent

OPENING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
INTRODUCTION	Appropriate "in" line introducing self, opponent and nature of case
DOCUMENTS	Check court has relevant documents and the opportunity to read them
SUMMARISES DISPUTE	<ul style="list-style-type: none"> ▪ Background ▪ Identifies legal and factual issues in dispute
EVIDENCE	Introduces evidence by reference to the witnesses intend to call and matters contained in agreed documents
LAW	<ul style="list-style-type: none"> ▪ Summarises legal principles involved ▪ Indicates areas where a ruling will be necessary
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids overstating case ▪ Deals appropriately with any conduct issues

EXCHANGED WITNESS STATEMENT / SWORN STATEMENT & RE-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
EXAMINATION-IN-CHIEF	<ul style="list-style-type: none">▪ Name, address, occupation▪ Directions▪ Identifies witness statement, Form E or sworn statement▪ Identifies signature▪ Confirms date signed▪ Elicits further evidence with an appropriate range of non-leading questions▪ Confirms truth to the best of knowledge and belief▪ "Out" line (with appropriate directions to remain for xx)
RE-EXAMINATION	<ul style="list-style-type: none">▪ Was it necessary to re-examine?▪ No inappropriate leading questions▪ Only deals with issues already raised▪ "Out" line
GENERAL	<ul style="list-style-type: none">▪ Speaks effectively (including not reading from a prepared text)▪ Maintains suitable court room demeanour▪ Deals appropriately with any conduct issues

CROSS-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
TECHNIQUES	<ul style="list-style-type: none">▪ Leading questions to control witness▪ Short questions that witness understands▪ Asks one question at a time▪ Listens to witnesses answers and makes appropriate notes▪ Avoids: Making statements; asking too many questions; misquoting witness; echoing witness' reply inappropriately
OBJECTIVES	<p>Does the advocate achieve the following objectives where appropriate:</p> <ul style="list-style-type: none">▪ Obtains favourable information from the witness

GENERAL	<ul style="list-style-type: none"> ▪ Appropriate range of leading questions ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Deals appropriately with any conduct issues
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CLOSING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	CRITERIA
ISSUES	Identifies the outstanding issues
EVIDENCE	<p>Summarises the evidence appropriately by highlighting the points which</p> <ul style="list-style-type: none"> ▪ Strengthen own case ▪ Weaken opponent's case <p>Deals appropriately with unfavourable evidence Deals appropriately with burden of proof</p>
LAW	Makes appropriate submissions on points of law (with copies of authorities if necessary)
CONCLUSION	Appropriate "out" line
GENERAL	<ul style="list-style-type: none"> ▪ Speaks effectively (including not reading from a prepared text) ▪ Maintains suitable court room demeanour ▪ Avoids giving evidence/introducing new matters ▪ Deals with any conduct issues

EVIDENCE

Candidates seeking open court rights of audience will be required to sit an examination on the rules and principles of evidence as they operate in family proceedings. The examination will be in the format of a written test or multiple choice questions.

Candidates must achieve a mark 50% or above to be assessed as competent in this examination.

The examination will assess candidates' knowledge and understanding on a number of the following rules and principles of the law of evidence as they apply to family proceedings:

- The operation of the burden and standard of proof.
- The court's power to control evidence.
- Competence and compellability of witnesses.
- Expert opinion evidence.
- Examination-in-chief and re-examination of witnesses called by that party.
- Previous consistent and inconsistent statements made by witnesses.
- Cross-examination of witnesses called for the other party.
- Finality to collateral issues.
- Admissibility and weight to be given to hearsay evidence.
- Improperly obtained evidence.
- Character and disposition in relation to a party or a witness to the proceedings.
- Privilege and public interest immunity.
- The relevance of human rights issues in family proceedings.

ASSESSMENT CRITERIA AND FRAMEWORK FOR THE CRIMINAL LITIGATION SKILLS COURSE

In order to pass the formal assessments for the Criminal Litigation Skills Course a candidate must demonstrate competence in the following criteria for those activities in which he is assessed:

ELEMENT 1: CLIENT CARE

It will normally be expected that Element 1 will be assessed by an oral assessment of an interview with a client and a witness followed by the drafting of a letter to the client and an attendance note of the interview with the client.

