



ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Criminal Advocacy				
Module Code	UJXUSN-20-M	Level	M	Version	1.1
UWE Credit Rating	20	ECTS Credit Rating	10	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. prepare a case effectively, understanding the relevant law, facts and principles, observing the rules of professional conduct and planning the advocacy task in question 2. demonstrate basic advocacy skills in a range of criminal scenarios in applications before a range of tribunals 3. prepare and deliver each of the following: <ol style="list-style-type: none"> i. opening and closing speeches, ii. a plea in mitigation iii. a bail application; iv. examination in chief v. cross examination vi. representing either the prosecution or defence in a trial.
Syllabus Outline	<p>1 Preparation</p> <ul style="list-style-type: none"> • comprehensive analysis of the case;

- identification of the legal issues
- effective development of case theory
- creation of a logical plan for submissions
- creation of a logical plan for witness handling

2 Witness Handling

- well - presented and logically structured
- appropriate use of leading and non leading questioning
- clear, precise, single questions
- adducing evidence that is relevant and admissible
- controlling the witness
- effective listening
- advancing own case and undermining opponent's case

3 Presentation

- speaking clearly, audibly and at a sensible pace;
- adopting an appropriate stance for addressing the court, with good communication techniques (e.g. eye contact) and a general absence of distracting gestures;
- displaying a proper degree of confidence in the case and in its presentation;
- advancing the positive points in the client's case;
- anticipating an opponent's points, where possible, and putting forward cogent arguments to rebut them;
- answering an opponent's points clearly and effectively;
- responding appropriately to points raised by the court, or by an opponent;
- relying in argument only on points with some merit and which can be properly relied on;
- conceding points in argument, if appropriate

Large Group Session Scheme

1. Introduction to Criminal Advocacy.
2. Witness Handling
3. Feedback and analysis of practice assessment.
4. Revision of witness handling, including analysis of past student performances.

Small Group Sessions

Introduction to Advocacy
 SGS 1 - Sentencing
 SGS 2 - Bail
 SGS 3 – Witness Handling – An Introduction
 SGS 4 – Witness Handling – Crime Scene Scenarios
 SGS 5 – Witness Handling – Case Analysis
 SGS 6 – Witness Handling – Summary/Magistrates
 SSG 7 – Feedback from Practice Assessment
 SGS 8 – Witness Handling - Summary/Mgistrates Trial
 SGS 9 – Witness Handling – Crown Court

<p>Contact Hours</p>	<p><u>Student Contact time</u></p> <p>LGS 1 – 1.5 hours LGS 2 – 2 hours LGS 3 – 2 hours LGS 4 - 2 hours</p> <p>Introduction to Advocacy – 3 hours SGS 1 – 3.5 hours (per group of 12) SGS 2 – 3.5 hours (per group of 12) SGS 3 - 3.5 hours (per group of 12) SGS 4 – 4 hours (per 6 students) 8 hours (per group of 12) SGS 5 - 3 hours (per group of 12) SGS 6 – 4 hours (per 6 students) 8 hours (per group of 12) Practice Assessment – 30 mins per student x 2 SGS 7 – 3 hours (per group of 12) SGS 8 – 6 hours (per group of 6) 12 hours (per group of 12) SGS 9 – 4 hours (per group of 6) 8 hours (per groups of 12) Final Assessment – 30 mins per student x 2</p> <p><u>Staff hours</u></p> <p>7.5 hours LGS 64.5 hours SGS (<i>including practice assessment based on 12 students for 30 mins per tutor per day for two days</i>)</p>
<p>Teaching and Learning Methods</p>	<p>The format and progression of sessions is appropriate to this module, so that when taken as a whole and in conjunction with other course activity, a coherent framework is provided for the development of the skills of criminal advocacy. The first skill taught is plea in mitigation, followed by a bail application. In the second part of term 1 and thereafter in term 2 the focus then changes to the skill of witness handling. There is an introductory lecture to witness handling and subsequent small group sessions to develop the students skills of examination in chief and cross examination. Midway through term 2 there is a case analysis session, which helps prepare the students for a summary trial. The students then prepare and examine witnesses in a Crown Court trial</p> <p>All the advocacy sessions will be recorded on DVD for student reflection. Additionally the formative assessment will be recorded for future discussion and feedback and the summative assessment will be recorded for marking and moderation purposes.</p>

Reading Strategy	There will be directed reading prior to each session. Students will be required to refresh their understanding of the Criminal Procedural Rules by reference to Balckstones. Additionally, students are required to research any required precedent for use in the application Students will also gain an understanding of the practical application of the CPR rules and how they relate to the courtroom through reference to the City Law School Advocacy Manual in preparation. In addition, up to date handouts will be available in hard copy and on-line through Blackboard, created by tutors on the BPTC.
Indicative Reading List	<p><i>The following list is offered to provide validation panels/accrediting bodies with an indication of the type and level of information students may be expected to consult. As such, its currency may wane during the life span of the module specification. However, as indicated above, CURRENT advice on readings will be available via other more frequently updated mechanisms.</i></p> <p>Indicative Reading List:</p> <p>A balanced selection of student text books currently on the market which will include: City Law School Advocacy Manual City Law School Criminal Litigation Manual Blackstones</p>

