



## **MEMBERSHIP CRITERIA AND GUIDANCE NOTES FOR APIL FELLOW STATUS**

### **Profile**

A fellow of APIL is an experienced practitioner able to demonstrate a high level of expertise, and recognised by his or her peers as being in a position of professional and intellectual leadership in the field of personal injury law.

### **Experience and expertise**

A fellow will have experience of a range of cases involving different types of settlement, and will have expertise in at least two of the following:

- Trial in the last five years, save for Court of Appeal trials which may be longer
- Negotiated settlements
- Mediated settlements
- Full trials (on liability and quantum)
- Trials on a preliminary issue (liability, limitation)

A fellow will have experience of a range of cases, but may have reached a stage in his or her career at which he or she has specialised in a single field, such as clinical negligence, RTA cases, etc.

It is likely that the experience and expertise expected of a fellow will have taken ten years of PI practice to acquire.

### **Sharing expertise**

A fellow has a practical and demonstrated personal commitment to sharing knowledge, know-how and expertise, so as to help promote the objective of the scheme of building the overall competence and professionalism of the practice of personal injury law.

This commitment may be demonstrated by involvement in:

- Lecturing, conducting seminars, and other direct teaching
- Publication of articles in legal journals, in general publications explaining aspects of PI law to a lay audience, in text books or other learning materials, of submissions to commissions or other public bodies on PI law
- Development of the precedent systems of a firm
- Mentoring of junior colleagues.

The commitment must include some work that is external to the firm, chambers or other organisation in which the fellow works.



## Leading and managing PI litigation

A fellow will provide leadership to the PI function within their organisation, or generally. The nature of that leadership will depend on their role, but is likely to include two or more of the following:

- Dealing personally with the more difficult cases that present new or unusual problems
- Possessing a particular depth of specialist expertise that is valued and used by practitioners who are themselves of established standing in the field
- Undertaking work on referral from less experienced colleagues
- Undertaking risk analysis, risk management and case selection
- Leading multi-party actions
- Leading and managing a team of PI lawyers
- Managing client relations, including:
  - managing relations with major sources of instructions, such as trade unions and insurers
  - marketing and business development strategy
  - complaints handling

## Personal skills

Fellows should have well developed personal skills in the following areas:

### REPRESENTATION

- Negotiating skills, in relation to dealings with other parties
- The quality, relevance and helpfulness of drafting of written documents
- The quality and effectiveness of oral representation and advocacy

### ADVISING

- Inter-personal skills in dealing with clients, including interviewing, taking instructions and client care generally
- Awareness of the boundaries of personal specialist knowledge, and willingness to refer to fellow specialists when this is necessary and appropriate

### LEADERSHIP


- Ability to command the respect of peers, in terms of specialist knowledge and leadership role
- Inter-personal skills in working as a member of a professional team

## Applying to become a fellow

To become a fellow, an applicant must provide evidence that he or she meets the criteria set out above. Three types of evidence are required, each of which relates to different aspects of the criteria.

### Factual evidence

Factual evidence is provided in a standard format on the application form. Factual evidence covers the length of experience, and the nature and range of that experience, particularly with respect to leadership and management. It also covers the involvement of the applicant in activities to share expertise outside of their firm.



## Evidence of ability

A fellow should be able to demonstrate their understanding of current issues in personal injury law, and the use of their skills in the conduct of a matter. Applicants are asked to provide a brief evaluative account of a matter they have handled recently. The account should set out the issues involved, and explain how they were resolved. Accounts should also demonstrate how the applicant used their skills in bringing about that resolution. Assessors will be looking for evidence of understanding of the issues involved, and for evidence of the appropriate development of strategy and application of skill.

The account should not exceed 750 words. The account should be anonymised to protect client confidentiality, other than in relation to trials which are in the public domain.

## Referees - evidence of personal skills and attributes

Applicants are asked to provide the names of three referees who have knowledge of their professional work. At least two referees should be persons who do not work in the same organisation as the applicant. Referees are asked for views on:

- The extent to which the applicant matches the profile of a fellow set out above
- The competence of the applicant in the skill areas listed above under 'personal skills'

It is the responsibility of the applicant to name referees who, between them, are able to comment authoritatively on all of these matters. Referees might be:


- A lawyer within the same organisation as the applicant, who has personal experience of the applicant's work
- In the case of a solicitor applicant, a judge to whom the applicant is well known
- In the case of a counsel applicant, a judge before whom the applicant has appeared
- A medical or legal specialist with whom the applicant has worked
- A person representing client interests, such as a trade union or insurer, who is able to comment on the applicant's relationships with clients

## Evaluation

Factual matters will be checked by the APIL evaluation team against the criteria, using guidelines specified by the Academic Quality Council.

Evaluation of applications involves making a holistic, peer judgement of the professional standing and ability of the applicant. It is not a matter of merely ticking boxes, nor of giving a mark for each relevant fact or argument in an evaluative account.

Assessors will consider whether the applicant has demonstrated that he or she matches the profile of a fellow, and has provided satisfactory evidence against each of the criteria. Through the materials submitted, and the comments of referees, it should be demonstrable that the applicant has the abilities, and the standing in the eyes of fellow professionals, that would make him or her a worthy and respected member of the peer group of fellows that he or she seeks to join.



There is not a single model that fits the profile. Several different sets of characteristics are capable of matching it. A person might operate in a fairly narrow field, but with a very high level of expertise, for example as a QC advising on the merits of a case. Alternatively, a person might provide senior professional management within a firm, facilitating the work of others, and providing professional leadership across a wide range of PI work. Accordingly, assessors make a holistic, peer judgement, which can be justified by reference to the facts and merits of the application.

A person will be disqualified as acting as an assessor if there is any actual or perceived conflict of interest between the assessor and the applicant. Such conflict could arise if:

- The assessor is a current or recent partner, employer or fellow employee of the applicant
- The assessor has acted as a referee for the applicant
- The assessor is related to the applicant
- There is known professional or personal animosity between the assessor and the applicant

## Agreement for use of the APIL logo by fellows

Fellows of APIL may use the individual accredited fellowship logo, providing it is included near or within the member's signature and only demonstrates that the individual is accredited and not the organisation:



The APIL letters and full name may be used to identify individual members within a firm, i.e. they may be displayed on a personal level. APIL fellows may refer to themselves as follows:

- APIL Accredited Member
- APIL Accredited Lawyer
- APIL Fellow

It is therefore recommended that members of the Association identify themselves as:

- Mr A N Other, APIL Fellow

Or, in full:

- Mr A N Other, Fellow, Association of Personal Injury Lawyers

### Use of the APIL logo by corporate members

The corporate accredited organisation or office may use the APIL logo, and the words 'accredited organisation' or 'accredited office' on letterheads, the company's website, business cards, and in permitted print and media advertising in accordance with APIL guidelines.

The logo is a registered trade mark and is to be used for Association business and by a corporate accredited organisation or office only.

Any corporate accredited organisation or office which has applied for corporate accreditation must have met the assessment criteria and been approved by the APIL assessment panel.