



Guidance on submitting an application for authorisation of Criminal Litigation Practice Rights under the Portfolio Route

Introduction

1. This guidance has been developed to provide you with support in applying to CRL for authorisation as a Chartered Legal Executive Litigator (Criminal Litigation). It includes guidance on suggested evidence you can present from your casework to meet the individual learning outcomes in the CRL-defined elements.

Suggested steps to follow to prepare your application for submission

2. Before you start to prepare your application form, litigation portfolios, Skills Logsheets and supporting evidence, please familiarise yourself with all the information on the CRL website at: [Stand-alone Litigation Practice Rights](#). You can also download copies of the Application Form, Portfolio Template Form and Skills Logsheets Template Form on this section of the website.
3. The first thing to clarify how many litigation portfolios and Entry Skills you need to complete for your application. The number you are required to complete depends on the qualifications you hold and the modules you completed within those qualifications. These are explained below in the section entitled '**What do I need to submit?**'. If you are unsure of the modules you completed as part of your qualification or the date the qualification was awarded, please log into your MyCILEX account and raise a query with CILEX.
4. Once you have confirmation of exactly what you need to provide for your application, review the requirements for the litigation portfolios. Select cases you have assisted with that will cover a range of the learning outcomes from the **knowledge and understanding** section of the competency framework and which demonstrate the breadth of experience you have in Criminal Law and Criminal Litigation. Do not select cases with very similar legal issues. **Please note that the cases must not be older than 2 years at the point of submission of your application.** Further guidance is available on pages 13 to 16 of the [Criminal Litigation Handbook](#). Use the [Litigation Portfolio Template](#) provided on our website.

5. If you did not complete modules in Client Care and Legal Research as part of your qualification, you will need to complete [Skills Logsheets](#) to demonstrate your competence against the Learning Outcomes in the **Entry Skills**. In this guidance, we have included suggested ways to provide evidence for each of the learning outcomes.
6. Complete [Skills Logsheets](#) for each individual learning outcomes in the **Skills Elements**. You may be able to use evidence generated for the work you completed on the cases you selected for your litigation portfolios; however, you can use evidence from other cases. You can use the same piece of evidence for more than one individual learning outcome. If you are submitting letters to clients or other parties involved in a particular matter that you have drafted but the letter is signed by an Authorised Person, please explain why on the relevant Skills Logsheets. If you feel that you have not covered all the criteria in the Experience Criteria column with the evidence provided, we ask you to add additional statements to cover the missing criteria on the Skills Logsheets. Further information on evidencing the Skills Elements can be found on pages 16 to 18 of [Criminal Litigation Handbook](#).
7. Whilst compiling your litigation portfolios, Skills Logsheets and redacted evidence, you may find it useful to refer to CRL's Guidance on Conduct of Litigation and Supervision which can be accessed [here](#).

What do I need to submit?

8. In addition to your completed application form, the supporting evidence you need to submit, depends on the legal qualifications you hold. This is demonstrated in the table below:

Scenario 1	Scenario 2	Scenario 3
If you hold a CILEX Level 6 Diploma in Law and Practice and as part of that qualification, you successfully passed exams in Criminal Law and Criminal Litigation, you must submit the following:	If you hold an equivalent Level 6 qualification and as part of that qualification, you successfully passed examinations in Criminal Law and Criminal Litigation but the qualification DID NOT include Client Care or Legal Research modules, you must submit the following:	If you do not hold a CILEX Level 6 Diploma or an equivalent Level 6 qualification, you must submit the following:

