



CROWN PROSECUTION SERVICE – SPECIALIST ADVOCATE PANEL

SCHEME SPECIALIST PANEL – EXTRADITION

SELECTION CRITERIA LEVELS 2, 3 and 4 (Updated July 2020)

Introduction

Entry to the CPS Extradition Specialist Panel at Level 2, 3 and 4 is through this application process and is open to appropriately qualified barristers and solicitors who have a Higher Courts Advocacy qualification.

Level 2 Panel Requirements

Level 2 advocates will be required to perform any of the work of a level 1 prosecutor and in addition all straightforward extradition cases including European Arrest Warrant (EAW) and simple Part 2 cases. Applicants must be able to demonstrate expert up to date legal knowledge relevant to extradition cases and demonstrate appropriate standards of oral and written advocacy (including the ability to deal with complicating factors such as expert evidence and complex points of evidence or law) and should have demonstrated the potential to appear as a junior in appropriate cases. They should be able to demonstrate that they are able to work well with others in this range of cases. Applicants should also have sufficient knowledge of the Extradition Act 2003 the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedure between member states to be able to deal with any issues raised in Level 2 cases.

Generally, applicants will have in the region of 12 months' recent extradition advocacy experience, but please note this is a guide, not a criterion. Whilst experience in specialisms is referred to in the form, allowance is made for the fact that it will be more difficult for level 2 applicants to show experience in a particular specialism. Applicants, are however, welcome to refer to specialisms in which they have an interest in gaining experience.

The criteria headings for assessment will be:

- Advocacy
- Advisory Work
- Other relevant knowledge, skills and experience
- Appreciation of the role of a CPS Specialist Extradition Panel Advocate

In order to score very highly applicants will be expected to demonstrate excellent standards against a range of competencies in respect of the type of casework listed in paragraph 2, above, including:



Advocacy

- The ability to conduct extradition cases efficiently and effectively
- Advocacy skills for extradition cases including interim, initial and full extradition hearings, bail applications, witness handling and legal argument
- Sound understanding of the Extradition Act 2003 and relevant case law
- Appropriate use of language and questioning
- Ability to deal effectively with complicating factors such as expert evidence and complex points of evidence or law
- Acting appropriately to assist the court in the proper administration of justice, as required

Advisory Work

- Routinely exercises sound judgement
- Demonstrates a thorough knowledge of law and practice and up-to-date knowledge of law relevant to extradition at this level
- Presents clear and succinct written arguments citing relevant authorities
- Able to develop a clear case strategy.

Other Relevant Knowledge, Skills and Experience

- IT skills – including word processing, the electronic presentation of case material use of e-mail and / or secure email
- Obtaining evidence from abroad, jurisdictional issues and human rights
- Schengen Information System (SIS II) practices and procedures
- Roles and responsibilities of CJS partners involved in extradition proceedings.

Appreciation of the Role of a CPS Extradition Panel Advocate

- A knowledge of ethical standards e.g. completion of the Advocacy & Ethics element of the New Practitioners Programme.



- Understanding and sensitivity to diversity and cultural issues, bringing challenge where appropriate
- A willingness to work as part of a team undertaking the type of work listed without compromising professional independence
- Familiarity with, and understanding of, CPS policy guidance including the Code for Crown Prosecutors
- An appropriate understanding of the professional relationship between the CPS, the courts and other law enforcement agencies and the advocate.

Level 3 Panel Requirements

Level 3 advocates will be required to demonstrate that they are able to competently undertake any of the work of a Level 2 advocate as well as more serious and onerous extradition cases involving large volumes of material, legal expertise and leading cases. Level 3 advocates will also be expected to conduct straightforward extradition appeals in the Administrative Court. Applicants must also be able to demonstrate expert up to date legal knowledge relevant to such extradition cases and appropriate standards of oral and written advocacy. They should be able to demonstrate that they are able to work well with others in this type of extradition case. Applicants should also have sufficient knowledge of the Extradition Act 2003, the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedure between member states and the various extradition arrangements between the UK and other states.

Generally, applicants to this panel will have at least 3-5 years substantial extradition experience and/or have substantial advocacy experience at level 2 (this is a guide, not a criterion).

In order to score very highly applicants will be expected to demonstrate a range of competencies to excellent standards in respect of the breadth of casework expected to be undertaken at level 3, including:

Advocacy

- The ability to conduct advocacy in the range of extradition cases identified in paragraph 6 above, often attracting national media attention.
- Highly developed advocacy skills for interim, initial and extradition hearings and legal argument, quoting relevant legislation and key authorities



- Ability to deal with complicating factors such as abuse of process, presenting or challenging complex expert evidence and difficult or sensitive issues of law and/ or fact
- Ability to undertake advocacy in complex and voluminous cases
- Able to manage extremely sensitive cases reliably
- Ability to be an effective led junior

Advisory Work

- The exercise of consistently sound judgement and case management strategies
- Demonstrates a strong knowledge of law and practice and up-to-date knowledge of law and cases relevant to extradition cases at this level;
- Drafts concise Requests for Further Information and advices for further material, even in complex cases or addressing complex law, evidence or procedure
- Presents clear and succinct relevant written submissions demonstrating expertise.

Other Relevant Knowledge, Skills and Experience

- IT skills – including the electronic presentation of case material, word processing, use of e-mail and / or secure email
- Law and procedure for obtaining evidence from abroad, jurisdictional issues and human rights
- Schengen Information System (SIS II) practices and procedures
- Roles and responsibilities of CJS partners involved in extradition proceedings

Appreciation of the Role of a CPS Extradition Panel Advocate

- A knowledge of ethical standards e.g. completion of the Advocacy & Ethics element of the New Practitioners Programme.
- Understanding and sensitivity to diversity and cultural issues, bringing challenge where appropriate
- A willingness to work as part of an extradition team undertaking the type of work listed at paragraph 6 without compromising



professional independence

- Familiarity with, and understanding of, CPS policy guidance including the Code for Crown Prosecutors
- An appropriate understanding of the professional relationship between the CPS, the courts and other law enforcement agencies and the advocate.

Level 4 Panel Requirements

Level 4 advocates will be required to demonstrate that they can competently conduct extradition proceedings in cases where a junior advocate alone is instructed in Westminster Magistrates' Court and the Administrative Court, whatever the issues. They will be expected to handle serious, novel and difficult points of law and fact, sometimes in opposition to leading counsel for the defence. They will be expected to demonstrate a consistently high quality of work, whether working alone, with a second junior, or when led. They must demonstrate expert up to date legal knowledge relevant to complex extradition cases. They will have appropriate standards of oral and written advocacy and experience of handling and leading voluminous and complex cases. They will be expected to handle a wide range of appellate work, including judicial review proceedings. They should be able to demonstrate that they are able to work well with others in this range of extradition cases.

Applicants to this level will generally have in the region of ten years' extradition advocacy experience and/or substantial experience as a level 3 advocate (this is a guide, not a criterion).

In order to score very highly applicants will be expected to demonstrate a range of competencies to an excellent standard in respect of the breadth of casework expected to be undertaken at level 4, including:

Advocacy

- The ability to conduct highest quality advocacy in the range of extradition cases identified above, often of the utmost gravity
- A superior grasp of advocacy skills for sensitive, high profile and complex extradition cases including legal argument
- Able to deal with highly complicating factors such as presenting or challenging complex and/or voluminous evidence, expert reports and difficult or sensitive issues of law and/or fact
- Able to present highly proficient submissions to a standard of excellence before any tribunal



- Able to lead an extradition case with skill and diplomacy in the face of hostile opponents
- A fluid, articulate and intuitive advocate

Advisory Work

- Able to present highly proficient written submissions to a standard of excellence
- Able to demonstrate consistently sound judgement
- Able to demonstrate expertise in law and practice and up-to-date knowledge of law relevant to extradition cases at this level
- Able to assimilate the relevance of material quickly, in particular when working on voluminous and or complex cases.

Other Relevant Knowledge, Skills and Experience

- IT skills – including the electronic presentation of evidence, word processing, use of e-mail and / or secure email
- Law and procedures for obtaining material from abroad, jurisdictional and human rights issues
- In depth understanding of the roles and responsibilities of CJS partners involved in extradition proceedings

Appreciation of the Role of a CPS Extradition Panel Advocate

- Acts as a role model for others.
- In depth knowledge and application of ethical standards
- Comprehends and successfully leads cases of the utmost gravity, complexity and sensitivity.
- Familiarity with, and understanding of, CPS policy guidance including the Code for Crown Prosecutors
- Clear understanding of the professional relationship between the CPS, the courts and other law enforcement agencies and the advocate

Evidence of competency

Applicants should provide details of their knowledge, skills and experience on the application form under each heading and where requested include a piece of written advisory work evidencing the criteria. They should provide relevant examples based



on criminal casework with specific reference to extradition.

When providing evidence to support their application, applicants should clearly state what role they played. For example, if they were led, what was their contribution to the case? Examples can be given of difficulties faced and how they were overcome.

References

Reliance will be placed on the references and referees should be chosen with care.

Those applying to join the Panel at Level 4 should provide three references. At least one reference, but no more than two, should be from members of the full-time judiciary. Level 3 applicants should provide two references with at least one from the full-time judiciary; Level 2 applicants should provide two references. There is no requirement to submit a judicial reference in support of applications to join at Level 2.

Applicants with significant extradition experience should provide at least one reference from an instructing lawyer. However, if applicants have not undertaken a significant amount of extradition work and are unable to supply such a reference, this will not prevent them from applying.

Referees should be in a position to speak with authority about the skills specified in the selection criteria. The assessment boards are aware it is generally more difficult for applicants to level 2 to find referees who can speak with authority on all of the required skills and allowances are made for this.

Referees will be asked to consider the competencies of the applicant against the broad selection criteria in respect of the level applied for under the following headings:

- a. the extent of knowledge of the applicant's work
- b. Analytical ability
- c. Judgement
- d. Written expression
- e. Advocacy
- f. Interpersonal skills
- g. Legal knowledge
- h. Additional information which would assist.