

INTRODUCTION – CIVIL LITIGATION ADVOCACY RIGHTS

In chambers in the High Court and County Court and in open court in the County Courts and the Coroners' Courts

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

- that the applicant will already have obtained practice rights in civil litigation practice or is making a combined application 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 Rights of Audience advocacy skills course

NOTE: that the applicant may make an application for rights of 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 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 • Undertake independent research in the above areas using standard legal information sources • Reflect on their learning and make constructive use of feedback.
QUALIFICATION CRITERIA Stage 2	Stage 2 The applicant must be able to demonstrate that he has:	This can be evidenced by the applicant demonstrating the ability to:
FOR ALL APPLICANTS Case Analysis and Theory	<ul style="list-style-type: none"> • An appropriate level of experience of case analysis, critical judgment and evaluation 	<ul style="list-style-type: none"> ▪ Identify the relevant factual, legal and evidential issues in a given case logically, clearly and coherently • Identify the evidence available to both parties to prove these issues • Understand the strengths and weaknesses of a case • Understand the relevant law in context • Prepare a case theory that is both succinct and

<p>Judge's Room Advocacy</p>	<ul style="list-style-type: none"> • An appropriate level of experience of judge's room advocacy 	<p>persuasive</p> <ul style="list-style-type: none"> • Prepare a case theory that observes the rules of professional conduct • 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 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 authorities in a structured, concise and persuasive manner in a practical setting in relation to an interim application • Understand and appreciate the relevant communication skills and techniques used by an advocate
<p>Skeleton Argument</p>	<ul style="list-style-type: none"> • The ability to draft a skeleton argument 	<ul style="list-style-type: none"> • Draft a skeleton argument and, where appropriate, a consent order • Identify appropriately the relevant chronology

Professional Conduct	<ul style="list-style-type: none">• Knowledge and understanding of the rights of audience conduct rules as they apply in civil practice	<p>and issues</p> <ul style="list-style-type: none">• 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• Deal appropriately with client care and ethical issues• Understand the fundamental duties to the court and the administration of justice• Make an appropriate decision to appear and represent the client at court• Understand when it would be inappropriate to act or appropriate to cease to act as an advocate
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<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
<p>Evidence</p>	<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 • Understands the significance and admissibility of circumstantial evidence • Understands and has applied the ways in which evidence may be adduced • Understands 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 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)

		<ul style="list-style-type: none">• Understands and has applied the rules relating to expert evidence• Understands the relevance of human rights issues
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