• Three portfolios of cases in which you have assisted an authorised person in the conduct of litigation demonstrating your knowledge and understanding of these areas. These cases will be from your own work. AND • Skills Logsheets and redacted evidence against each of the following skills elements: Element 1: Interviewing, advising and communicating Element 2: Costs and funding Element 3: Professional conduct and ethics Element 4: Managing litigation work Element 5: Legal writing and drafting	• Three portfolios of cases in which you have assisted an authorised person in the conduct of litigation demonstrating your knowledge and understanding of these areas. These cases will be from my own work; AND • Skills Logsheets and redacted evidence to meet learning outcomes in Client Care and Legal Research Entry Skills: AND • Skills Logbook Sheets and redacted evidence against the following skills elements: Element 1: Interviewing, advising and communicating Element 2: Costs and funding Element 3: Professional conduct and ethics Element 4: Managing litigation work Element 5: Legal writing and drafting	• Five portfolios of cases in which you have assisted an authorised person in the conduct of litigation demonstrating your knowledge and understanding of these areas. These cases will be from your own work; AND • Skills Logsheets and redacted evidence to meet learning outcomes in Client Care and Legal Research Entry Skills; AND • Skills Logsheets and redacted evidence against each of the following skills elements: Element 1: Interviewing, advising and communicating Element 2: Costs and funding Element 3: Professional conduct and ethics Element 4: Managing litigation work Element 5: Legal writing and drafting
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Knowledge and Understanding

9. You must demonstrate your knowledge and understanding of Criminal Law.

Learning Outcome:	Experience criteria:	Requirements to be met in your evidence
Demonstrate knowledge and understanding of: Criminal law as it operates in practice. Demonstrate knowledge and understanding of criminal procedure and the law of evidence as they operate in practice.	Note: elements in italics are optional 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 (Optional) <i>Cases dealt with in the Youth Court that demonstrate any of the above subject matter.</i>	<i>Have you shown knowledge and understanding of the following areas:</i> Analysis of <i>actus reus</i> and <i>mens rea</i> Offences of strict liability Negligence giving rise to criminal liability Defences This may be in the context of (please specify area) Non-fatal offences Sexual offences Homicide offences Offences against property Road traffic offences

		Inchoate offences Other (please specify) <i>You must show:</i> Application and critical evaluation of criminal liability in given factual situations <i>You must show knowledge of each of the following:</i> • Police investigative powers; • Public funding of criminal cases • Bail • Summary proceedings • How and why cases go the Crown Court • Trial on indictment • Sentencing • Appeals • The rules of evidence in criminal proceedings <i>Optional</i> Above in context of youth court
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Entry Skills

Client Care

Learning Outcome	Experience criteria	Suggested ways to provide evidence
Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice	You must demonstrate that you can: Explain what is understood by successful client interviewing Demonstrate interviews which you consider to be successful and identify what made them successful Explain what is understood 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: • The use of different types of negotiation using different media • A situation in which preparation for negotiation was central to success	Statement on Skills Logsheet. Noes of interview or email summarising interview plus statement on Skills Logsheet. Statement on Skills Logsheet. Statement on Skills Logsheet. Statement on Skills Logsheet.

	• A situation in which communication barriers were overcome for a successful outcome • Use of persuasion to achieve a successful outcome	
Demonstrate good practice in legal writing	Provide evidence of legal writing which demonstrates your understanding of the following key areas of good practice: • Accurate, succinct, complete and precise writing • Awareness of the need to use 'plain English' and use correct grammar and spelling • Legal language 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	Evidence from own work.
Demonstrate knowledge and understanding of professional conduct issues arising in practice	Explain where you will find the rules of professional conduct which affect your practice of the law Identify situations in which an ethical issue may have arisen in your practice and how you dealt with those situations Identify any professional organisations that exist within your area of practice and explain the benefits of membership.	Statement on Skills Logsheet. Statement on Skills Logsheet. Statement on Skills Logsheet.

Demonstrate knowledge and understanding [of] the importance of client care in legal practice	Explain the rules relating to client care and evidence your use of the rules in practice Evidence your use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. Demonstrate an understanding of the need for good client care to benefit the business	Statement on Skills Logsheet. Evidence from own work. Evidence from own work supported by statements on Skills Logsheet.
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Legal Research

Learning Outcome	Experience criteria	Suggested ways to provide evidence
Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research Demonstrate knowledge and understanding of and be able to evaluate legal research sources Demonstrate knowledge and understanding of and be able to perform appropriate legal research	Identify situations in which the need for legal research has arisen in your work Explain the steps you undertook to identify relevant sources of information and how you determined the reliability, accuracy and currency of the information discovered Explain your understanding of primary and secondary sources and how these sources can be used to ensure you have sufficiently researched the problem. Identify relevant statutes, case law and other sources from your research.	Statement on Skills Logsheet. Statement on Skills Logsheet. Statement on Skills Logsheet. Evidence from own work.

Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems	Evidence how you prioritised and analysed the research and used this to better understand the issues raised in the legal matter.	Evidence from own work.
Ability to record and evaluate information	Evidence your synthesis of the research materials to provide a structured and accurate report.	Evidence from own work.
Ability to synthesise research to present advice	Evidence how you evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.	Evidence from own work.

Skills Elements

Important Notes

To be successful with your application to gain criminal litigation practice rights, you must demonstrate that you have met each learning outcome. If your role does not currently enable you to demonstrate that you meet each learning outcome, please arrange with your supervisor/manager to facilitate undertaking of work activities to enable you to generate evidence.

If you do not address each Learning Outcome, the assessor who reviews your application will ask you to provide further information which will delay the approval of your application.

You can use the same piece of evidence for more than 1 learning outcome or even multiple learning outcomes as long as it evidences the learning outcomes you are linking it to. Please ensure you provide supporting information on the Skills Logsheets.

Element 1: Interviewing, advising and communicating

Learning Outcome	Experience criteria	Suggested ways to provide evidence
INTERVIEWING An ability to conduct effective interviews with the client and potential witnesses across a range of criminal matters	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	Telephone Attendance Note of an interview with clients demonstrating achievement of all criteria in the Experience criteria column. On the Skills Logsheets, it may be useful to explain how you prepared for the interview and were sensitive to diversity issues if not apparent from the Telephone Attendance Note.

	Close the interview appropriately	
ADVISING AND COMMUNICATING 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)	Obtain all relevant information and identify the client's objectives Communicate clear, accurate and practical advice orally on matters Communicate clear, accurate and practical advice in writing/other media 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	Telephone Attendance Note PLUS letter/email providing advice to client demonstrating achievement of the experience criteria. You should ensure your selected evidence enables you to demonstrate the diversity and emotionally distressed experience criteria.

	Produce an accurate record of the interview	
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Element 2: Costs and funding

Learning Outcome	Experience criteria	Suggested ways to provide evidence
COSTS An ability to provide clear and accurate advice on the power of the court to make orders in relation to costs	Provide appropriate advice and information about the court's powers to make an order in relation to a client paying a contribution towards prosecution costs and when defence costs may be paid from central funds or by the prosecution.	Letter/email to client providing advice and guidance on costs which covers the experience criteria for this learning outcome. This should be considered in the context of your role, whether that role deals with private funding or legal aid funded matters. If evidence provided does not cover all experience criteria, add statements to the Skills Logsheet.
FUNDING 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)	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 Advise 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.	Letter/email to client regarding eligibility for publicly funding legal advice and representation The letter/email should also cover the supporting documentation requirements, the financial and other implications of obtaining publicly funded representation. You could also provide copy of letter/email to a privately funded client regarding the fees that will be charged.

DOCUMENTATION Draft or complete the necessary documents relating to funding	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.	Completed draft of Criminal Defence Solicitor Forms, for example a CRM14: Application for Legal Aid in Criminal Proceedings form. In terms of letter to client, cross reference letter/email to a privately funded client regarding the fees that will be charged to this learning outcome.
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Element 3: Conduct and ethics

Learning Outcome	Experience criteria	Suggested ways to provide evidence
CONDUCT AND ETHICS PROFESSIONAL OBLIGATIONS An awareness of your 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 your obligations to: the court; your client; other lawyers; the public and money laundering legislation and regulation	Identify situations where your obligations to: the court; your client; other lawyers; the public and money laundering legislation arise	Letter/email to clients, colleagues or other professionals OR an Attendance Note relating to your (personal and the firm's) obligations to the court, your client, other lawyers or the public and anti-money laundering legislation.
CONFLICTS An ability to identify and deal appropriately with conflicts of interest throughout the handling of the matter	Identify and deal appropriately with conflicts: <i>NB only one needs to be met</i> • arising between you and the client or service user; • arising between you and your duty to the court; • or arising between you and any relevant third party.	Letter/emails/memos with parties involved in the matter demonstrating your effective handling of a conflict relating to one of the three criteria identified in the Experience Criteria column.

