

# Higher Rights of Audience

## Accreditation route criminal questionnaire

Education and Training Unit  
Version 1

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**Section A – About you and your firm**

1. Please indicate your professional position:

- sole practitioner
- equity partner
- salaried partner
- assistant/associate solicitor
- registered European lawyer
- Government/in-house
- other (please specify) \_\_\_\_\_

2. Please describe the size of your firm:

- sole practice
- 2-4 partners
- 5-10 partners
- 11-26 partners
- 26+ partners
- if an employed solicitor, please give a description of your employer, e.g. CPS, local government etc \_\_\_\_\_

not applicable (please explain) \_\_\_\_\_

3. (a) What is your date of birth?

(b) What is your date of admission to the roll of solicitors/registration as a registered European lawyer?

4. If you are in private practice, are you the only person undertaking criminal litigation in your firm? Please answer yes or no.

Yes                      No

**Section B – your experience in practice**

1. How many years have you spent in full-time practice in England and Wales?

2. Since admission have you practised in jurisdictions outside England and Wales? Please answer yes or no.

Yes                      No

If the answer is yes, please state which jurisdiction(s) and how many years you practised there.

3. For how many years have you been an active advocate, attending court/tribunals on a regular basis?

4. What percentage of your chargeable hours have been spent on the practice of criminal litigation in the past year?

5. What percentage of your chargeable hours have been spent on the practice of criminal litigation in the past three years?

6. If any of your caseload has involved prosecution work in the last three years please indicate the proportion as a percentage of your total criminal litigation practice.

7. State any periods of membership of duty solicitor schemes.

8. Please indicate below the approximate number of cases you have dealt with (not necessarily as advocate) which have reached a final conclusion in the Crown Court (or higher court) in the last three years. Please also indicate whether you acted for the defence or prosecution.

	Number dealt with personally	Number supervised	Defence	Prosecution
Appeals against conviction				
Appeals against sentence				
Full trials				
Pleas in mitigation				
Sentencing				
Other (please specify)				

9. Please indicate whether you have used any of the following existing rights of audience for solicitors in the Crown Court within the last three years and the number of occasions.

	Number of occasions
Bail applications	
Custody time limit appeals	
Appeals against sentence	
Appeals against conviction	
Committals for sentence	
First hearing of indictable only transfers at the Crown Court	
Other, please specify	

Please complete Report Form 1 giving details of an occasion on which you have exercised those rights of audience.

10. Please indicate below whether you have conducted trials/final hearings as an advocate in the last three years in any of the following courts/tribunals and the approximate number of occasions:

	Approximate number of occasions
Magistrates court	<input type="text"/>
County court	<input type="text"/>
County Court – care proceedings	<input type="text"/>
Industrial tribunal	<input type="text"/>
Planning inquiries	<input type="text"/>
Arbitrations	<input type="text"/>
Courts martial	<input type="text"/>
Other tribunals (please specify)	<input type="text"/>

Please complete Report Form 2 giving details of one case in which you were the advocate. (If a magistrates' court case is selected it should be a different case from those in other report forms.)

11. Please complete Report Form 3 relating to any criminal case in which you have been involved in the preparation of the skeleton argument.
12. Please refer to Report Form 4 which is attached. Please select any criminal trial **which lasted more than two hours** and which you have yourself conducted within the last three years and write a report on it dealing with the criteria mentioned. (If a Magistrates' Court case is selected it should be a different case from those in other report forms).
13. In the last three years, on how many occasions have you been able to sit in on a Crown Court trial behind counsel for more than half a day?

Using Report Form 5, please give details of a trial which you have observed in the Crown Court within the last three years.

14. Please describe below any other experience you have of trial observation in the higher courts. Continue on a separate sheet if necessary.

15. Please indicate whether you have acted in the last three years in respect of any of the following matters:

- (i) extradition proceedings
- (ii) appeals to the High Court by way of case stated
- (iii) judicial review arising out of criminal litigation
- (iv) appeals to the Court of Appeal (Criminal Division)
- (v) applications to the European Commission of Human Rights
- (vi) professional disciplinary proceedings (whether involving solicitors or members of other professions).

### **Section C – Professional development and training**

**(All answers to questions in section C should be detailed on a separate sheet)**

1. Referring to a training record if necessary, please list any professional development or training undertaken in the last three years such as attendance at courses as a delegate or tutor, ongoing courses of study, distance learning, watching CPD approved videos or legal research (including preparation of practice notes, articles or books).
2. Please list membership of any specialist law associations or SRA accreditation schemes.
3. Please list any other relevant professional qualifications.
4. Please list all legal journals and law reports which you read on a regular basis.
5. Please describe in what other ways you develop yourself professionally.

