

Unit Title

LA14 Prepare cases for representation in formal proceedings

Summary

This Unit is for you if you are responsible for 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, your organisation's practice and policy on representation, the types of case they take on and the funding criteria concerned.

The Unit requires you to:

- Research information relevant to cases
- Prepare cases for formal proceedings
- Prepare clients for formal proceedings

There are 3 elements:

No	Title
LA14.1	Research information relevant to cases
LA14.2	Prepare cases for formal proceedings
LA14.3	Prepare clients for formal proceedings

This is a new Unit that has been developed for the Independent Legal Advice Sector. It has been developed in the format agreed for the NOS for Legal Advice.



Element**LA14.1 Research information relevant to cases****Performance Criteria**

To meet the standard, you must be able to:

- 1 Identify and access sources of information relevant to clients' cases
- 2 Identify the evidence relevant to clients' cases
- 3 Identify the relevant statutory and case law
- 4 Analyse and interpret the relevant law
- 5 Establish the rules and precedents relating to the relevant areas of law
- 6 Assess the strength of relevant evidence
- 7 Identify the options available to progress the client's case
- 8 Identify and question relevant lay and expert witnesses

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

- questioning
- active listening
- research
- analytical
- prioritising
- presenting information
- evaluating information

Knowledge and Understanding

To meet the standard, you must know:

- a) The range of information sources, including case notes, relevant legislation, case law, national and local policies and practice and internal and external colleagues
- b) What factors within clients' case notes are relevant to the case
- c) The specific legislation and case law that is relevant to the case
- d) How to interpret relevant legislation and case law
- e) How to identify and comply with the rules, precedents and ethics relating to the relevant areas of law and the consequences of non-compliance
- f) How to assess the strength of evidence and evaluate its relevance to the case
- g) How to identify and prioritise the options available
- h) Who the relevant witnesses and experts are and how to identify them

Element**LA14.2 Prepare cases for formal proceedings****Performance Criteria**

To meet the standard, you must be able to:

- 1 Prepare the issues for presentation using the prescribed format
- 2 Assess the evidence and evaluate the relative merits of different arguments
- 3 Prepare the argument for the case
- 4 Draft legal documents following relevant procedures
- 5 Ensure all relevant documents are collated, labelled and presented in the required format and available for disclosure
- 6 Observe all due dates under relevant procedural rules or those imposed by courts or tribunals
- 7 Ensure the court or tribunal has received all required documents
- 8 Make or respond to requests from other parties within agreed timescales
- 9 Co-ordinate and manage lay witnesses and instruct relevant expert witnesses
- 10 Comply with all relevant legislation, codes of practice, procedural rules and ethical requirements for representation

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

- questioning
- active listening
- research
- analytical
- prioritising
- drafting legal documents
- presenting information
- negotiating

Knowledge and Understanding

To meet the standard, you must know:

- a) The practice and policy of the organisation on representation and the types of cases they take on
- b) Funding criteria of the organisation for accepting cases
- c) The kinds of evidence and documents that courts or tribunals will require and the format required
- d) How to assess the strength of evidence and its relative merit in the case
- e) Which issues the case will rely on
- f) The prescribed format for putting the case
- g) When a skeleton argument is required by courts or tribunals
- h) How to develop themes for presentation of cases
- i) The rules of evidence where appropriate
- j) The principles and procedures that apply to drafting legal documents
- k) The timescales and due dates to be observed under procedural rules
- l) Why it is important to check that required documents have been received by the court or tribunal
- m) The sort of requests that might be made by other parties and the agreed timescales for response
- n) How to instruct expert witnesses
- o) The relevant legislation, codes of practice, procedural rules and ethical requirements for representation, why it is important to comply and the consequences of non-compliance

Element**LA14.3 Prepare clients for formal proceedings****Performance Criteria**

To meet the standard, you must be able to:

- 1 Explain to clients the roles and responsibilities of those involved in the formal proceedings
- 2 Describe the potential outcomes of the proposed proceedings to clients, including costs and potential risks/implications
- 3 Describe to clients the stages and timescales of formal proceedings
- 4 Check clients' availability for formal proceedings where relevant
- 5 Advise clients on the nature of the arguments that will be used in cases
- 6 Confirm the understanding of clients and secure their agreement to the case proceeding
- 7 Prepare clients to be witnessed in courts or tribunals
- 8 Provide clients with any additional relevant information they might require

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

- questioning
- active listening
- prioritising
- presenting information

Knowledge and Understanding

To meet the standard, you must know:

- a) What is involved in different types of formal proceedings
- b) The roles and responsibilities of different organisations and people
- c) How to estimate the costs of different types of proceedings
- d) The potential risks/implications for clients from different outcomes
- e) The stages and timescales of different types of formal proceedings
- f) When and if clients need to be involved in different types of formal proceedings
- g) The kinds of legal arguments that could occur
- h) Who is involved in reaching the final judgement or decision
- i) How to confirm clients' understanding
- j) Why it is important to secure clients' agreement
- k) What documents and procedures should be completed
- l) When it is appropriate to prepare witnesses and how to do this
- m) The kinds of additional information that might be required by different clients