

# Core Competencies for Advocates

We use the word “tribunal” to mean an organization, department, board, agency, or commission that includes decision makers.

Advocates need the following skills and values to do their work well.

## 1. Knowledge and Values

Advocates should:

- 1.1 understand the legal framework, jurisdiction, procedure, and subject matter of the tribunal or decision maker.
- 1.2 provide a high standard of service by being ethical, accountable, and professionally responsible.
- 1.3 be aware of and respect diversity in all forms. Some examples include creed, gender, race, religious customs, place of origin, ancestry, age, disability, mental capacity, sexual orientation, gender identity or expression, social or economic status, marital status, family status, or family affiliation.
- 1.4 advocate for clients using a process that is transparent and shows accountability and integrity.
- 1.5 work with processes and advise and represent clients in a way that is equitable and inclusive to all people.

## 2. Communication

Advocates should:

- 2.1 communicate effectively using plain language (“language readily understood by all”), and working with interpreters, including American Sign Language (ASL) and braille, as needed.
- 2.2 always use language that is free from bias.

- 
- 2.3 use computers, software, and online tools effectively to share documents and other information, keep clear records, and communicate promptly.
  - 2.4 help all parties, representatives, and members of the public participate in tribunal processes to ensure fair treatment and fair process.

### **3. Conduct of Cases**

Advocates should:

- 3.1 advocate for and represent the client without influence or interference from outside parties.
- 3.2 be professional and communicate and act with integrity at all times.
- 3.3 act in a way that allows the decision maker to stay impartial.
- 3.4 be aware of unconscious bias and willing to challenge all biases.
- 3.5 be able to identify systemic biases and barriers.
- 3.6 understand the four principles of the duty to be fair and apply them when presenting cases.
- 3.7 raise and respond to case management issues efficiently and effectively.
- 3.8 advise the client and present their case to achieve the best possible result.
- 3.9 prepare for the case and present on time to keep the cost of hearings down.
- 3.10 participate fully and professionally in all procedures required by a tribunal or decision maker:
  - prepare for the hearing,
  - use appropriate tribunal etiquette,
  - participate in the pre-hearing processes,
  - participate in all conciliation or mediation processes, and
  - present a case.
- 3.11 assess the case effectively and try to resolve it as early as possible.

### **4. Legislation**

Advocates should:

- 
- 4.1 understand, use, and apply the governing legislation and other applicable legislation, policies, and procedures.
  - 4.2 interpret legislation and make submissions on a case using the modern method of interpretation, which uses the ordinary meaning of words and considers the wider context and purpose of the legislation.
  - 4.3 logically explain, when presenting cases and making submissions, how specific legislation has been interpreted and why.

## 5. Evidence

Advocates should:

- 5.1 be well prepared for all presentations.
- 5.2 prepare the relevant evidence for the case in the best format for the decision maker.
- 5.3 identify and understand the relevant facts and expert evidence in the case.
- 5.4 identify and account for unconscious bias that may affect the decision maker's ability to be impartial when weighing the evidence.
- 5.5 ask appropriate questions when examining witnesses (in direct, cross, or re-examination).
- 5.6 present evidence and arguments to address all the relevant issues.
- 5.7 ask for more evidence as required.
- 5.8 understand how decision makers use the relevance and reliability tests to admit evidence, weigh the evidence appropriately, and determine what is "information," evidence, and fact.

## 6. Decision-Making and Decision Writing

Advocates should:

- 6.1 show good judgment when presenting a case.
- 6.2 understand that a tribunal uses a structured decision-making process and make submissions that:

- identify issues,
- extract legal tests from legislation,
- sort evidence by test,
- show how decision makers should weigh evidence to find facts on each test,
- show how decision makers should decide based on facts found on each test, and
- show how decision makers should reach a conclusion.

6.3 make submissions (oral and written) using plain language.

6.4 identify and account for unconscious bias that may affect submissions on the decision that are being made in the best interest of the client.

6.5 deliver the submissions on time.

## Sources

Several sources were particularly useful in writing these core competencies: the Judicial Studies Board's *Tribunal Competencies: Qualities and Abilities in Action*, the National Association for Court Management's Core Competencies (<https://nacmnet.org/who-we-are/initiatives/core-competencies/>), and the Foundation of Administrative Justice's course manuals.