

## Resolution Specialist Accreditation

### Advocacy (Financial Remedy) Portfolio Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and application to practice to provide advice, representation and advocacy to/for clients in respect of financial remedy proceedings.

**PLEASE NOTE:** If you are taking either of the Advocacy portfolio assignments, you will be required to record your submissions.

Competency code	<b>Knowledge and Understanding</b> <b>Candidates must know and understand:</b>
<b>SAAFP01</b>	The Resolution Code of Practice and of other relevant protocols (e.g. The Law Society Family Law Protocol), the Remote Access Family Court and any associated protocols. Resolution Guides to Good Practice and Precedents.
<b>SAAFP02</b>	Relevant law and statute in relation to the resolution of financial remedy cases, including any relevant case law.
<b>SAAFP03</b>	Procedures applicable in the resolution to financial remedy cases (from issue to final hearing).
<b>SAAFP04</b>	The required drafts in relation to supporting documents at each and every stage of proceedings (including FDA and FDR).
<b>SAAFP05</b>	Appropriate drafting in relation to focussed position statement tailored to the specific set of facts (with particular reference to current case law and authority).
<b>SAAFP06</b>	Relevant law and procedure in relation to disclosure and obtaining evidence.
<b>SAAFP07</b>	Law in relation to property, tax, third party ownership, borrowing (including mortgages, affordability, lines of credit).
<b>SAAFP08</b>	Relevant law in relation to business structures and the powers of the Court.
<b>SAAFP09</b>	Pensions – relevant law, types of pension (including State pensions) pension sharing, attachment/off-setting.
<b>SAAFP10</b>	Relevant law and procedures in relation to Trusts and the powers of the Court.
<b>SAAFP11</b>	Investments and insurance, basic taxation including foreign jurisdiction.
<b>SAAFP12</b>	Costs issues, relevant law and procedure (including s 22ZA/B MCA 1973).
<b>SAAFP13</b>	Enforcement.

Competency code	<b>Performance</b> <b>Candidates must be able to:</b>
<b>SAAFP14</b>	Demonstrate appropriate application of the Resolution Code of Practice and any/all other relevant practice protocols in all cases.
<b>SAAFP15</b>	Identify and explain the law and likely procedures in relation to financial remedy in the particular client circumstances.
<b>SAAFP16</b>	Identify and explain the various stages of proceedings and required hearings to the client.
<b>SAAFP17</b>	Assess and explain the required disclosure in relation to client finances.
<b>SAAFP18</b>	Explain s.25 needs in relation to financial remedy.
<b>SAAFP19</b>	Explain the range of family dispute resolution processes that may assist the client and including the potential for e.g. narrowing issues, exploring options and the potential where appropriate for family arbitration.

<b>SAAFP20</b>	Assess and consider referral to other specialists – financial advisers, pensions experts, etc. (including instructing in relation to expert reports).
<b>SAAFP21</b>	Identify and assess client pension/s including obtaining relevant CEV, State pension forecast.
<b>SAAFP22</b>	Identify and assess with the client their investments, any Trusts and explain the relevant law and the powers of the Court.
<b>SAAFP23</b>	Explain costs including providing a costs estimate and the ways in which cost may be met.

**Guidance Notes to unit:**

- Candidates should be aware that not all competencies will feature in case studies but must be prepared and able to answer all that are listed in the unit. Assessment is adjusted to match competencies tested.
- If you are taking either of the Advocacy portfolio assignments, you will be required to record your submissions.