

## PERFORMANCE INDICATORS FOR SQE2 LEGAL WRITING ASSESSMENT

<b>Skills</b>	<b>Indicators demonstrating competence</b>	<b>Indicators that do not demonstrate competence</b>
<b>Include relevant facts</b>	<ul style="list-style-type: none"> <li>• The candidate refers to and/or addresses the salient facts provided in their instructions. Salient facts could include facts which are important in ensuring the client's needs/ objectives are met, or relevant to legal advice</li> </ul>	<ul style="list-style-type: none"> <li>• The candidate includes many facts in their answer which have no bearing on their legal advice</li> </ul>
<b>Use a logical structure</b>	<ul style="list-style-type: none"> <li>• The candidate's presentation of information is well-organised, set out clearly and easy to follow</li> <li>• The reader is able to understand the candidate's answer without difficulty</li> </ul>	<ul style="list-style-type: none"> <li>• The candidate's presentation of information is confused and rambling</li> <li>• The reader is unable to follow or understand the candidate's answer</li> </ul>
<b>Advice/content is client and recipient focused</b>	<ul style="list-style-type: none"> <li>• The candidate demonstrates an understanding of the client's circumstances including their needs, objectives and priorities</li> <li>• The candidate, where relevant and appropriate, explores options and advises on strategies and solutions</li> <li>• The candidate takes into account who the client is; recognises the key issues in the case and considers any risks</li> </ul>	<ul style="list-style-type: none"> <li>• The candidate does not understand the client's perspective e.g. they focus on irrelevant issues /provide extraneous advice/fail to advise on relevant options, strategies and solutions</li> <li>• The candidate fails to take into account who the client is and does not recognise the key issues in the case or consider any risks</li> <li>• The candidate lacks empathy or sensitivity if imparting difficult or unwelcome news</li> </ul>

	<ul style="list-style-type: none"> <li>Where appropriate, the candidate imparts any difficult or unwelcome news clearly and sensitively</li> </ul>	
<b>Use clear, precise, concise and acceptable language which is appropriate to the recipient</b>	<ul style="list-style-type: none"> <li>The reader understands the candidate's use of language and clarity of expression</li> <li>The candidate's language is appropriate to the recipient and the situation</li> <li>The candidate avoids unnecessary technical terms/legal jargon</li> <li>The candidate uses formalities appropriate to the context and purpose of the communication</li> </ul>	<ul style="list-style-type: none"> <li>The reader struggles to understand the candidate's use of language; the answer lacks clarity and/or is poorly expressed</li> <li>The reader's understanding is adversely affected by the density or brevity of the answer</li> <li>The candidate uses language which is not appropriate to the recipient and/or the situation e.g. candidate adopts an essay-style approach</li> <li>The candidate uses unnecessary or confusing technical terms/legal jargon</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 correct legal principles and applies them correctly to the facts of the case</li> </ul>	<ul style="list-style-type: none"> <li>The candidate does not identify the correct legal principles</li> <li>The candidate does not apply the legal principles correctly to the client's situation</li> </ul>
<b>Apply the law comprehensively to the client's situation, identifying any ethical</b>	<ul style="list-style-type: none"> <li>The candidate's writing is of sufficient detail in the context of the client's situation and the relevant factual and legal issues</li> </ul>	<ul style="list-style-type: none"> <li>The candidate's writing is not sufficiently detailed in the context of the client's situation and the relevant factual and legal issues</li> </ul>

<b>and professional conduct issues and exercising judgment to resolve them honestly and with integrity</b>	<ul style="list-style-type: none"><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 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>
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