

## PERFORMANCE INDICATORS FOR SQE2 ADVOCACY ASSESSMENT

<b><i>Skills</i></b>	<b><i>Indicators demonstrating competence</i></b>	<b><i>Indicators that do not demonstrate competence</i></b>
<b>Use appropriate language and behaviour</b>	<ul style="list-style-type: none"> <li>• The candidate’s submissions are clear and articulate/easily understood by the judge</li> <li>• The candidate uses language which is appropriate for the courtroom setting (e.g. avoids using “I think” or “I believe”, but uses expressions such as “In my submission it is the prosecution/defendant’s case”)</li> <li>• The candidate uses formalities appropriate to a courtroom setting (e.g. manner is polite and non-patronising)</li> </ul>	<ul style="list-style-type: none"> <li>• The candidate uses language which is verbose, complicated, confused or rambling</li> <li>• The candidate consistently cannot be easily understood</li> <li>• The candidate uses language which is inappropriate for a courtroom setting (e.g. uses language that is too informal or colloquial)</li> <li>• The candidate does not use formalities appropriate to a courtroom setting (e.g. manner is rude, dismissive or patronising)</li> </ul>
<b>Adopt a clear and logical structure</b>	<ul style="list-style-type: none"> <li>• The candidate’s submissions are presented in logical way (e.g. the candidate structures their submissions with a beginning, middle and end)</li> <li>• The candidate uses appropriate signposts to guide the judge through their submissions</li> <li>• The candidate summarises and draws conclusions as appropriate to reinforce desired outcomes</li> <li>• The candidate organises facts in a logical order to support their arguments or position</li> </ul>	<ul style="list-style-type: none"> <li>• The candidate’s submissions are muddled and lack clarity</li> <li>• The candidate does not use any appropriate signposts to guide the judge through their submissions</li> <li>• The candidate does not organise facts to support their argument or position</li> </ul>
<b>Present a persuasive argument</b>	<ul style="list-style-type: none"> <li>• The candidate presents their case with confidence and purpose</li> <li>• The candidate seeks to influence the judge’s decision making (e.g. the presentation of the candidate’s submissions is clear and compelling)</li> </ul>	<ul style="list-style-type: none"> <li>• The candidate lacks confidence (e.g. is consistently uncertain or hesitant in the delivery of their submissions)</li> <li>• The candidate fails to influence the judge’s decision making (e.g. the presentation of the</li> </ul>

		candidate's submissions are unconvincing, flat in tone or do not make sense)
<b>Interacts with/engages the court appropriately</b>	<ul style="list-style-type: none"> <li>The candidate makes submissions at an appropriate pace (e.g. the candidate speaks at a steady and consistent pace to ensure that the judge is following their argument)</li> <li>The candidate uses documents (i.e. their own notes or other assessment materials) where appropriate to support their submissions</li> <li>The candidate listens and responds to the judge appropriately e.g. the candidate is composed and is able to respond effectively to questions asked</li> </ul>	<ul style="list-style-type: none"> <li>The presentation of the candidate's submissions is too quick, too slow or the candidate is inarticulate</li> <li>The candidate fails to direct the court to documents where appropriate to support their arguments.</li> <li>The candidate is consistently too reliant on, or distracted, by their notes</li> <li>The candidate fails to listen and respond to the judge appropriately e.g. the candidate lacks composure and is unable to respond effectively, or at all, to questions asked</li> </ul>
<b>Include all key relevant facts</b>	<ul style="list-style-type: none"> <li>The candidate selects and refers to facts from the documentation which are relevant to legal submissions</li> </ul>	<ul style="list-style-type: none"> <li>The candidate refers to all facts from the documentation, regardless of whether or not they are relevant to legal submissions</li> <li>The candidate refers only to irrelevant facts</li> <li>The candidate does not refer to sufficient relevant facts to support their submissions</li> </ul>
<b>Law</b>	<b>Indicators demonstrating competence</b>	<b>Indicators that do not demonstrate competence</b>
<b>Apply the law correctly to the client's situation</b>	<ul style="list-style-type: none"> <li>The candidate identifies the relevant fundamental legal principles in accordance with the SQE2 assessment specification and applies them correctly to the client's case</li> </ul>	<ul style="list-style-type: none"> <li>The candidate does not identify and apply the correct legal principles to factual issues</li> </ul>

		<ul style="list-style-type: none"> <li>• The candidate does not apply the correct legal principles in a way that addresses the client's needs and concerns</li> </ul>
<p><b>Apply the law comprehensively to the client's situation, identifying any ethical and professional conduct issues and exercising judgment to resolve them honestly and with integrity</b></p>	<ul style="list-style-type: none"> <li>• The candidate's legal analysis is sufficiently detailed in the context of the client's case e.g. assessing information to identify key issues and risks; reaching reasonable conclusions supported by relevant evidence</li> <li>• Where relevant, the candidate recognises ethical issues and exercises effective judgment in addressing them in accordance with the SRA principles and rules of professional conduct</li> </ul>	<ul style="list-style-type: none"> <li>• The candidate's legal analysis is not sufficiently detailed in the context of the client's case e.g. the candidate demonstrates little or no understanding of the key issues; fails to use the evidence provided to reach reasonable conclusions</li> <li>• The candidate does not recognise ethical issues or exercise effective judgment in addressing them in accordance with the SRA principles and rules of professional conduct</li> </ul>