



ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Civil Litigation, Remedies and Evidence				
Module Code	UJXUS7-15-M	Level	M	Version	1.1
UWE Credit Rating	15	ECTS Credit Rating	7.5	WBL module?	No
Owning Faculty	Business and Law	Field	Law Non-Modular		
Department	Law: BILP	Module Type	Professional Practice		
Contributes towards	Bar Professional Training Course				
Pre-requisites	None	Co- requisites	None		
Excluded Combinations	None	Module Entry requirements	N/A		
First CAP Approval Date	QSC 28 April 2010	Valid from	September 2010		
Revision CAP Approval Date	1 June 2016	Revised with effect from	September 2016		

Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to</p> <ol style="list-style-type: none"> 1. demonstrate a sound understanding of the how and when claims are issued, served and managed in the County and High Court 2. Have a sound understanding of the various interim remedies available to the parties to proceedings before and during civil proceedings and be able to demonstrate an understanding of the procedure and applicable legal principles in each case 3. Be able to demonstrate a clear understanding of costs and how they are assessed and ordered by the court; managed during the course of the proceedings and the methods available to the parties to protect themselves in relation to such costs 4. have a sound understanding of preparations necessary for trial and evidential issues which will arise before and during trial and the practice relating to drawing up judgments and orders before and after trial 5. gain a sound working knowledge of the different methods of enforcing money and other judgments together with a sound understanding of the principles and

	procedures governing civil appeals
Syllabus Outline	<p><u>SGS 1 -General Matters</u> the allocation of business between the High Court and County Courts the overriding objective the duty of the court to manage cases Pre-action Conduct the Practice Direction (Pre-Action Conduct) consequences of non-compliance Commencing Proceedings the Part 7 procedure service of other court documents within the jurisdiction the Part 8 procedure</p> <p><u>SGS 2 -Default Judgment and Summary Judgment</u> default judgments applications to set aside summary judgments Interim Applications with notice and without notice applications documentation required in interim applications periods of notice in interim applications the duty of full and frank disclosure in without notice applications</p> <p><u>SGS 3 -Interim Injunctions/ Applications</u> interim injunctions <i>American Cyanamid</i> principles exceptions and variations to <i>American Cyanamid</i> usual undertakings and cross-undertakings</p> <p><u>SGS 4 -Multiple Causes of Action, Counterclaims and Other Additional Claims</u> multiple causes of action and multiple parties counterclaims against the claimant or an additional party contribution notices and claims against third parties and fourth parties Amendment permission or consent to amend costs consequences of amendment Parties – This is covered in SGS 4 - AC partnerships, sole traders, LLPs and companies, trusts and deceased persons children and persons suffering from mental incapacity</p> <p><u>SGS 5 -Limitation</u> accrual of causes of action limitation periods in cases of tort, latent damage, personal injury, fatal accident, contract, and contribution claims</p> <p><u>SGS 6 - Case Management, Sanctions and Striking Out</u> the small claims track, fast track and multi-track allocation case management conferences costs management directions relief from sanctions striking out a claim</p> <p><u>SGS 7 -Costs</u> summary and detailed assessment of costs standard and indemnity costs interim costs orders costs orders in civil cases</p> <p><u>SGS 8-Disclosure and Inspection of Documents</u></p>