INTERVIEWING, ADVISING & COMMUNICATING

ACTIVITY	CRITERIA
INTERVIEWING THE CLIENT	<ul style="list-style-type: none">▪ Appropriate preparation.▪ Meet & greet client appropriately.▪ Obtain client's instructions by appropriate use of listening, questioning & feedback techniques.▪ Identify any "hidden agendas".▪ Maintain rapport with client.▪ Deal appropriately with any diversity issues.▪ Close interview appropriately.▪ Keep an accurate record of the interview.▪ Work within the time constraints that operate in practice.
ADVISING	<ul style="list-style-type: none">▪ Accurately identify the relevant issues arising in the case.▪ Accurately identify what it is the client seeks to achieve.▪ Provide clear advice on all relevant matters arising.▪ Accurately summarise the available options open to the client to ensure the client is able to make an informed decision.▪ Accurately explain the relevant procedure to be followed including any steps the criminal litigator will take and any the client will need to take.▪ Provide clear advice on available funding options and if applicable, the firm's charging rates.▪ Provide clear advice on the next steps to be taken by the criminal litigator and the client.▪ Deal appropriately with any diversity issues.
COMMUNICATING	<ul style="list-style-type: none">▪ Obtain all relevant information from the client.▪ Advise the client of any significant developments in the case.▪ Provide appropriate advice on options, procedures and strategies as the case develops.▪ Explain the advantages and disadvantages of each available option.

INTERVIEWING WITNESSES	<ul style="list-style-type: none"> ▪ Understand the ethical rules relating to interviewing witnesses. ▪ Prepare a statement of proof so that it may be admitted in evidence if the witness is unable to testify. ▪ Understand how a witness's evidence may be admitted in their absence. ▪ Understand the special measure provisions available for vulnerable and / or intimidated witnesses and how to apply for such measures. ▪ Exercise judgement in selecting the appropriate location in which to conduct the interview and whether this task can be appropriately delegated.
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ELEMENT 2: FUNDING

It will normally be expected that Element 2 will be assessed by the drafting of a letter to a client and the completion of the necessary documentation relating to funding.

FUNDING, COSTS & DOCUMENTATION

ACTIVITY	CRITERIA
FUNDING	<ul style="list-style-type: none"> ▪ Advise the client clearly about their potential eligibility for public funding; ▪ Explain what supporting documentation will be needed to obtain publicly funded representation; ▪ Advise the client on the financial and other implications of obtaining publicly funded representation; ▪ Provide appropriate information to privately funding clients regarding the fees which will be charged.
DOCUMENTATION	<p>Draft the following:</p> <ul style="list-style-type: none"> ▪ client care letters; ▪ complete the relevant Criminal Defence Solicitor Forms (CDS) required by the Legal Services Commission (LSC) in order to obtain public funding; ▪ complete the relevant CDS forms required by the LSC in order to obtain authority to instruct experts when this is necessary. <p>Prepare the following:</p> <ul style="list-style-type: none"> ▪ estimates and schedules of costs for privately funded clients.

ELEMENT 3: CONDUCT & ETHICS

It will normally be expected that Element 3 will be assessed by the use of multiple choice questions or a case study. This element is also a pervasive topic and so may appear in any of the assessments.

