

REVALIDATION OF INDIVIDUAL ACCREDITED STATUS – APIL SCOTLAND LITIGATOR LEVEL

PERSONAL DETAILS OF CANDIDATE		PERSONAL DETAILS OF APPRAISER	
Surname		Surname	
First names		First names	
Name of firm		Name of firm	
Address		Address	
APIL membership no		APIL membership no (if appropriate)	
Signed		Relationship of appraiser to candidate	
Date			

1. Involvement with personal injury work

I confirm that:	Initials
<ul style="list-style-type: none"> the candidate continues to be engaged in personal injury work, and that this is predominantly for the pursuer. 	

2. Adverse incidents

The following are regarded as adverse incidents:

- Any matter giving rise to a formal complaint to the regulator, which was upheld by the regulator.
- Any matter giving rise to a claim on the firm's indemnity insurance.
- Any matter which led an ATE insurer to limit the extent of its delegated authority to the firm.
- Any judicial criticism of the way in which a matter was handled.

I confirm that: (Please sign only one)	Initials
<ul style="list-style-type: none"> no adverse incidents have arisen from the work of the candidate in the last five years*; or that 	
<ul style="list-style-type: none"> an adverse incident arose from the work of the candidate, details of which are given on the attached sheet, but that I am satisfied that appropriate lessons have been learned from it, and it is unlikely to recur; or that 	
<ul style="list-style-type: none"> an adverse incident arose from the work of the candidate, details of which are given on the attached sheet, and the matter is continuing. 	

(Delete as appropriate) *The accredited member to inform APIL of any adverse incidents, at previous firms, which occurred within the last five years.

3. Maintaining high standards of professional conduct

The following are regarded as behaviours demonstrating the maintenance of high standards of professional conduct:

- At all times you act in a manner which reflects your duty to act in the best interests of your client, and your duty to the court.
- You conduct all of your work to a proper professional standard and safeguard your independence and integrity as a lawyer.
- You maintain an orderly file, with detailed attendance notes.
- You are pro-active in case management, taking the initiative where appropriate, and never leaving matters until the last minute.
- You respond promptly and positively to problems with a proposed course of action.

I confirm that:	Initials
<ul style="list-style-type: none"> the candidate continues to display the above behaviours. 	

4. Professional development to enhance knowledge and skills

The following are regarded as behaviours demonstrating effective professional development and self-awareness:

- You are active in keeping up to date with developments in the law, through reading journals and participation in conferences and training, and you are always willing to share your expertise with colleagues.
- You have an awareness of the limits of your own knowledge and competence, you seek advice where necessary, and you refer on matters which are outside your field of expertise.

I confirm that:	Initials
<ul style="list-style-type: none"> the candidate continues to display the above behaviours. 	

5. Positive engagement with quality assurance and enhancement

The following is regarded as behaviour demonstrating positive engagement with quality assurance and enhancement.

- You are a willing and positive participant in your firm's arrangements for quality assurance and peer review of files.

I confirm that:	Initials
<ul style="list-style-type: none">• the candidate continues to display the above behaviour.	

6. Effective communication

The following are regarded as behaviours demonstrating effective communication:

- You present information clearly, concisely, accurately and in ways which promote understanding.
- You use communication styles which are appropriate to different people and situations, and display empathy with the injured client and their family.

I confirm that:	Initials
<ul style="list-style-type: none">• the candidate continues to display the above behaviours.	

7. Business awareness

The following is regarded as behaviour demonstrating business awareness:

- Your behaviour reflects your awareness that your firm can only provide a service to its clients if the firm is commercially viable.

I confirm that:	Initials
<ul style="list-style-type: none">• the candidate continues to display the above behaviour.	

8. File review

I confirm that:	Initials
<ul style="list-style-type: none">• I have reviewed a sample of the files of the candidate and that I have found the advice offered to clients to be adequate and appropriate.	

CONCLUSION

I have conducted a face-to-face appraisal with the candidate and I have reviewed with him/her the quality of their professional work in personal injury, as evidenced by the files for which he/she has been responsible over the past five years, and feedback on these; and his/her participation in continuing professional development.

In the light of this review:

EITHER*

	Signed	Date
I recommend that the candidate be revalidated by APIL as a Litigator.		

OR*

	Signed	Date
I cannot recommend revalidation because:		
<ul style="list-style-type: none"> There is an outstanding adverse incident, details of which are given on the attached sheet. 		
<ul style="list-style-type: none"> My review of the candidate's files discloses inadequate or inappropriate advice to clients, anonymised details of which are given on the attached sheet. 		
<ul style="list-style-type: none"> I am not satisfied that those of the behaviours in 3 – 7 above, which I have <u>not</u> initialled, are adequately displayed in relation to the candidate's personal injury work, for the reasons given on the attached sheet. 		
<ul style="list-style-type: none"> The candidate no longer undertakes a sufficient amount of personal injury work to provide evidence of effective deployment of the behaviours in 3 – 7 above. 		

*Delete as appropriate