

INTRODUCTION – FAMILY LITIGATION ADVOCACY RIGHTS

In chambers and in open court in the Family Proceedings Court, County Court and 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 family litigation practice or is making a combined application 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 advocacy skills course

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

<p>QUALIFICATION CRITERIA</p> <p>Stage 2</p> <p>FOR ALL APPLICANTS</p> <p>Case analysis and theory</p>	<p>Stage 2</p> <p>The applicant must be able to demonstrate:</p> <hr/> <ul style="list-style-type: none"> An appropriate level of experience of case analysis, critical judgment and evaluation 	<ul style="list-style-type: none"> 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 <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> <hr/> <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 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.
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<p>Judges Room Advocacy</p>	<ul style="list-style-type: none"> • An appropriate level of experience of judge's room advocacy 	<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 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
<p>Skeleton Arguments</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 consent order. • Identify appropriately the relevant chronology and issues. • Make effective submissions on these issues by use of numbered paragraphs; citing relevant

<p>Professional Conduct</p> <p>FOR APPLICANTS SEEKING OPEN COURT RIGHTS OF AUDIENCE</p> <p>Trial Advocacy</p> <p>Evidence</p>	<ul style="list-style-type: none"> • knowledge and understanding of the conduct rules as they apply in family proceedings • An appropriate level of trial advocacy • knowledge and understanding of the rules of evidence as the apply in family proceedings 	<p>authorities; arguments for the case and use of appropriate factual and legal arguments.</p> <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 • 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 • The incidence of the burden and standard of proof. • The rules relating to competence and
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		<p>compellability of witnesses.</p> <ul style="list-style-type: none">• The significance and admissibility of circumstantial evidence• The ways in which evidence may be adduced.• 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 rules relating to expert evidence• The relevance of human rights issues
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