
Overview

This standard is about presenting cases in formal proceedings in courts or tribunals. As part of this responsibility you will need to consider your own skills and limitations and whether clients should be referred.

There are two elements

- 1 Present cases for clients in formal proceedings
- 2 Review cases in formal proceedings

Represent clients in formal proceedings

**Performance
criteria****Present cases for clients in formal proceedings****You must be able to:**

- P1 check all relevant people, documentation and associated materials are available for cases
- P2 present cases in a structured way relevant to the type of proceedings in line with organisational requirements
- P3 select lines of questioning consistent with court rules
- P4 adapt prepared cases in response to cases presented by other parties
- P5 identify inconsistencies and contradictions in the evidence relating to clients, witnesses and third parties
- P6 counter the arguments of opposing parties in line with clients' desired outcomes
- P7 identify issues with formal proceedings in line with court rules, and:
 - P7.1 take appropriate action to address them
- P8 explain to clients the progress of proceedings based on the evidence and arguments presented

Review cases in formal proceedings**You must be able to:**

- P9 review the conduct and outcome of cases with clients in line with organisational requirements
- P10 clarify issues outstanding from the outcomes of cases in line with organisational requirements
- P11 review the consequences of cases with clients in line with organisational requirements
- P12 advise clients on the merits of continuing the proceedings or appealing by considering anticipated outcomes
- P13 agree further actions and responsibilities with clients in line with organisational requirements
- P14 record details of cases in line with organisational requirements

Represent clients in formal proceedings

Knowledge and understanding

You need to know and understand:

- K1 the documentation and who should be available at different stages of the case
- K2 the standard of proof required at hearings
- K3 where the burden of proof lies for different cases
- K4 what your legal responsibilities are when presenting in formal proceedings
- K5 what information should be provided and who should receive it
- K6 the relevant procedures for disclosing information in different types of formal proceedings
- K7 the demeanour and relationship relevant to different courts and tribunals
- K8 the structures, rules and procedures that apply to the presentation of cases in different formal proceedings
- K9 how to present cases in different types of formal proceedings
- K10 the rules concerning the use of witnesses
- K11 how to adapt a prepared case and the kinds of issues that may be raised by other parties
- K12 the appropriate responses to different issues that could be raised
- K13 the rules and procedures that affect the way in which you can adapt cases
- K14 the range of other parties who may raise issues and bring evidence in different types of proceedings
- K15 the types of errors or contradictions that may occur in evidence
- K16 how to counter or use arguments effectively
- K17 the types of problems and issues that can occur in different proceedings
- K18 the range of action and procedures appropriate to addressing problems or issues in different types of formal proceedings
- K19 the organisation's practice and policies on formal representation
- K20 the relevant national, local, professional and organisational requirements relating to:
 - K20.1 equal opportunities
 - K20.2 discrimination
 - K20.3 health and safety

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- K20.4 security
- K20.5 confidentiality
- K20.6 data protection
- K20.7 conflicts of interest
- K21 the importance of complying with national, local, professional and organisational requirements
- K22 the types of conduct and outcomes that may require explanation to clients
- K23 the types of issue that may need to be clarified
- K24 the types of consequences that are likely to result from different outcomes
- K25 the range of options available that would allow the proceedings to continue
- K26 the types of further action available in different proceedings
- K27 what systems and procedures should be used to record details of formal proceedings and the importance of following them

Additional Information

Skills

The skills you will need to enable you to deliver the service effectively are:

- 1 questioning
- 2 active listening
- 3 analysis of information
- 4 prioritising
- 5 decision making
- 6 negotiating
- 7 relating facts to law
- 8 pleading cases
- 9 presenting information oral and written
- 10 planning
- 11 problem solving

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Represent clients in formal proceedings

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