ACTIVITY	CRITERIA
PROFESSIONAL OBLIGATIONS	<p>Demonstrate an understanding of the professional obligations in relation to:</p> <ul style="list-style-type: none"> ▪ the court; ▪ the client; ▪ witnesses; ▪ other lawyers; ▪ the public; ▪ money laundering legislation.
CONFLICT	<p>Identify and deal appropriately with conflicts arising between:</p> <ul style="list-style-type: none"> ▪ the criminal litigator and the client; ▪ clients; ▪ the criminal litigator and the duty owed to the court or to the administration of justice generally.
WITHDRAWAL	<p>Demonstrate an understanding of:</p> <ul style="list-style-type: none"> ▪ when to withdraw from a case; ▪ the appropriate steps to take when withdrawing from a case.
CONFIDENTIALITY & PRIVILEGE	<ul style="list-style-type: none"> ▪ Identify and distinguish between legal advice privilege, Criminal Litigation privilege and confidential information. ▪ Apply the relevant law and practice rules relating to privilege and confidence. ▪ Identify when confidential and privileged information may or must be disclosed and to whom.
COMPLAINTS & NEGLIGENCE	<p>Describe:</p> <ul style="list-style-type: none"> ▪ the complaints procedure operated by the criminal litigator's professional body; ▪ what actions should be taken when a complaint or allegation of negligence is made; ▪ the procedures and processes that can be adopted to reduce the risk of complaints or allegations of negligence being made; ▪ the consequences of a complaint or allegation of negligence being upheld.

ELEMENT 4: MANAGING CRIMINAL LITIGATION WORK

It will normally be expected that Element 4 will be assessed by way of a written assessment which could consist of one or more of the following methods of assessment: drafting a brief to counsel; drafting a letter to the client; drafting instructions to an expert; drafting correspondence to the relevant prosecuting body, the court or to the legal adviser of a co- defendant; drafting relevant documentation; questions based on a case study; multiple choice questions.

CRIMINAL LITIGATION MANAGEMENT SKILLS

ACTIVITY	CRITERIA
CASE ANALYSIS	<p>Identify:</p> <ul style="list-style-type: none"> the key points the prosecution must be able to prove in order to secure a conviction; what available evidence the prosecution has to prove these points; what defence, if any, the client is raising; what evidence is available in relation to this defence; strengths and weaknesses in the case; gaps in the available evidence; a realistic case theory; a case theory that will meet the client's objectives and expectations; a strategy for the case.
RESEARCH SKILLS	<p>Undertake appropriate research to ensure that a case is thoroughly prepared by:</p> <ul style="list-style-type: none"> accessing the relevant substantive law; accessing the relevant practice and procedural rules; accurately applying the relevant substantive law and procedural rules to a given case.
ASSEMBLY SKILLS	<p>In accordance with the case analysis:</p> <ul style="list-style-type: none"> identify the relevant law and procedural rules; collect all the relevant evidence; summarise the relevant law, procedure and evidence succinctly and coherently; locate and interview potential witnesses; locate, make proper use of and instruct expert witnesses in accordance with the relevant procedural rules.
INSTRUCTING ADVOCATES	<ul style="list-style-type: none"> Identify when specialist legal opinion is needed. Identify when it is necessary to instruct an advocate. Locate an appropriate advocate. Agree an appropriate fee basis for work to be carried out by the advocate where the client is funding the case privately. Draft an appropriate brief to the advocate. Liaise appropriately between the advocate and the client. Understand the legal and professional obligations of the advocate.

INSTRUCTING EXPERTS	<p>Demonstrate:</p> <ul style="list-style-type: none"> ▪ an understanding of the nature and functions of different types of expert witnesses; ▪ when it may be appropriate to instruct an expert; ▪ how to locate an appropriately qualified expert through available registers and databases; ▪ sufficient knowledge of the relevant procedural rules so that the expert can be instructed properly; ▪ sufficient knowledge of the substantive law relating to expert
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	evidence and how such evidence may be admitted in evidence and also appropriately challenged.
COMMUNICATING WITH THE PROSECUTION, CO- DEFENDANTS AND THE COURT	<p>Demonstrate an ability to correspond or otherwise communicate with the:</p> <ul style="list-style-type: none"> ▪ relevant prosecuting agency as the case progresses in relation to the wide variety of legal, procedural and evidential issues that may arise during the case; ▪ legal advisers of a co-defendant in relation to any issues that arise between the defendants; ▪ court as the case progresses in relation to the wide variety of legal, procedural and evidential issues that may arise during the case.