

BAR STANDARDS BOARD

REGULATING BARRISTERS

[DRAFT] LITIGATION PRACTISING CERTIFICATE EXTENSION

CHECKLIST

GUIDANCE ON COMPLETING THE CHECKLIST

1. You [the applicant] must take personal responsibility that this checklist is completed fully and accurately. (This does not prevent you from seeking assistance from, for example, practice managers or other Chambers employees.)
2. You should provide details of a qualified person who is able to provide you with guidance on the conduct of litigation if you are:
 - A self-employed barrister under three years' standing;
 - A barrister employed by an *Authorised Body*, less than three years' standing;
 - A barrister employed by a *Non-authorised body*, less than one years' standing
3. Outcomes: the outcomes which you will need to satisfy in order to be considered for authorisation to conduct litigation are highlighted in bold text. Underneath the outcomes are details explaining what the BSB would ordinarily expect there to be included in the relevant documented system, policy or procedure. In completing the form you should indicate with a tick whether the item under each outcome is met and provide a reference to the relevant evidence where appropriate. It is your personal responsibility to ensure that the arrangements in your place of practice are sufficient to meet the outcomes listed.
4. If your practice's systems, policies or procedures derogate from the list of items under each outcome, you should indicate this and provide an explanation of how the outcome is otherwise met.
5. 'Document reference' column: if there is a relevant document reference, please record it here, for example 'Chambers Management Policy'.

6. Draft litigation checklist

<p>1. Outcome – Availability of guidance</p> <p>Inexperienced barristers can readily obtain guidance when first doing litigation</p> <p>Requirement – Barristers of less than three years’ standing (one year if employed by a non-<i>authorised</i> body) may only be authorised to conduct litigation if they practise from a Chambers or office where there is a qualified person [link to definition] who is readily available to give guidance</p> <p>Qualified person</p> <p>You should complete this section only if you are:</p> <ul style="list-style-type: none"> - A self-employed barrister under three years’ standing, or - A barrister employed by an <i>Authorised Body</i>, less than three years’ standing, or - A barrister employed by a <i>Non- authorised body</i>, less than one year’s standing 	<p>Name and contact details of qualified person:</p> <p>Address from which that person practises:</p> <p>Date on which the qualified person was authorised to do litigation:</p> <p>Number of years standing of the qualified person:</p> <p>Has the named person agreed to act as a qualified person and confirmed that s/he will be readily available to provide guidance? Yes/No</p>	
<p>2. Outcome – dealing with clients</p> <p>Barristers who do litigation have the skills needed to deal directly with lay clients, including vulnerable clients, and are aware of the risks and record keeping requirements</p> <p>Requirement – barristers wishing to be authorised to do litigation on behalf of clients other than their own employer must first complete the current version of the public access course or obtain a waiver from it</p> <p>You should complete this section if you are:</p> <ul style="list-style-type: none"> - A self-employed barrister - A barrister employed by an <i>Authorised Body</i> 		

<p>2.1 Completed public access training or obtained waiver</p> <p>a: Details of Public Access course undertaken, including dates attended</p> <p>b: Details of any waiver granted including date and terms</p>		
<p>3. Knowledge and training in litigation</p>		
<p>Outcomes</p>	<p>How complied with</p>	<p>Document reference</p>
<p>Barristers authorised to do litigation have adequate knowledge of civil and/or criminal litigation procedures to enable them to conduct litigation competently.</p> <p>Requirement – applicants must demonstrate that they have such knowledge and that it is up-to-date. This can be demonstrated in the following ways</p> <p>3.1 Completion of BVC/BPTC or equivalent such as LPC within the last three years</p> <p>3.2 Undertaken litigation within the last three years by virtue of authorisation by another Approved Regulator or under statute</p>	<p>Please describe what steps you have taken to ensure that you are competent to conduct litigation and give the information requested below</p> <p>Yes/No</p> <p>If yes, provide details</p> <p>Yes/No</p> <p>If yes, provide details of the authorisation and confirm that your practice has included litigation within the three year period</p>	

