
Overview

This standard is about preparing cases and clients for formal proceedings. You will need to understand the legislation involved in any case and the codes of practice, procedural rules and ethical requirements governing the preparation of cases for formal proceedings in courts or tribunals. An important part of your role will be helping clients to understand and be prepared for their role in formal proceedings. Before embarking on research or preparation for any case you should consider whether formal legal proceedings are the best option available. You should also have taken into consideration your own skills and limitations and that of others in your organisation.

There are three elements

- 1 Research information relevant to cases
- 2 Prepare cases for formal proceedings
- 3 Prepare clients for formal proceedings

Prepare cases for representation in formal proceedings

Performance criteria

Research information relevant to cases

You must be able to:

- P1 access sources of information relevant to clients' cases in line with organisational requirements
- P2 identify evidence relevant to clients' cases which promotes clients' desired outcomes
- P3 identify statutory and case law which is relevant to cases
- P4 analyse and interpret the relevant law in line with clients' desired outcomes
- P5 establish the rules and precedents relating to the relevant areas of law
- P6 assess the strength of relevant evidence in relation to cases
- P7 identify options available to progress clients' cases in line with organisational requirements

Prepare cases for formal proceedings

You must be able to:

- P8 prepare clients issues for presentation using the prescribed format
- P9 assess the strength of evidence in relation to cases
- P10 prepare arguments for cases which promote clients' desired outcomes
- P11 evaluate the relative merits of different arguments
- P12 draft legal documents in line with organisational requirements
- P13 ensure all relevant documents are collated, labelled and presented in the required format, and made available for disclosure
- P14 comply with all due dates under internal and external procedural rules
- P15 check courts and tribunals have received all required documents
- P16 respond to requests from other parties within agreed timescales
- P17 request information from other parties in line with case requirements
- P18 coordinate lay witnesses in line with organisational requirements
- P19 instruct relevant expert witnesses in line with organisational requirements
- P20 prepare questioning for examination of witnesses at hearings

Prepare clients for formal proceedings

You must be able to:

- P21 explain to clients the roles and responsibilities of those involved in the

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formal proceedings

- P22 describe the potential outcomes of the proposed proceedings to clients in line with organisational requirements
- P23 outline costs and potential risks and implications of proposed proceedings to clients in line with organisational requirements
- P24 describe accurately to clients the stages and timescales of formal proceedings
- P25 check clients' availability for formal proceedings
- P26 advise clients on the nature of the arguments that will be used in cases
- P27 confirm the understanding of clients and;
 - P25.1 secure their agreement to cases proceeding
- P28 prepare clients to be witnessed in courts or tribunals
- P29 provide clients with additional information they may require in line with organisational requirements

Prepare cases for representation in formal proceedings

Knowledge and understanding**You need to know and understand:**

- K1 the range of information sources, relevant legislation, case law, national and local policies and practice and internal and external colleagues that can be consulted when preparing cases
- K2 what factors within clients' case notes are relevant to the case
- K3 how to interpret relevant legislation and case law
- K4 how to identify and comply with the rules, precedents and ethics relating to the relevant areas of law
- K5 how to assess the strength of evidence and evaluate its relevance to cases
- K6 how to identify and prioritise the options available
- K7 who the relevant witnesses and experts are and how to identify them
- K8 the practice and policy of your organisation on representation and the types of cases they take on
- K9 funding criteria of your organisation for accepting cases
- K10 the kinds of evidence and documents that courts and tribunals will require and the format required
- K11 how to assess the strength of evidence and its relative merit in cases
- K12 which issues cases will rely on
- K13 the prescribed format for putting cases together
- K14 when a skeleton argument is required by courts or tribunals
- K15 how to develop themes for presentation of cases
- K16 the rules of evidence
- K17 the principles and procedures that apply to drafting legal documents
- K18 the timescales and due dates to be observed under procedural rules
- K19 the importance of checking that required documents have been received by the court or tribunal
- K20 the types of requests that may be made by other parties and the agreed timescales for response
- K21 how to instruct expert witnesses
- K22 the relevant legislation, codes of practice, procedural rules and ethical requirements for representation, and why it is important to comply with these

Prepare cases for representation in formal proceedings

- K23 what is involved in different types of formal proceedings
- K24 the roles and responsibilities of different organisations and people
- K25 how to estimate the costs of proceedings
- K26 the potential risks and implications for clients from different outcomes
- K27 the stages and timescales of different types of formal proceedings
- K28 when clients need to be involved in formal proceedings
- K29 the types of legal arguments that could occur
- K30 who is involved in reaching final judgements and decisions in formal proceedings
- K31 how to confirm clients' understanding
- K32 the importance of securing clients' agreement
- K33 what documents and procedures should be completed for formal proceedings
- K34 when it is appropriate to prepare witnesses and how to do this
- K35 the types of additional information that might be required by clients

Additional Information

Skills

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

- 1 questioning
- 2 active listening
- 3 research
- 4 analytical
- 5 prioritising
- 6 presenting information
- 7 evaluating information
- 8 negotiating
- 9 drafting legal documents

SFJDA7

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Developed by	Skills for Justice
Version number	3
Date approved	November 2013
Indicative review date	November 2018
Validity	Current
Status	Original
Originating organisation	Skills for Justice
Original URN	SFJ DA7
Relevant occupations	Legal Advisers; Legal Associate Professionals
Suite	Legal Advice
Key words	Responsible; preparing cases; understand legislation; research; evaluate; evidence; merits; arguments