

King's Counsel Competition for England and Wales 2023 Competency Framework

The Panel will judge how far an applicant meets the competencies as described by the passage in italics. The examples provided are intended to assist applicants, assessors and others. Consideration of the demonstration of the competency is not limited to the examples quoted.

To merit recommendation for appointment all competencies must be demonstrated to a standard of excellence in the applicant's professional life. In general the Selection Panel will be looking for the demonstration of the competencies in cases of substance, complexity, or particular difficulty or sensitivity. Competency B (Written and Oral Advocacy) *must* be demonstrated in such cases.

<p>A. Understanding and using the law <i>Has expert, up-to-date legal knowledge, uses it accurately, relevantly and effectively, and becomes familiar with new areas of law quickly and reliably.</i> Examples:</p> <ul style="list-style-type: none"> ✓ Is up to date with law and precedent relevant to each case dealt with, or will quickly and reliably make self familiar with new areas of law. ✓ Draws on law accurately for case points and applies relevant legal principles to particular facts of case. ✓ Makes effective use of case law and other sources in addressing legal issues which are not decided or settled. ✓ Shows depth of understanding of the legal principles and issues involved in a case. <p>B. Written and oral advocacy <i>Subject to the advocate's duty to the court, develops and advances client's case to secure the best outcome for the client by gaining a rapid, incisive overview of complex material, identifying the best course of action, communicating the case persuasively, and rapidly assimilating the implications of new evidence and argument and responding appropriately.</i> The Panel will be looking both at the written and oral aspects of advocacy. Oral advocacy includes advocacy in a court or tribunal, mediation, arbitration or negotiation. Examples (Written advocacy):</p> <ul style="list-style-type: none"> ✓ Writes arguments accurately, coherently and simply, and in an accessible style. ✓ Presents facts and structures arguments in a coherent, balanced and focused manner. ✓ Deals effectively with necessary preliminary stages of legal disputes. ✓ Gains and gives an accurate understanding of complex and voluminous case material. ✓ Appreciates aspects of the case that are particularly important, sensitive or difficult and appreciates the relative importance of each item of evidence. ✓ Prepares thoroughly for the case by identifying the best arguments to pursue and preparing alternative strategies. ✓ Anticipates points that will challenge an argument <p style="text-align: center;">Examples (Oral advocacy)</p> <ul style="list-style-type: none"> ✓ Deals responsibly with difficult points of case management and disclosure. ✓ Presents facts and structures arguments in a coherent, balanced and focused manner. ✓ Assimilates new information and arguments rapidly and accurately. ✓ Immediately sees implications of answers by witness and responds appropriately. ✓ Listens attentively to what is said paying keen attention to others' understanding and reactions. ✓ Accurately sees the point of questions from the tribunal and answers effectively. ✓ Gives priority to non-court resolution throughout the case where appropriate, identifies possible bases for settlement and takes effective action. ✓ Prepared and able to change tack or to persist, as appropriate. ✓ Deals effectively with points which challenge an argument. <p>C. Working with others <i>Upholds the standards of behaviour expected of advocates and acts so as to secure the confidence of the court and of fellow advocates; establishes productive working relationships with all, including professional and lay clients, the judge and other parties' representatives and members of own team; is involved in the preparation of the case and leads the team throughout.</i> Examples:</p> <ul style="list-style-type: none"> ✓ Behaves in a consistent and open way in all professional dealings. ✓ Establishes an appropriate rapport with all others in court and in conference. ✓ Able to adapt leadership style depending on the situation and personalities involved. 	<ul style="list-style-type: none"> ✓ Advances arguments in a way that reflects appropriate consideration of perspective of everyone involved in the case. ✓ Where appropriate, refers to authorities adverse to the client's case and to arguments which unrepresented parties could properly advance. ✓ Is meticulous in making full and frank disclosure whenever appropriate. ✓ Helps the client focus on relevant points and is candid with the client. ✓ Explains law and court procedure to client and ensures the client understands and can decide the best action. ✓ Keeps lay and professional clients informed of progress. ✓ Is prepared to advance an argument that might not be popular and to stand up to the judge but does not make assertions or allegations which are unsupported by a proper factual basis or (where appropriate) by instructions from clients. ✓ Responds to the needs and circumstances of client (including client's means and importance of case to client and bearing in mind duty to legal aid fund) and advises client accordingly. ✓ Meets commitments and appointments. ✓ Accepts ultimate responsibility for case when leading the team. ✓ Motivates, listens to and works with other members of own team. ✓ Aware of own limitations and seeks to ensure that they are compensated for by others in team. ✓ Able to manage conflict effectively, treating others with respect and finding a way forward that, if not mutually acceptable, is well reasoned and explained. ✓ Able to take key decisions with authority and after listening to views. ✓ Identifies priorities and allocates tasks and roles when leading the team. <p>D. Diversity Action & Understanding <i>Demonstrates an understanding of diversity and cultural issues, respects the needs and cultural wishes of others and is proactive in addressing the needs of people from all backgrounds and promoting diversity, inclusion and equality of opportunity</i> Examples:</p> <ul style="list-style-type: none"> ✓ Is aware of the diverse needs of individuals resulting from differences in gender, sexual orientation, ethnic origin, age and educational attainment and physical or mental disability or other reason, and responds appropriately and sensitively. ✓ Is aware of the impact of diversity and cultural issues on witnesses, parties to proceedings and others as well as on own client, and adjusts own behaviour accordingly. ✓ Takes positive action to promote diversity, inclusion and equality of opportunity ✓ Is proactive in creating a diverse and inclusive culture and proactively strives to make a difference ✓ Understands needs and circumstances of others and acts accordingly. ✓ Confronts discrimination and prejudice when observed in others; does not let it pass unchecked. ✓ Acts as a role model for others in handling diversity and cultural issues. <p>E. Integrity <i>Is honest and straightforward in professional dealings, including with the court and all parties</i> Examples:</p> <ul style="list-style-type: none"> ✓ Does not mislead, conceal or create a false impression. ✓ Honours professional codes of conduct. ✓ Where appropriate refers to authorities adverse to the client's case. ✓ Always behaves so as to command the confidence of the tribunal and others involved in the case, as well as client. ✓ Acts in professional life in such a way as to maintain the high reputation of advocates and King's Counsel. <p>KCA February 2023</p>
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