



ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Civil Advocacy				
Module Code	UJXUS6-20-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. write a skeleton argument which <ol style="list-style-type: none"> i. is grammatically sound and well-presented ii. identifies core arguments in a logical, succinct and persuasive form iii. can be used effectively as the basis for the oral submissions 3. demonstrate basic advocacy skills in a range of civil scenarios in applications before a range of tribunals 4. prepare and deliver each of the following: <ol style="list-style-type: none"> i. an opening speech; ii. an unopposed submission; and iii. an opposed submission.
Syllabus Outline	<p>1 Preparation</p> <ul style="list-style-type: none"> • comprehensive analysis of the case;

- outline of facts in a clear narrative form;
- statement of relevant legal principles to the court as concisely as possible;
- citation of cases and statutes as appropriate, giving full citations to the court when necessary;
- applying legal authorities to issues in the case;
- relating evidence to the issues;
- making appropriate use of witness statements or affidavits;
- structuring the speech or submission in a clear, logical, coherent, effective and proper manner;
- adherence to instructions from the client and ethical principles.

2 Skeleton Arguments

- well - presented and logically structured
- accurate summary of the facts and the law
- persuasive, cogent arguments with full reference to the evidence and case authorities

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;
- explaining, excusing or justifying, to the extent that it is proper to do so, the weak 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 and Demonstration of opposed interim applications.
2. Drafting skeleton arguments.
3. Feedback and analysis of practice assessment.

Small Group Sessions

Introduction to Advocacy & opening speech.

SGS 1 - Application for the approval of an infant settlement

SGS 2 - Case preparation in an opposed interim injunction application

SGS 3 - Opposed application for an interim injunction

SGS 4 - Case preparation in an opposed summary judgment application

SGS 5 - Opposed application for summary judgment

Practice Assessment

SGS 6 – Individual Feedback on Practice Assessment

SGS 7 - Application to disapply the primary limitation period.

SSG 8 - Opposed application for relief from sanctions

Contact Hours	<p><u>Student Contact time</u></p> <p>LGS 1 – 1.5 hours LGS 2 – 1 hours LGS 3 – 1.5 hours</p> <p>SGS 1 – 2 hours SGS 2 – 1 hour SGS 3 - 2 hours SGS 4 – 1.5 hours SGS 5 - 2 hours Practice Assessment – 30 mins</p> <p>SGS 6 – 10 mins SGS 7 – 3 hours SGS 8 – 30 mins</p> <p>Final Assessment – 30 mins</p> <p><u>Staff hours</u></p> <p>4 hours LGS 44.5 hours SGS (<i>including practice assessment based on 9 students for 25 mins per tutor per day for two days</i>)</p> <p>This is replicated for the students studying the Part Time BPTC and is a Y2 module.</p>
Teaching and Learning Methods	<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 civil advocacy. The first skill taught is unopposed submissions. There are three unopposed submission exercises that take place within the first part of term 1 and include an opening speech session and an unopposed infant settlement case. In the second part of term 1 and thereafter in term 2 the focus then changes to the skill of opposed submissions to include an opposed interim injunction, a summary judgment application and an application for relief from sanctions. Witness handling is taught separately under Criminal Advocacy.</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	<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. Additionally, students are required to research any required precedent for use in</p>

	<p>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.</p>
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 Civil Litigation Manual Sweet and Maxwell's Civil Procedure [White Book]</p>

Part 3: Assessment	
Assessment Strategy	<p><u>Strategy:</u></p> <p>The assessment will require the student to make an interim application at first instance to a County Court or High Court. The nature of the application will be one covered in the Civil Advocacy SGS programme and which is part of the Civil 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>Skeleton Argument, 'Presentation' and 'Structure & Content'.</p> <p><u>Skeleton Argument (35%)</u></p> <p>The student will submit a skeleton argument so that the assessor can evaluate the student's alignment with the learning outcomes of being able to write a skeleton argument which ;</p> <ul style="list-style-type: none"> • is grammatically sound and well-presented • identifies core arguments in a logical, succinct and persuasive form • can be used effectively as the basis for the oral

submissions

The specific assessment criteria within this first element are:

Layout, presentation and structure
Legal Knowledge
Analysis and Argument
Links to live performance.

Presentation (30%)

The oral submission part of the assessment 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 second element are:

Speaks clearly, fluently and in a confident way
Uses appropriate language and tone
Adopts appropriate stance and manner
Speaks and proceeds at an appropriate pace

Structure and Content (35%)

In conjunction with the second element, the third element of the assessment affords the student the opportunity to demonstrate the learning outcome of making an opposed or unopposed oral submission. It gives the students opportunity to demonstrate their understanding of the relevant facts of the case and the applicable law and procedure involved. The student also has the opportunity to develop cogent arguments and use authorities to engage and persuade the tribunal. The student's response to judicial intervention is also assessed.

The specific assessment criteria within this third element are:

Introduces and concludes the case appropriately, checking the court has relevant documents and has read them
Adopts a coherent structure, indicated where appropriate
Summarises the relevant facts
Summarises the relevant law
Advances cogent arguments of client's case using document and making suitable and proper use of authority
Responds appropriately to judicial intervention.

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.

	<p>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 inadequate preparation (whether written or oral), [which] must result in the 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>The assessment comprises a single component which is in controlled conditions. The student is given a 35 minute appointment before the assessor sitting as a judge in court. During the appointment ;</p> <ol style="list-style-type: none"> i. The student must hand in a skeleton argument of between four and six pages (average) that will be read and marked by the assessor (worth up to 35% of assessment marks) ii. The student will make the oral application in no more than 20 minutes with reference to the skeleton argument. During this time there will be judicial intervention and the student's response will be assessed (worth up to 65% of assessment marks).
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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. Skeleton Argument	35%	
2. Presentation	30%	
3. Structure and Content	35%	
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. Skeleton Argument	35%
2. Presentation	30%
3. Structure and Content	35%
Component B	Element weighting

Description of each element	(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.	