



Module Specification

Civil Advocacy (BPTC)

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Part 1: Information

Module title: Civil Advocacy (BPTC)

Module code: UJXUS6-20-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;

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.

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

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

Introduction to and Demonstration of opposed interim applications.

Drafting skeleton arguments.

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

Part 3: Teaching and learning methods

Teaching and learning methods: 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.

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** Write a skeleton argument which is grammatically sound and well-presented
- MO3** Write a skeleton argument which identifies core arguments in a logical, succinct and persuasive form
- MO4** Write a skeleton argument which can be used effectively as the basis for the oral submissions
- MO5** Demonstrate basic advocacy skills in a range of civil scenarios in applications before a range of tribunals
- MO6** Prepare and deliver an opening speech
- MO7** Prepare and deliver an unopposed submission
- MO8** Prepare and deliver an opposed submission

Hours to be allocated: 200

Contact hours:

Independent study/self-guided study = 152 hours

Face-to-face learning = 48 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/ujxus6-20-m.html) via the following link <https://uwe.rl.talis.com/modules/ujxus6-20-m.html>

Part 4: Assessment

Assessment strategy: 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.

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 assessment tasks;

Skeleton Argument, 'Presentation' and 'Structure & Content'.

Skeleton Argument (35%)

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 ;

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 task 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 task, the third task 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 task 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 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 assessment 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 tasks. 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 parts of the assessment'.

The Assessment:

The assessment comprises a single assessment 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 ;

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)

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).

Assessment components:

Written Assignment (First Sit)

Description: Structure and content

Weighting: 35 %

Final assessment: Yes

Group work: No

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

Presentation (First Sit)

Description: Presentation (20 minutes)

Weighting: 30 %

Final assessment: No

Group work: No

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

Written Assignment (First Sit)

Description: Skeleton argument

Weighting: 35 %

Final assessment: No

Group work: No

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

Written Assignment (Resit)

Description: Structure and content

Weighting: 35 %

Final assessment: Yes

Group work: No

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

Presentation (Resit)

Description: Presentation (20 minutes)

Weighting: 30 %

Final assessment: No

Group work: No

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

Written Assignment (Resit)

Description: Skeleton argument

Weighting: 35 %

Final assessment: No

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: