



University of the
West of England

MODULE SPECIFICATION

Code: UJUTAA-30-3 **Title:** Legal Process **Version:** 4
Level: 3 **UWE credit rating:** 30 **ECTS credit rating:** 15

Module type: Standard

Owning Faculty: FBL **Field:** Law Undergraduate

Faculty Committee approval: QSC **Date:** 08/06/10

Valid from: September 2008 **Discontinued from:**

Contributes towards: LLB; LLB (Law With French); LLB (Law With German); LLB (Law With Spanish); LLB. (Law With English As A Foreign Language); BA (Law); BA (Joint Awards)

Pre-requisites: Method, Procedure, & System (UJUTA3-30-1); Constitutional and Administrative Law (UJUTA4-30-1); Contract (UJUTN3-30-1)

Co-requisites: None

Excluded combinations: None

Learning outcomes:

The module aims to develop:

1. a holistic approach to solving problems in legal practice;
2. a range of practical legal skills;
3. a range of general intellectual and interpersonal skills;
4. a capacity for active, independent and reflective learning;
5. a critical awareness of the processes of reflective practice;
6. a critical awareness of the impact of legal procedures on the lawyer and other participants in the legal process.

By the end of this module a student will be able to:

Knowledge and Understanding

1. display knowledge of legal skills and processes gained during this module and utilise this knowledge in the context of specific legal transactions;
2. describe the procedures needed to bring a civil case to a negotiated settlement, and a criminal case to Crown court trial;
3. demonstrate an understanding of the ethical dimensions of legal practice and the role of the lawyer in society;
4. define the characteristics of a client-centred approach to legal practice;
5. explain the principles of reflective practice.

Intellectual Skills

1. develop a holistic approach to solving problems in legal practice, integrating propositional, practical and experiential knowledge.
2. reflect on and evaluate their (and others') experiences and use this analysis as a basis for future action and experimentation;
3. use fact and legal analysis to build and manage a civil and a criminal case;

4. apply theoretical concepts in the context of practical legal situations and transactions, both routine and non-routine;
5. develop ideas, evaluate concepts and formulate reasoned opinions on a range of issues and topics;
6. use logical and lateral thinking.

Subject/Practical Skills

1. demonstrate basic competence in the practical skills of legal research and problem-solving, simple drafting, letter writing, negotiation and advocacy;
2. research unfamiliar areas of law and procedure using a range of academic and practical source materials and information technology resources;
3. research and study independently, both individually and as part of a group;
4. demonstrate effective fact-handling and case preparation;
5. demonstrate effective time management skills in relation to a wide range of activities, particularly casework;
6. develop effective group working and case management skills.

Key Transferable Skills

1. Prepare and present oral and written assignments which are clear, concise, coherently organised and easily understood by the audience/reader;
2. present, discuss and defend ideas, concepts and arguments, both orally and in writing;
3. work effectively as part of a small group;
4. prepare and present a group oral presentation;
5. reflect on and analyse own and others' performances in order to learn;
6. give and receive constructive and critical feedback;
7. use appropriate information technology techniques to aid research, casework and coursework.

Syllabus outline:

Skills: 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.

Process:

The Legal Profession: Knowledge, skills and values of lawyers and legal practice;

Civil case: 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

Criminal case: 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.

Teaching and learning methods:

The emphasis throughout will be on providing the student the opportunity and facilities to question, understand, analyse and evaluate the law in its historical, practical, academic and social context. The learning context is student-centred and utilizes a variety of techniques to encourage independent thought and constructive criticism. Dialogue is promoted between student and lecturer in an inter-active relationship which emphasizes the two-way flow of information and criticism.

Subject to the requirements of the Professional Bodies, it is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year. Areas which have topical significance could, therefore, be developed at greater length and less important areas delineated in outline only.

Students will be expected to conduct research with both traditional and electronic sources and will be instructed how to do this both during the Programme as a whole and, where necessary, within the module.

Contact hours:

3 hours per week. A mixture of lecture sessions and workshops.

Student preparation:

Lectures: In most cases there is no expectation of preliminary work. However, students may be given directed preliminary reading from recommended texts. Occasionally material may be also given out in advance so as to provide the basis for practical exercises or for more detailed discussion of topics to be conducted within the lecture. This will apply more to Level 3 options' modules where group sizes allow for a more interactive approach to lectures.
Guest speakers will be utilised where appropriate.

Seminars: The Programme estimates a preparation time of 10 hours per seminar. At Level 1 much of this time will be taken up with acquiring experience of research and with gaining a familiarisation with legal method. At Level 3, more qualitative research and preparation is expected.
Seminar preparation tasks include working individually, in pairs or in small groups.
Students will be given seminar sheets in advance of their seminars which will be centred on the analysis of cases, statutes, European and Human Rights' material as appropriate. The material will usually be problem or discussion title-based. Supplementary material (usually of a problem-solving nature) may be provided in the seminar.
Directed reading will be suggested along with internet sources and video material as appropriate. At Level 1 students will be given more direction in terms of sources and specific questions to address.
Students are expected to make full use of their independent learning time to reflect critically upon the subject and to develop their own ideas.

Operation and purpose:

Lectures: On most topics covered, outline learning materials will be supplied to students during or in advance of the lectures. Lectures are generally designed to:

- (a) communicate the principal features of a topic, including its major principles, rules, concepts, relationships and values;
- (b) to stimulate interest in the topic and provide alternative views; and
- (c) to provide other information necessary to facilitate its further study, including updating.

Seminars: Seminars will involve problem-solving and the analysis and synthesis of conceptual and contextual issues, through plenary discussion and presentations by individual students or groups of students. Students are expected to fully participate in seminar discussions, which will cover the controversial and difficult areas of the subject.

We see the function of seminars to be:

- (a) to monitor the acquisition by students of the knowledge, understanding and skills mentioned under the *Learning Outcomes*; and
- (b) to facilitate and enhance the acquisition of that knowledge, understanding and skills and to foster deeper learning.

- (c) to allow students to evaluate, analyse and synthesise legal materials in an interactive environment and to facilitate their appreciation of the levels of variation of opinion which may be generated in legal discussion.

Other learning activities:

Students will be expected to pursue independent and directed study between class contact sessions. Students will be encouraged to engage in extra-curricula activities such as debating and mooting.

SPECIFIC NOTES ON LEARNING APPROACHES

The module will be taught as weekly 3-hour workshops (combining the lectures and seminar sessions as described above), consisting largely of individual and group practical exercises and discussion. Video and role play will be used extensively.

Students will additionally undertake 2 case studies, one civil, one criminal. The casework will be done chiefly by independent group work in “firms” of three or four members.

Students will be asked from time to time to submit 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.

This module has no examination element but controlled conditions are observed through oral assessments which are filmed.

Reading Strategy

Indicative Reading List:

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.

Essential:

C Maughan & J Webb, *Lawyering Skills and the Legal Process*, Butterworths, 1995

Recommended:

**LEGAL PROCESS READING LIST
September 2008**

Legal Profession and Practice

Abel R, *English Lawyers Between Market and State: the Politics of Professionalism*, OUP 2003

Francis A, 'Out of touch and out of time: lawyers, their leaders and collective mobility within the profession' (2004) 24(3) *Legal Studies* 322

Travers M, *The Reality of Law: Work and Talk in a Firm of Criminal Lawyers*, Ashgate 1997

Thomas P (ed) *Discriminating Lawyers* London: Cavendish 2000

Sommerlad H "What are you doing here? You should be working in a hair salon or something"; outsider status and professional socialization in the solicitors' profession' (2008) 2 Web JCLI

Sommerlad H, 'Women Solicitors in a Fractured Profession: Intersections of Gender and Professionalism in England and Wales' (2002) 9 *International Journal of the Legal Profession* 213.

Boon A, 'From public service to service industry: the impact of socialisation and work on the motivation and values of lawyers' (2005) *International Journal of the Legal Profession* 12(2) 229.

Muzio D & Ackroyd S 'On the consequences of defensive professionalism: recent changes in the legal labour process' (2005) *Journal of Law and Society* 32 (4) 615-42.

Miller R, 'Legal Aid: a bleak future?' (2007) *NLJ* 27 July 1066

Vos G, 'Turning the Tide (What future for justice?)' (2007) *NLJ* 27 July 1071

Felstiner L F & Bradshaw A, 'Lawyers' lives, lawyers' incomes' (2007) *IJLP* 14(1) p 3.

Asimow M et al, 'Perceptions of lawyers – a transnational study of student views on the image of law and lawyers' (2005) *IJLP* 12(3) p 407.

Bolton S C & Muzio D 'Can't live with 'em, can't live without 'em: Gendered Segmentation in the Legal Profession' (2007) *Sociology* 41, p 47

Hilton T & French M 'The link between perceptions of power and client behaviours' (2007) *IJLP* 14 (1) 97-112

Melville A & Laing K "'I just drifted into it": constraints faced by publicly funded family lawyers' (2007) *IJLP* 14(3) 281-300

Law Society *Consumer Engagement in the Solicitor Services Sector* Dec 2007

Law Society Strategic Research Unit *Trends in the Solicitors' Profession: Annual Statistical Report 2007*.

To keep up to date with current issues, check out

<http://www.lawsociety.org.uk>

<http://www.barcouncil.org.uk> at regular intervals

Legal Ethics

Parker C & Evans A, *Inside Lawyers' Ethics* CUP 2007

O'Dair R, *Legal Ethics: Text and Materials*, Butterworths Law in Context, 2001.

