



CORPORATE AND ACADEMIC SERVICES

MODULE SPECIFICATION

Part 1: Basic Data					
Module Title	Legal Process				
Module Code	UJUTAA-30-3	Level	3	Version	5
Owning Faculty	FBL	Field	Law Undergraduate		
Contributes towards	LLB (Hons); LLB. (Commercial); LLB (Hons) European and International Law;				
UWE Credit Rating	30	ECTS Credit Rating	15	Module Type	Project
Pre-requisites	Law of Contract UJUTN3-30-1, and Criminal Law UJUTD3-30-1		Co- requisites		
Excluded Combinations			Module Entry requirements		
Valid From	September 2012		Valid to		

CAP Approval Date	1 May 2012
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Part 2: Learning and Teaching	
Learning Outcomes	<p>By the end of this module a student will be able to:</p> <ul style="list-style-type: none"> • <i>Display knowledge of the legal skills and processes gained during this module and utilise this knowledge in the context of specific legal transactions (Elements A, B, C and D). This will include:</i> <ul style="list-style-type: none"> ○ Knowledge of the procedures necessary to bring a civil case to a negotiated settlement, and a criminal case to Crown Court trial (Elements B and C); ○ An understanding of the ethical dimensions of legal practice and the role of the lawyer in modern society (Elements A, B and C); ○ Define the characteristics of a client-centred approach to legal practice (Elements A, B and C); ○ A critical awareness of the impact of legal procedures on the lawyer and other participants in the legal process (Element A, B and C); ○ Explain the principles of reflective practice (Elements B and D). • <i>Demonstrate the intellectual skills necessary to adopt a holistic approach to solving problems in legal practice, integrating propositional, practical and experiential knowledge (Elements A, B, C and D). This will include the ability to:</i> <ul style="list-style-type: none"> ○ Reflect on, analyse and evaluate their (and others') experiences and use this analysis as a basis for future action and experimentation (Elements B, C and D); ○ Use fact and legal analysis to build and manage a civil and a criminal case (Elements A, B and C); ○ Apply theoretical concepts in the context of practical legal situations

	<ul style="list-style-type: none"> ○ and transactions, both routine and non-routine (Elements A, B and C); ○ Develop ideas, evaluate concepts and formulate reasoned opinions on a range of issues and topics (Elements B, C and D); ○ Use logical and lateral thinking (Elements A, B and C). <ul style="list-style-type: none"> • <i>Demonstrate basic competence in the practical skills of legal research and problem-solving, simple drafting, letter writing, interviewing, negotiation and advocacy (Elements A and C). This will include the ability to:</i> <ul style="list-style-type: none"> ○ Research unfamiliar areas of law and procedure using a range of academic and practical source materials and information technology resources (Elements A and C); ○ Research and study independently, both individually and as part of a group (Elements A and C); ○ Demonstrate effective fact-handling and case preparation (Elements A and C); ○ Develop effective group working and case management skills (Element C). • <i>Prepare and present oral and written assignments that are clear, concise, coherently organised and easily understood by the audience/reader (Elements B and C). This will include the ability to:</i> <ul style="list-style-type: none"> ○ Present, discuss and defend ideas, concepts and arguments, both orally and in writing (Elements B and C); ○ Work effectively as part of a small group (Elements B and C); ○ Prepare and present a group oral presentation (Element B). <p>In addition the educational experience may explore, develop, and practise <u>but not formally discretely assess</u> the following:</p> <ul style="list-style-type: none"> ○ Demonstrate effective time management skills in relation to a wide range of activities, particularly casework; ○ Give and receive constructive and critical feedback; ○ Use appropriate information technology techniques to aid research, casework and coursework.
Syllabus Outline	<p><i>Skills:</i></p> <ul style="list-style-type: none"> • Introduction to experiential learning theory and reflective practice; • Problem-solving: practical and ethical dimensions; • Oral communication; • Client interviewing and counselling; • Written communication: legal writing and drafting; • Negotiation; • Basic advocacy. <p><i>Process:</i></p> <ul style="list-style-type: none"> • <i>The Legal Profession:</i> • Knowledge, skills and values of lawyers and legal practice; • <i>Civil case:</i> • Establishing the lawyer-client relationship; • Fact-handling and case preparation (including legal research); • Lawyers' oral and written communication; • Developing team-based approaches to casework; • Using client-centred strategies in case management and lawyer-client relations; • Negotiating a claim; • Reflection on the civil process

