

## Unit Title

**LA15 Represent clients in formal proceedings**

## Summary

This Unit is for you if you are responsible for 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 the client should be referred.

The Unit requires you to:

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

There are 2 elements:

No	Title
LA15.1	Present cases for clients in formal proceedings
LA15.2	Review cases in 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****LA15.1 Present cases for clients in formal proceedings****Performance Criteria**

To meet the standard, you must be able to:

- 1 Ensure all relevant people, documentation and associated materials are available for the case
- 2 Establish the relevant demeanour and relationship with the court or tribunal
- 3 Present the case in a structured way relevant to the particular form of the proceedings
- 4 Select appropriate lines of questioning consistent with court rules
- 5 Respond to the other party's case and adapt your prepared case in the light of issues or evidence raised by other parties
- 6 Identify any inconsistencies or contradictions in the evidence relating to clients, witnesses or third parties
- 7 Counter or use the arguments of opposing parties effectively
- 8 Identify any problems or issues with the formal proceedings and take appropriate action to address them
- 9 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
- analysis of information
- prioritising
- decision making
- negotiating
- relating facts to law
- pleading cases
- presenting information, oral and written
- planning
- problem solving

## Knowledge and Understanding

To meet the standard, you must know:

- a) What documentation and which people should be available at different stages of the case
- b) What your legal responsibilities are
- c) What information should be provided and to whom
- d) The relevant procedures for disclosing information in different types of formal proceedings
- e) The demeanour and relationship relevant to different courts and tribunals
- f) The structures, rules and procedures that apply to the presentation of cases in different formal proceedings
- g) How to present cases in different types of formal proceedings
- h) The rules concerning the use of witnesses
- i) How to adapt a prepared case and the kinds of issues that might be raised by other parties
- j) The appropriate responses to different issues that could be raised
- k) The rules and procedures that affect the way in which you can adapt cases
- l) The range of other parties who may raise issues or bring evidence in different types of proceedings
- m) The kinds of errors or contradictions that may occur in evidence
- n) How to counter or use arguments effectively
- o) The types of problems or issues that can occur in different kinds of proceedings
- p) The range of action and procedures appropriate to addressing problems or issues in different types of formal proceedings
- q) The organisation's practice and policies on formal representation
- r) 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****LA15.2                    Review cases in formal proceedings****Performance Criteria**

To meet the standard, you must be able to:

- 1            Review the conduct and outcome of cases with clients
- 2            Clarify any issues outstanding from the outcomes of cases
- 3            Review the consequences of cases with clients
- 4            Advise clients on the merits of continuing the proceedings or appealing
- 5            Agree any further actions with clients
- 6            Record details of cases in the appropriate systems

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

- questioning
- active listening
- analytical
- prioritising
- decision making
- negotiating
- relating facts to law
- presenting information, oral and written

## Knowledge and Understanding

To meet the standard, you must know:

- a) The kinds of conduct and outcomes that might require explanation to clients
- b) The types of issue that may need to be clarified
- c) The kinds of consequences that are likely to result from different outcomes
- d) The range of options available that would allow the proceedings to continue
- e) The types of further action available in different proceedings
- f) What systems and procedures should be used to record details of formal proceedings and the importance of following them