



MEMBERSHIP CRITERIA AND GUIDANCE NOTES FOR APIL SENIOR LITIGATOR STATUS

Profile

Senior litigator members of APIL are practitioners who handle the mainstream of PI litigation, as key members of litigation teams or as individuals with a personal caseload. They will usually have significant autonomy in deciding the tactical approach to the handling of a case, and will carry responsibility for proper assessment and management of risk.

Experience and expertise

An APIL senior litigator will have experience of a range of cases involving different types of personal injury claims. He or she will have negotiated settlements, and will have taken cases through a trial, either with counsel or as an advocate, and may have had an involvement in mediated settlements.

An APIL senior litigator should have experience of a range of types of case, such as clinical negligence, RTA cases and accidents at work. An APIL senior litigator may have begun to specialise, but is likely to be handling at least two main types of case and should have taken two different types of case through trial in the past five years. However, in the case of experience in RTA cases only, or specialised areas such as clinical negligence or industrial disease only, a senior litigator will have taken three cases through trial in the last five years, of which one must have succeeded in gaining in excess of £25,000 in damages.

It is likely that the experience necessary to meet the senior litigator criteria will have been gained over a period of around five years of PI practice.

Gaining expertise


A senior litigator accepts the responsibility to keep their knowledge, understanding and skills up-to-date, through participation in continuing professional development as specified by APIL.

Conduct of PI litigation

A senior litigator is likely to have sole carriage of straightforward cases, or to be a member of a team handling more complex cases. Senior litigators, for example those of partner status or its equivalent, are likely to carry a significant personal caseload.

A senior litigator who is an advocate would be likely to lead on routine, and on some more difficult cases.

A senior litigator will have a well developed understanding of risk assessment, and of the consequences of risk for the finances of their organisation, and for their client. He or she will have attended a risk assessment course and will be competent in the management of risk throughout the conduct of a case.



A senior litigator will have a good understanding of the sources of funding for litigation, and will be able to advise clients on the availability and significance of each source. In particular, a senior litigator should be familiar with:

- Legal expenses insurance
- Conditional fee arrangements
- After-the-event insurance
- Public funding
- Funding from trade unions and other associations.

Personal skills

Senior litigators should have well developed personal skills in the following areas:

- Negotiating skills, in relation to dealings with other parties
- The quality, relevance and helpfulness of drafting of written documents
- Inter-personal skills in dealing with clients, including interviewing, taking instructions and client care generally
- Inter-personal skills in working as a member of a professional team.

Applying to become a senior litigator

Applicants who are members of either the Solicitors Regulation Authority Clinical Negligence Accreditation Scheme and/or the AvMA Panel will gain immediate entry at senior litigator level, providing we have written confirmation that this is the case. A signed declaration that the applicant will undertake 16 hours' APIL accredited training annually is also required.

To become a senior litigator, 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 trial experience. It also covers risk assessment training.

Evidence of ability

A senior litigator should be able to demonstrate their understanding of practical issues in personal injury law, and their use of their understanding of risk management. Applicants are asked to provide two brief evaluative accounts of matters they have handled recently. One account should be of their most significant trial in the last five years, and should set out the issues involved, and explain how they were resolved. The other account should describe how the applicant assessed and managed the risk involved in a case (whether or not it went to trial). Assessors will be looking for evidence of understanding of the issues involved, and for evidence of the appropriate application of risk management techniques.

Each account should not exceed 500 words. The accounts should be anonymised to protect client confidentiality, other than in relation to trials which are in the public domain.



Applicants, who are unable to fulfil the trial criteria stipulated above, are asked to prepare three separate 500 word narrative accounts, explaining how they satisfy at least three out of the following four types of experience:

- Settlement by a more formal type of alternative dispute resolution (ADR) of a personal injury case, including a formal mediation process, in the last five years
- Preparation to take a personal injury case to trial – the narrative should illustrate the applicant's willingness and competence and explain what preparation has been carried out
- Preparation and delivery of personal injury trial bundles or a personal injury related counsel's brief, in the last five years
- A trial other than personal injury, excluding debt collection.

In each account, applicants should give evidence of the work involved in preparing three separate cases for trial, identifying the skills necessary to achieve a successful outcome for the client and including dates and case type. Again, the accounts 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 two referees who have knowledge of their professional work. One referee should be a person who works in the same organisation as the applicant (except in the case of a sole practitioner), and has knowledge of their work. Referees are asked for views on:

- The extent to which the applicant matches the profile of a senior litigator 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
- A judge before whom the applicant has appeared
- A medical or legal specialist with whom the applicant has worked.

Evaluation

Applications will be assessed 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.

Agreement for use of the APIL logo by senior litigators

Senior litigator members may use the individual accredited senior litigator 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 senior litigators may refer to themselves as follows:

- APIL Accredited Member
- APIL Accredited Lawyer
- APIL Senior Litigator

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

- Mr A N Other, APIL Senior Litigator

Or, in full:

- Mr A N Other, Senior Litigator, 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.