	<ul style="list-style-type: none"> • <i>Criminal case:</i> • Establishing the lawyer-client relationship; • Fact-handling and case preparation; • Using rules of evidence and procedure; • Lawyer communication in the context of a criminal case; • Reviewing and applying team-based approaches to newly-formed teams; • Selecting appropriate strategies at pre-trial and trial stages; • Using advocacy in pre-trial and trial situations; • Using written presentation skills in production of criminal • Reflecting on the criminal process.
Contact Hours/Scheduled Hours	<ul style="list-style-type: none"> • Weekly 3 hour workshops (72 hours) • There will be additional substantial contact through the use of online case simulations in both terms. This is an asynchronous simulation in which students are responsible for their own level of access and activity.
Teaching and Learning Methods	<p>Teaching and learning activities are primarily focussed around two methods of delivery: the workshop and through students' participation in online case simulations.</p> <p>Workshops: workshops will involve problem-solving and the analysis and synthesis of conceptual and contextual issues through plenary discussion and presentations by individual students or small groups. Where appropriate, workshops may also contain short lectures or videos on particular topics. Students are expected to participate fully in workshop discussions, which will address significant, controversial and difficult areas of the subject. Role-playing activities and active student participation will be used extensively throughout the course to facilitate students' experiential learning.</p> <p>Online case simulations: students are be placed in teams or 'firms' and manage a civil and criminal case from the initial meeting with a client to either a final negotiated settlement or a mock criminal trial. This method is designed to help students to experience and appreciate the complexities and challenges of law in practice. It also encourages students' reflection on practices and the opportunity to analyse, evaluate and synthesise legal materials in an interactive environment.</p> <p>Other learning activities: students are asked to submit regular reflective logs of their module experiences/performances, in order to demonstrate their ability to analyse their learning experiences and use their analyses as a basis for future learning and experimentation. These form part of the overall assessment in this module.</p> <p>Scheduled learning includes lectures, workshops, project supervision, demonstration, practical classes and external visits.</p> <p>Independent learning includes work on the online simulations used in each term. It will also include hours engaged with essential reading, case study preparation, assignment preparation and completion etc. These sessions constitute an average time per level as indicated in the table below. Scheduled sessions may vary slightly depending on the module choices you make.</p>
Reading Strategy	<p>Essential Reading</p> <p>It is essential that students purchase and read the course textbook, C Maughan and J Webb, <i>Lawyering Skills and the Legal Process</i> (2nd ed., Cambridge University Press, 2005).</p> <p>The textbook is used extensively throughout the course. In addition to providing</p>

	<p>learning materials and exercises for students, it also contains references to many additional sources of further reading.</p> <p>Further Reading</p> <p>Students are provided with a further reading list at the start of the academic session and are also encouraged to identify other readings relevant to their studies. They will be encouraged to read widely using the library catalogue, a variety of bibliographic and full text databases, such as Westlaw, Lexis Nexis and HeinOnline, and internet resources. Where necessary, digitised copies of readings will be made available via Blackboard or remotely through the Library Catalogue.</p> <p>Students will also be directed to relevant Library Services and resources to support the retrieval of information. The nature of the teaching methods and assessments adopted on this course encourage critical thinking and reflection. Such techniques will help students develop their ability to engage critically and efficiently with the reading pertinent their studies.</p> <p>Training in Information Retrieval/Evaluation</p> <p>The development of literature searching skills is supported at a Programme level from Level 1. Additional support is available through the Library Services web pages, including interactive tutorials on finding books and journals, evaluating information and referencing. Students can also sign up for training workshops offered by the library.</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>R Abel, <i>English Lawyers Between Market and State: the Politics of Professionalism</i>, (OUP, 2003).</p> <p>R Assy, 'Can the Law Speak Directly to its Subjects? The Limitation of Plain Language' (2011) 38 J of Law and Soc 376.</p> <p>F Bartlett and L Aitken, 'Competence in Caring in Legal Practice' (2009) 16(2-3) International Journal of the Legal Profession 242.</p> <p>A Boon, 'Professionalism under the Legal Services Act 2007' (2010) 17 Int Journal of the Legal Profession 195.</p> <p>A Boon and J Levin, <i>The Ethics and Conduct of Lawyers in England and Wales</i> (Hart Publishing, 2nd ed., 2008)</p> <p>J Flood and A Whyte, 'Straight there, no detours: direct access to barristers' (2009) 16(2-3) Int Journal of the Legal Profession 131.</p> <p>A Francis and H Sommerlad, 'Access to Legal Work Experience and its role in the (re)production of legal professional identity' (2009) 16 Int Journal of the Legal Profession 63.</p> <p>T Hilton and M French, 'The link between perceptions of power and client behaviours' (2007) 14(1) Int Journal of the Legal Profession 97.</p> <p>Law Society Strategic Research Unit, <i>Trends in the Solicitors' Profession: Annual Statistical Report 2009</i> (Law Society, 2009).</p> <p>C Maughan and J Webb, <i>Lawyering Skills and the Legal Process</i> (Cambridge University Press, 2nd ed., 2005)</p>