<p>3.3 Completed additional training course in litigation within the last three years either:</p> <p>a. By attending formal courses covering litigation</p> <p>b. By undertaking any other form of relevant learning</p>	<p>Yes/No</p> <p>a. what course did you attend and when:</p> <ol style="list-style-type: none"> 1. The litigation module of the public access course 2. Any other litigation course. [Give details] <p>b provide details of the activities you undertook</p>	
<p>4.4 Prior supervised experience within the last 3 years of the conduct of litigation under the supervision of a person authorised to do so?</p>	<p>Yes/No</p> <p>If yes, provide details</p>	
<p>4.5 Prior knowledge and experience sufficient to enable you to conduct litigation</p>	<p>Please describe how you have acquired necessary knowledge and skills, taking into account the following:</p> <p>Have you provided advice on litigation procedure, and drafting connected with litigation, as a significant component of your practice? [For how many years?]</p>	
<p>4.6 Intended areas of practice</p> <p>a: [If you are granted a litigation extension</p>		

<p>to your practising certificate you will be authorised to conduct litigation in all areas of practice] As with other services you provide, you must ensure that you are able to meet Outcome II.C3.01 in the Handbook ('clients receive a competent standard of work and service'). As for all public access work, you must also consider whether it would be in the client's interests to employ a solicitor or other authorised person, for example because the litigation in question would benefit from more experience or resources than you have</p> <p>b: Please indicate the areas of practice in which you intend to conduct litigation [include standard list of practice areas]</p> <p>c Please describe the nature of the litigation you intend to undertake and what percentage of your practice you expect this to represent.</p>		
<p>5 Outcome – litigation is competently managed</p> <p>Requirement:</p> <p>There are Appropriate administrative and management procedures are in place and all persons involved in the conduct of litigation are familiar within them.</p> <p>[You should complete the rest of this section only if your place of practice has not already certified to the BSB that it meets the outcomes below and that certification has been accepted by the BSB. Alternatively, you should note here if your practice is already certified and the BSB will check records.</p>	<p>Please confirm that you have satisfied yourself that appropriate procedures are in place in your practice, that you are personally familiar with them and that anyone else who has a role in the litigation for which you are responsible has been trained in them</p>	

Outcomes	Please tick each item (under all subheadings) or explain how otherwise complied with	Document reference
<p>Clients receive a timely and consistent service</p> <p>6.1 Your practice has a documented procedure for diary management</p> <p>This should include:</p> <ul style="list-style-type: none"> a: meeting key deadlines and dates, including those set by the court for the submission of documents b: procedures for the giving, monitoring and discharging of undertakings 		
<p>Clients receive a service when they need it</p> <p>6.2 Your practice has procedures for dealing with absences from practice</p> <p>This should normally include:</p> <ul style="list-style-type: none"> a: details of delegated responsibility to check and provide timely responses to all correspondence received b: procedures for keeping clients and other parties involved in the litigation updated of any developments c: procedures for maintaining any necessary, or emergency, contact with absent staff d: procedures for obtaining cover for the practice, such as hiring a locum if necessary 		
<p>All litigation cases are project managed effectively</p> <p>6.3 Your practice has case management and recording systems</p>		

<p>This should normally include:</p> <ul style="list-style-type: none"> a: litigation strategy for a matter on the matter file and a project plan where appropriate b: identifying and dealing with conflicts of interest c: issuing and acknowledging proceedings d: track allocation (for civil litigation) and case management e: disclosure f: processes to check files for inactivity g: use of appropriate software and databases 		
<p>All matters relating to litigation cases are recorded fully and accurately</p> <p>6.4 Your practice has in place appropriate filing systems</p> <p>This should normally include:</p> <ul style="list-style-type: none"> a: listing of open and closed matters, identifying all matters for a single client and linked files where relevant b: identifying and obtaining any documents related to the matter c: arrangements for securely storing files d: arrangements for archiving/destroying files <p>Support staff are adequately trained and supervised</p> <p>Your practice has arrangements in place to train junior staff involved in the conduct of litigation and to supervise their work</p>		

Insurance

All barristers undertaking the conduct of litigation have appropriate insurance

Requirement :

If you a self-employed barrister, your insurance cover must include litigation

If you are employed by a non-authorized body, you should review your insurance position

If you are employed by an authorised body, you will be covered by that body's insurance