



Module Specification

Criminal Advocacy

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Part 1: Information

Module title: Criminal Advocacy

Module code: UJXUSN-20-M

Level: Level 7

For implementation from: 2023-24

UWE credit rating: 20

ECTS credit rating: 10

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Not in use for Modules

Field: Law - non modular

Module type: Module

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: Preparation:

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.

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.

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:

Introduction to Criminal Advocacy.

Witness Handling.

Feedback and analysis of practice assessment.

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/Magistrates Trial.

SGS 9 – Witness Handling – Crown Court.

Part 3: Teaching and learning methods

Teaching and learning methods: Student contact time:

LGS 1 – 1.5 hours

LGS 2 – 2 hours

LGS 3 – 2 hours

LGS 4 – 2 hours

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

Staff hours

7.5 hours LGS

64.5 hours SGS (including practice assessment based on 12 students for 30 mins per tutor per day for two days)

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.

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.

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

MO1 Prepare a case effectively, understanding the relevant law, facts and principles, observing the rules of professional conduct and planning the advocacy task in question

MO2 Demonstrate basic advocacy skills in a range of criminal scenarios in applications before a range of tribunals

MO3 Prepare and deliver opening and closing speeches

MO4 Prepare and deliver a plea in mitigation

MO5 Prepare and deliver a bail application

MO6 Prepare and deliver examination in chief

MO7 Prepare and deliver cross examination

MO8 Represent either the prosecution or defence in a trial

Hours to be allocated: 200

Contact hours:

Independent study/self-guided study = 156 hours

Face-to-face learning = 44 hours

Total = 200

Reading list: The reading list for this module can be accessed at [readinglists.uwe.ac.uk](https://uwe.rl.talis.com/modules/ujxusn-20-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxusn-20-m.html>

Part 4: Assessment

Assessment strategy: Strategy:

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.

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:

Effective case preparation.

Planning the advocacy.

The identification and application of the relevant law and principles.

Effective research into recent and relevant authorities.

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.

There are 3 tasks to the assessment:

Structure and Presentation, Questioning Technique and Achieving the Objective.

Structure and Presentation (15%):

The assessments will enable the student to demonstrate basic court room advocacy skills (as distinct from oral presentation skills to a camera) which is a stated learning outcome. The specific assessment criteria within this task are:

Starts and ends appropriately.

Adduces all evidence logically.

Effective presentation of the case.

Questioning Technique (25%):

In conjunction with the first task the second task of the assessment affords the student the opportunity to demonstrate the learning outcome of effective witness handling. The specific assessment criteria within this task 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 task, the third task of the assessment further affords the student the opportunity to demonstrate the learning outcome of witness handling. The specific assessment criteria within this third task 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 task 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 task marks. A student need not achieve a C in each of the tasks 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 candidate being failed in that assessment, irrespective of the marks achieved in the different parts of the assessment'.

The Assessment:

Cross Examination

The assessment comprises a single part which is in controlled conditions.

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).

Examination in Chief

The assessment comprises a single task which is in controlled conditions.

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).

Assessment components:

Set Exercise (First Sit)

Description: Questioning Technique

Weighting: 25 %

Final assessment: No

Group work: No

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

Set Exercise (First Sit)

Description: Structure and Presentation

Weighting: 15 %

Final assessment: No

Group work: No

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

Set Exercise (First Sit)

Description: Achieving the Objective

Weighting: 60 %

Final assessment: Yes

Group work: No

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

Set Exercise (Resit)

Description: Questioning Technique

Weighting: 25 %

Final assessment: No

Group work: No

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

Set Exercise (Resit)

Description: Structure and Presentation

Weighting: 15 %

Final assessment: No

Group work: No

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

Set Exercise (Resit)

Description: Achieving the Objective

Weighting: 60 %

Final assessment: Yes

Group work: No

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

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Bar Training Course [Frenchay] LLM 2023-24

Bar Training Course [Frenchay] LLM 2023-24

Bar Training Course {Two Part} [Frenchay] PGDip 2023-24