



Module Specification

Advanced Criminal Litigation

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Part 1: Information

Module title: Advanced Criminal Litigation

Module code: UJXTS4-10-M

Level: Level 7

For implementation from: 2021-22

UWE credit rating: 10

ECTS credit rating: 5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Frenchay Campus

Field: Law - non modular

Module type: Standard

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: See Learning Outcomes

Outline syllabus: Introduction to the police station accreditation scheme.

Introduction to the role of lawyer in defending, advising and assisting the client at the police station within an ethical framework; dealing with third parties and advising on the telephone; client's rights to legal advice; right of intimation; custody officer's duties; obtaining information from the police; the decision to attend the police station; viewing custody record; access to the client;

Identifying client vulnerability including juveniles and those with mental disorder; considering the role of the appropriate adult; police powers reprimand juveniles / give final warnings; police bail.

Advising on the options available in a police station interview; preparing a client for taped recorded interview; opening statements; legal privilege; inappropriate questioning; lawyer's role during interview and intervention; threat of exclusion from interview.

Dealing with identification procedures, samples (intimate and non-intimate), fingerprints and photographs; police powers where the suspect refuses consent; evidential inferences from silence / refusal of consent; advising the client; personal searches; searches of premises; and conducting video identification procedures.

Preparing a case for trial at the magistrates' court and Crown Court based on a detailed and realistic case study; techniques of fact and case analysis; developing prosecution and defence case theories; preparing prosecution opening and defence closing speeches in the magistrates' court.

Evidential and procedural issues at trial; hearsay; character; exclusion of evidence under PACE, s.78, exclusion of confessions under PACE, s.76.

Disclosure of used and unused material; understanding duties of defence disclosure; drafting defence statements; tactical considerations; case management under Crim PR.

Appeals: understanding practical issues, funding and procedure in appealing against decisions; appeal against magistrates' conviction and / or sentence to the Crown

Court; appeal by way of case stated; appeal by way of judicial review; appeal to the Court of Appeal against conviction and / or sentence.

Statement of Outcomes

The LPC outcomes and the vocational elective outcomes will be met by the students undertaking the type and range of tasks identified in the indicative teaching scheme set out below this statement.

The elements of law and practice to be covered on the elective are primarily identified in the syllabus set out above as expanded upon in this statement and in the indicative teaching scheme set out below.

Ethical and professional conduct issues will pervade the teaching of this elective. In particular but without prejudice to the generality of this statement, students will consider client confidentiality when taking instructions from a third party or in the presence of an appropriate adult, duty to act in the best interests of a client and in certain circumstances to advise silence / not guilty plea to put the prosecution to proof where the client admits the offence but there is insufficient evidence, duty not to mislead the court, conflicts of interest (e.g. those arising when representing two client's at the police station), acting only when competent to do so (e.g. the limitations when acting as a probationary representative but ensuring the requisite skills and knowledge in any event).

The course skills which will pervade this elective as identified in the indicative teaching scheme set out below are practical legal research, writing, drafting, interviewing and advocacy.

This elective will develop knowledge and understanding specifically acquired in stage 1 of the LPC in Litigation (Criminal), advocacy, professional conduct and the course skills as identified in the indicative teaching scheme. There will be a particular focus upon communication skills, negotiating skills and interviewing and advising skills in the police station units to reflect the requirements of the police station

accreditation scheme.

Indicative Teaching Scheme

Study Unit 1: Initial attendance at the Police Station

Study Unit 2: The client at risk and tape recorded interviews

Study Unit 3: Identification procedures, searches and samples

Study Unit 4: Preparation for trial: the prosecution

Study Unit 5: Preparation for trial part 2: the defence and evidential issues

Study Unit 6: Unused material and defence case statements

Study Unit 7: Appeals and Revision

Self Study Unit Road Traffic Offences; plea in mitigation

Part 3: Teaching and learning methods

Teaching and learning methods: Self-study preparation and research in order to acquire knowledge and understanding;

A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;

Role play and oral presentations to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;

Preparation of written communications (primarily in the form of office memoranda and letters of advice to clients) to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;

Drafting and amending of legal documents, often involving the use of precedents, to demonstrate synthesis and application of knowledge, and the ability to reach autonomous, competent decisions;

Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.

The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.

Face to face teaching and learning in a workshop environment is at the heart of the Teaching and Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on these exercises both by students and tutors.

Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including include provision of information using recorded lectures, reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests, preparing documents or presentations and attending large group sessions.

The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit

Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Demonstrate an understanding the role of the lawyer in defending, advising and assisting the client at the police station within an ethical framework and identify and appropriately deal with client vulnerability including juveniles and those with mental disorder.

MO2 Understand the importance of obtaining information and probing the police case; recording information; obtaining information from the client; tactically understanding of the lawyer's role in advising the client in interview and the different options available.

MO3 Understand PACE and the Codes of Practice under PACE including the client's rights to legal advice; intimation; custody officer's duties; dealing with identification procedures, samples (intimate and non-intimate), fingerprints and photographs. advising on bail, charge and cautions. identify and respond (where appropriate) to inappropriate police behaviour.

MO4 Possess the requisite communication skills; negotiating skills; and interviewing and advising skills to commence the accreditation process and understand the required standards of performance at each stage of the process of representing the client.

MO5 Prepare a case for trial in the magistrates' court and the Crown Court including fact analysis and development of case theories.

MO6 Understand how to draft a Brief to Counsel for the purposes of Crown Court proceedings.

MO7 Critically analysis in relation to prosecution disclosure of used and unused material and tactically consider whether it is appropriate to serve a defence case statement.

MO8 Have a basic understanding of the principles of drafting a defence case statement.

MO9 Understand the different avenues available and relevant procedures required for appeal against conviction and sentence at the magistrates' court and awareness of tactical and practical considerations.

MO10 Understand the need for leave to appeal against conviction and / or sentence from the Crown Court to the Court of Appeal.

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 100 hours

Total = 100

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxts4-10-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxts4-10-m.html>

Part 4: Assessment

Assessment strategy: This module is assessed by a 3 hour examination comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%.

The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that:

Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA

Assessments will revolve around transactions of the type encountered in practice

Assessments will address depth and realism as well as coverage

Individual assessments cover a representative and robust selection of the relevant outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of what (or will not) be assessed in any particular assessment.

Student achievement will be measured appropriately in accordance with the LPC outcomes.

All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.

The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.

Assessment components:

Examination - Component A (First Sit)

Description: examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO10, MO2, MO3, MO4, MO5, MO6, MO7, MO8, MO9

Examination - Component A (Resit)

Description: Examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Examination - Component A (Resit)

Description: examination

Weighting: 100 %

Final assessment: Yes

Group work: No

Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Advanced Legal Practice [Sep][PT][Frenchay][2yrs] LLM 2021-22

Advanced Legal Practice [Jan][PT][Frenchay][2yrs] - Not Running LLM 2021-22

Advanced Legal Practice [Sep][FT][Frenchay][1yr] LLM 2021-22

Advanced Legal Practice [Aug][PT][Frenchay][2yrs] - Not Running LLM 2021-22