WITHDRAWAL FROM A CASE An awareness of when you can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client	Show an awareness of the need to withdraw 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 required. Take the appropriate steps to take when withdrawing from a case	Letter to a client identifying reasons for withdrawing from a case and the steps you will take to withdraw. If evidence provided does not cover all experience criteria, add statements on the Skills Logsheet.
CONFIDENTIALITY AND PRIVILEGE 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	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.	Letter to a client/internal file note/Telephone Attendance Note relating to disclosure obligations and legal professional privilege. If evidence provided does not cover all experience criteria, add statements on the Skills Logsheet.

COMPLAINTS AND NEGLIGENCE 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	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 Describe the consequences of a successful complaint or allegation of negligence being made.	For example, evidence of pre-empting a complaint or handling a complaint from a party involved in a matter describing/explaining the complaints procedure and actions taken upon receipt of complaints or allegations of negligence. Evidence should also include correspondence with client in which you provide information on further options open to them if they are not satisfied with the way a complaint has been handed.
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Element 4: Managing litigation work

Learning Outcome	Experience criteria	Suggested ways to provide evidence
FILE HANDLING An ability to plan and manage litigation effectively	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	Evidence from appropriate systems used in own workplace to plan and manage litigation effectively. This could be anything from excel spreadsheets up to Case Management System. This should be supported by statements on the Skills Logsheet.
CASE ANALYSIS AND CASE PREPARATION An ability to effectively analyse a case An ability to formulate a case strategy which is: compatible with the client's objectives and legally and procedurally sustainable	Identify the key points the prosecution must prove in order to secure a conviction 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	Evidence of production or contribution to the production of a case strategy which addresses each of the experience criteria.

	Relate the case theory to the client's objectives and expectations Draw up a strategy for the case	
ASSEMBLY SKILLS An ability to assemble all materials relevant to the case, in accordance with the case analysis	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	Evidence of production of a Defence Witness Statement covering all experience criteria. This could be supported by statements on the Skills Logsheet.
INSTRUCTING ADVOCATES An ability to instruct an advocate when necessary	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	Correspondence with legal counsel regarding a particular case supported by additional statements on Skills Logsheets to ensure coverage of all experience criteria.

	Demonstrate an awareness of the obligations of the advocate to the court and under their professional obligations	
EXPERTS An ability to select, instruct and appoint an expert and show an awareness of the range of expertise that may be needed for a case	Appreciate the nature and function of different type of experts relevant to criminal practice 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.	Correspondence with an expert such as a psychiatrist or social working providing full instruction of the work required of them to support the matter. This could be supported by statements on the Skills Logsheet demonstrate achievement of the experience criteria.
INSTRUCTING OTHER PROFESSIONALS An ability to correspond or otherwise communicate with the court and these other parties when it is necessary to do so	Communicate with the relevant prosecuting agency as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case Communicate with legal advisers of a co-defendant in relation to any issues arising between the defendants and court as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case.	Correspondence with court or opposing counsel covering the experience criteria. You may wish to support this with statements on the Skills Logsheet.

Element 5: Legal writing and drafting

Learning Outcome	Experience criteria	Suggested ways to provide evidence
LEGAL WRITING AND DRAFTING An ability to understand and apply the principles of good writing and drafting	Understand and apply the principles of good writing Use accurate, straightforward and modern language and 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, has advanced the matter, has identified the client's objectives and priorities and 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	Evidence of letters/emails to client, Counsel or other parties involved in a matter. If this does not evidence all experience criteria, provide additional statements on the Skills Logsheet.

	Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.	
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