

SFJ DA7 – SQA Unit Code H55C 04

Prepare cases for representation in formal proceedings



Overview

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.

There are three elements

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

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Performance criteria

Research information relevant to cases

You must be able to:

- P1 identify and access sources of information relevant to clients' cases
- P2 identify the evidence relevant to clients' cases
- P3 identify the relevant statutory and case law
- P4 analyse and interpret the relevant law
- P5 establish the rules and precedents relating to the relevant areas of law
- P6 assess the strength of relevant evidence
- P7 identify the options available to progress the client's case
- P8 identify and question relevant lay and expert witnesses

Prepare cases for formal proceedings

You must be able to:

- P9 prepare the issues for presentation using the prescribed format
- P10 assess the evidence and evaluate the relative merits of different arguments
- P11 prepare the argument for the case
- P12 draft legal documents following relevant procedures
- P13 ensure all relevant documents are collated, labelled and presented in the required format and available for disclosure
- P14 observe all due dates under relevant procedural rules or those imposed by courts or tribunals
- P15 ensure the court or tribunal has received all required documents
- P16 make or respond to requests from other parties within agreed timescales
- P17 co-ordinate and manage lay witnesses and instruct relevant expert witnesses
- P18 comply with all relevant legislation, codes of practice, procedural rules and ethical requirements for representation

Prepare clients for formal proceedings

You must be able to:

- P19 explain to clients the roles and responsibilities of those involved in the formal proceedings
- P20 describe the potential outcomes of the proposed proceedings to clients, including costs and potential risks/implications
- P21 describe to clients the stages and timescales of formal proceedings
- P22 check clients' availability for formal proceedings where relevant
- P23 advise clients on the nature of the arguments that will be used in cases
- P24 confirm the understanding of clients and secure their agreement to the case proceeding
- P25 prepare clients to be witnessed in courts or tribunals
- P26 provide clients with any additional relevant information they might require

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Knowledge and understanding

You need to know and understand:

Research information relevant to cases

- K1 the range of information sources, including case notes, relevant legislation, case law, national and local policies and practice and internal and external colleagues
- K2 what factors within clients' case notes are relevant to the case
- K3 the specific legislation and case law that is relevant to the case
- K4 how to interpret relevant legislation and case law
- K5 how to identify and comply with the rules, precedents and ethics relating to the relevant areas of law and the consequences of non-compliance
- K6 how to assess the strength of evidence and evaluate its relevance to the case
- K7 how to identify and prioritise the options available
- K8 who the relevant witnesses and experts are and how to identify them

Prepare cases for formal proceedings

You need to know and understand:

- K9 the practice and policy of the organisation on representation and the types of cases they take on
- K10 funding criteria of the organisation for accepting cases
- K11 the kinds of evidence and documents that courts or tribunals will require and the format required
- K12 how to assess the strength of evidence and its relative merit in the case
- K13 which issues the case will rely on
- K14 the prescribed format for putting the case
- K15 when a skeleton argument is required by courts or tribunals
- K16 how to develop themes for presentation of cases
- K17 the rules of evidence where appropriate
- K18 the principles and procedures that apply to drafting legal documents
- K19 the timescales and due dates to be observed under procedural rules
- K20 why it is important to check that required documents have been received by the court or tribunal
- K21 the sort of requests that might be made by other parties and the agreed timescales for response
- K22 how to instruct expert witnesses
- K23 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

Prepare clients for formal proceedings

You need to know and understand:

- K24 what is involved in different types of formal proceedings
- K25 the roles and responsibilities of different organisations and people

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- K26 how to estimate the costs of different types of proceedings
- K27 the potential risks/implications for clients from different outcomes
- K28 the stages and timescales of different types of formal proceedings
- K29 when and if clients need to be involved in different types of formal proceedings
- K30 the kinds of legal arguments that could occur
- K31 who is involved in reaching the final judgement or decision
- K32 how to confirm clients' understanding
- K33 why it is important to secure clients' agreement
- K34 what documents and procedures should be completed
- K35 when it is appropriate to prepare witnesses and how to do this
- K36 the kinds of additional information that might be required by different clients

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Additional Information

Skills

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

Research information relevant to cases

questioning
active listening
research
analytical
prioritising
presenting information
evaluating information

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

Prepare clients for formal proceedings

questioning
active listening
prioritising
presenting information

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