Economides K (ed), *Ethical Challenges to Legal Education and Conduct* Hart Publishing 1998

Nicholson D & Webb J, *Professional Legal Ethics: Critical Interrogations*, OUP 1999

Boon A & Levin J, *The Ethics and Conduct of Lawyers in England and Wales* Hart Publishing 2nd ed 2008

Legal Skills

Webb J, Maughan C, Maughan M, Keppel-Palmer M, Boon A, *Lawyers' Skills*, OUP, (published annually)

Butt P & Castle R, *Modern Legal Drafting: A Guide to Using Clearer Language* CUP 2nd ed 2007

Higgins E & Tatham L, *Successful Legal Writing* 1st ed Sweet & Maxwell 2006

Webley L, *Legal Writing* Cavendish, London 2005

Haigh, R, *Legal English*, Cavendish 2004.

Cutts M, *Plain English Guide*, OUP, 1999

Gowers E, *The Complete Plain Words*, HMSO, 1986

Truss L, *Eats Shoots and Leaves: the Zero Tolerance Approach to Punctuation*, Profile Books, London 2003

Plain English Campaign, *Plain English Course Workbook*, Plain English Campaign 2002

Adler, *Clarity for Lawyers*, Law Society 1990

National Consumer Council, *Plain English for Lawyers*, NCC 1984

Rose W, *Pleadings without Tears - A Guide to Legal Drafting Under the Civil Procedure Rules* OUP 7th ed 2007

Knowles J & Thomas P, *Effective Legal Research* Sweet & Maxwell 2006

Nathanson S, *What Lawyers Do: A Problem Solving Approach to Legal Practice*, Sweet & Maxwell, 1997

Argyle M, *The Psychology of Interpersonal Behaviour*, Penguin

Sherr, A, *Client Care for Lawyers* Sweet & Maxwell 1999

Binder, Bergman & Price, *Lawyers as Counselors: A Client-Centred Approach*, West Group Publishing 2nd ed 2004

Chapman J, *Interviewing and Counselling*, Cavendish 2000

Boon A, *Advocacy*, Cavendish, 2nd ed 1999

Evans K, *Advocacy in Court - A Beginner's Guide* OUP 2nd ed 1995

Welsh J, *Advocacy in the Magistrates' Court*, Cavendish, 2003

Nathanson S. *Non-trial Advocacy: a Case Study Approach*, Cavendish 2001

Fisher F R, Ury W, & Patton B, *Getting to Yes: Negotiating Agreement Without Giving In*, Arrow, 1997

Hiltrop J M & Udall S, *The Essence of Negotiation*, Prentice Hall 1995

Tribe D, *Negotiation*, Cavendish, 1993

Tannen D, *The Argument Culture: Changing The Way We Argue*, Virago, 1998

Legal Process

Ingman T, *The English Legal Process* OUP 10th ed 2008.

Smith, Bailey & Gunn on the Modern English Legal System, 5th ed, Sweet & Maxwell 2007

Sime S, *A Practical Approach to Civil Procedure*, OUP, 10th ed, 2007

Blake S, *A Practical Approach to Effective Litigation*, OUP 6TH ed, 2005

Sprack J, *A Practical Approach to Criminal Procedure*, OUP 11th ed 2006

Cape E, *Defending Suspects at Police Stations*, Legal Action Group, 4th ed, 2003

Baldwin J & McConville M, *Negotiated Justice: Pressures to Plead Guilty*, Martin Robertson 1977

Colvin M, *Negotiated Justice: A Closer Look at the Implications of Plea Bargains*, Justice, 1993

Heaton-Armstrong T, Shepherd E, Wolchover D, *Analysing Witness Testimony*, OUP 1999

O'Barr, *Linguistic Evidence: Language, Power and Strategy in the Courtroom*, Academic Press, 1982

Murphy P, *Murphy on Evidence*, OUP 10th ed, 2007

Keane A, *The Modern law of Evidence*, OUP 6th ed, 2005

Assessment Strategy

NB for standard modules, component A is the component assessed under controlled conditions and for professional practice (PP) modules, component A is the practice component.

Assessment

Weighting between components A and B (standard modules only)

A: 60% B: 40%

First Assessment Opportunity

Component A

Description of each element

- 1 Group Presentation)
- 2 Reflective log

Element weighting

50%
50%

Component B

Description of each element

- 1 Case file
- 2 Reflective Log

Element weighting

75%
25%

Second Assessment Opportunity (further attendance at taught classes is not required)

Component A

Description of each element

- 1 Individual oral assessment

Element weighting

100%

Component B

Description of each element

- 1 Individual written assessment

Element weighting

100%

Specification confirmed byDate
(Associate Dean/Programme Director)