Part 3: Assessment	
Assessment Strategy	<p><u>Strategy:</u></p> <p>The two assessments will require the student demonstrate skills in witness handling. The two assessments will comprise of Cross Examination of a witness and examination in chief of a witness. The nature of the application will be one covered in the Criminal Advocacy SGS programme and which is part of the Criminal Litigation Syllabus but the student's brief will be new and previously unseen.</p> <p>The 'brief' and student instructions are made available on Blackboard 7 days before the assessment (14 days for the Part Time students) to allow for the student to demonstrate the key learning outcome of ;</p> <ul style="list-style-type: none"> • effective case preparation • planning the advocacy • the identification and application of the relevant law and principles • effective research into recent and relevant authorities. <p>As necessary the student instructions are released early where a learning strategy is in place and / or in an appropriate format where it is an identified reasonable adjustment to do , such as in braille.</p> <p>There are 3 elements to the assessment;</p> <p>Structure and Presentation, Questioning Technique and Achieving the objective</p> <p><u>Structure and Presentation (15%)</u> The assessments will enable the student to</p> <p>demonstrate basic court room advocacy skills (as distinct from oral</p>

presentation skills to a camera) which is a stated learning outcome. The specific assessment criteria within this element are: :

Starts and ends appropriately
Adduces all evidence logically
Effective presentation of the case

Questioning Technique (25%)

In conjunction with the first element the second element of the assessment affords the student the opportunity to demonstrate the learning outcome of effective witness handling. The specific assessment criteria within this element are;

Uses leading questions when appropriate
Uses non-leading questions when appropriate
Asks one question at a time
Avoids comment
Asks clear questions

Achieving the objective (60%)

In conjunction with the first and second element, the third element of the assessment further affords the student the opportunity to demonstrate the learning outcome of witness handling.

The specific assessment criteria within this third element are:

Adduces evidence that is relevant and admissible
Controls the witness
Selects appropriate issues for testing
Abandons Questioning appropriately
Listens effectively/shows flexibility
Advances case
Undermines opponent's case

The assessment also provides the opportunity for the student to demonstrate their understanding of, and ability to apply, the rules of Professional conduct which is a learning outcome, though for example, proper reference to client instructions, proper dress for court or ensuring the court is not misled. A breach of the rules of professional conduct will attract negative marking to the overall score.

Within each element the available grades are 'Outstanding' (O) (85% or above) , 'Very Competent'(VC) (70 % or above) 'Competent' (C) (60% or above) and 'Not Yet Competent' (NYC) (59% or below). The overall grade for the Civil Advocacy assessment of O, VC, C or NYC is determined by the composite grade of individual element marks. A student need not achieve a C in each of the elements to be graded C (or above) overall.

A student who fails what is identified as the 'legal knowledge' threshold of the particular assessment will be deemed to have failed the assessment overall despite having passed the other elements

Students are advised that the fatal flaw rule as being; 'Inadequate demonstration of knowledge and comprehension, or inadequate case analysis or failure to advance their case, [which] must result in the

	<p>candidate being failed in that assessment, irrespective of the marks achieved in the different components of the assessment’.</p> <p><u>The Assessment:</u></p> <p><i>Cross Examination</i></p> <p>The assessment comprises a single component which is in controlled conditions.</p> <p>The student will be required to attend a holding room and watch an examination in chief on DVD. This will be immediately followed by a 30 minute appointment before the assessor sitting as a judge in court. During the appointment the student will have to cross examine the witness (played by an actor)</p> <p><i>Examination in Chief</i></p> <p>The assessment comprises a single component which is in controlled conditions.</p> <p>The student will be allocated a 30 minute appointment before the assessor sitting as a judge in court. During the appointment the student will have to examine in chief the witness/defendant (played by an actor)</p> <p style="text-align: center;">i.</p>
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% weighting between components A and B	A:	B:
	100%	

First Sit	
Component A (controlled conditions) Description of each element	Element weighting (as % of component)
1. Structure and Presentation	15%
2. Questioning Technique	25%
3. Achieving the objective	60%
Component B Description of each element	Element weighting (as % of component)
n/a	

Second and final assessment (further attendance at taught classes is not required)	
Component A (controlled conditions) Description of each element	Element weighting (as % of component)
1. Structure and Presentation	15%
2. Questioning Technique	25%
3. Achieving the Objective	60%
Component B Description of each element	Element weighting (as % of component)

n/a	
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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.