	<p>A Melville and K Laing, "I just drifted into it": constraints faced by publicly funded family lawyers' (2007) 14(3) Int Journal of the Legal Profession 281.</p> <p>S Nathanson, <i>What Lawyers Do: A Problem Solving Approach to Legal Practice</i>, (Sweet & Maxwell, 1997).</p> <p>C Parker and A Evans, <i>Inside Lawyers' Ethics</i> (Cambridge University Press, 2007).</p> <p>A Sherr, <i>Client Care for Lawyers</i> (Sweet & Maxwell, 1999).</p> <p>R Susskind, <i>The End of Lawyers? Rethinking the nature of legal services</i>, (OUP, 2010).</p> <p>G Turiff 'The consumption of lawyer independence' (2010) 17 Int Journal of the Legal Profession 283.</p> <p>J Webb, C Maughan, M Maughan, M Keppel-Palmer, A Boon, <i>Lawyers' Skills</i>, (OUP, published annually)</p> <p>C Westaby, "Feeling like a sponge": the emotional labour produced by solicitors in their interactions with clients seeking asylum' (2010) 17 Int Journal of the Legal Profession 153.</p>
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Part 3: Assessment	
Assessment Strategy	<ul style="list-style-type: none"> • As a project module, Legal Process is assessed through one component, which reflects the integrated and cumulative nature of the teaching and learning undertaken on this module. This component is comprised of four distinct elements, each of which contributes towards a holistic assessment of each student's progress on the course. In addition to these summative forms of assessment, the experiential methods used throughout this module ensure that there are ongoing formative opportunities for feedback and discussion throughout the workshops and online simulations. • A full description of the assessment criteria for each element is contained in the Module Handbook. Skills assessments and presentations will be held as far as possible in class time. • <i>Element A: Individual Skills assessment (30% of total marks)</i> Each student will complete an individual skills assessment, typically by completing an assessed interview or negotiation connected to the online simulations central to this module. Reflection with the tutors is also a central part of this assessment. The assessment will last for 30 minutes – 20 minutes interview and 10 minute reflection and discussion. • <i>Element B: Group Presentation (30% of total marks)</i> Each group will deliver a presentation relating to the civil case simulation in the first semester. This assessment allows students to practice their presentation skills and to discuss and reflect upon their experiences of working through a legal dispute. The assessment will last for 40 minutes – 25 minutes presentation and 15 minutes reflection and discussion. • <i>Element C: Criminal Case File (30% of total marks)</i> The case file requires students to create and evidence a case file that critically reflects on their progression and management of the simulated criminal case scenario. It will compile relevant documentation and discussion of the group's experiences as well as encompassing an individual reflection/discussion from each member of the group. Given the evidence-based nature of this document, a word limit is not imposed on the case file. Individual contributions will have a word limit of

	<p>2000 words. The mark for this element will comprise a group mark (50%) and an individual mark (50%).</p> <ul style="list-style-type: none"> <p><i>Element D: Reflective Logs (10% of total marks)</i> The skills of legal professionalism need to be practiced and developed. In order to do this, students need to closely examine and reflect upon their experiences and practices. Therefore, as part of the assessment structure for this module, students are asked to submit a series of reflective logs across both terms, reflecting upon their experiences and what they learn in each workshop. Given the personal quality of such logs, there is no word limit.</p> <p>The resit will require students to complete two components: an individual skills based assessment and a written coursework (details below).</p>
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Identify final assessment component and element	Component A3	
% weighting between components A and B (Standard modules only)	A:	B:
	100%	
First Sit		
Component A Description of each element	Element weighting (as % of component)	
1. Individual Skills Assessment (controlled) (Element A)	30%	
2. Group Presentation (controlled) (Element B)	30%	
3. Criminal Case File (Element C)	30%	
4. Reflective Logs (Element D)	10%	
Component B Description of each element	Element weighting (as % of component)	
1. n/a		

Resit (further attendance at taught classes is not required)		
Component A Description of each element	Element weighting (as % of component)	
1. Individual Skills Assessment (controlled)	50%	
2. Written Assessment (2000 words maximum)	50%	
Component B Description of each element	Element weighting (as % of component)	
1. n/a		
<p>If a student is permitted an EXCEPTIONAL RETAKE of the module the assessment will be that indicated by the Module Description at the time that retake commences.</p>		