	<p>disclosure and inspection of documents specific disclosure collateral use of disclosed documents pre-action disclosure disclosure against non-parties legal professional privilege and without prejudice communications in civil cases</p> <p><u>SGS 9 - Interim Payments and Security for Costs</u> interim payments security for costs</p> <p>SGS 10 – Evidence of Fact evidence of fact in civil proceedings witness statements and witness summonses notices to admit facts and notices to prove documents Expert Evidence the general exclusionary rule in relation to evidence of opinion the main exceptions to the rule expert opinion evidence in civil proceedings</p> <p><u>SGS 11 –Civil Trial and Evidence</u> the trial of civil cases hearsay evidence in civil proceedings convictions as evidence in civil proceedings</p> <p><u>SGS 12 -Offers to Settle</u> Calderbank offers and offers to settle under Part 36 consequences of accepting Part 36 offers withdrawing, reducing and increasing offers to settle consequences of failing to obtain judgment more advantageous than offer to settle</p> <p><u>SGS 13 -Statements of Case</u> claim forms and particulars of claim acknowledgement of service, defences, replies, counterclaims the effect of not responding to an allegation in a statement of case Further Information Requests for further information responding to a request for further information</p> <p>Claiming remedies in contract and tort claiming damages for breach of contract and in tort claiming equitable remedies claims for misrepresentation claiming interest on money remedies up to judgment</p> <p><u>SGS 14 -Judgments, Orders and Enforcement</u> judgment and orders, including Tomlin orders enforcing money judgments Appeals civil appeals in England and Wales (excluding appeals to the Supreme Court)</p> <p><u>SGS 15 – Consolidation</u> <u>SGS 16 - Revision</u></p>
Contact Hours	<p>There are 16 Small Group Sessions of 2 hours each and 7 LGS – 4 of which are of 1 hour in length and 3 of which are 3.5 hours in length.</p> <p>In addition to the face to face contact hours noted above,, students will have a number of hours doing self-study and taking advantage of the numerous online resources to assist them in this</p>
Teaching and	Civil Litigation and evidence is one of the two major “knowledge” areas on the Bar

<p>Learning Methods</p>	<p>Professional Training Course (“BPTC”). This means that although it is not regarded as a ‘skill’ in its own right, an extensive familiarity with civil procedures underpins, and is essential to, the skills subjects such as advocacy, opinion writing and drafting.</p> <p>Civil litigation knowledge by is taught by</p> <p>(1) directed self-study</p> <p>(2) on line activities such as self-test quizzes</p> <p>(3) students testing their learning by presenting their answers to questions on the White Board or in the form of a conference or an advocacy exercise in your small group sessions (or study units for the part- time by open learning students) ;and</p> <p>(4) through the application of that knowledge in various of the skills subjects (e.g. civil advocacy–performing an application for an interim injunction). Many short answer questions are based on a construction case study which runs throughout the course.</p> <p>In each session students are also provided with questions framed in the same format as they will face in their summative assessment</p>
<p>Reading Strategy</p>	<p>There will be directed reading prior to each session. Students will be required to refresh their understanding of the Civil Procedural Rules by reference to the White Book and will also gain an understanding of the application of the rules through reference to the City Law School Civil Litigation and Evidence Manual in preparation.</p> <p>In addition, up to date lecture handouts referred to as “Key Point “Documents will be available in hard copy and on-line through Blackboard, for each session created by tutors on the BPTC.</p> <p>Students will also have access to review any relevant LGS on the subject as the lectures will be recorded and uploaded with the slides on BB.</p>
<p>Indicative Reading List</p>	<p>Civil Procedure (Sweet & Maxwell) A Practical Approach to Civil Procedure, S Sime (OUP)</p>

<p align="center">Part 3: Assessment</p>	
<p>Assessment Strategy</p>	<p>Strategy:</p> <p>The knowledge areas are assessed through discrete papers (but also pervasively through the skills assessments). The precise form of assessment is subject to the conditions set out in the Assessment Framework of the BPTC Handbook (A2.1.3).</p> <p>Students are required to pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication will be given to students as to which parts of the syllabus will or will not be assessed.</p> <p>The assessment is set centrally by the BSB.</p> <p>A mock/ formative assessment will also be held although this will be set locally centrally.</p> <p>The Assessment:</p> <p>Summative assessment will take the form of one examination, 3 hours long, comprised of a combination of SBA and MCQ and closed book. The questions are set and marked centrally by the BSB</p>

% weighting between components A and B	A:	B:
	100%	
First Sit		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
Examination (3 hours), comprised of closed book SBA and MCT questions, set centrally and marked electronically	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		
Resit (further attendance at taught classes is not required)		
Component A (controlled conditions) Description of each element	Element weighting (as % of component)	
Examination (3 hours), comprised of closed book SBA and MCT questions, set centrally and marked electronically	100%	
Component B Description of each element	Element weighting (as % of component)	
n/a		
If a student is permitted a retake of the module under the University Regulations and Procedures, the assessment will be that indicated by the Module Description at the time that retake commences.		