### **Section D – Additional information**

1. Do you currently hold or have you held any judicial or quasi-judicial office?

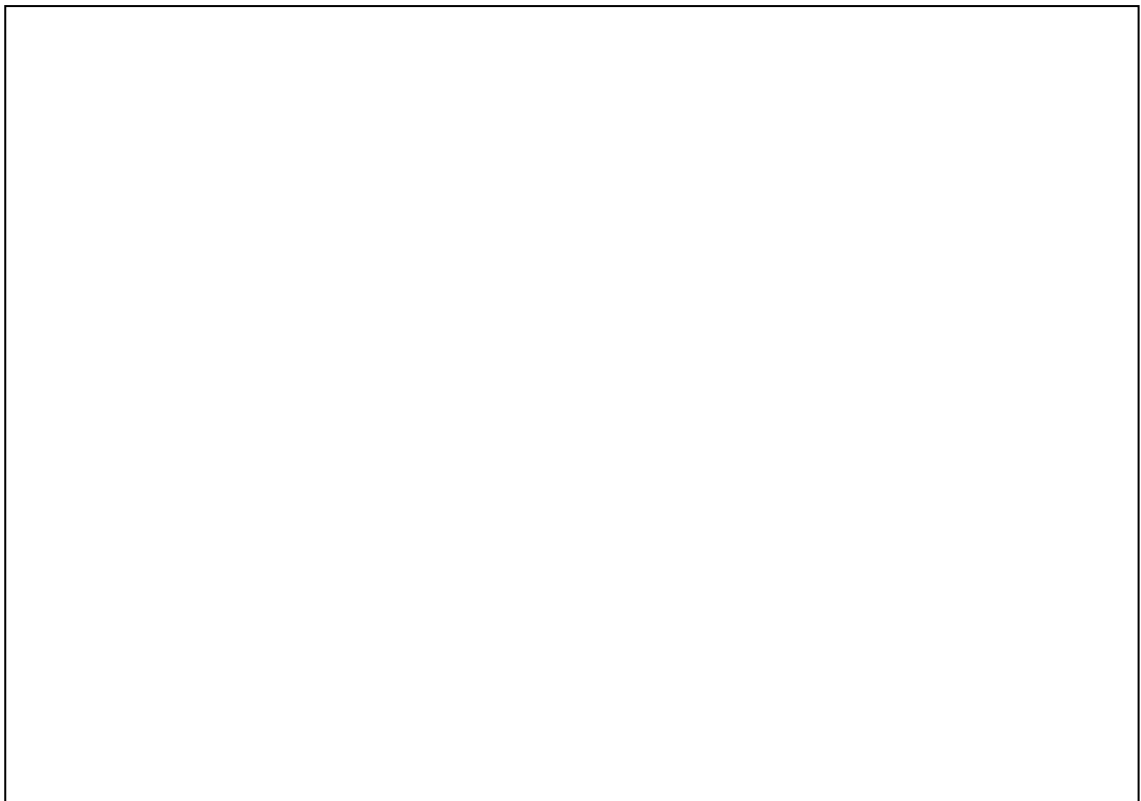
Yes No

If yes, please give details below.

2. Please provide below any further information in support of your application, for example any other relevant experience. Continue on a separate sheet if necessary.



3. Are there any additional factors relating to your application which you wish to make known to the Society? Please give details, for example of any career breaks, job changes, illness or disabilities which may have a bearing on your application.



## **Report Form 1 – Exercise of existing rights of audience in the Crown Court**

**Case reference:**

**Type of application/appeal:**

1. Brief facts of the case and the issues raised in the application or appeal including any points of law.
2. Any problems of the following nature encountered and, if so, how were they solved:
  - (a) presentational
  - (b) procedural
  - (c) evidential
  - (d) ethical
  - (e) Human Rights Act issues.
3. What did you learn and what would you now do differently?

## **Report Form 2 – Experience as an advocate in other courts/tribunals**

**Case reference:**

**Court/tribunal:**

1. Brief facts of the case and the issues raised including any points of law.
2. Please give brief details of any problems encountered of the following nature and how they were solved:
  - (a) presentational
  - (b) procedural
  - (c) evidential
  - (d) ethical
  - (e) Human Rights Act issues.
3. What did you learn and what would you do differently?

## **Report Form 3 – Skeleton argument**

**Case reference:**

**Court:**

1. Brief facts/issues of the case (including points of law, if any).
2. Issues addressed in drafting the skeleton argument.
3. Any procedural/evidential/ethical/Human Rights Act issues which had to be addressed.
4. What did you learn and what would you do differently?

## Report Form 4 – Recent criminal trial

Please complete a separate sheet answering the following questions and attach it to your application.

### Case reference:

### Date of trial:

1. Brief facts/issues of case including points of law/evidence.
2. Did you use counsel at any stage in this case and if so, for what?
3. Why did you choose to act as advocate in the case?
4. Indicate whether any issues of law or evidence needed to be researched.
5. Indicate whether there were any professional or ethical issues and if so, how you resolved them.
6. State the length of the hearing.
7. Please indicate whether any of the following issues arose, giving details and indicating how you researched and dealt with them:
  - (i) issues on burden or standard of proof
  - (ii) issues on competence of witnesses
  - (iii) issues to do with handling of witnesses (e.g. hostile, unfavourable or otherwise, uncooperative witnesses; difficulties in cross-examination of opposing witnesses; ways of dealing with physical and real evidence, etc)
  - (iv) indicate whether any issues relating to documentary or hearsay evidence arose and if so, how you treated them and how they were resolved
  - (v) indicate whether there were any issues as to identification evidence
  - (vi) indicate whether there were any issues arising out of there being co-defendants and if so, how they were resolved
  - (vii) if the defendant had a criminal record, indicate what difficulties were caused by this and how you resolved them
  - (viii) Human Rights Act issues.
8. Were there any issues relating to privilege/disclosure/expert evidence?
9. Were there any issues relating to sentencing? Indicate what steps were taken and how these were resolved.
10. What did you learn and what would you now do differently?

**Note:** If the issues raised in questions 7, 8 and 9 did not arise in the particular case you have chosen but have arisen in any other case with which you have been involved in the last three years, please give details.

## Report Form 5 – Observed trial

### Case reference:

1. Brief facts/issues of the case.
2. Any problems of the following nature encountered and, if so, how were they solved:
  - (a) presentational
  - (b) procedural
  - (c) evidential
  - (d) ethical
  - (e) Human Rights Act issues.
3. What did you learn and what would you have done or would now do differently?